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 Tony Chauveaux—Deputy Chairman for  
 Programs & Partnerships, NEA  
 Adam Wolfson—Assistant Chairman for  
 Programs, NEH  
 Nancy Weiss—General Counsel, IMLS

Dated: November 26, 2018.

**Gregory Gendron,**

*Director of Administrative Services, National  
 Endowment for the Arts.*

[FR Doc. 2018–25967 Filed 11–28–18; 8:45 am]

**BILLING CODE P**

## OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

### Privacy Act of 1974; System of Records

**AGENCY:** Office of the Director of  
 National Intelligence (ODNI).

**ACTION:** Notice of a new system of  
 records.

**SUMMARY:** ODNI provides notice that it  
 is establishing one new Privacy Act  
 system of records at the National  
 Counterintelligence and Security Center  
 (NCSC). This new system of records is  
 titled the NCSC Continuous Evaluation  
 System, also identified as ODNI/NCSC–  
 003. This notice is necessary to inform  
 the public of the existence and character  
 of records that the agency maintains.

Continuous Evaluation (CE) is a  
 personnel security investigative process  
 used to review the continued eligibility  
 of individuals who have been  
 determined eligible for access to  
 classified information or to hold a  
 sensitive position. Individuals subject to  
 CE include current Executive Branch  
 employees, detailees, contractors, and  
 other sponsored individuals who are  
 cleared for access to classified  
 information or to hold a sensitive  
 position. The Departments and Agencies  
 (D/As) that sponsor these individuals  
 for access to classified information or to  
 hold a sensitive position “enroll” the  
 individuals (enrollees) for CE by  
 electronically entering their identifying  
 information into a technical system that  
 carries out the CE capability.

All D/As are required to submit their  
 qualifying populations to CE. D/As may  
 choose to develop a technical CE system  
 of their own, or subscribe to CE services  
 provided by another agency. The ODNI/  
 NCSC will provide CE services to  
 subscribing agencies. The NCSC CE  
 System leverages electronic checks of

government and commercial databases  
 and, based on automated business rules,  
 transmits alerts and reports to the  
 enrolling D/A. Datasets queried in the  
 CE process are those that contain  
 security-relevant information, *e.g.*,  
 government-owned financial, law  
 enforcement, terrorism, foreign travel,  
 and current clearance status  
 information. Credit data and  
 commercially-obtained aggregated data  
 also is utilized. On receipt of the  
 electronic prompt, the personnel  
 security function at the enrolling agency  
 verifies that the alert or report received  
 pertains to the enrollee (the subject of  
 the electronic queries). Where the  
 agency verifies that the alert or report  
 pertains to the enrollee, appropriate  
 personnel security officials review the  
 nature of the alert or report to determine  
 the need for further investigation, as  
 dictated by Federal Investigative  
 Standards requirements. Information  
 obtained through the follow-on  
 investigation is considered in  
 adjudicating the enrollee’s continued  
 eligibility for access to classified  
 information or to hold a sensitive  
 position.

The NCSC CE System retains the  
 enrollment information (personal  
 identifiers as provided by the enrolling  
 D/A) in order to facilitate ongoing CE  
 checks. The system does not retain the  
 records returned from the electronic  
 database queries beyond the time  
 needed to ensure proper electronic  
 delivery to the enrolling agency. Data  
 necessary to implement CE business  
 rules, to perform program assessments,  
 and to satisfy auditing requirements will  
 be retained.

D/As conducting CE will adhere to  
 the principles articulated in the Security  
 Executive Agent Directive (SEAD)  
 relating to CE (*i.e.*, SEAD 6). A SEAD  
 provides high level guidance and  
 instruction for the conduct of a  
 personnel security process. SEAD 6  
 establishes policy and requirements  
 specifically related to CE.

**DATES:** This System of Records will go  
 into effect on December 31, 2018, unless  
 comments are received that result in a  
 contrary determination.

**ADDRESSES:** You may submit comments  
 by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>.

*Email:* [transparency@dni.gov](mailto:transparency@dni.gov).

