

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**

U.S. Department of State Driver License and Tax Exemption Card Application
OMB No. 1405-0105
Form DS-1972

A. JUSTIFICATION

1. The Office of Foreign Missions (DS/OFM) was created in October 1982, to oversee and regulate the benefits, privileges, and immunities afforded to the following foreign mission personnel assigned to the United States: diplomatic, consular, administrative and technical staff, specified official representatives of foreign governments to international organizations, and their dependents. The exemption from sales taxes and the operation of a motor vehicle in the United States by these foreign personnel are benefits under the Foreign Missions Act, 22 U.S.C. 4301 *et seq.*, which must be obtained through the U.S. Department of State, Office of Foreign Missions. Sales tax exemption is also enjoyed under the provisions of international law (e.g., the Vienna Conventions on Diplomatic and Consular Relations) and the terms of various bilateral agreements, but is granted on the basis of reciprocity.

Administration of the benefit to drive, in response to the Secretary's determination, requires OFM's Diplomatic Motor Vehicle Section (DMV) to issue driver licenses (equivalent to those issued by state jurisdictions) to each member of the foreign missions community eligible to drive, if they are to operate a motor vehicle on U.S. roads. This is done in conjunction with the requirement to register, title, and issue license plates, while enforcing the compliance of liability insurance on all motor vehicles owned by foreign missions, diplomats, consular officers, administrative and technical staff, as well as specified official representatives of foreign governments to international organizations in the United States, and their dependents. Driver licenses are conferred under the provisions of 22 U.S.C. 4303 *et seq.* of the Foreign Missions Act, and in accordance with section 4307, this benefit cannot be conferred or denied by an act of any federal agency contrary to the provisions of the Foreign Missions Act.

Information Collection 1405-0105, via a paper application form DS-1972 provides OFM with the necessary information required to administer the two benefits effectively and efficiently.

2. After appropriate verification of its contents and the applicant's eligibility, the collected information is used to produce:
 - a. Tax cards for foreign missions and their personnel exempt from sales tax; and
 - b. Driver licenses for foreign missions' members and their family members who enjoy immunities and are eligible to drive or a non-driver identification card.

The centralization and administration of driver licenses at the national level reduces burdens once imposed on state and local jurisdictions such as:

- a. State forms - they are no longer used for processing diplomatic driver licenses;

- b. State jurisdictions no longer administer diplomatic driver license data;
- c. State jurisdictions no longer send out notices of renewal; and
- d. State jurisdictions no longer maintain driver history (infractions, penalties, etc.).

OFM uses the information to identify operators who repeatedly receive citations. This helps OFM determine the necessary course of action that may be required against an individual's driving privilege. This has enabled OFM to provide consistency to the diplomatic community on a national level through its uniform enforcement program.

- 3. The collected information can be submitted by foreign missions in paper format. When submitted in paper form the information is transferred into an electronic database maintained and utilized by the Office of Foreign Missions. However, to facilitate the collection of information in a more systematic and efficient manner, the Office of Foreign Missions began accepting foreign missions' electronic submission of this collection in mid 2005. While bearing in mind that utilization of electronic submissions by individual missions is dependent on the status of their own systems, OFM has increased the acceptance of the electronic format and continued but decreased the acceptance of the paper format. Also, reciprocity is a key component of the Vienna Conventions on Diplomatic and Consular Relations and the Foreign Missions Act. *See, e.g., 22 U.S.C. 4304.* Because the provision of benefits to foreign diplomatic personnel is subject to reciprocity, the Office of Foreign Missions may decide purposefully to burden a foreign government with unnecessary paperwork to protest when such measures are implemented against our own diplomats abroad. Although purposeful paperwork burdens run counter to the thrust of the PRA, they are statutorily authorized in the context of foreign mission personnel. *See, 22 U.S.C. 4307.*
- 4. This information is not available elsewhere. Since the forms are applications for discrete services (benefits) for particular foreign personnel, the respondent controls duplication at the response level and OFM's computer software prevents duplication of benefit(s) at the administration level. Further, only OFM determines benefits eligibility and this controls duplication at the national level.

OFM is a discrete Federal entity, which works with a limited but widely scattered population. To use any similar information already available would increase cost/efforts to collect the information both to the U.S. Government and to state and local governments. In many cases, no similar information exists in the United States, since this population consists of non-resident aliens who may be entering the United States for the first time.

