

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
U.S. PASSPORT RE-APPLICATION FORM
OMB Control Number 1405-0160 (Form DS-5504)**

A. JUSTIFICATION

1. The U.S. Passport Re-Application Form (DS-5504) was developed because amendments to passports generally are being eliminated. Passport Services plans to issue final regulations in the near future that will no longer permit amendments to U.S. passports except for the convenience of the U.S. Government. Amendments are being eliminated for two reasons. First, it will not be possible to amend the new “electronic passport.” The electronic passport will contain a chip that contains the information from the data page of the passport, including name, place of birth, expiration date, etc. The information on the data page and on the chip must match. For security reasons, the chip may not be rewritten, so if the information on the data page changes, a new passport must be issued. Second, the elimination of amendments for non-electronic passports will improve their security and expedite border processing of persons holding such passports. Under the proposed rule, instead of seeking an amendment, a passport holder whose name has changed, who needs correction of descriptive information on the data page of the passport, or who wishes to obtain a fully valid passport after obtaining a full-fee passport with a limited validity of one-year or less would be permitted to re-apply for a new passport at no charge within one year of the date of issuance of the original passport. The DS-5504 is the form that has been developed for this purpose.

The DS-5504 will be used for Passport Services to issue replacement passports 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 (E.O.) 11295 (August 5, 1996) 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) (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.

2. The information collected on the DS-5504 will be used to facilitate the issuance of U.S. passports to U.S. citizens and 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 this primary use of the data, the DS-5504 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 legislative 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 will be 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 automatically record the applicants information in our system. This process will save both Passport Services and the applicant time and will reduce the occurrence of errors.
4. Aside from necessary, basic, self-identification data, the information requested does not duplicate information otherwise available. The DS-5504 will be the sole Department of State form used by U.S. citizens and nationals who meet the qualifications to apply for a replacement passport.
5. The collection of information will not involve small businesses or other small entities.
6. The DS-5504 seeks only the information necessary to establish the applicant's entitlement to a replacement U.S. passport and to resolve suspected fraud cases. Without it, time consuming and expensive field investigations would likely be required.
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 observed that the question concerning the spouse’s name was worded in a way that was unclear. We agree that the wording of the question was unclear and have corrected it. He further suggested that requesting the spouse’s name on the form lacked utility. The Department disagrees. Information provided in the marriage and name change sections assists Passport Services in ensuring that a citizen/non-citizen national has only one valid passport issued to him or her at any given time.

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 abroad.

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 applicant’s 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 will 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-5504 does not ask questions of a sensitive nature.
12. Passport Services estimates that the average time required for this information collection will be 30 minutes per response. Therefore, the estimated total annual burden for 50,000 respondents is 25,000 hours per year.
13. There will be no application fee associated with this form.

To properly complete and submit a DS-5504 passport application, an applicant must provide a set of two identical photographs, with a national average cost of \$11 a set.

DS-5504 applications will be submitted primarily by mail. Per information received from the United States Postal Service, the cost burden for postage is approximately \$.85 per application.

Passport Services estimates that 50,000 respondents will use the DS-5504 annually to apply for a replacement US passport. Additionally, and based on past demand, we estimate that 22% (11,000) of all respondents using a DS-5504 will request expedited service at a rate of \$60 per application.

When combining all of the individual estimated cost burdens associated with Form DS-5504, the total annual cost burden for approximately 50,000 applicants is \$1,252,500. A complete breakdown of the involved costs is outlined below.

50,000 – Photos	X	\$11	=	\$550,000
50,000 – Postage	X	\$.85	=	\$ 42,500

11,000 – Expedite Fee	X	\$60	=	\$660,000
Total			=	\$1,252,500

14. It is estimated that Passport Services will issue 50,000 U.S. passports annually during each of the next three years through the use of the DS-5504. This equates to 0.5% of our total issuance system wide. Passport Services’ total operating budget including equipment, overhead, printing, and support staff employed for this information collection is \$482,000.
15. Not applicable. The form has not yet been put into use.
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.