

connection with the temporary placement of children during exigent circumstances. This request is for the sole purpose of temporarily expanding the “15-calendar days” to as soon as possible, but not later than 180-calendar days during the Coronavirus pandemic, or 90-calendar days from the expiration of the state’s emergency declaration, whichever occurs sooner. In addition, the state recognizes the risk associated with a name-based check; however, due to the national pandemic and the initiative to limit close contact with another person, as well as the unavailability or limited availability of noncriminal justice fingerprinting services, it is imperative that a preliminary III name-based check be conducted.

The preliminary III name-based check and submission of follow-up fingerprints shall be conducted in accordance with state laws and procedures. The state will continue to be responsible for submitting the follow-up fingerprints in the time frame specified by the Council.

The individual(s) will be required to be fingerprinted as soon as possible, but not later than 180-calendar days from the date of the preliminary III name-based check, or 90-calendar days from the expiration of the state’s emergency declaration, whichever occurs sooner. Once obtained, the fingerprints must be immediately submitted to the state repository which will either positively identify the fingerprinted subject or will forward the fingerprints to the FBI.

All other provisions of the approved original Florida Proposal and the approved amended Florida Proposal will remain intact, including the Council’s policy guidance for use of the Rule.

Those state agencies previously authorized access to the III pursuant to 28 CFR 901.3, wishing to take advantage of the extended time frame, must submit new written requests to the FBI Compact Officer. Approvals to utilize this amended proposal will expire 30-calendar days from the date the state cancels its emergency declaration.

If the Council does not approve this temporary proposal during its next public-held meeting, this temporary proposal will expire immediately.

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## **NATIONAL CRIME PREVENTION AND PRIVACY COMPACT COUNCIL**

### **Fingerprint Submission Requirements**

**AGENCY:** National Crime Prevention and Privacy Compact Council.

**ACTION:** Notice of approval of the Colorado proposal.

**SUMMARY:** The National Crime Prevention and Privacy Compact Council (Compact Council) approves a proposal submitted by the Colorado Bureau of Investigation requesting access to the Interstate Identification Index (III) System, maintained by the Federal Bureau of Investigation (FBI), on a delayed fingerprint submission basis for the sole purpose of conducting criminal history record checks of individuals, to include volunteers, for limited critical positions, as defined by the state, in response to the coronavirus (COVID-19) pandemic.

**FOR FURTHER INFORMATION CONTACT:** Inquiries may be addressed to Mrs. Chasity S. Anderson, FBI Compact Officer, Biometric Technology Center, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, telephone 304-625-2803.

**SUPPLEMENTARY INFORMATION:** Title 28, Code of Federal Regulations (CFR), part 901, specifically § 901.3, gives authority to the Compact Council, established by the National Crime Prevention and Privacy Compact Act of 1998 (Compact), to approve proposals for delayed submission of fingerprints supporting requests for III records by agencies authorized to access and receive criminal history records under Public Law 92-544. The proposals must fully describe the emergency nature of the situation in which delayed submission authority is being sought, the risk to health and safety of the individuals involved, and the reasons why the submission of fingerprints contemporaneously with the search request is not feasible. The Colorado proposal makes such a request when conducting criminal history record checks of individuals, to include volunteers, for limited critical positions that have access to our nation’s most vulnerable populations such as children, the elderly, and the disabled. Due to the national COVID-19 emergency and limiting close contact with another person, as well as the unavailability or limited availability of noncriminal justice fingerprinting services, the Colorado proposal temporarily allows for the delayed submission of fingerprints during the COVID-19 pandemic.

The Colorado proposal was submitted by email dated March 27, 2020, and approved by the Compact Council on November 4, 2020, pursuant to 28 CFR 901.2 and 901.3. Access to the III System to conduct name-based criminal history record checks, followed by fingerprint submissions, provides a responsive and timely avenue to determine whether an applicant presents a risk to vulnerable populations. Pursuant to the Colorado proposal, such name-based checks must be followed by the submission of the applicant’s fingerprints to the FBI as soon as possible, but not later than 180-calendar days from the date of the preliminary III name-based check, or 90-calendar days from the expiration of the state’s emergency declaration, whichever occurs sooner. Should an individual refuse or fail to submit the follow-up fingerprints in the time frame specified by the Council, the individual will no longer be permitted to hold the position for which the preliminary name-based criminal history record check was conducted.

*Authority:* 34 U.S.C. 40316.

Dated: October 27, 2021.

**Leslie Moore,**  
*Compact Council Chairman.*

### **Proposal From Colorado to the National Crime Prevention and Privacy Compact Council Under the Fingerprint Submission Requirements Rule**

As a result of the Coronavirus pandemic, and the declaration of a state of emergency, the Colorado Bureau of Investigation requests temporary approval under the National Crime Prevention and Privacy Compact Council’s (Council) Fingerprint Submission Requirements Rule (Rule) (Title 28, Code of Federal Regulations [CFR], Part 901), to access the Interstate Identification Index (III) on a delayed fingerprint submission basis. This proposal is for the sole purpose of conducting criminal history record checks of individuals, to include volunteers, for limited critical positions, as defined by the state, in response to the Coronavirus pandemic (*i.e.*, healthcare workers, child care workers, etc.) as specifically identified in a state statute previously approved pursuant to Public Law (Pub. L.) 92-544. In the absence of an approved Pub. L. 92-544 state statute, a state may utilize the National Child Protection Act/ Volunteers for Children Act for those positions that the covered individual has responsibility for the safety and well-being of children, the elderly, or individuals with disabilities.

