

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

## **Request for Approval to Issue Special Validation for Travel to a Restricted Country or Area on a U.S. Passport OMB Number 1405-0228**

### **A. JUSTIFICATION**

1. *Why is this collection necessary and what are the legal statutes that allow this?*

This collection solicits information to confirm identity and demonstrate entitlement for a special validation in a U.S. passport, permitting single or multiple entries within a one-year period under certain circumstances 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 Secretary extended the restriction in 2018 and further extended it, effective September 1, 2019, for another year.

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. *What business purpose is the information gathered going to be used for?*

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, or multiple entries within a one-year period, to a restricted country or area, subject to additional requirements.

3. *Is this collection able to be completed electronically (e.g. through a website or application)?*

A dedicated page at [travel.state.gov](https://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. *Does this collection duplicate any other collection of information?*

This collection is not duplicative of another existing collection.

5. *Describe any impacts on small business.*

This information collection does not involve small businesses or other small entities.

6. *What are consequences if this collection is not done?*

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 or multiple-entries 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. *Are there any special collection circumstances?*

No special circumstances exist.

8. *Document publication a request for public comments in the Federal Register.*

On September 4, 2020, the Department published a 60-day notice in the Federal Register (Document ID DOS-2020-0035) soliciting public comments. Sixteen (16) comments were received through Regulations.gov or by e-mail through [PPTSpecialValidations@state.gov](mailto:PPTSpecialValidations@state.gov).

- Two comments made reference to line breaks, bullets or numbered lists, and community public service programs, however it did not specify the impact on the information collection.
- Two comments indicated “upvoting”.
- One comment suggested that there is no reason for any exemptions to travel to a restricted country, more specifically for journalistic or humanitarian reasons. The regulation pertaining to such travel is established in 22 C.F.R. § 51.64. The comment is considered outside the scope of this information collection.
- One comment suggested expanding the validity period for special validations from 1 year to 5 years. The comment is considered outside the scope of this information collection.

- One comment submitted by a humanitarian organization raised concerns about the ability to provide a final itinerary 30 days in advance of travel detailing dates and purpose of travel. In response, the Department added the following language to the Federal Register notice: "...the applicant's draft itinerary, including *proposed* dates of travel and *the intended* work to be performed on each trip..."; and applicants who are approved for a multiple-entry special validation "...must also send a final itinerary detailing dates and purpose of travel *at least five (5) days* prior to each trip to the DPRK while using their multi-entry special validation U.S. passport."
- One commenter submitted a report/analysis on *The Impact of Sanctions against North Korea on Humanitarian Aid* published in the Journal of Humanitarian Affairs. While the article discusses some of the sanctions imposed by the United States, specifically for travel to DPRK, it does not provide any suggestions within the scope of the information collection.
- One comment submitted by a humanitarian organization suggested that the bullet listing the required documents for applying for a special validation "Statement explaining the reason that the applicant thinks their trip is in the national interest.." include the phrase "...including compelling international humanitarian interests". The specific bullet point already defines what constitutes national interest by referencing "... (see criteria above) ..", with "...compelling humanitarian considerations." being one of the criteria listed.

Additionally, the commenter raised concerns about the required documentation for those requesting a multiple-entry special validation and the submission of the final itinerary 30 days in advance of travel. In response, the Department added the following language to the Federal Register notice: "...the applicant's draft itinerary, including *proposed* dates of travel and *the intended* work to be performed on each trip..."; and applicants who are approved for a multiple-entry special validation "...must also send a final itinerary detailing dates and purpose of travel *at least five (5) days* prior to each trip to the DPRK while using their multi-entry special validation U.S. passport."

Finally, the commenter proposed that the State Department expand its definition of compelling humanitarian considerations. The term "compelling humanitarian considerations" is directly from 22 C.F.R. § 51.64. This comment is considered outside the scope of this information collection.

- One comment submitted by a humanitarian organization raised concerns about the ability to provide a final itinerary 30 days in advance of travel detailing dates and purpose of travel. In response, the Department added the following language to the Federal Register notice: "...the applicant's draft itinerary, including *proposed* dates of travel and *the intended* work to be performed on each trip..."; and applicants who are approved for a multiple-entry special validation "...must also send a final itinerary detailing dates and purpose of travel *at least five (5) days* prior to each trip to the DPRK while using their multi-entry special validation U.S. passport."

Additionally, the commenter raised concerns that the requirement to submit "documentation that shows the applicant's humanitarian work requires that they make multiple trips..." is not clear as to what type of "documentary evidence" is being requested. In response, the Department added the following language to the information

collection in the Federal Register notice: “...such as a letter from the organization being represented explaining in detail the purpose and intended work to be performed on the trip(s).”