*Mail:* Director, Information  
 Management Division, Strategy &  
 Engagement, ODNI, Washington, DC  
 20511.

#### FOR FURTHER INFORMATION CONTACT:

Director, Information Management  
 Division, Strategy & Engagement, Office

of the Director of National Intelligence,  
 at the addresses provided above.

**SUPPLEMENTARY INFORMATION:** The NCSC  
 CE System implements the requirements  
 of Executive Orders 12968, as amended  
 (Access to Classified Information) and  
 13467, as amended, (Reforming  
 Processes Related to Suitability for  
 Government Employment, Fitness for  
 Contractor Employees, and Eligibility  
 for Access to Classified National  
 Security Information).

To protect classified and sensitive  
 personnel or law enforcement  
 information covered by this new system  
 of records, the Director of National  
 Intelligence (DNI) is proposing to  
 exempt this system from certain  
 requirements of the Privacy Act where  
 necessary, as permitted by law.  
 Accordingly, as required by the Privacy  
 Act, a proposed rule is being published  
 concurrently with this notice seeking  
 public comment regarding exemptions  
 claimed for this system. By previously  
 established rule, the DNI may exercise  
 derivative exemption authority by  
 preserving the exempt status of records  
 received from providing agencies when  
 the reason for the exemption remains  
 valid. See 32 CFR part 1701.20 (a)(2) (73  
 FR 16531, 16537).

#### SYSTEM NAME AND NUMBER:

Continuous Evaluation Records  
 (ODNI/NCSC–003).

#### SECURITY CLASSIFICATION:

The classification of records in this  
 system ranges from UNCLASSIFIED to  
 TOP SECRET.

#### SYSTEM LOCATION:

National Counterintelligence and  
 Security Center, Office of the Director of  
 National Intelligence, Washington, DC  
 20511.

#### SYSTEM MANAGER(S):

Assistant Director, Special Security  
 Directorate, ODNI/NCSC, Washington,  
 DC 20511.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Intelligence Reform and  
 Terrorism Prevention Act of 2004,  
 Public Law 108–458, 118 Stat. 3638  
 (Dec. 17, 2004); the National Security  
 Act of 1947, as amended, 50 U.S.C. 3023  
*et seq.*; the Counterintelligence  
 Enhancement Act of 2002, as amended,  
 50 U.S.C. 3382; Executive Order 12333,  
 46 FR 59941 (1981), as amended by  
 Executive Order 13284, 68 FR 4075  
 (2003), Executive Order 13355, 69 FR  
 53593 (2004), and Executive Order  
 13470, 73 FR 45325 (2008); Executive  
 Order 13488, 74 FR 4111 (2009), as  
 amended by Executive Order 13764, 82

FR 8115 (2017); Executive Order 13549, 75 FR 51609 (2010); Executive Order 12968, 60 FR 40245 (1995), as amended by Executive Order 13467, 73 FR 38103 (2008), and Executive Order 13764, 82 FR 8115 (2017); Executive Order 13467, as amended by Executive Order 13764 82 FR 8115 (2017).

**PURPOSE(S) OF THE SYSTEM:**

Records in this system of records are collected for the purpose of electronically comparing enrollee identifying data against specified U.S. Government (financial, law enforcement, terrorism, foreign travel, and clearance status) databases and credit and commercial databases. The comparison serves to identify security-relevant conduct, practices, activities, or incidents that personnel security professionals can use, consistent with the Federal Investigative Standards, to determine an enrollee's continued eligibility for access to classified information or to hold a sensitive position.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Executive Branch employees, detailees, contractors, and other sponsored individuals who have been determined to be eligible for access to classified information or eligible to hold a sensitive position.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system maintains (i) biographic enrollment data including name, date and place of birth, fingerprints, social security number, gender, current address, other first or last names, prior address(es), personal email address(es) and phone numbers, passport information, employment type (contractor/government) or other status, and; (ii) data returned from or about the automated record checks conducted against current clearance status information and against financial, law enforcement, credit, terrorism, foreign travel, and commercial databases.

