

In order to be responsive to an ever-changing cybersecurity environment, the forms may change to collect data related to current capabilities or vulnerabilities. Standards, guidelines, and requirements of the CISA are perpetually adapting to the volatile cybersecurity environment. We must retain the ability to update these forms as required, or we will be unable to collect critical incident data in support of our mission. Without the necessary tools and methods to collect this information, we will be unable to effectively satisfy mission requirements and support our stakeholders through information collection, analysis, and exchange. The general scope and purpose of the forms will remain the same.

Incident reports are primarily submitted using CISA's Automated Indicator Sharing program. Alternately, information may be collected through web-based electronic forms, email, or telephone. Web form submission is also used as the collection method for the other forms listed. These methods enable individuals, private sector entities, personnel working at other federal or state agencies, and international entities, including individuals, companies and other nations' governments to submit information.

This is a revision to an existing form. The changes to the collection since the previous OMB approval include: Updating the name of the Agency from NPPD to CISA, updating the Incident Reporting Form, removing the ICSJWG FORM, and updating the burden and cost estimates.

The Incident Reporting Form was updated to add reporting options; and updated to improve user-friendliness by having the form be directional. The changes include: Adding structured, distinct options for reporting incidents, major incidents, breaches, and events under investigation; and adding fields to collect expanded information on topics including attack vectors, indicators of compromise, communications from compromised systems, critical infrastructure sectors, memory captures, system and network logs, and unattributed cyber intrusions.

This is a revised information collection.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

*Title of Collection:* CISA Reporting Forms.

*OMB Control Number:* 1670-0037.

*Frequency:* Annually.

*Affected Public:* State, Local, Tribal, and Territorial Governments, Private Sector, and Academia.

*Number of Annualized Respondents:* 139,125.

*Estimated Time per Respondent:* 0.3333 hours, 0.1667 hours, or 0.0167 hours.

*Total Annualized Burden Hours:* 13,852 hours.

*Total Annualized Respondent Opportunity Cost:* \$504,494.

*Total Annualized Respondent Out-of-Pocket Cost:* \$0.

*Total Annualized Government Cost:* \$2,100,032.

**Scott Libby,**

*Deputy Chief Information Officer.*

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## DEPARTMENT OF HOMELAND SECURITY

**RIN 1601-AA91**

### Designation of REAL ID Identity Documents for Citizens of the Freely Associated States; Unexpired Foreign Passport With an Approved Form I-94, Documenting the Applicant's Most Recent Admission to the United States

**AGENCY:** Office of Strategy, Policy, and Plans, Department of Homeland Security (DHS).

**ACTION:** Notice designating identity documents for citizens of the Freely Associated States applying for a REAL ID driver's license or identification card.

**SUMMARY:** This notice announces that the Department of Homeland Security (DHS) is designating an unexpired foreign passport and valid Form I-94 (Arrival-Departure Record) as acceptable identity documentation for purposes of

obtaining a REAL ID driver's license or identification card for eligible citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands (collectively known as the Freely Associated States, or FAS).

**DATES:** This designation takes effect September 4, 2019.

**FOR FURTHER INFORMATION CONTACT:** Steve Yonkers, Director, Biometrics and Credentialing/REAL ID Program, Department of Homeland Security, Washington, DC 20528, telephone (202) 282-9708; email [realid@hq.dhs.gov](mailto:realid@hq.dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

###### A. The REAL ID Act

The REAL ID Act (the Act) was enacted in 2005 in response to a recommendation from the 9/11 Commission to improve the security of forms of identification such as state-issued driver's licenses and identification cards.<sup>1</sup> The Act sets minimum standards for the issuance and production of state driver's licenses and identification cards in order for federal agencies to accept those documents for official purposes, which include accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes the Secretary of Homeland Security shall determine.

###### B. The Compacts of Free Association

The Compacts of Free Association (COFAs) between the United States and the Freely Associated States allow most citizens of the Federated States of Micronesia (FSM), the Republic of Palau, and the Republic of the Marshall Islands (RMI) to be admitted to the United States as nonimmigrants without having to obtain a visa, and to indefinitely reside, work and study in the United States.<sup>2</sup>

###### C. REAL ID Act Modification for Freely Associated States Act

In December 2018, President Trump signed the REAL ID Act Modification for Freely Associated States Act (REAL ID Modification Act).<sup>3</sup> The REAL ID Modification Act authorizes states to issue full-term REAL ID-compliant driver's licenses and identification cards

<sup>1</sup> The REAL ID Act of 2005—title II of division B of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13, 119 Stat. 231, 302 (May 11, 2005) (codified at 49 U.S.C. 30301 note).

<sup>2</sup> See Public Law 108-188 (48 U.S.C. 1921 note) (Republic of the Marshall Islands and Federated States of Micronesia); Public Law 99-658 (48 U.S.C. 1931 and 1931a note) (Palau).

<sup>3</sup> Public Law 115-323.

to FAS citizens admitted under the COFAs. Prior to the enactment of the REAL ID Modification Act, FAS citizens were only eligible for temporary REAL ID driver's licenses and identification cards, valid during the period of the applicant's authorized stay in the United States or for one year where there is no definite end to the period of authorized stay, which is the case for FAS citizens.<sup>4</sup> The REAL ID Modification Act amended the REAL ID Act to create a separate lawful status category for FAS citizens to make them eligible for full-term driver's licenses and identification cards. It did not, however, address the regulatory requirements regarding acceptable documentation to establish identity for purposes of obtaining a REAL ID compliant license or identification card.

