

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

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Version: 04/13

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A. **Justification**

1. Circumstances Making the Collection of Information Necessary

The Office of Global Affairs (OGA) requests that OMB approves an extension on a previous approved collection, OMB # 0990-0001. 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. HHS submits its recommendation to approve a waiver request to the Department of State (DoS). Then the DoS submits its approval recommendation to the U.S. Citizens and Immigration Service (USCIS). USCIS is the agency authorized to grant an official 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. OGA requests approval for the application form HHS 426 and the supplementary information instructions Supplement A Research and Supplement B Clinical Care.

The J-1 visa is an exchange visa which carries a two-year return home requirement. The Department uses form HHS 426 and supplementary information sheets Supplement A-Research and Supplement B-Clinical Care to make a determination, in accordance with its published regulations, as to whether or not to recommend waiver of the two-year foreign residence requirement to the Department of State.

2. Purpose and Use of Information Collection

The HHS program deals with both research and clinical care waivers. Applicant institutions apply to this Department to request a waiver on behalf of research scientists or foreign medical graduates to work as clinicians in HHS designated health shortage areas doing primary care in medical facilities. The instructions request a copy of Form G-28 from applicant institutions represented by legal counsel outside of the applying institution. United States Department of Justice Form G-28 ascertains that legal counsel represents both the applicant organization and the exchange visitor.

3. Use of Improved Information Technology and Burden Reduction

Technology is not currently used to collect this information. An existing SharePoint account is being considered to determine if this system would be suitable or adaptable to processing the applications. Each applicant is asked to submit a backup pdf disk copy of the application as well as the paper copy, in the event that the paper copy is lost.

4. Efforts to Identify Duplication and Use of Similar Information

Applications must be submitted on a case by case basis, and this information does not duplicate 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.

5. Impact on Small Businesses or Other Small Entities

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

6. Consequences of Collecting the Information Less Frequent Collection

The application is submitted on a voluntary, one time basis. If the application is denied by the Exchange Visitor Waiver Review Board after the initial review, additional information is submitted for reconsideration. Information is not collected.

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 Federal Register Notice was published April 12, 2013; FR Volume 78 number 71 pages 21953-21954. There were no comments.

9. Explanation of any Payment/Gift to Respondents

Respondents are not given any retribution for responding to the collection.

10. Assurance of Confidentiality Provided to Respondents

Data will be kept private to the extent allowed by law.

11. Justification for Sensitive Questions

There are no sensitive questions asked of applicants. Questions include current work history, name, address and visa status of the applicant and immediate family.

12. Estimates of Annualized Hour and Cost Burden

The Board has routinely received approximately 45 research applications a year. The estimate for clinical care applications is an additional 35 applications per year. It takes approximately 10 hours to prepare and assemble the required information and complete each form, which includes obtaining various signatures. This represents 800 total hours of respondent burden.

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	45	1	10 hours	450
Application Waiver /Supplemental B Clinical Care	HHS 426	35	1	10 hours	350
Total					800

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

Form Name	Total	Hourly	Total
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	Burden Hours	Wage Rate	Respondent Costs
426	450	10.00	\$4500
426	350	10.00	\$3500
Total			\$8000.00

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 \$200 to \$350 per hour. Using a figure of approximately 10 hour's preparation time, the cost could range from \$2,000.00 to \$3,500.00 or whatever the going rate from immigration attorneys might be per case. Estimating that approximately one half of all the cases will be handled by an attorney; \$250.00 per hour x 10 hours =100, 000.00 based on 40 cases. It is not necessary to hire an attorney to file the case.

14. Annualized Cost to Federal Government

One HHS staff member serves as Executive Secretary to the Board devoting approximately 800 hours annually to the work of the Board. The Chairman of the Board spends approximately 20 hours annually on the Boards work and the seven Board members spend approximately 140 each. In addition, NIH/HHS agency staff review applications and make recommendation the Board members, which represents a burden of approximately 900 hours and 405 administrative hours.

The portion of this program devoted to clinical care positions requires funding for one FTE, for a total annualized cost of approximately \$414,000.

15. Explanation for Program Changes or Adjustments

The program has determined that credentialing of licensed J-1 Visa physicians is not necessary, and the requirements have been eliminated. There have also been program adjustments to the volume of applicants. The average number of research respondents has been reduced from 200 yearly to 50, and clinical care from 50 to 35. It seems that the previous interim staff member overestimated the actual number of applications based on inexperience when filling out this form in 2010. The staff member responsible for the program for the previous ten years had retired.

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. 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.