**RECORD SOURCE CATEGORIES:**

Record source categories include government-owned financial, law enforcement, terrorism, foreign travel databases, and current clearance status information, as well as credit and commercial entities, and providers of aggregated public source data.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

The following routine uses, which have programmatic, law enforcement, or oversight purposes, apply to this system of records:

(i) Except as noted on Standard Forms 85 and 86 and supplemental forms thereto (questionnaires for employment in, respectively, "non-sensitive" and "national security" positions within the Federal Government), a record that on its face or in conjunction with other information indicates or relates to a violation or potential violation of law, whether civil, criminal, administrative, or regulatory in nature, and whether arising by general statute, particular program statute, regulation, rule, or order issued pursuant thereto, may be disclosed as a routine use to an appropriate federal, state, territorial, tribal, local law enforcement authority, foreign government, or international law enforcement authority, or to an appropriate regulatory body charged with investigating, enforcing, or prosecuting such violations;

(ii) A record from a system of records maintained by the ODNI may be disclosed as a routine use to representatives of another IC entity addressing intelligence equities in the context of a legislative proceeding or hearing when ODNI interests are implicated, and the record is relevant and necessary to the matter.

(iii) A record from a system of records maintained by the ODNI may be disclosed as a routine use in a proceeding before a court or adjudicative body when any of the following is a party to litigation or has an interest in such litigation, and the ODNI, Office of General Counsel, determines that use of such records is relevant and necessary to the litigation: The ODNI; any staff of the ODNI in his or her official capacity; any staff of the ODNI in his or her individual capacity where the Department of Justice has agreed to represent the staff or has agreed to provide counsel at government expense; or the United States or another federal agency, where the ODNI, Office of General Counsel, determines that litigation is likely to affect the ODNI;

(iv) A record from this system of records may be disclosed to the Department of Justice when (a) the ODNI, or any component thereof; or (b) any employee of the ODNI in his or her official capacity; or (c) any employee of the ODNI in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States, where the ODNI determines that litigation is likely to affect the agency, or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation provided, however, that

in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

(v) A record from a system of records maintained by the ODNI may be disclosed as a routine use to representatives of the Department of Justice and other U.S. Government entities, to the extent necessary to obtain advice on any matter within the official responsibilities of such representatives, and the responsibilities of the ODNI;

(vi) A record from a system of records maintained by the ODNI may be disclosed as a routine use to a federal, state, or local agency or other appropriate entities or individuals from which/whom information may be sought relevant to: A decision concerning the hiring or retention of an employee or other personnel action; the issuing or retention of a security clearance or special access, contract, grant, credential, or other benefit; or the conduct of an authorized investigation or inquiry, to the extent necessary to identify the individual, inform the source of the nature and purpose of the inquiry, and identify the type of information requested;

(vii) A record from a system of records maintained by the ODNI may be disclosed as a routine use to any federal, state, local, tribal, or other public authority, or to a legitimate agency of a foreign government or international authority to the extent the record is relevant and necessary to the other entity's decision regarding the hiring or retention of an employee or other personnel action; the issuing or retention of a security clearance or special access, contract, grant, license, or other benefit; or the conduct of an authorized inquiry or investigation;

(viii) A record from a system of records maintained by the ODNI may be disclosed as a routine use to any agency, for authorized audit operations, and for meeting related reporting requirements, including disclosure to the National Archives and Records Administration for records management inspections and such other purposes conducted under the authority of 44 U.S.C. 2904 and 2906, or successor provisions;

(ix) A record from a system of records maintained by the ODNI may be disclosed as a routine use to contractors, grantees, experts, consultants, or others when access to the record is necessary to perform the function or service for which they have been engaged by the ODNI;

(x) A record from a system of records maintained by the ODNI may be disclosed as a routine use to any federal agency that has provided employee enrollment data to the ODNI for purposes of conducting continuous evaluation when records obtained by ODNI are relevant to the enrolling agency's adjudication of the employee's continued eligibility for access to classified information or to hold a sensitive position.

