

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

Request for Approval to Travel to a Restricted Country or Area OMB Number 1405- XXXX

A. JUSTIFICATION

1. This collection solicits information to confirm identity and demonstrate entitlement for a special validation in a U.S. passport, permitting one round-trip to a restricted country or area.

The Secretary of State may exercise authority, under 22 U.S.C. § 211a, Executive Order 11295 (August 5, 1966), and 22 C.F.R. 51.63, to invalidate all U.S. passports for travel to a country or area if he determines that any of three conditions exist: the country is at war with the United States; armed hostilities are in progress in the country or area; or there is imminent danger to the public health or physical safety of U.S. travelers in the country or area. On July 19, 2017, upon determining that there is imminent danger to the public health or physical safety of U.S. travelers in the DPRK, the Secretary of State approved imposing such a passport restriction with respect to travel to the Democratic People's Republic of Korea (DPRK) pursuant to 22 U.S.C. § 211a, Executive Order 11295, and 22 C.F.R. § 51.63(a)(3).

The issuance of U.S. passports to U.S. nationals requires the determination of identity, nationality, and entitlement with reference to the provisions of Title III of the Immigration and Nationality Act (INA) (8 U.S.C. sections 1401-1504), the 14th Amendment to the Constitution of the United States, other applicable laws, as well as the implementing regulations at 22 C.F.R. Parts 50 and 51. The specific regulations pertaining to an Application for a U.S. Passport are codified at 22 C.F.R. §§ 51.20 and 51.21. The specific regulations pertaining to a Request for Approval to Travel to a Restricted Country or Area are located at 22 C.F.R. § 51.64. There is no further review of a decision denying a request for approval. The basis for review of denials is found at 22 C.F.R. § 51.70(b)(4), which excludes from review determinations made under 22 C.F.R. § 51.64. Without the requisite approval and validation of a traveler's U.S. passport, the use of such passport for travel to, in, or through a restricted country or area may justify revocation of the passport for misuse under 22 C.F.R. § 51.62(a)(2) and may subject the traveler to felony prosecution under 18 U.S.C. § 1544.

2. The information collected will be used to confirm an individual's identity and to determine whether the individual is eligible to receive a passport with a special validation under 22 C.F.R. § 51.64 that permits the passport to be used for one round-trip to a restricted country or area.

3. The respondents will view instructions on a dedicated page at travel.state.gov, and will submit the required documents by e-mail or mail to the Department of State. Respondents whose requests are approved will receive a letter certifying their eligibility to travel to North Korea. These respondents will be instructed to submit their letter along with a passport application and applicable fees to obtain a passport with a special validation.
4. This collection is not duplicative of another existing collection.
5. This information collection does not involve small businesses or other small entities.
6. If this collection is not conducted, individuals will not be able to show how they qualify for issuance of a U.S. passport containing a special validation permitting travel to a restricted country or area. As a result, such individuals would not be able to receive valid U.S. passports enabling them to travel to a restricted country or area, even when such travel is in the national interest of the United States.
7. No special circumstances exist.
8. An Emergency Notice was published in the *Federal Register* on August 2, 2017 (82 FR 36065).

Several comments received addressed issues outside the scope of the solicitation, particularly regarding the Secretary's determination to impose the travel restriction. In those cases, no Department response is required.

Substantive comments were received for the following categories:

Time and Cost Burden

Several comments addressed the estimated numbers of respondents, stating that an estimation of 100 was too low. As a result, the Department revised its estimation to 250 respondents, and revised its calculations accordingly.

Several commenters requested information regarding whether the Department would provide special validations permitting multiple entries to the DPRK, without requiring the applicant to reapply for a new special validation each time. The Department declines to provide this type of validation at this time. The Department is invalidating passports in order to restrict travel due to mounting concerns over the serious risk to U.S. nationals of arrest and long-term detention in the DPRK. The Department's determination at this time is that providing multi-entry passports would lessen the effectiveness of the restriction.

Quality, Utility and Clarity of Information to be Collected

Commenters requested further information on how the Department will interpret "compelling humanitarian circumstances." Compelling humanitarian circumstances, consistent with 22 C.F.R. § 51.64(c)(3), will be reviewed on a case-by-case basis, and will depend on the specific facts of each case, the situation at the time of the request, the safety and security of the requestor while completing the proposed travel to and within the DPRK, and other factors.

Commenters requested recommendations for content, page limitations, example submissions, etc. regarding the Department's requirement that an applicant provide "a statement explaining the reasons that the applicant thinks his or her trip is in the national interest, supported by documentary evidence." Each request is unique. Therefore, the applicant should provide as much information as he or she can to establish their justification. The Department may request follow-up information as necessary.

A commenter requested that the Department process special validation requests in 30 days or fewer. The Department generally plans to process applications as expeditiously as possible, subject to limitations posed by existing resources, the volume of requests, and the issues presented by each case.