- Two separate comments submitted by the same individual/organization indicated that the term “compelling humanitarian considerations” is non-specific and subject to individual interpretation. They reference The North Korea Sanctions Regulation Section 510.512 which more broadly defines humanitarian efforts. The term “compelling humanitarian considerations” is directly from 22 C.F.R. § 51.64. This comment is considered outside the scope of this information collection.
- One commenter suggested that the multiple entry special validations apply to non-governmental organizations (NGO) workers. The comment is considered outside the scope of this information collection.
- One comment submitted by a humanitarian organization suggested that the phrase “supporting documentary evidence” is not clear as to what type of “documentary evidence” is being requested. They recommend the phrase be removed or edited to read “supporting documentary evidence such as [example], if available.” In response, the Department added the following language to the information collection in the Federal Register notice: “...such as a letter from the organization being represented explaining in detail the purpose and intended work to be performed on the trip(s).” Additionally, the commenter raised concerns about the ability to provide a final itinerary detailing dates and purpose of travel at least one month (30 days) prior to each trip. The Department added the following language to the Federal Register notice: “...the applicant’s draft itinerary, including *proposed* dates of travel and *the intended work to be performed* on each trip...”; and applicants who are approved for a multiple-entry special validation “...must also send a final itinerary detailing dates and purpose of travel *at least five (5) days* prior to each trip to the DPRK while using their multiple-entry special validation U.S. passport.”

The public comments also included recommendations to establish more forms of communication between the US and DPRK; transparency, timeliness and reasons for approval/denial of SVP provided to applicant; expanding eligibility for those requesting an SVP. These recommendations are considered outside the scope of this information collection.

- Two comments submitted by a humanitarian organization raised the same concern as above with the requirements to provide a final itinerary detailing dates and purpose of travel at least one month prior to each trip. This comment is addressed.

#### 9. *Are payments or gifts given to the respondents?*

No payment or gift is provided to respondents.

#### 10. *Describe assurances of privacy/confidentiality*

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. *Are any questions of a sensitive nature asked?*

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. *Describe the hour time burden and the hour cost burden on the respondent needed to complete this collection*

The Passport Services Directorate estimates that the average time required for this information collection to determine eligibility for a single-entry special validation is 45 minutes per response, and for a multi-entry special validation the estimate time is 90 minutes. The estimated total annual burden for the collection is 150 hours per year:

$100$  (estimated number of single-entry respondents)  $\times$   $45$  (minutes)  $/$   $60 = 75$  hours per year.

$50$  (estimated number of multi-entry respondents)  $\times$   $90$  (minutes)  $/$   $60 = 75$  hours per year.

( $90$  minutes includes the  $45$  minutes for initial request and accounts for respondent providing itineraries for each trip at an average of  $3$  trips per year taking  $15$  minutes (additional  $45$  minutes)).

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

$\$25.72$  (mean hourly earnings based on estimated income per hour for all occupations from the Bureau of Labor Statistics)<sup>1</sup>  $\times$   $2$  (weighted wage multiplier) =  $\$51.44$  weighted wage

$150$  (annual hours)  $\times$   $\$51.44$  (weighted wage) =  **$\$7716.00$**  (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 percent of respondents will be able to use the DS-82. The remaining 10 percent 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.

<sup>1</sup> Source: [https://www.bls.gov/oes/current/oes\\_nat.htm#00-0000](https://www.bls.gov/oes/current/oes_nat.htm#00-0000)

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

135 (number of respondents) x 40 (minutes)/60 hour = 90 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:

\$25.72 (mean hourly earnings based on estimated income per hour from the Bureau of Labor Statistics)<sup>2</sup> x 2 (weighted wage multiplier) = \$51.44 (weighted wage)

90 (annual hours) x \$51.44 (weighted wage) = **\$4,629.60** (hour burden cost).

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

15 (number of respondents) x 85 (minutes)/60 hour = 21 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:

\$25.72 (mean hourly earnings based on estimated income per hour from the Bureau of Labor Statistics)<sup>3</sup> x 2 (weighted wage multiplier) = \$51.44 (weighted wage)

21 (annual hours) x \$51.44 (weighted wage) = **\$1,080.24** (hour burden cost).

