

**Supporting Statement For  
Paperwork Reduction Act Submission  
Foreign Diplomatic Services Applications  
OMB No. 1405-0105**

**A. JUSTIFICATION**

1. The United States is host to hundreds of foreign embassies and missions to international organizations, with thousands of personnel, as well as designated international organizations and select personnel of such organizations who are entitled to a range of diplomatic or consular benefits, privileges, and immunities. This group of eligible foreign entities (collectively referred to as “foreign missions”) and their eligible personnel (including certain dependents) are hereinafter referred to as “respondents” or “applicants.”

The Department of State seeks to ensure that the benefits, privileges, and immunities of such entities and persons assigned to duty in the United States are properly implemented and respected. This responsibility is divided between the Office of Protocol (Protocol) and the Office of Foreign Missions (OFM). Protocol’s responsibilities include the accreditation of individual applicants, to issue qualifying persons and family members an official identification (immunity) card, and when applicable to record the termination of these same applicants. OFM’s responsibilities include overseeing and regulating the diplomatic and consular benefits and privileges accorded foreign missions and eligible personnel, including tax exemptions, motor vehicle registrations, driver licenses, customs clearances, and acquisition of real property.

These information collection instruments provide OFM and Protocol with the information necessary to provide and administer an effective and efficient benefits, privileges and immunities program by which foreign missions and eligible members may apply for entitled benefits from the Department of State. Collection information instruments previously covered under OMB numbers 1405-0060, 1405-0061, 1405-0062, 1405-0064, 1405-0069, 1405-0072, 1405-0089, 1405-0090, and 1405-0104 have been combined under this information collection request, collectively referred to under a new title as the “Foreign Diplomatic Services Applications” (FDSA). This title change represents a new combination of the nine collections above, to include the electronic data compilation (eGov).

Administration of and the eligibility for these benefits, privileges, and immunities are conferred on the basis of international and domestic law, taking into account principles of reciprocity. All FDSA are necessary in order for the Department of State to be able to perform functions vital to the conduct of diplomatic relations and to fulfill the requirements of law integral to such relations.

- a. The collection of information for the Notification of Appointment, Change and Termination, collection instruments DS-2003, DS-2004, DS-2005, DS-2006, 2007 and DS-2008 is solicited from foreign missions as required, inter alia, the Vienna Convention on Diplomatic Relations (1961) (VCDR); the Vienna Convention on

Consular Relations (1963) (VCCR); and the International Organizations Immunities Act, 22 U.S.C. 288 *et seq.* (IOIA).

- a. The information collected for Motor Vehicle Registrations, Vehicle Titles, and Driver License, collection instruments DS-100, DS-101, DS-102, DS-104 and DS-1972, is necessary to fulfill the requirements of the Foreign Missions Act of 1982, 22 U.S.C. 4301 *et seq.* (FMA), and the Diplomatic Relations Act, 22 U.S.C. 254a *et seq.* These laws require the Department to ensure that foreign mission and their personnel obtain adequate liability insurance. Further, under the FMA authority, the Department requires that all such mission and personnel obtain drivers licenses and motor vehicle registration only from the Department of State.
  - b. The information collected for Sales Tax exemption, Utility tax exemption, Gasoline tax exemption, and Customs Clearance, DS-1972, DS-98, DS-99, and DS-1504, is necessary for the Department to provide foreign missions and eligible personnel with evidence of their eligibility for tax and customs exemptions under international law, which the Department issues with reference to reciprocity.
2. Respondents may notify the Department of their appointment, departure, or apply for privileges and benefits using currently approved paper information collection instruments or OFM's eGov system application (where applicable).
- DS-2003, Notification of Appointment of Foreign Diplomatic and Career Consular Officer, is used to determine the acceptability of a foreign person by the Department of State as a diplomatic or consular officer. This form is completed once at the beginning of an applicant's tour of duty. If accepted, that person and qualifying family members are issued an official identification card.
  - DS-2004, Notification of Appointment of Foreign Government Employee, is used to determine whether a person may be accepted by the Department of State as an employee of an embassy, consulate, international organization, or as a miscellaneous foreign government employee. This form is completed once at the beginning of an applicant's tour of duty. If accepted, that person is issued an official identification card.
  - DS-2005, Notification of Appointment of Honorary Consular Officer, is used to determine whether a person may be accepted by the Department of State as an honorary consular officer. This form is completed once at the outset of a person's tenure to serve as an honorary consular officer, in the United States. If accepted, that person is issued an official identification card.
  - DS-2006, Notification of Change (and) Identification Card Request, is necessary to maintain up-to-date files based on information previously furnished on forms DS-2003, DS-2004, DS-2005 and DS-2007 and to determine whether a person may be accepted by the Department of State as a diplomatic or consular dependent. DS-2006 is completed when information previously reported (e.g., name, address,