Minimizing Reporting Burden

Commenters noted that some applicants are overseas, and would benefit from being able to submit applications online or pick up specially validated passports at a consular Post. The process for requesting approval permits an individual to send his or her request and information online to a specially designated email box: PPTSpecialValidations@state.gov. In most cases, if the validation request is approved, an applicant who already possesses a valid U.S. passport may send their application for a passport with a special validation by mail or private carrier. By providing the appropriate written authorization, an applicant may also designate another individual to drop off the application and/or pick up the issued special validation passport at a passport agency, center, U.S. embassy or consulate.

Commenters requested the ability for a sponsoring NGO or main point of contact to submit one special validation request on behalf of the team. Due to privacy concerns and rules, such submissions are only permitted if the request includes a Privacy Act Waiver. The members of the team must also contain complete information about each applicant, each applicant's roles/responsibilities in the organization, and state that the applicants all share the same purpose of travel. However, approval of a special validation for one member of a team does not guarantee that all members will be approved, and the Department's determination will be sent directly to the applicant.

A commenter requested that the Department provide a "thorough explanation" of the reasons for accepting or denying a special validation request, and that a mechanism for appealing a denial be established. The Department will not be providing such explanations in a decision letter to the applicant, other than to note that the request did or did not meet the requirements of 22 C.F.R. § 51.64. The Department's denial of a special validation request is the final agency action on such matter, and further administrative review is not provided under 22 C.F.R. § 51.70(b)(4).

The Department of State will follow regular PRA procedures for notice and comment if the Department seeks to continue collecting the information beyond 180 days.

9. No payment or gift is provided to respondents.

10. The Department's web page soliciting this information includes a Privacy Act Statement explaining the routine uses of the information collected under the Act. There are no promises of confidentiality to the respondents. More information on the Routine Uses for the system can be found in System of Records Notices State-05, Overseas Citizen Services Records and State-26, Passport Records.
11. Applicants are asked to specify the category into which they feel their trip is in the national interest under 22 C.F.R. § 51.64. In response, some applicants may claim to have compelling humanitarian reasons that would justify issuance of a special validation permitting them to use their U.S. passports to travel to a restricted country or area. In order to support such a claim, the applicant may be required to disclose the medical condition of themselves or a family member, or provide other sensitive information to justify why they qualify for a validation.

12. The Passport Services Directorate estimates that the average time required for this information collection to determine eligibility for a special validation is 45 minutes per response. Therefore, the estimated total annual burden for the collection is:

250 (estimated number of respondents) x 45 (minutes) / 60 = 188 hours per year.

To estimate the cost to respondents based on the hourly wage and weighted wage multiplier, the Department of State calculated the following:

\$23.86 (mean hourly earnings based on estimated income per hour from the Bureau of Labor Statistics) x 1.4 (weighted wage multiplier) = \$33.40 weighted wage

188 (annual hours) x \$33.40 (weighted wage) = **\$6,279** (hour burden cost)

The estimated number of minutes required per response includes the time required to search existing data sources, gather the necessary information, provide the information required, review the final collection, and submit the collection to the Passport Services Directorate for processing.

If the request for a Special Validation Passport is approved, the Department will send a letter certifying the applicant's eligibility for travel to the restricted country or area. The applicant must then complete and submit either a DS-11 or DS-82 passport application. Based on current travel trends to the restricted country/area, the Department estimates that 90% of respondents will be able to use the DS-82. The remaining 10% will likely either be first-time applicants or otherwise not meet the requirements for the DS-82 and will therefore need to apply using the DS-11.

Calculations for a **DS-82 hour burden cost** are as follows:

225 (number of respondents) x 40 (minutes)/60 hour = 150 hours per year.

To estimate the cost to respondents for this form based on the hourly wage and weighted wage multiplier, the Department calculated the following:

\$23.86 (mean hourly earnings based on estimated income per hour from the Bureau of Labor Statistics) x 1.4 (weighted wage multiplier) = \$33.40 (weighted wage)

150 (annual hours) x \$33.40 (weighted wage) = **\$5,010** (hour burden cost).

Calculations for a **DS-11 hour burden cost** are as follows:

25 (number of respondents) x 85 (minutes)/60 hour = 35 hours per year.

To estimate the cost to respondents for this form based on the hourly wage and weighted wage multiplier, the Department calculated the following:

\$23.86 (mean hourly earnings based on estimated income per hour from the Bureau of Labor Statistics) x 1.4 (weighted wage multiplier) = \$33.40 (weighted wage)

35 (annual hours) x \$33.40 (weighted wage) = **\$1,169** (hour burden cost).

Therefore the **total hour burden** would be as follows:

\$6,279 (Request hour burden cost) + \$5,010 (DS-82 hour burden cost) + 1,169 (DS-11 hour burden cost) = **\$12,458** (total hour burden cost)

13. To properly request a validation, the applicant must submit proof of identity through a photocopy of the front and back of a valid government identification document containing his or her photograph and listing his or her date of birth.

The request may be submitted via e-mail. Therefore, there are no postage fees.