(xi) A record from a system of records maintained by the ODNI may be disclosed as a routine use to appropriate agencies, entities, and persons when (1) ODNI suspects or has confirmed that there has been a breach of the system of records; (2) ODNI has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, ODNI (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(xii) A record from a system of records maintained by the ODNI may be disclosed as a routine use to another federal agency or federal entity, when the ODNI determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(xiii) A record from a system of records maintained by the ODNI may be disclosed as a routine use to a federal, state, local, tribal, territorial, foreign, or multinational agency or entity or to any other appropriate entity or individual for any of the following purposes: To provide notification of a serious terrorist threat for the purpose of guarding against or responding to such threat; to assist in coordination of terrorist threat awareness, assessment, analysis, or response; or to assist the recipient in performing authorized responsibilities relating to terrorism or counterterrorism;

(xiv) A record from a system of records maintained by the ODNI may be disclosed as a routine use for the purpose of conducting or supporting authorized counterintelligence activities as defined by section 3003(3) of the

National Security Act of 1947, as amended, to elements of the Intelligence Community, as defined by section 3003(4) of the National Security Act of 1947, as amended; to the head of any federal agency or department; and to selected counterintelligence officers within the Federal Government; and

(xv) A record from a system of records maintained by the ODNI may be disclosed as a routine use to a federal, state, local, tribal, territorial, foreign, or multinational government agency or entity, or to other authorized entities or individuals, but only if such disclosure is undertaken in furtherance of responsibilities conferred by, and in a manner consistent with, the National Security Act of 1947, as amended; the Counterintelligence Enhancement Act of 2002, as amended; Executive Order 12333 or any successor order together with its implementing procedures approved by the Attorney General; and other provisions of law, Executive Order or directive relating to national intelligence, or otherwise applicable to the ODNI. This routine use is not intended to supplant the other routine uses published by the ODNI.

#### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Electronic records are stored in secure file-servers located in government-managed facilities or in government-leased private cloud-based systems.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

The records in this system are retrieved by name, social security number, or other unique identifier. Information may be retrieved from this system of records by automated capabilities utilized in the normal course of business. All searches of this system of records are performed by authorized Executive Branch security personnel.

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Pursuant to 44 U.S.C. 3303a(d) and 36 CFR Chapter 12, Subchapter B—Records Management, CE records are covered by the National Archives and Records Administration (NARA) General Records Schedule (GRS) 5.6, Security records, Items 170 through 181, and will be retained and disposed of according to those provisions. Biographic data and data about protecting and accessing information will be retained consistent with the Privacy Act of 1974, 5 U.S.C. 552a, and GRS 4.2, Information Access and Protection Records. Records about security data and information systems are listed in GRS 3.2, Information Systems Security Records.

#### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Information in this system is safeguarded in accordance with recommended and/or prescribed administrative, physical, and technical safeguards. Records are maintained in secure government-owned or leased facilities with access limited to authorized personnel. Physical security protections include guards and locked facilities requiring badges and passwords for access. Records are accessed only by current government-authorized personnel whose official duties require access to the records. Electronic authorization and authentication of users is required at all points before any system information can be accessed. Communications are encrypted where required and other safeguards are in place to monitor and audit access, and to detect intrusions. System backup is maintained separately.

#### **RECORD ACCESS PROCEDURES:**

As specified below, records in this system have been exempted from certain notification, access, and amendment procedures. A request for access shall be made in writing with the envelope and letter clearly marked "Privacy Act Request." Requesters shall provide their full name and complete address. The requester must sign the request and have it verified by a notary public. Alternately, the request may be submitted under 28 U.S.C. 1746, certifying the requester's identity and understanding that obtaining a record under false pretenses constitutes a criminal offense. Requests for access to information must be addressed to the Director, Information Management Division, Strategy & Engagement, Office of the Director of National Intelligence, Washington, DC 20511. Regulations governing access to one's records or for appealing an initial determination concerning access to records are contained in the ODNI regulation implementing the Privacy Act, 32 CFR part 1701 (73 FR 16531).