title, family status, or visa status) has changed or to request the issuance of a new or renewed identification card.

- DS-2007, Notification of Dependents of Diplomatic, Consular, and Foreign Government Employees (Continuation Sheet), is a continuation sheet for Forms DS-2003, DS-2004, and DS-2006. The collection of this information is necessary to determine whether a person may be accepted by the Department of State as a family member of a diplomatic or consular officer or employee, and if accepted, whether to issue that person an official identification card. DS-2007 is submitted as an attachment to Form DS-2003 or DS-2004 for dependents that arrive with the principal, or as an attachment to Form DS-2006 for dependents that arrive at a later date.
- DS-2008, Notification of Termination of Diplomatic, Consular, and Foreign Government Employees, is necessary to record the termination of appointment of foreign applicants whose appointment is required to have been notified to the Department.
- The Motor Vehicle collection instruments are used:
  - DS-100 – to register mission vehicles only.
  - DS-101 – to register personal vehicles only.
  - DS-102 – to title a vehicle for disposition (sale, export, etc.) only.
  - DS-104 – to replace license plates (lost/stolen, etc.) only.
  - ◆ Also, liability insurance coverage is confirmed; a registration card, license plates and titles (security, sale, export, etc.) are issued; and motor vehicle reciprocity is enforced.
  - ◆ Similar information is requested on all motor vehicle applications to:
    - (a) act as search criteria for record retrieval;
    - (b) distinguish records (missions may have many offices and/or annexes, owner may have several vehicles and/or several people may have the same name);
    - (c) help keep the most current electronic data information (address, insurance information, etc.); and
    - (d) comply with Federal Law – The Truth in Mileage Act – which requires that we obtain the most current odometer reading, specifically at the time of registration and again at the time of disposition.
- DS-1972, U.S. Department of State Drivers License and Tax Exemption Card Application, submitted to request exemption from Sales taxes and/or the privilege to operate a motor vehicle in the United States, is used to issue Sales Tax exemption cards for eligible foreign missions and their personnel; enforce any tax limitations imposed by U.S. law, and/or the principles of reciprocity between nations; and issue a non-driver identification card or drivers license to applicants.

- DS-98, Application for Diplomatic Exemption from Taxes on Utilities, and DS-99, Application for Diplomatic Exemption from Taxes on Gasoline, are used to: identify the applicant's location and ownership of the building or building area for which tax exemption from utilities is being requested; certify applicants eligibility for exemption from Federal, State, or local taxes on the usage of public utility services or the purchase of motor fuels; meet tax auditing and record-keeping requirements of tax jurisdictions across the United States; and enforce any tax limitations imposed by U.S. law, and/or the principles of reciprocity between nations. DS-98 and DS-99 are completed when exemption from tax on utilities or motor fuels are being requested. Each application represents a separate transaction by the respondent. Each credit card that will be issued to the respondent requires a separate DS-99.
- DS-1504, Request for Customs Clearance of Merchandise, is used to determine the eligibility of imported goods (supplies, personal and household effects, automobiles, purchases from bonded warehouses, etc.) for exemption from duties otherwise imposed by the Bureau of Customs and Border Protection (CBP); and provide the basis upon which to determine, in cooperation with CBP, the proper handling of the diplomatic shipment on behalf of its entitled respondents. DS-1504 is submitted by foreign missions whenever customs duty-free purchase or entry on imports is requested. In all cases, foreign missions may only apply for duty-free purchase or entry privileges by using this information collection form. Each application represents a separate transaction and any duplicated information is limited to that which is necessary to identify the foreign mission and consignee, also to verify eligibility, and for auditing purposes.

