

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
Application For A U.S. Passport by Mail
OMB Control No. 1405-0020 (Form DS-82)**

A. JUSTIFICATION

1. The Application For A U.S. Passport by Mail (Form DS-82) is used by eligible citizens and non-citizen nationals of the United States who wish to renew their current or recently expired U.S. passport.

The DS-82 solicits data necessary for Passport Services to issue a U.S. passport in the exercise of authorities granted to the Secretary of State in 22 United States Code (U.S.C.) Section 211a et seq. and Executive Order (EO) 11295 (August 5, 1966) for the issuance of a U.S. passport to U.S. citizens and non-citizen nationals.

The issuance of U.S. passports requires the determination of identity and nationality 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, and other applicable treaties and laws. Implementing regulations are at 22 CFR Part 50 and 51. The specific regulations pertaining to the Application for a U.S. Passport by Mail are at 22 CFR 51.20 and 51.21.

2. The information collected on the DS-82 is used to facilitate the issuance of U.S. passports to U.S. citizens and non-citizen nationals. The primary purpose for soliciting the information is to establish nationality, identity, and entitlement to the issuance of a U.S. passport, and to properly administer and enforce the laws pertaining to the issuance thereof.

In addition to the primary uses of the data, the DS-82 may also be used as evidence in the prosecution of any individual who makes a false statement on the application. Such false statements may entail violations of 18 U.S.C. sections 1001 and 1542.

3. Due to legislated requirements and established regulations, a complete end-to-end electronic submission for this form is currently not an option. However, in an effort to provide customers with an electronic option to this paper-based form, it is posted on the Department's website where it can be filled out on-line and printed for submission. With the completed application, a 2-D Barcode will print on each application. This barcode will be scanned by Passport Services and will automatically record the applicant's information in our system. This process will save both Passport Services and the applicant time and reduce errors.

4. Aside from necessary, basic self-identification data, the information requested does not duplicate information otherwise available. The DS-82 is the Department of State form used by those U.S. citizens and non-citizen nationals who meet the qualifications to apply for a U.S. passport by using a mail-in application.
5. The collection of information does not involve small businesses or other small entities.
6. The information collected on the DS-82 is crucial in resolving suspected fraud cases and to establish the nationality of the passport applicant.
7. No such special circumstances exist.
8. One individual commented on the proposed information collection. The commenter first suggested that sections of the warning statement were not relevant. The Department disagrees, and believes it is important that applicants for passports and passport related services understand there are criminal penalties not only for providing false information on the application, but also for altering, mutilating or misusing a passport.

The commenter also asserted that requesting an applicant's middle name is inconsistent with the State Department practice of allowing minor name variances. The Department disagrees that there is any inconsistency between requesting a middle name on the application and permitting a passport in a name that only uses the middle initial, provided the individual can substantiate the variance through his or her evidence of identity or nationality.

The commenter argued that requesting the applicant's occupation and employer lacked practical utility, because the U. S. Department of State could not evaluate an application for a passport based on how ones earns money or due to lack of employment. The Department does not evaluate applicants for passports based on whether or not they are employed. If the applicant is not employed, he or she may simply fill in "none." Information concerning occupation and employer can, however, be valuable in verifying the applicant's identity.

The commenter further argued that requesting the home and business phone numbers was burdensome and lacked practical utility, and said that disclosure of phone numbers should be voluntary and limited to one daytime phone number. The provision of phone numbers is useful. It allows the Department of State to contact the applicant easily if further documentation is required, which happens fairly often, and to reach the applicant more quickly than communicating by mail, thus enabling quicker issuance of the passport.

The commenter believed that asking for information regarding the applicant's most recent passport lacked practical utility. This information must be recorded on the DS-82

form, and providing it allows the State Department to ensure that a citizen/non-citizen national has only one valid passport issued to him/her at any given time.

The commenter also believed that because travel plans do not relate to eligibility for a passport, requesting them lacks practical utility. The travel plans information is useful, as it allows U.S. Department of State Passport Specialists to assess whether sufficient time exists to allow for timely delivery of a passport and citizenship documents before travel and can assist the Department of State in locating U.S. citizens reported missing abroad and abducted children.

In the commenter's view, the request for emergency contact information, because it does not relate to entitlement to a passport, lacks practical utility. This information can prove extremely useful in missing-persons cases, in child abduction cases, and for notification of next of kin in the event of death overseas.