#### **CONTESTING RECORD PROCEDURES:**

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to correct or amend non-exempt records should address their requests to the ODNI at the address and according to the requirements set forth above under the heading "Record Access Procedures." Regulations governing access to and amendment of one's records or for appealing an initial determination concerning access or

amendment of records are contained in the ODNI regulation implementing the Privacy Act, 32 CFR part 1701 (73 FR 16531).

#### NOTIFICATION PROCEDURES:

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to learn whether this system contains non-exempt information about them should address inquiries to the ODNI at the address and according to the requirements set forth above under the heading "Record Access Procedures."

#### EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Privacy Act authorizes ODNI to exempt records contained in this system of records from the requirements of subsections (c)(3); (d)(1), (d)(2), (d)(3), (d)(4); (e)(1); (e)(4)(G), (H), (I); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1), (k)(2) and (k)(5). In addition, pursuant to published rule, ODNI may derivatively exempt records from other agencies in this system from the requirements of the subsections listed above, as well as subsections (c)(4); (e)(2), (e)(3), (e)(5), (e)(8), (e)(12); and (g) of the Privacy Act consistent with any exemptions claimed under 5 U.S.C. 552a(j) or (k) by the originator of the record, provided the reason for the exemption remains valid and necessary.

#### HISTORY:

The ODNI/NCSC CE Records is a new system of records. No previously published ODNI system of records notice covers any aspect of continuous evaluation.

In accordance with 5 U.S.C. 552(r), the ODNI has provided a report of this new system of records to the Office of Management and Budget and to Congress.

**Patricia Gaviria,**

*Director, Information Management Division, Strategy & Engagement, Office of the Director of National Intelligence.*

[FR Doc. 2018-25970 Filed 11-28-18; 8:45 am]

BILLING CODE 3910-79-P-P

## DEPARTMENT OF STATE

[Public Notice 10615]

### 30-Day Notice of Proposed Information Collection: Iraqi Citizens and Nationals Employed by U.S. Federal Contractors and Grantees

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

**DATES:** Submit comments directly to the Office of Management and Budget (OMB) up to December 31, 2018.

**ADDRESSES:** Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email:* [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202-395-5806. Attention: Desk Officer for Department of State.

#### FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Lea Rivera, PRM/Admissions, 2025 E Street NW, SA-9, 8th Floor, Washington, DC 20522-0908, who may be reached on 202.453.9255 or at [rivalalp@state.gov](mailto:rivalalp@state.gov).

#### SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Iraqi Citizens and Nationals Employed by Federal Contractors and Grantees.
- *OMB Control Number:* 1405-0184.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* PRM/A.
- *Form Number:* DS-7655.
- *Respondents:* Refugee applicants for the U.S. Refugee Admissions Program.
- *Estimated Number of Respondents:* 50.
- *Estimated Number of Responses:* 200.
- *Average Time per Response:* 30 minutes.
- *Total Estimated Burden Time:* 100 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the

validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

#### Abstract of Proposed Collection

The information requested will be used to verify the employment of Iraqi citizens and nationals for the processing and adjudication of other refugee, asylum, special immigrant visa, and other immigration claims and applications.

#### Methodology

The method for the collection of information will be via electronic submission. The format for compiling the information will be the Department of State's myData application. Contracting officers and Grants officers will distribute the DS-7655 by email to contractors, grantees and cooperative agreement partners under their authority. Respondents complete the form, and email it to their Contracting Officers or Grant Officers.

**Kelly Gauger,**

*Deputy Director, Office of Admissions, Bureau of Population, Refugees and Migration, Department of State.*

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BILLING CODE 4710-33-P

## DEPARTMENT OF STATE

[Public Notice 10606]

### 30-Day Notice of Proposed Information Collection: Nonimmigrant Treaty Trader/Investor Application

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The