The total annual cost burden for approximately 250 applicants is \$ 110.00:

Proof of Identity - Black & White Copy 250 (2 @ \$0.22 each. The estimated cost of a black and white copy is based on a quote from FedEx Office.)	x	\$ 0.44	=	\$ 110.00
Estimated Annual Cost to Respondents				\$ 110.00

If approved, the Department will send a letter certifying the respondent's eligibility for travel to the restricted country or area. The respondent must then complete and submit either a DS-11 or DS-82 passport application. Based on current travel trends to the restricted country or area, The Department estimates that 90% of respondents will be eligible for the DS-82. The remaining 10% will likely either be first-time applicants or otherwise not meet the requirements for the DS-82 and will therefore need to apply using a DS-11.

When applying with a DS-82 passport application, the applicant must provide a photograph that meets criteria specified in the instruction pages. (The estimated cost of photographs is \$10 a set based on a sampling through consultation with a small group of actual respondents.) DS-82 applications are submitted by mail and are accepted in-

person. Per information received from the United States Postal Service, the cost burden for postage is approximately \$1.25 per application. According to the Department, the majority of respondents mail their DS-82 application through their local USPS, which is estimated to be an average distance of approximately 3 miles one way and 6 miles round trip. This distance is estimated to take an amount of five (5) minutes each way for a total of 10 minutes round trip. Also, to determine the travel cost to the respondent, the Department is factoring in the General Services Administration (GSA) reimbursement rate of \$0.54 mile for privately owned automobiles (POA) use as of January 1, 2017. (http://www.gsa.gov/portal/content/100715?utm_source=OGP&utm_medium=print-radio&utm_term=mileage&utm_campaign=shortcuts)

Therefore, the cost to the respondents to travel this distance is estimated to be approximately **\$729**.

225 (number of respondents) x 6 (miles) x \$0.54 (miles) = **\$729**.

When combining all of the individual estimated cost burdens associated with Form DS-82, the total annual cost burden for approximately 225 applicants is \$3,260.

A complete breakdown of the involved costs is outlined below. Therefore, the total cost to the respondents is as follows:

225 x (1) Passport Photo	X	\$10.00	=	\$2,250
225 x (1) Postage	X	\$1.25	=	\$281
225 x 6 miles – Average Travel Cost	X	\$0.54	=	\$729
Total Cost to Respondents			=	\$3,260

To properly submit a DS-11 passport application, an applicant must provide the following as specified on instruction page 1:

- Proof of U.S. citizenship/nationality - submit a photocopy of the front and (back if there is printed information) of U.S. citizenship evidence. (The estimated cost of a black and white copy is based on a quote from FedEx Office.)
- Proof of identity - submit a photocopy of the front and back side of your original identification. (The estimated cost of a black and white copy is based on a quote from FedEx Office.)
- Submit a photograph that meets criteria specified in the instruction pages. (The estimated cost of photographs is based on a sampling through consultation with a small group of actual respondents.)

DS-11 applications are only accepted in-person. Therefore, there are no postage fees.

When combining all of the individual estimated cost burdens associated with Form DS-11, the total annual cost burden for approximately 25 applicants is \$267 rounded to the nearest dollar.

A complete breakdown of the involved costs is outlined below:

Proof of Citizenship - Black and White Copy (1) 25	X	\$ 0.22	=	\$5.50
Proof of Identity - Black & White Copy 25 (2 @ \$0.22 each)	X	\$ 0.44	=	\$11
Passport Photo (1) 25	X	\$10.00	=	\$250
Total Cost to Respondents				\$266.50
Total Cost to Respondents Rounded to the Nearest Dollar				\$267

14. The projected annual cost to the federal government for this collection is \$42,405. Instructions for validation applications will be added to the web site of the Department of State, and no cost will be incurred on form development. The estimated annual cost to the federal government of adjudicating the estimated 250 validation applications that will result from this collection of information is \$42405:

2 hour review time for GS-14/4 Attorney-Adviser @ \$123,223/yr. = \$ 59.24/hr.	x	\$59.24	=	\$ 118.48
1/2 hour clearance time for GS-15/1 Branch Chief @ \$131,767/yr. = \$ 63.35/hr.	x	\$63.35	=	\$31.68
1/4 hour approval time for GS-15/10 Director @ \$161,900/yr. = \$ 77.84/hr.	x	\$77.84	=	\$19.46
Total Cost per Validation Application				\$ 169.62
Estimated No. of Applications per year	x	250		
Estimated Annual Cost to Federal Government				\$ 42,405

15. This is a new information collection that does not involve program changes or adjustments.
16. Quantitative summaries of Department of State passport activities are published periodically on the Department of State website at www.travel.state.gov. Such summaries do not involve the use of complex analytical techniques. The Department of State may report to Congress regarding aggregate numbers of validation applications received and approved, but there are no plans to publish the results of this collection of information.

17. The expiration date for OMB approval will be displayed.

18. The Department is not requesting any exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.