

# **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- or two-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 has extended the restriction annually from 2018 to 2023, and it is currently effective through August 31, 2024.

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 within a one-year period, or multiple entries within a two-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 or mail certifying their eligibility to obtain a special validation in a passport to be used to travel to the restricted country. 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 April 25, 2024, the Department published a 60-day notice in the Federal Register (Document ID DOS-2024-08909) soliciting public comments. Two comments were received through [Regulations.gov](https://www.regulations.gov), and no comments were received by e-mail through [PPTSpecialValidations@state.gov](mailto:PPTSpecialValidations@state.gov).

- One commenter was supportive of this information collection, expressing that they felt it was necessary for the safety of travelling individuals and for protection of country security.
- The other comment was a transcript of a news article and was unrelated to this collection.

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 estimated 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:

$\$29.76$  (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) =  $\$59.52$  weighted wage

$150$  (annual hours)  $\times$   $\$59.52$  (weighted wage) =  **$\$8,928.00$**  (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

---

<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)

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. The DS-11 and the DS-82 are both approved OMB-approved forms (Control Nos. 1405-0004 and 1405-0020, respectively), and their burdens are separate from and in addition to the burden for this collection.

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 photo or 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. In this case there would be no cost to the applicant, as there would be no photocopy or postage fees.

Should all applicants choose to mail in their application, the total annual cost burden for approximately 150 applicants is \$ 63.00:

Proof of Identity - Black & White Copy 150 (2 @ \$0.21 each. The estimated cost of a black and white copy is based on a quote from FedEx Office.)	x	\$ 0.42	=	\$ 63.00
<b>Estimated Annual Cost to Respondents</b>				<b>\$ 63.00</b>

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.

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 \$795.00. The estimated annual cost to the federal government of adjudicating the estimated 150 validation applications that will result from this collection of information is \$32,004.37:

Action		Hourly Rate <sup>2</sup>		Respondents		Total
(2) – Hours reviewing and drafting each request by GS-13/10 Program Analyst	X	\$73.48	x	150	=	\$ 22,044.00
(1/2) – Hour clearing each request by GS-14/10 Branch Chief	X	\$86.83	x	150	=	\$6,512.25
(1/4) – Hour approving/denying each request by GS-15/10 Director	X	\$91.95	x	150	=	\$3,448.12
<b>Estimated Annual Cost to Federal Government</b>						<b>\$ 32,004.37</b>

(Hourly rates found at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/DCB.aspx>)

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 for up to a two-year period (vice one-year), and corresponding revision of the estimated number of respondents in calculating costs.

In order to receive a special validation valid for two-years, applicants must submit draft itineraries and sufficient documentation showing that the humanitarian work requires the individual to make multiple trips to the restricted country in the next two-year period (as opposed to a 365-day period).

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.

<sup>2</sup> Source: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/DCB.aspx>

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

This collection does not employ statistical methods.