

# **SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION**

## **EMERGENCY LOAN APPLICATION AND EVACUATION DOCUMENTATION**

**(OMB #1405-0150, Form DS-3072)**

### **A. JUSTIFICATION**

1. Emergency loans are issued to U.S. citizens/nationals abroad and their family members and to foreign nationals in three circumstances:

-- Repatriation loans for destitute U.S. citizens and their family members who are outside the United States to provide for the citizen's and family's return to the United States;

-- Emergency medical and dietary assistance loans for United States citizens incarcerated abroad or destitute United States citizens abroad and their family members who are unable to obtain such services otherwise;

-- Crisis evacuation loans for U.S. citizens abroad and their immediate family members, non-U.S. citizen adult escorts for minor U.S. citizen children, and foreign nationals who possess appropriate travel documents, including a valid visa for entry into the U.S., when their lives are endangered by war, civil unrest, or natural disaster. The purpose of the DS-3072 is to process these emergency loans and to document the safe and efficient evacuation of private U.S. citizens, family members and foreign nationals from abroad.

[22 USC 4802\(b\)](#) charges the Secretary of State with developing and implementing policies and programs to provide for the safe and efficient evacuation of United States Government personnel, dependents, and private United States citizens when their lives are endangered. Such policies shall include measures to identify high risk areas where evacuation may be necessary and, where appropriate, providing staff to United States Government missions abroad to assist in those evacuations.

[22 USC 2670\(j\)](#) authorizes the Secretary of State to provide emergency medical attention and dietary supplements, and other emergency assistance, for United States citizens incarcerated abroad or destitute United States citizens abroad who are unable to obtain such services otherwise, such assistance to be provided on a reimbursable basis to the extent feasible.

[22 USC 2671](#) authorizes the Secretary of State to make expenditures for unforeseen emergencies. Emergency expenditures include activities such as the evacuation when

their lives are endangered by war, civil unrest, or natural disaster, of United States Government employees and their dependents and private United States citizens, and foreign nationals. [22 USC 2671\(b\)\(2\)\(A\)\(ii\)](#) provides that such emergency expenditures for the evacuation of private United States citizens or foreign nationals when their lives are endangered by war, civil unrest, or natural disaster are to be made on a reimbursable basis to the maximum extent practicable. Such reimbursements are to be credited to the applicable Department of State appropriation and to remain available until expended, except that no reimbursement under this clause shall be paid that is greater than the amount the person evacuated would have been charged for a reasonable commercial air fare immediately prior to the events giving rise to the evacuation. [22 USC 2671\(b\)\(2\)\(B\)](#) provides that such emergency expenditures also include loans made to destitute citizens of the United States who are outside the United States and made to provide for the return to the United States of its citizens. This is known as the repatriation loan program. [22 USC 2671\(d\)](#) sets forth what the Secretary of State shall require regarding application for a repatriation loan, collection procedures and passport limitations.

[22 USC 2715](#) charges the Secretary of State, in the event of a major disaster or incident abroad which affects the health and safety of citizens of the United States residing or traveling abroad, to provide prompt and thorough notification of all appropriate information concerning such disaster or incident and its effect on United States citizens to the next-of-kin of such individuals.

[42 USC 1313](#) authorizes the Secretary of Health and Human Services to provide temporary assistance for United States citizens and dependents identified by the Department of State as having returned or been brought from a foreign country to the United States because of war, threat of war, invasion, or similar crisis.

[24 USC 322](#) provides that upon request of the Secretary of State, the Secretary of Health and Human Services is authorized (directly or through arrangements under this subsection) to receive any eligible person at any port of entry or debarkation upon arrival from a foreign country and, to the extent the Secretary of HHS finds it necessary, to temporarily care for and treat at suitable facilities (including a hospital), and otherwise render assistance to, such person pending his transfer or hospitalization.

Department of State regulations pertaining to protection of U.S. citizens, services to U.S. citizens in distress, and reports on catastrophes abroad are published in [22 CFR Parts 71.1, 71.6, and 71.7](#).

HHS regulations regarding assistance to U.S. citizens and dependents evacuated from foreign countries because of war, threat of war, invasion, or similar crisis are published in [45 CFR 212](#). HHS regulations regarding assistance to mentally ill U.S. citizens returned from abroad are published in [45 CFR 211](#).

2. The information collected in the DS-3072 is used to document the issuance of emergency loans, the evacuation of persons from abroad when their lives are endangered by war, civil unrest, or natural disaster, to obtain a Privacy Act waiver to share

information about the welfare of a citizen or lawful permanent resident with designated persons, and to facilitate debt collection.

**3.** The collection of information involved in the application for emergency loan and evacuation documentation does not currently involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology by applicants.

The Department intends to incorporate 2D Barcode technology into the on-line DS 3072 form to allow an applicant a quasi-electronic alternative to a completely paper-based approach. The applicant will complete the form on-line, and all the form's information will be captured in a 2D barcode (on the form) upon printing. The form is then presented with proper documentation to a consular officer who witnesses the signature and scans the data immediately from the 2D barcode into the Department database. The form is then maintained for the prescribed period. This approach provides an electronic option while complying with Federal regulations.

The manner in which the information is collected may vary depending on the circumstances. In an orderly departure of citizens prior to actual combatant operations, it may be possible to obtain information from existing registration databases. In a critical situation it may not be possible even to get to the U.S. embassy, and evacuation assessment and documentation may take place at a remote location or on a tarmac.