With respect to the oath, the commenter noted that non-citizen nationals could obtain passports, but were not referenced in the oath or the Acts and Conditions. We have changed both to include them. He noted that the Acts and Conditions did not exactly track 8 U.S.C. 1481 (a), which lists the acts that currently may be expatriating. The definition of which acts are expatriating has changed over the years. If the Acts and Conditions were worded to track the current statute exactly, they might fail to cover acts that were expatriating in earlier time periods. Therefore, the Department of State has worded the "Acts and Conditions" generally. If an applicant indicates that he or she has performed one of the listed acts, he or she is asked to fill out an additional questionnaire to help determine if the conduct he or she engaged in was actually an expatriating act at the time it was performed, whether the conduct was voluntary, and if the individual intended to relinquish U.S. citizenship. The applicants statement about the "Acts and Conditions" does not shift the burden of proof with respect to any ensuing loss of nationality determination, and does not deny the applicant due process.

Finally, the commenter stated that the Privacy Act Statement was legally insufficient. An agency collecting information from an individual is required to inform the individual of the agency's authority to collect the information, the principle purposes for the collection of the information, the routine uses for which the information may be used, and the effect, if any, of not providing the requested information. The Privacy Act Statement addresses all these points. The commenter, however, complains that the citations of legal authorities is too expansive and does not give sufficient notice of the specific legal authorities for the information requests made in the form. The Department of State believes that its statement of legal authorities is adequate. We cite the principle authority for the Secretary of State's authority to issue passports and issue regulations related to the issuance of passports, the passport regulations, the statute that requires provision of a social security number in connection with a passport application, and the "two-parent consent" statute relating to the issuance of passports to minors. There are many authorities that relate to the issuance of passports to minors. There are many authorities that relate to the circumstances under which U.S. nationality is acquired, and that are the

basis for some of the information that is sought on the form. We have described these authorities comprehensively without listing each and every statutory or treaty citation.

9. Not applicable. This information collection does not provide any payment or gift to respondents.
10. This form includes a Privacy Act Statement explaining the routine uses of the information collected under the Act.
11. Not applicable. The DS-82 does not ask questions of a sensitive nature.
12. The estimated number of minutes required per response is based on a recent 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 Passport Services for processing. The sampling was completed through consultation with a small group of actual respondents. Passport Services found that the overall average for the estimated time required for this information collection is 40 minutes per response. Therefore, the total annual burden for 2,900,000 respondents is 1,933,333 hours per year.
13. The current passport fee is \$67. The increase in cost is due to the recent passage of the Consolidated Appropriations Act, 2005, Division B of which includes authority for Passport Services to begin collecting a \$12 security surcharge.

To properly complete and submit a DS-82 passport application, an applicant must provide a set of two identical photographs, with a national average cost of \$11 per set. (The estimated cost of photographs is based on a recent sampling through consultation with a small group of actual respondents.) DS-82 applications are primarily submitted by mail. Per information received from the United States Postal Service, the cost burden for postage is approximately \$0.85 per application.

Passport Services estimates that 2.9 million respondents will use the DS-82 annually to apply for a U.S. passport. In addition and based on past demand, we estimate that 22% (638,000) of all respondents using a DS-82 will request expedited service at a rate of \$60 per application.

When combining all of the individual estimated cost burdens associated with the Form DS-82, the total annual cost burden for approximately 2.9 million applicants is \$266,945,000. A complete breakdown of the involved costs is outlined below.

2.9 million – Application Fee		\$67		\$194,300,000
2.9 million – Photos		\$11		\$31,900,000
2.9 million – Postage		\$0.85		\$2,465,000

	638,000 – Expedites		\$60		\$38,280,000
Total					\$266,945,000

14. It is estimated that Passport Services will issue 2.9 million U.S. passports annually during each of the next three years through the use of the DS-82. This equates to 27% of our total issuance system wide. Passport Services' total operating budget including equipment, overhead, printing, and support staff employed for this information collection is \$26,028,000.
15. The adjustment indicated on Form 83-I reflects an increase in the number of respondents (from 1,461,200 to 2,900,000 respondents) because the demand for U.S. passports has continued to increase each year. In addition, the increase in the estimated time burden is due to the continuous increase in the number of respondents applying for U.S. passports and a more accurate estimate of the burden time per response. The new time burden (as shown in question #12) was gained from a recent sampling of a small group of actual respondents and more realistically accounts for the multiple steps required by respondents to complete the process of applying for a U.S. passport. The cost burden changed, in part, because of the increase in passport fees, which is a program change, but primarily because of an adjustment due to the increased number of respondents.
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.
17. Not applicable. Expiration date for OMB approval will be displayed.
18. The Department is not requesting any exceptions to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.