- 5. The collection of information involves no small business or other small entities.
- 6. The collection could not be conducted less frequently since it is necessary in the provision of the benefits to be obtained from OFM. Tax information is collected periodically in accordance with the reciprocity provisions of the Foreign Missions Act. Non-collection of the information would impede to Department's efforts to comply with the terms and underlying policy of the Foreign Missions Act, 22 U.S.C. 4301 *et seq.* Also, the U.S. Government would not be in a position to require tax relief for its missions and personnel abroad, causing the cost of its operation abroad to increase.

Driver licenses are valid for five years. Unless reciprocity dictates a shorter period for a particular mission, the normal validity period for a sales tax exemption card is three years. These validity periods are not unduly burdensome since tours of duty at a mission ordinarily do not exceed three years.

7. The collection would not involve any of the special circumstances/manners stated.
8. OFM published a Notice of Information Collection on page number 3506 in the *Federal Register* of January 18, 2008, Public Notice Number 6064, to give the public an opportunity to provide comments. No public comments were received.

OFM conducts consultations with state and local tax authorities, state driver license regulatory officials, insurance companies, law enforcement authorities, motor vehicle administrations (MVA), the foreign diplomatic community, and official U.S. personnel stationed abroad on a continuing basis.

9. The Department of State does not provide any payment or gifts to respondents.
10. No specific assurance of confidentiality is provided to respondents. However, office policy is that the information is disclosed on a need-to-know basis. To the extent that any information collected is subject to the Privacy Act, OFM complies with the Privacy Act.
11. There are no questions of a sensitive nature on the DS-1972.
12. Approximately 6,385 requests for DOS driver licenses and tax exemption forms from 350 foreign missions have been submitted this past year. The DS-1972 (paper response) received 6,385 requests. The burden of time to fill in the form is approximately: 30 minutes (DS-1972 This includes the time necessary to complete, duplicate the completed form and attach supporting documents. This results in a total aggregate annual burden of about 3,418 hours. The reporting burden varies according to the size of the missions and the frequency of rotation of personnel, but is minimal for any individual mission. The reporting burden does not vary because of activity or complexity of the mission. The burden may increase or decrease slightly from year to year because of reciprocity provisions and/or the rotation of foreign mission staff. If a mission size increases, so will the burden.
13. No fee is charged in connection with submission of Form DS-1972. In terms of costs to foreign governments and international organizations associated with completion of the forms, we have been advised that the average cost for photographs, based on the estimates we were given, would be about \$15 per person, for a total estimated cost of \$319,260. However, some missions have indicated that the majority of their personnel have photos taken at photo machines at a cost of approximately \$7 per person. Any other costs for operation, maintenance, and purchase of services and capital or start up costs are de minimus. The paperwork burden for respondents would be the same or greater, and the cost certainly greater, if the Federal Government did not centralize information collection; respondents

would have to obtain driver licenses, apply for tax exemption or tax refunds from each state and/or local jurisdiction.

14. Apart from the cost of printing the form, all other costs for providing benefits are administrative costs assumed by the Office of Foreign Missions. OFM estimates that it costs the Department an average of \$60.00 to process each United States Department of State-Driver License and Tax Exemption Card application. This amount is based on a quantification of hours and operational expenses (such as equipment, overhead, printing and staff). The Department processed approximately 21,284 such forms at an annual cost of approximately \$1,277,040. The annual cost to print the DS-1972 is approximately 15 cents per form or \$1,050.
15. There are no actual program changes. The burden increase would be due to an increase in the number of respondents complying with State Department policy or a change in the tax reciprocity matrix which would require the tax exemption card to be changed and reissued.–
16. No plans exist to publish the collected information for statistical purposes.
17. The OMB expiration date will be displayed.
18. Exceptions to items (b) and (g)(vi) of the certification statement identified in item 19 of OMB Form 83-I. The exception to item (b) reflects the fact that although purposeful paperwork burdens run counter to the thrust of PRA, they are statutorily authorized in the context of foreign mission personnel. See item 3 above. The exception to item (g)(vi) is appropriate based on the Foreign Mission Act's "notwithstanding" clause, which provides that benefits provided by the Office of Foreign Missions cannot be conferred or denied by any act of any agency contrary to the provisions of the Foreign Missions Act. See, 22 U.S.C. 4307.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not employ statistical methods.