

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

## **Statement Regarding a Lost or Stolen Passport OMB Number 1405-0014 DS-0064**

### **A. JUSTIFICATION**

1. A passport applicant must submit a Statement Regarding a Lost or Stolen Passport, form DS-0064, with an application for a new passport when a previously issued valid or potentially valid passport cannot be presented. In order to assist in protect against identity theft, a passport bearer shall also submit a Statement Regarding a Lost or Stolen Passport, form DS-0064, after a loss or theft has taken place even if the bearer does not apply for a new passport. The statement must detail the circumstances of the loss or theft, as required in regulation 22 C.F.R. § 51.8(b), and any efforts made to recover it.

Entering a report of a loss or theft of a U.S. passport in the interoperable data system, as mandated by 8 U.S.C. § 1737, requires accurate verification of the reported passport. Collection of the social security number on form DS-0064 is included to assist in correctly identifying the passport that needs invalidation.

The legal authorities under which the information is requested include, but are not limited to the following:

22 U.S.C. § 211a et seq.;

Executive Order 11295;

22 C.F.R. Part 51, including 22 C.F.R. 51.8 & 51.2;

8 U.S.C. § 1737;

18 U.S.C. § 1028; and

18 U.S.C. § 1544.

2. The information is used by the Department of State to ensure that no person shall bear more than one fully valid or potentially valid U.S. passport book and/or passport card at any one time, except as authorized by the Department. The information is also used to combat passport fraud and misuse. The form is used prior to passport issuance and solicits information relating to the loss or theft of a valid United States passport book and/or passport card.

3. Due to established regulations requiring an original signature, a complete end-to-end electronic submission for this form is currently not possible. However, in an effort to provide customers with an electronic option to this paper-based form, it is posted on the Department's website, [http://www.travel.state.gov/passport/forms/ds64/ds64\\_845.html](http://www.travel.state.gov/passport/forms/ds64/ds64_845.html), where it can be filled out on-line and printed for signature and submission. Efforts will also continue to investigate, test, and deploy more complete electronic options while continuing to meet legal requirements.
4. The DS-0064 is the sole Department of State form used for the purpose outlined in item 2. The information collected does not duplicate information collected elsewhere.
5. The collection of information does not involve small businesses or other small entities.
6. If the information were not collected, the Department would have difficulty determining whether to issue a new passport to persons whose passports have been lost or stolen, and would also have difficulty in combating passport fraud. Elimination of the form would significantly increase the Department's costs by necessitating more labor-intensive methods of collecting the information, and could have serious or even grave consequences for national security and law enforcement.
7. No such special circumstances exist.
8. This collection was published for public comment in the *Federal Register* as Public Notice 6410. This notice was posted in Volume 73, Number 203, Pages 62360-62361, October 20, 2008. A copy of the notice is attached.

A member of the public submitted a comment asking whether the Department of State has the legal authority to require individuals to sign the forms under penalty of perjury. First-time passport applications must be made under oath. 22 U.S.C. § 213. Applicants who have been previously issued a passport who do not have a valid passport to present are treated as a first time applicant and must take an oath to submit the DS-0064, Statement Regarding a Lost or Stolen Passport. Under 18 U.S.C. § 1621, a false statement under such an oath would be perjury.

A member of the public submitted a comment asking whether the Department of State should include the "penalty of perjury" statement above the signature line on the forms. The Department of State includes the "penalty of perjury" statement above the signature line for purposes of notice and for fraud prevention reasons.

A member of the public submitted a comment asking whether the Department of State has the authority to require individuals to sign statements averring that they cannot present their passport (DS-0064). This information is requested under the authority given to the Secretary of State to administer the laws and to establish rules and regulations governing the issuance

of United States passports. 22 U.S.C. 211a et seq. and 22 C.F.R. part 51; Executive Order 11295 (Aug 5, 1966, 31 Fed. Reg. 10603) (Secretary is authorized by the President to establish “rules governing the granting, issuing and verifying of passports.”).

Additionally, under 22 C.F.R. 51.8, an individual who has lost his or her passport or whose passport has been stolen must submit a Statement Regarding a Lost or Stolen Passport in order to receive a new one. Under that same section, he or she must submit a signed statement setting forth the circumstances surrounding the disposition of the passport, 22 CFR 51.8(b). Under 22 C.F.R. 51.20 et seq, an application for a passport or for an amendment of a passport shall be completed upon such forms as may be prescribed by the Department. The passport applicant shall truthfully answer all questions, and shall state each and every material matter of fact, pertaining to his or her eligibility for a passport.

Finally, the Department of State requires these statements to ensure the integrity of the U.S. passport and the passport application process.

A member of the public submitted a comment asking whether the Department of State should collect Social Security numbers on the forms. The Department of State collects Social Security numbers on passport applications pursuant to 26 U.S.C. 6039E, which requires that any individual who applies for a passport or renewal must submit a statement of, inter alia, his/her Social Security number for submission to the Treasury Department(IRS). The social security number is requested on the DS-64 to assist in identifying the passport that must be invalidated.

9. This information collection does not provide any payment or gift to respondents.
10. The form includes a Privacy Act Statement explaining the routine use exceptions to the Act. (5 U.S.C. § 552a)
11. The collection of information does not ask questions of a sensitive nature.
12. The estimated burden of five minutes required per response is based on a sampling of time required to complete this form. The number of respondents is estimated at 122,500 per year. The annual burden is estimated to be 10,208 hours. (122,500 x 5 minutes)
13. There is no cost to the respondent associated with this form.
14. This collection does not add additional expense to the Federal government.
15. The program change indicated on OMB Form 83-I reflects an increase in the number of respondents due to the implementation of the Western Hemisphere Travel Initiative.

16. This collection of information will not be published for statistical use.

17. The expiration date for OMB approval will be displayed.

18. No exceptions to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," are being requested.

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

This collection does not employ statistical methods.