3. There is an electronic version of each of the following forms: DS-98, DS-99, DS-100, DS-101, DS-102, DS-104, DS-1972, DS-2003 and DS-2008. OFM and Protocol are moving toward a totally electronic data submission (eGov) system to capture and process all of its applications. We expect to accomplish this before the next renewal period. **DS-98 and DS-99** are now completely paperless and are accepted only in its eGov format. Conversely, no distinct electronic version of **DS-2004 and DS-2007** exists since the information contained on these forms was incorporated into the electronic version of DS-2003. Presently, forms **DS-2005, DS-2006, and DS-1504** are still submitted and accepted in paper format. Electronic submission options for information collections DS-2005 and DS-2006 have been created but it has been decided not to introduce them to the foreign mission community until further development. We anticipate development will be completed by mid 2009. Foreign missions can access the DS-1504 form on the OFM website in Portable Document Format (PDF), which provides a data-input and print feature for clean and legible paper copies. OFM is working on an electronic option of DS-1504 (e-1504) that will soon allow for end-to-end electronic processing of this form too. **DS-1972D**, driver licensing and **DS-1972T**, tax exemption are the electronic versions of DS-1972. Foreign missions have been trained on this electronic submission option and are now submitting their data in this manner. They have been informed any information requested through eGov is the same information requested via paper application, however, the manner to which it is captured is different. Likewise, when submitted in paper format, to administer benefits the information is first entered into the same electronic (TOMIS) database (maintained by OFM) to which all eGov submissions are

eventually entered. To facilitate the collection of information in a more systematic and efficient manner, OFM continues to develop its **eGov system** to support the end-to-end electronic submission process.

Reciprocity is a key component of the VCDR, VCCR and FMA. Because the provision of benefits to foreign mission personnel is generally subject to reciprocity, the Office of Foreign Missions and the Office of Protocol may affirmatively decide to burden a specific foreign government with unnecessary paperwork to respond when such measures are implemented against our own diplomats abroad, with the aim of encouraging that government to alleviate the burden on our diplomats. Although purposeful paperwork burdens run counter to the general purpose of the PRA, recourse to reciprocal measures are statutorily authorized in the context of foreign mission personnel.

4. The Department of State, through the Office of Protocol and the Office of Foreign Missions, is the only federal agency that registers foreign missions and their personnel and provides not only benefits, but also proof of eligibility for certain privileges and immunities. The collection instruments are available for specific purposes, each of which is necessary to the Department's ability to ensure that the United States honors its international legal obligations and protects its missions and personnel abroad.
5. This collection of information does not involve or have impact on small businesses or other small entities.
6. The information collection could not be conducted less frequently. If the necessary information were not collected, the State Department would be unable to fulfill its obligations under international and domestic law to extend privileges and immunities to foreign missions and their eligible personnel, or to comply with the requirements of the FMA. Furthermore, non-collection of the information would impede other Department efforts, including, most significantly, its ability to advise other branches of the United States government as well as state and local authorities, regarding the status of foreign mission personnel, including, in specific cases, whether certain individuals are immune from arrest, detention and criminal and/or civil prosecution.
7. With one exception – Form DS-1504 - the **Foreign Diplomatic Services Applications** (FDSA) do not involve any of the special circumstances/manners stated.

The quantity of the information gathered on Form DS-1504 varies somewhat according to the commodity being imported. The frequency of collection depends on the number of duty-free import requests submitted by a foreign mission. Form DS-1504 consists of a duplicate six page form (an original with five copies) and once validated, is distributed as follows: the original is sent to the International Affairs Division of the Bureau of Customs and Border Protection, Department of Homeland Security; the first copy is returned to the foreign mission; the second copy is sent to the Customs Unit at the Port of Entry; the third copy is retained by U.S. Customs' central files; the fourth copy is OFM's file copy, and the final copy is retained by the foreign mission when the document is submitted to OFM.

8. OFM published a Notice of Proposed Information Collection on page number 8834 in the *Federal Register* of February 26, 2009, Public Notice Number 6533, to give the public an opportunity to provide comments. No public comments were received

The information collected from foreign governments and international organizations on the Notification of Appointment, Change, and Termination forms is based on universal international diplomatic practice and the need to comply with international and domestic law previously cited. Accordingly, consultation is not applicable.