#### *D. REAL ID Identity Documents for FAS Citizens*

The REAL ID regulations require applicants for REAL ID compliant licenses or identification cards to present at least one of several listed documents for purposes of establishing identity.<sup>5</sup> For nonimmigrants, these documents could be either an unexpired foreign passport with a valid unexpired U.S. visa affixed, and an approved I-94 form; or an unexpired employment authorization document (EAD) issued by DHS.<sup>6</sup>

Under the Compacts of Free Association between the United States and the FAS, most FAS citizens are eligible to be admitted to the United States as nonimmigrants without a visa, and live and work in the United States indefinitely. As such, FAS citizens who are lawfully living and working in the United States under the terms of the Compacts may not have a visa or EAD, which would be necessary to satisfy the identity requirements in order to obtain a REAL ID compliant license or identification card.<sup>7</sup>

<sup>4</sup> REAL ID Act § 202(c)(2)(C)(ii).

<sup>5</sup> 6 CFR 37(c)(1).

<sup>6</sup> The source documents listed in 6 CFR 37.11(c)(1) are all acceptable, but most nonimmigrants do not have access to the other source documents listed. They are limited to the options of an unexpired EAD, or an unexpired foreign passport with a valid U.S. visa affixed with an approved Form I-94, per 6 CFR 37.11(c)(1)(v)-(vi). Most nonimmigrants are not eligible for an EAD (because either they are not eligible to be employed in the United States, or because they are authorized for employment with a specific employer incident to status and are not issued an EAD), but FAS nonimmigrants under the COFAs may apply for an EAD as evidence of their work authorization in the United States.

<sup>7</sup> Citizens of all three FAS nations admitted under the Compacts are authorized to work incident to that status, *i.e.*, they can obtain an EAD as evidence of work authorization but do not need to obtain one in order to be authorized to work. Under the

## II. Designation of Identity Documents for FAS Citizens

The REAL ID regulations, at 6 CFR 37.11(c)(1)(x), authorize DHS to designate additional identity documents through a **Federal Register** notice. Pursuant to that authority, DHS is designating the following documentation as acceptable evidence of identity for purposes of 6 CFR 37.11(c)(1):

A valid unexpired passport issued by the Republic of the Marshall Islands, the Republic of Palau, or the Federated States of Micronesia with an approved Form I-94,<sup>8</sup> documenting the applicant's most recent admission to the United States under the Compact of Free Association between the United States and the nation that issued the passport.

DHS believes it is appropriate to designate this identity documentation for FAS citizens given the unique relationship between the United States and the FAS and considering that to live and work for indefinite periods, FAS citizens are not required to obtain a visa or EAD, which are documents currently required to establish identity for REAL ID purposes. DHS also believes the designation is consistent with the intent of Congress to facilitate the issuance of REAL ID licenses and identification cards to FAS citizens as demonstrated by enactment of the REAL ID Modification Act. This accommodation for FAS citizens also is consistent with the spirit of the COFAs, although it is not required under any provision of the COFAs.

**David Pecoske,**

*Senior Official Performing the Duties of the Deputy Secretary.*

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amended Compacts with the Federated States of Micronesia and the Republic of the Marshall Islands, an unexpired passport and I-94 combination is acceptable evidence of identity and employment authorization. As a result, many FAS citizens do not find it necessary to obtain an EAD in order to exercise their right to work in the United States, although some may still find it more convenient to obtain and use an EAD for this purpose, since many employers are much more familiar with the EAD and/or the individual's passport may have expired. The Palau compact does not include this provision, so as a practical matter, Palau citizens are more likely to need to obtain an EAD in order to exercise their right to work in the United States.

<sup>8</sup> See 8 CFR 1.4 for a definition of Form I-94.

## DEPARTMENT OF HOMELAND SECURITY

[Docket Number DHS-2019-0044]

### Agency Information Collection Activities: Generic Clearance for the Collection of Social Media Information on Immigration and Foreign Travel Forms

**AGENCY:** Department of Homeland Security (DHS).

**ACTION:** 60-Day notice and request for comments; new collection, 1600-NEW.

**SUMMARY:** The Department of Homeland Security (DHS) invites the general public and other Federal agencies to comment upon this proposed new collection of information. In accordance with the Paperwork Reduction Act of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding proposed modifications to certain DHS immigration and foreign travel forms. This collection of information is necessary to comply with Section 5 of the Executive Order (E.O.) 13780, "*Protecting the Nation from Foreign Terrorist Entry into the United States*" to establish screening and vetting standards and procedures to enable DHS to assess an alien's eligibility to travel to or be admitted to the United States or to receive an immigration-related benefit from DHS. This data collection also is used to validate an applicant's identity information and to determine whether such travel or grant of a benefit poses a law enforcement or national security risk to the United States.

**DATES:** Comments are encouraged and will be accepted until November 4, 2019. This process is conducted in accordance with 5 CFR 1320.1.

**ADDRESSES:** You may submit comments, identified by docket number Docket # DHS-2019-0044, at:

○ *Federal eRulemaking Portal:* <http://www.regulations.gov>. Please follow the instructions for submitting comments. The draft supporting statement for this new collection is posted in the docket for review.

*Instructions:* All submissions received must include the agency name and docket number Docket #DHS-2019-0044. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

**SUPPLEMENTARY INFORMATION:**