Typically, the applicant will complete his/her portion and provide it, along with supporting documentation, to a consular officer, consular associate, or locally employed staff, who will examine the documentation and enter the information provided into a Department of State electronic consular database. If approved by a consular officer, a form completed in this manner would then be printed, signed, and sealed by the consular officer.

All reasonably available information technology features have been incorporated into the design and processing of the DS-3072 to reduce the reporting burden.

**4.** The information in the DS-3072 is not duplicative of information maintained elsewhere or otherwise available.

**5.** The information collection does not involve small businesses or other small entities.

**6.** The DS-3072 is essential to providing a mechanism for an evacuation of U.S. citizens from foreign countries. It is a statutory responsibility of the Department of State. If the collection were not conducted, the consequences would be a considerable hardship to U.S. citizens stranded in foreign countries during a period of crisis.

**7.** Not applicable.

**8.** The Federal Register published a notice for public comment on Wednesday, Nov. 8, 2006 in the Federal Register publication Vol. 71 No. 216. The Department received one public comment concerning Public Notice 5612 Emergency Loan Application and Evacuation Documentation. The single public comment was that the United States should not be providing U.S. tax dollars for third country nationals; the person also commented that U.S. Citizens who reside in the U.S. do not receive emergency medical treatment and asked why U.S. citizens who are overseas receive such medical treatment.

In response to the comment provided, three statutory provisions, [22 USC 2671](#), 42 USC 1313, and 24 USC 322 authorize the provision of emergency monetary assistance (loans) to U.S. citizens overseas who are eligible.

Regarding the public comment about aliens, aliens are included in Department emergency assistance programs principally as members of the immediate family of a United States citizen (such as a foreign national minor child or spouse of a U.S. citizen) or as an escort of a U.S. citizen minor.

**9.** No payment or gift is provided to respondents.

**10.** Respondents are notified on the form that information provided is covered by the Privacy Act and they also are asked on the form to sign a Privacy Act waiver to permit the release of their information to designated persons for designated purposes.

**11.** Not applicable; no such questions asked.

**12.** The estimated hour burden of 166 hours per year is based on estimates that the form is completed by approximately 1000 persons per year, and only one response is permitted per applicant. The information is based on personal biographic data and the financial cost of repatriation, emergency medical and dietary assistance in the foreign country or evacuation per person. The information collected usually does not require any special research. Completion time for the form is estimated at 10 minutes.

**13.** There is no cost to U.S. citizens associated with the completion of the form. There is no consular fee associated with this service. If a repatriation, emergency medical and dietary assistance or crisis evacuation loan is issued, the recipient may incur interest charges if the loan is not repaid in 90 days. Passport Services may be denied if the loan is in default.

**14.** The estimated cost to the Federal Government, based on the most recent Consular Cost of Service Study, is \$669.00 unit cost, based on the percentage of time spent on this function versus the total time spent on all consular services. That percentage of the total consular operational budget in FY04/05 (which includes labor and other direct costs plus a cross-cut of indirect costs incurred by the Bureau of Consular Affairs) is divided by the number of loans processed, to obtain the unit cost. This includes activities performed to set up and maintain the account such as customer interaction, document review and validation, coordination with financial entities, record keeping, providing documentation,

and related activities. It also includes front-line manager time and the work they do performing this activity. Costs associated with processing the loans are paid for by adult passport applicants.

**15.** The number of respondents varies from year to year depending on the number of citizens in need. Based on the average number of respondents in the past 3 years, the burden hour is being raised to 1000 per year x 10 minutes per respondent = 166 hours. Certain adjustments have been made to the information collection to more precisely obtain a verifiable address at the final destination in the United States or other home of record, to include a loan repayment agreement, to clarify the Privacy Act waiver, and to clarify the loan applicant and authorizing official signatures. In the 2006 evacuation of 15,000 citizens and dependents from Lebanon, the information collection was not used. It was determined that processing of loans would be dispensed with under the circumstances of the clear and present danger to citizens.

#### **FY 2006**

Emergency Medical and Dietary Assistance - # of respondents - 237

Repatriation Loans # of respondents 807

Crisis Evacuation Loans – 0 (DS 3072 not used for 15,000 evacuees from Lebanon)

#### **FY 2005**

Emergency Medical and Dietary Assistance – # of respondents - 234

Repatriation Loans # of respondents - 784

Crisis Evacuation Loans – 0

#### **FY 2004**

Emergency Medical and Dietary Assistance – # of respondents - 222

Repatriation Loans # of respondents - 836

Crisis Evacuation Loans – Hurricane Ivan: Grand Caymans – 264 respondents; Grenada -630 respondents.

**16.** General tabulations of information regarding Application for Emergency Loan and Evacuation Documentation are maintained in the “Consular Package,” the Consular Workload Statistical System (CWSS) system. This contains raw data broken down by the Foreign Service post issuing the report. Until the debt is paid in full, records of emergency loans are maintained in the files of the Department of State, Passport Services, filed alphabetically by the name of the subject, the automated case record system of the Office of American Citizens Services and crisis Management and the Resource Management Bureau, Accounts Receivable Division.

**17.** Not applicable; the expiration date will be displayed.

**18.** Not applicable, no exceptions are requested.

## **B. STATISTICAL METHODS**

This collection does not employ statistical methods.

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