

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

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A. Justification

1. Circumstances Making the Collection of Information Necessary

The Office of Global Health Affairs is requesting from OMB an approval for a reinstatement without change on a previous approved collection. 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.

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. Purpose and Use of Information Collection

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. Use of Improved Information Technology and Burden Reduction

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. Efforts to Identify Duplication and Use of Similar Information

This information is not duplicative of another information collection. 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. Impact on Small Businesses or Other Small Entities

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. Consequences of Collecting the Information Less Frequent Collection

Information is not collected. 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 Relating to the Guidelines of 5 CFR 1320.5

There are no special circumstances involving this information collection.

8. Comments in Response to the Federal Register Notice/Outside Consultation

A 60 day FR notice was published on April 02, 2010, pg # 16809, vol. #75. 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. Explanation of any Payment/Gift to Respondents

Not applicable.

10. Assurance of Confidentiality Provided to Respondents

Not applicable.

11. Justification for Sensitive Questions

Not applicable.

12. Estimates of Annualized Hour and Cost Burden

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 each form. This represents 2500 total hours of respondent burden. The cost to all respondents would be \$25,000 (2500 burden hours x \$10)

12A. Estimated Annualized Burden Hours

Type of Respondent	Form Name	No. of Respondents	No. Responses per Respondent	Average Burden per Response (in hours)	Total Burden Hours
Application Waiver /Supplemental A Research	HHS 426	200	1	10 hours	2000
Application Waiver /Supplemental B Clinical Care	HHS 426	50	1	10 hours	500
Total					2500

12B. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. **The cost to the federal government for contracting out or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 14.** The Department of Labor website can be used to determine appropriate wage rates for respondents.

Estimated Annualized Burden Costs

Type of Respondent	Total Burden Hours	Hourly Wage Rate	Total Respondent Costs
Research Applications	2000	\$10.00	\$20,000.00
Clinical Care Applications	500	\$10.00	\$5,000.00
Total			\$25,000.00

13. Estimates of other Total Annual Cost Burden to Respondents or Recordkeepers/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 250/2 125 x 10hrs.= total 1,250 hrs. x \$250.00= \$312,500.00 we will receive will be handled by an attorney.

14. Annualized Cost to Federal Government

One HHS staff member serves as Executive Secretary to the Board devoting approximately 1200 hours annually to the work of the Board. The Chairman of the Board spends approximately 20 hours annually on the Boards 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, totaling approximately \$414,000 and Federal Credentialing checks totaling approximately \$300,000 per year. A total amount of \$714,000.

15. Explanation for Program Changes or Adjustments

There are no program changes or adjustments. It remains the same as the previous collections.

16. Plans for Tabulation and Publication and Project Time Schedule

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

17. Reason(s) Display of OMB Expiration Date is Inappropriate

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. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification.

B. Collection of Information Employing Statistical Methods If statistical methods will not be used to select respondents and item 17 on Form 83-I is checked “No” use this section to describe data collection procedures.

Not applicable.