On the other information collections, the Department makes an effort to consult and maintain dialogue with the following outside agencies on a continuing basis:

- a. U.S. Customs and Border Protection, focusing on processing.improvement methods.
- b. State motor vehicle regulatory officials, motor vehicle manufactures, motor vehicle dealers, insurance companies, financial institutions, and law enforcement officials.
- c. Many different tax jurisdictions, mostly local government, and pertinent oil companies.
- d. the foreign mission community, to make the application process user-friendly and seamless as possible

Also, as is required by 5 CFR 1320.8 (d), the Department solicits public comments on its information collection prior to submission to OMB. OFM intends to publish a Notice of Information Collection in the *Federal Register* to present the public an opportunity to provide comments.

9. The Department of State does not provide any payment or gifts to respondents.
10. No specific assurance of confidentiality is provided to respondents. A Privacy Act statement does accompany Forms DS-2003, DS-2004, DS-2005, DS-2006, and DS-2007. That statement advises that certain information obtained from these forms is published in the Diplomatic List and the publication Foreign Consular Offices in the United States. A Privacy Act statement also accompanies Forms DS-2008; DS-98, DS-99; DS-100, 101, 102, & 104; DS-1504; and eGov submissions. The Department's policy is that information obtained from these collections is disclosed on a need-to-know basis only, e.g., to law enforcement during a traffic stop. If a respondent would further inquire, oral assurance would be provided that information is stored in accordance with safeguards established for Sensitive But Unclassified documents, and will be withheld from disclosure to the maximum extent permissible under the Freedom of Information and Privacy Acts.
11. The information collections contain no questions of a sensitive nature on any of the forms.
12. There are 350 foreign missions (respondents) with which the United States maintains bilateral and multilateral diplomatic relations. The frequency of response is occasional. The reporting burden varies according to the size of the mission, whether new missions open or old ones close, and the frequency of rotation of their mission personnel. Also, the burden may increase or decrease slightly from year to year because of reciprocity provisions and/or the number of official/personal vehicles the mission/staff wish to acquire/maintain in a year. The reporting

burden does not vary because of activity or complexity of the mission. If a mission size increases, so will the burden.

The estimated annual reporting burden during the past calendar year, which includes the time necessary to complete Foreign Diplomatic Services Applications, duplicate the completed instrument, and attach any supporting documents, is as follows:

#### Foreign Diplomatic Services Applications

<b>Information Collection Form No.</b>	<b>Responses (paper)</b>	<b>Responses (eGov)</b>	<b>Estimated Hours Per Response</b>	<b>Annual Total Burden Hours</b>
DS-98	0	2,413	15 minutes	603
DS-99	0	2,676	15 minutes	669
<b>DS-100</b>	1,568	632	30 minutes	1,100
<b>DS-101</b>	4,543	3,357	30 minutes	3,951
<b>DS-102</b>	271	4,330	30 minutes	2,301
<b>DS-104</b>	0	164	30 minutes	82
<b>DS-1504</b>	7,938	0	30 minutes	3,969
<b>DS-1972</b>	1,402	0	30 minutes	701
<b>DS-1972D</b>	0	6,282	15 minutes	1571
<b>DS-1972T</b>	0	5,041	15 minutes	1,260
<b>DS-2003</b>	800	8,700	25 minutes	3,958
<b>DS-2004</b>	1654	0	25 minutes	689
<b>DS-2005 *</b>	200	0	20 minutes	67
<b>DS-2006</b>	7,124	992	9 minutes	1,218
<b>DS-2007</b>	3,000	0	10 minutes	500
<b>DS-2008</b>	0	6,685	10 minutes	1,114
<b>Total Annual Aggregate</b>	<b>28,500</b>	<b>41,272</b>	<b>344 minutes</b>	<b>23,753</b>

\* Submitted from approximately 155 foreign missions annually.