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

\$7,716 (Request hour burden cost) + \$4,629.60 (DS-82 hour burden cost) + \$1,080.24 (DS-11 hour burden cost) = \$13,425.84 (total hour burden cost)

13. *Describe the monetary burden to respondents (out of pocket costs) needed to complete this collection.*

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 150 applicants is \$ 42.00:

Proof of Identity - Black & White Copy 150 (2 @ \$0.14 each. The estimated cost of a black and white copy is based on a quote from FedEx Office.)	x	\$ 0.28	=	\$ 42.00
<b>Estimated Annual Cost to Respondents</b>				<b>\$ 42.00</b>

<sup>2</sup> Source: [https://www.bls.gov/oes/current/oes\\_nat.htm#00-0000](https://www.bls.gov/oes/current/oes_nat.htm#00-0000)

<sup>3</sup> Source: [https://www.bls.gov/oes/current/oes\\_nat.htm#00-0000](https://www.bls.gov/oes/current/oes_nat.htm#00-0000)

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 percent of respondents will be eligible for the DS-82. The remaining 10 percent 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 \$15 a set based on a sampling of a small group of national companies who offer this service, with a total cost of **\$2,025** to the 135 respondents.

DS-82 applications are submitted by mail and are accepted in-person. Per information received from the United States Postal Service,<sup>4</sup> the cost burden for postage is approximately \$1.25 per application, with a total cost of **\$168.75** to the 135 respondents.

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 three miles one way and six miles round trip. This distance is estimated to take an amount of five 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<sup>5</sup> of \$0.575 mile for privately owned automobiles use as of January 1, 2020. Therefore, the cost to the respondents to travel this distance is estimated to be approximately **\$465.75**:

$$135 \text{ (number of respondents)} \times 6 \text{ (miles)} \times \$0.575 \text{ (miles)} = \mathbf{\$465.75.}$$

When combining all of the individual estimated cost burdens associated with Form DS-82, the total annual cost burden for approximately 135 applicants is \$2,659.50. 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	135	x	\$15.00	=	\$2,025
(1) Postage	X	135	x	\$1.25	=	\$168.75
(6) Miles – Average Travel Cost	X	135	x	\$0.575	=	\$465.75
<b>Total Cost to Respondents</b>					=	<b>\$2,659.50</b>

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

<sup>4</sup> Source: <https://postcalc.usps.com/>

<sup>5</sup> Source: <https://www.gsa.gov/travel-resources>

- 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 the 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 of a small group of national companies who offer this service.)

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 15 applicants is \$231.

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	15	x	\$0.14	=	\$2
(2) Proof of Identity - Black & White Copy @ \$0.14 each	x	15	x	\$0.28	=	\$4
(1) Passport Photo	x	15	x	\$15.00	=	\$225
<b>Total Cost to Respondents</b>						<b>\$231</b>

14. *Describe the cost incurred by the Federal Government to complete this collection.*

Instructions for validation applications are specified on the Department of State's website, and no cost will be incurred on form development. The estimated one-time cost to the federal government for publication of this information collection in the Federal Register is \$755.00. The estimated annual cost to the federal government of adjudicating the estimated 150 validation applications that will result from this collection of information is \$27,379.50:

Action		Hourly Rate <sup>6</sup>		Respondents		Total
(2) – Hours reviewing and drafting each request by GS-14/4 Attorney-Adviser	X	\$63.94	x	150	=	\$ 19,182.00
(1/2) – Hour clearing each request by GS-15/1 Branch Chief	X	\$68.38	x	150	=	\$5,128.50

<sup>6</sup> Source: [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/DCB\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/DCB_h.aspx)

(1/4) – Hour approving/denying each request by GS-15/10 Director	X	\$81.84	x	150	=	\$3,069.00
<b>Estimated Annual Cost to Federal Government</b>						<b>\$ 27,379.50</b>

15. *Explain any changes/adjustments to this collection since the previous submission*

The change reflected in this renewal includes permitting individuals to request a multiple-entry special validation for travel to a restricted area on a U.S. passport within a one-year period, and corresponding revision of the estimated number of respondents in calculating costs.

Additional requirements for multiple-entry validations posted on [travel.state.gov](http://travel.state.gov) include demonstrating that the work is in the national interest consistent with 22 C.F.R. §§ 51.63-51.64; that the organization has a well-established history of traveling to the DPRK to work on well-monitored projects with compelling humanitarian considerations; and the submission of draft itineraries and sufficient documentation showing that the humanitarian work requires the individual to make multiple trips to the DPRK in the next 365-day period. For those granted a multiple-entry special validation, there is also the requirement that the traveler submit final itinerary detailing dates and purpose of travel at least 30 days prior to each trip.

16. *Specify if the data gathered by this collection will be published.*

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.

17. *If applicable, explain the reason(s) for seeking approval to not display the OMB expiration date.*

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.

18. *Explain any exceptions to the OMB certification statement below.*

The Department is not seeking exceptions to the certification statement

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

This collection does not employ statistical methods.