

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

## ***Request for Approval to Travel to a Restricted Country or Area*** **OMB Number 1405-0228**

### **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 Democratic People's Republic of Korea (DPRK), the Secretary of State approved imposing such a passport restriction with respect to travel to the 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 provided 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, and 22 C.F.R. § 51.70(b)(4) 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 for misuse of a passport or other applicable laws.

2. The information collected will be used to confirm an individual's identity and to determine whether, under 22 C.F.R. § 51.64, the individual has demonstrated it is in the national interest of the United States to grant the individual's request for a special validation in his or her passport that permits the passport to be used for one round-trip to a restricted country or area.
3. A dedicated page at [travel.state.gov](http://travel.state.gov) provides instructions, and respondents may submit the required documents by e-mail or mail to the Department of State. Respondents whose

requests are approved will receive a letter by email and mail certifying their eligibility to obtain a special validation in a passport to be used to travel to the DPRK. 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 entitlement for a special validation in a U.S. passport, permitting one round-trip to a restricted country or area. As a result, such individuals would not have 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. The Department published a notice in the Federal Register (82 FR 55915) on November 24, 2017. No comments were received.
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 Other Overseas 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 responses)  $\times$   $45$  (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)  $\times$   $1.4$  (weighted wage multiplier) =  $\$33.40$  weighted wage

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

The estimated number of minutes required per response is based on a sampling of 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:

$$225 \text{ (number of responses)} \times 40 \text{ (minutes)}/60 \text{ hour} = 150 \text{ hours per year.}$$

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

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

$$150 \text{ (annual hours)} \times \$33.40 \text{ (weighted wage)} = \mathbf{\$5,010} \text{ (hour burden cost).}$$

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

$$25 \text{ (number of responses)} \times 85 \text{ (minutes)}/60 \text{ hour} = 35 \text{ hours per year.}$$

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

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

$$35 \text{ (annual hours)} \times \$33.40 \text{ (weighted wage)} = \mathbf{\$1,169} \text{ (hour burden cost).}$$

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

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

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, date of birth, and signature.

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
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<b>Estimated Annual Cost to Respondents</b>						<b>\$ 110.00</b>
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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, with a total cost of \$2,250 to the 225 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, with a total cost of \$281 to the 225 respondents.

According to the Department, the majority of respondents mail their DS-82 application through their local post office, 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 reimbursement rate of \$0.55 per mile for privately owned automobile use as of January 1, 2018 (<https://www.gsa.gov/travel/plan-book/transportation-airfare-rates-pov-rates-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates>). Therefore, the cost to the respondents to travel this distance is estimated to be approximately \$743:

$$225 \text{ (number of respondents)} \times 6 \text{ (miles)} \times \$0.55 \text{ (miles)} = \$743.$$

When combining all of the individual estimated cost burdens associated with Form DS-82, the total annual cost burden for approximately 225 applicants is \$3,274. A complete breakdown of the involved costs is outlined below

The total cost to the DS-82 respondents is as follows (rounded to the nearest dollar):

(1) Passport Photo	x	225	x	\$10.00	=	\$2,250
(1) Postage	x	225	x	\$1.25	=	\$281
(6) Miles – Average Travel Cost	x	225	x	\$0.55	=	\$743
<b>Total Cost to Respondents</b>					=	<b>\$3,274</b>

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.

The total cost to the DS-11 respondents is as follows (rounded to the nearest dollar):

(1) Proof of Citizenship - Black and White Copy	x	25	x	\$ 0.22	=	\$6
(2) Proof of Identity - Black & White Copy @ \$0.22 each	x	25	x	\$ 0.22	=	\$11
(1) Passport Photo	x	25	x	\$10.00	=	\$250
<b>Total Cost to Respondents</b>						<b>\$267</b>

14. Instructions for validation applications are specified on the Department of State’s website, 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 \$42,403.75:

Action		Hourly Rate		Respondents		Total
(2) – Hours reviewing and drafting each request by GS-14/4 Attorney-Adviser	x	\$59.24	x	250	=	\$ 29,620.00
(1/2) – Hour clearing each request by GS-15/1 Branch Chief	x	\$63.35	x	250	=	\$7,918.75
(1/4) – Hour approving/denying each request by GS-15/10 Director	x	\$77.84	x	250	=	\$4,865.00
<b>Estimated Annual Cost to Federal Government</b>						<b>\$ 42,403.75</b>

15. Adjustments to item 13 were made to reflect the new General Services Administration reimbursement rate for 2018. The rate changed from \$0.54 per mile for privately owned

automobile use in 2017 to \$0.55 per mile. The total costs to the respondents have been recalculated to reflect the new rate.

16. Quantitative summaries of Department of State passport activities are published periodically on the Department of State website at [www.travel.state.gov](http://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.

For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

17. The Department will display the OMB expiration date.
18. The Department is not seeking exceptions to the certification statement.

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

This collection does not employ statistical methods.