13. The total annual cost burden to respondents is de minimus. Since the provision of benefits to foreign diplomatic personnel is subject to reciprocity according to the VCDR, the VCCR and the FMA, the Department may choose to burden a foreign government with an application fee equal to that which it imposes on our U.S. diplomats seeking similar benefits. At the moment, no payments or fees are charged in connection with submission or approval of any information

collection. Should this change significantly, OFM will submit an 83C to change the cost burden associated with this collection.

Any associated costs to foreign governments and international organizations with completion of Forms DS-2003, DS-2004, DS-2005, and DS-2007 or its eGov submission, would primarily be photographs. We have been advised that the average cost for photographs would be around \$20 per person, for a total estimated cost of \$287,080 (\$223,080 for Forms DS-2003 and DS-2004; \$4,000 for DS-2005; and \$60,000 for DS-2007). Once a photograph is stored in the TOMIS data system it is used for other documents also requiring a photograph, i.e., driver license and tax exemption card. With e-Gov submissions the mission does assume the cost of ink and paper when it is necessary to print the application to send to the Department. Any other costs for operation, maintenance, and purchase of services and capital or start up costs are de minimus. In any event, such costs would be excluded inasmuch as the collection, maintenance, and reporting of information regarding foreign mission personnel and their dependents is a usual and customary function foreign missions undertake under the Vienna Conventions on Diplomatic and Consular Relations and as a matter of customary international law.

The paperwork burden would be the same or greater, and the cost burden certainly greater on respondents, if the information collections were not done by the Federal Government; respondents would have to acquire accreditation; obtain driver licenses, register and title vehicles, show proof of adequate insurance, obtain license plates from the various State and/or local jurisdictions, pay the usual taxes and fees, and then apply for tax exemption or tax refunds from each state and/or local jurisdiction.

14. The annualized cost for collection of this information and providing benefits is based on a quantification of hours and operational expenses (such as printing forms, labor costs, programming, processing, product distribution, and/or reportage, equipment and overhead). These costs are assumed by both the Office of Foreign Missions and the Office of Protocol. The annual cost burden to the Department is estimated to be \$3,124,393. See table below.

***Foreign Diplomatic Services Applications***

<b>Information Collection Form No.</b>	<b>Responses (Paper &amp; eGov)</b>	<b>Estimated cost to process each Response</b>	<b>Annual Costs</b>
DS-98	2,413	\$23.00	\$55,499
DS-99	2,676	\$23.00	\$61,548
<b>DS-100</b>	2,200	\$43.00	\$94,600
<b>DS-101</b>	7,900	\$43.00	\$339,700
<b>DS-102</b>	4,601	\$43.00	\$197,843
<b>DS-104</b>	164	\$43.00	\$7,052
<b>DS-1504</b>	7,938	\$23.00	\$182,574



<b>DS-1972</b>	1,402	\$43.00	\$60,286
<b>DS-1972D</b>	6,282	\$43.00	\$270,126
<b>DS-1972T</b>	5,041	\$43.00	\$216,763
<b>DS-2003</b>	9,500	\$66.00	\$627,000
<b>DS-2004</b>	1,654	\$66.00	\$109,164
<b>DS-2005 *</b>	200	\$66.00	\$13,200
<b>DS-2006</b>	8,116	\$33.00	\$267,828
<b>DS-2007</b>	3,000	\$66.00	\$198,000
<b>DS-2008</b>	6,685	\$66.00	\$441,210
<b>Total Annual Aggregate</b>	<b>69,772</b>	<b>\$733.00</b>	<b>\$3,142,393</b>

15. Program changes indicated in this collection are the result of a transition to, and expanded use of the electronic submission option (eGov). This has resulted in a change in the number of foreign mission respondents complying with this new State Department policy. As a result of reciprocity agreements, the additional changes indicated have resulted in an increase or decrease in the purchase, lease and disposition of vehicles; a total replacement of license plates and the resulting replacement of license plate codes for security reasons; and changes to the tax reciprocity matrix requiring the tax exemption card to be changed and reissued.
16. No plans exist to publish the information collected for statistical purposes.
17. The OMB expiration date will be displayed.
18. Exceptions to items (b) and (g)(vi) of the certification statement are 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 denied by any act of any agency contrary to the provisions of the Foreign Missions Act. See, 22 U.S.C. 4307.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.