In addition, the state recognizes the risk associated with a name-based check; however, due to the national pandemic and the initiative to limit close contact with another person, as well as the unavailability or limited availability of noncriminal justice fingerprinting services, to protect the health and safety of children or other vulnerable populations it is imperative that a preliminary III name-based check be conducted.

The use of the preliminary III name-based check shall be conducted by the State Identification Bureau or CJIS Systems Agency and will not replace the requirement for a noncriminal justice fingerprint-based background check to be conducted. The state will continue to be responsible for submitting the follow-up fingerprints in the time frame specified by the Council. In addition, the state will verify the use of the III name-based check and the time frame established for the delayed submission of fingerprints, in this situation, does not conflict with existing state laws.

Pursuant to the Privacy Act of 1974 (Title 5, United States Code, Section 552a), the individual must be provided with an adequate written FBI Privacy Act statement when he/she provides the required personal information to perform the III name-based check. In addition, the individual must be informed in writing of his/her rights pursuant to 28 CFR 50.12, including the right to access and amend his/her criminal history records.

An individual will be required to be fingerprinted as soon as possible, but not later than 180-calendar days from the date of the preliminary III name-based check, or 90-calendar days from the expiration of the state's emergency declaration, whichever occurs sooner. Once obtained, the fingerprints must be immediately submitted to the state repository which will either positively identify the fingerprinted subject or will forward the fingerprints to the FBI. In addition, the agency must advise the individual that fingerprints are required to be submitted even if the individual is no longer employed or licensed.

Should an individual refuse or fail to submit the follow-up fingerprints in the time frame specified by the Council, the individual will no longer be permitted to hold the position for which the preliminary III name-based check was conducted. Should this occur, the agency must abide by the Council's policy guidance for use of the Rule, as appropriate.

Approvals to utilize this proposal will expire 30-calendar days from the date

the state cancels its emergency declaration.

If the Council does not approve this temporary proposal during its next public-held meeting, this temporary proposal will expire immediately.

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## **NATIONAL TRANSPORTATION SAFETY BOARD**

**[Docket No.: NTSB-2021-0007]**

### **Privacy Act of 1974; System of Records**

**AGENCY:** National Transportation Safety Board (NTSB).

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

**SUMMARY:** The National Transportation Safety Board (NTSB) proposes adding a new system of records to its inventory of system of records: Religious Accommodation Request Records. Subject to the Privacy Act of 1974, the agency proposes this new system for reasonable accommodations from prospective, current, and former NTSB employees who request or receive accommodations for sincerely held religious beliefs, practices, or observances.

**DATES:** This system is effective on November 15, 2021, with the exception of the routine uses which will be effective on December 15, 2021. Submit written comments by December 15, 2021.

**ADDRESSES:** You may send comments, identified by Docket Number (No.) NTSB-2021-0007, by any of the following methods:

- *Federal e-Rulemaking Portal:* <https://www.regulations.gov>.
- *Email:* [rulemaking@ntsb.gov](mailto:rulemaking@ntsb.gov).
- *Fax:* 202-314-6090.
- *Mail/Hand Delivery/Courier:* NTSB, Office of General Counsel, 490 L'Enfant Plaza East SW, Washington DC 20594.

*Instructions:* All submissions in response to this Notice must include Docket No. NTSB-2021-0007. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket, including comments received, go to <https://www.regulations.gov> and search under Docket No. NTSB-2021-0007.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Silbaugh, General Counsel, (202) 314-6080, [rulemaking@ntsb.gov](mailto:rulemaking@ntsb.gov).

**SUPPLEMENTARY INFORMATION:** In light of the September 9, 2021, Executive Order

(E.O.) 14043 (*Requiring Coronavirus Disease 2019 Vaccination for Federal Employees*) and October 2021 guidance from the Safer Federal Workforce Task Force, the NTSB proposes adding a new system of records to its inventory of system of records titled, "Religious Accommodation Request Records." The agency proposes this new system for information from prospective, current, and former NTSB employees who request or receive accommodations for sincerely held religious beliefs, practices, or observances.

#### **SYSTEM NAME AND NUMBER:**

Religious Accommodation Request Records. NTSB-34.

#### **SECURITY CLASSIFICATION:**

Unclassified.

#### **SYSTEM LOCATION:**

Records regarding prospective and current NTSB employees are located at: National Transportation Safety Board, 490 L'Enfant Plaza SW, Washington, DC 20594. Records regarding former NTSB employees who have not transferred to another Federal agency are located at the National Personnel Records Center, National Archives and Records Administration, 111 Winnebago Street, St. Louis, Missouri 63118.

#### **SYSTEM MANAGER:**

Director, Office of Equal Employment Opportunity, Diversity and Inclusion, National Transportation Safety Board, 490 L'Enfant Plaza East SW, Washington, DC 20594.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 1302; 5 U.S.C. 301; 42 U.S.C. 2000e *et seq.*; 42 U.S.C. 2000bb *et seq.*; 44 U.S.C. 3101; 29 CFR part 1614; and E.O. 14043 (Sept. 9, 2021).

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

This system of records contains information from prospective, current, and former NTSB employees who request or receive accommodations for sincerely held religious beliefs, practices, or observances. The NTSB maintains the records in this system to track and report the processing of requests for religious accommodations to comply with applicable laws and regulations and to preserve and maintain the confidentiality of religious information submitted by or on behalf of applicants or employees requesting an accommodation.

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

Prospective, current, and former NTSB employees who request and/or receive a reasonable accommodation for