

Supporting Statement for Exchange Visitor Waiver Review Board  
OMB #0990-0001

A. Background

Under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (75Stat.527) and the Immigration and Nationality Act as amended (843 Stat.166), the Department of Health and Human Services acts as an interested U.S. Government agency to request the Department of State to recommend to the Attorney General waiver of the two-year foreign residence requirement for exchange visitors under the Mutual Educational and Cultural Exchange Program. The Department's responsibilities are carried out by the Exchange Visitor Waiver Review Board in accordance with regulations published in 45 CFR Part 50 on December 19, 2002. We are requesting approval for the application form (HHS 426) and the supplementary information instructions.

B. Justification

1. Need and Legal Basis

The information requested by use of this form and supplementary information sheets (Supplement A-Research) and Supplement B-Clinical Care) is used by this Department to make a determination, in accordance with its published regulations, as to whether or not to request from the Department of State, a waiver of the two-year foreign residence requirement for applicants in the United States on a J-1 visa. The J-1 visa is an exchange visa which carries a two-year return home requirement.

2. Information Users

Applicant institutions apply to this Department to request a waiver on behalf of foreign medical graduates to work in their medical facilities. Our current program deals with both research and clinical care waivers. Clinical care waivers allow medical centers, etc. to apply for a waiver of the residence requirement for physicians to work in HHS designated health manpower shortage areas doing primary care.

The instructions request a copy of Form G-28 from applicant institutions represented by legal counsel outside of the applying institution. Form G-28, a United States Department of Justice form, is needed so that the Department can ascertain that legal counsel is representing the applicant organization and not only the exchange visitor.

### 3. Improved Information Technology

Not applicable at this time. However, the Office of Global Health Affairs, OS has begun to look into the possibility of setting up a web-based application process.

### 4. Duplication of Similar Information

Not applicable. This is the only information collection in use by the Department, which is related to the application for waiver of the two-year foreign residence requirement for exchange visitors under the Mutual Educational and Cultural Exchange Program. There is no similar information available. Applications must be submitted on a case-by-case basis.

### 5. Small Businesses

The form and supplemental instructions were designed to impose minimal burden on all respondents. Submission of the application is voluntary, at the discretion of the applicant.

### 6. Less Frequent Collection

Not applicable. The application is submitted on a voluntary single-time basis with one reconsideration allowed if application is denied by the Exchange Visitor Waiver Review Board after the initial review.

### 7. Special Circumstances

There are no special circumstances involving this information collection.

### 8. Federal Register Notice/Outside Consultation

This regulation was published in the Federal Register on July 28, 2006 with a 60-day comment period. A 60 PRA FR notice was published on July 28, 2006 and a 30-day PRA FR notice was published on. No comments received. This form, except for the current revisions, has been in use for more than 20 years, and we are unaware of any negative response.

### 9. Payment/Gift to Respondent

Not applicable.

## 10. Confidentiality

Not applicable.

## 11. Sensitive Questions

Not applicable.

## 12. Burden Estimate (total hours and wages)

The Board has routinely received approximately 200 research applications a year. We are estimating that we will receive approximately 50 additional applications per year for clinical care. We estimate that it takes 10 hours to prepare and assemble the required information and complete the form. This represents 2500 total hours of respondent burden. The cost to all respondents would be \$25,000 (2500 burden hours x \$10)

12a.

<b>Type of Respondent</b>	<b>No. Of Respondents</b>	<b>No. Responses per Respondent</b>	<b>Average Burden per Response(in hours)</b>	<b>Total Burden Hours</b>	<b>Wage</b>	<b>Cost to Respondents</b>
Research Applications	200	1	10hrs.	2000	\$10	\$20,000
Clinical Care Application	50	1	10hrs.	500	\$10	\$5,000
<b>Total</b>				2500		\$25,000

## 13. Capital Costs (Maintenance of Capital Costs)

We estimate that if the applicant organization voluntarily retains the services of an attorney to prepare the application, their costs could range from \$50 to \$250 per hour. Using a figure of approximately 10 hours preparation time, the cost could range from \$500 to \$2500, or whatever the going rate from immigration attorneys might be - \$10,000 to \$20,000 per case. We are estimating that approximately one half of all the cases we will receive will be handled by an attorney.

## 14. Cost to Federal Government

One HHS staff member serves as Executive Secretary to the Board devoting approximately 1600

hours annually to the work of the Board. The Chairman of the Board spends approximately 20 hours annually on the Board's work and the three Board members spend approximately 520 each. In addition, HHS agency staff review applications and make recommendation the Board members, which represents a burden of approximately 520 hours.

The newest portion of this program devoted to clinical care positions requires funding for one FTE, totalling approximately \$414,000 and \$300,000 per year for Federal Credentialing checks.

May 31, 2006

#### 15. Program or Burden Changes

Form HHS 426 will be revised to collect information from applicants for both research and clinical care waiver requests. An additional supplementary information sheet has been added for the clinical care portion of requests. An additional FTE is reviewing these waivers, see No. 14 above.

There is a website for applicants to obtain the HHS 426 and instructions for filing.

#### 16. Publication and Tabulation Dates

Not applicable. The results will not be published for statistical use.

#### 17. Expiration Date

We are seeking OMB approval to not display the expiration date. Only about 500 will be used on an annual basis, not requiring frequent printing. Respondents may be confused if the only available forms have an expiration date indicating they are obsolete.

#### 18. Certification Statement

Not applicable.

### C. Collection of Information Employing Statistical Methods

Not applicable.



