

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

Statement of Non-Receipt of Passport OMB Number 1405-0146 DS-0086

A. JUSTIFICATION

1. The Statement of Non-Receipt of Passport, Form DS-0086, is used by the U.S. Department of State to collect information for the purpose of issuing a replacement passport to customers who have not received the passport for which they originally applied.

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; and

22 C.F.R. Part 51.

2. The information is used by the Department of State to help ensure that no person shall bear more than one valid or potentially valid U.S. passport book and one valid passport card at any one time, except as authorized by the Department, and is also used to combat fraud and misuse. The form solicits information relating to a passport applicant's non-receipt of the U.S. passport book and/or passport card for which he/she applied.
3. Due to established regulations requiring an original signature, a completed 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.state.gov/documents/organization/79961.pdf>, where it can be filled out on-line and printed for signature and submission. Efforts will continue to investigate a more complete electronic submission process while, at the same time, ensuring the integrity of the U.S. passport.
4. The DS-0086 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. The information cannot be collected less frequently, as it must be collected whenever a passport is not received by an applicant. Eliminating this collection would impede prompt re-issuance of passports to applicants when the original passport is not received, and could have serious, 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 6411. This notice was posted in Volume 73, Number 203, Page 62361, October 20, 2008. A copy of the notice is attached.

A member of the public submitted one comment that is not germane to this collection. A copy of the comment is attached. The Department of State has no response to this comment.

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, and applicants who have been previously issued a passport who no longer have a valid passport are treated as a first time applicant. See 22 U.S.C. § 213; 22 CFR 51.8. Additionally the Secretary of State is empowered to prescribe the rules and regulations governing passport issuance. Executive Order 11295 (Aug 5, 1966, 31 Fed. Reg. 10603). 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.

A member of the public submitted a comment asking whether the Department of State has the authority to require individuals to aver that he/she did not receive it (DS-86). 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. 51; Executive Order 11295 (Aug 5, 1966, 31 Fed. Reg. 10603) (Secretary may establish “rules governing the granting, issuing and verifying of passports.”).

Additionally, 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. Since an individual who has not received a passport submits the DS-86 in order to request or apply for a replacement passport, their testimony that they have not received it would be material to their 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 in 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, their social security number for submission to the Treasury Department (IRS).

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 DS-0086 does not ask questions of a sensitive nature.
12. The estimated burden of five minutes required per response is based on a sampling of the time required to complete the form. The number of respondents is estimated at 27,400 per year. The annual burden is estimated to be 2,283 hours. (27,400 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.