

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT
SUBMISSION
APPLICATION FOR A U.S. PASSPORT: NAME CHANGE, DATA
CORRECTION, AND LIMITED PASSPORT BOOK REPLACEMENT
OMB Control Number #1405-0160 (Form DS-5504)**

A. JUSTIFICATION

1. The Application for a U.S. Passport: Name Change, Data Correction, and Limited Passport Book Replacement (DS-5504) is the form used by current passport holders who need to re-apply for a new passport, at no charge, within one year of the original passport's issuance. The following categories of passport holders are permitted to re-apply for a new passport, within one year of the date of issuance, and at no charge: a) the passport holder's name has changed within the first year of the issuance of the passport b) the passport holder needs correction of descriptive information on the data page of the passport c) the passport holder wishes to obtain a fully valid passport after obtaining a full-fee passport with a limited validity of two years or less.

The DS-5504 is used for Passport Services to issue replacement passports (book and/or card format) 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, nationality, and eligibility, 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, other applicable treaties and laws, and implementing regulations at 22 CFR Part 50 and 51.

2. The information collected on the DS-5504 is 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.

The DS-5504 is retained in the files of the Department of State, along with other documentation related to passport applications, adjudication, and issuance. Among other uses, these records are consulted when a U.S. passport has been lost and the bearer has no evidence of nationality available or in support of any derivative claims to nationality made by an applicant's children. The records may also be consulted by consular personnel in the event of an emergency abroad involving Americans: the application has a block for the name, address, and telephone number of a person to notify in the event of

an emergency. Information from the DS-5504 may also be shared with outside users, and for uses, as provided for in the Privacy Act or set forth in the Department of State's Prefatory Statement of Routine Uses relative to the Privacy Act (Public Notice 6290 of July 15, 2008) or the Department's System of Records Notice (State-26) for passport records.

The DS-5504 becomes part of the applicant's passport file, which is covered by the Privacy Act. The information contained in this file cannot be released except as provided by the Privacy and Freedom of Information Acts.

Intentionally making a false statement on the DS-5504 may constitute a violation of 18 U.S.C. sections 1001 and 1542.

3. Due to current law, regulations, and available technology, this form cannot be submitted electronically; however we continue our efforts to improve in this area. This form is posted on the Department's website where it can be filled out on-line and printed for submission. The DS-5504 requires the submission of original documents to establish citizenship and identity, as well as photographs, based on 22 CFR 51.20 et seq. Without the originals, we cannot conduct a forensic analysis to ensure that there is no fraud involved and to confirm the identity of the applicant. With the completed application, a 2-D barcode is printed on each application. This barcode is scanned by Passport Services and automatically record the applicant's information in our system. This process saves both Passport Services and the applicant time and reduces errors. Efforts will also continue to investigate, test, and deploy more complete electronic options, while continuing to meet legislated requirements.
4. Aside from necessary, basic, self-identification data, the information requested does not duplicate information otherwise available. The DS-5504 is 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 information collected on the DS-5504 is crucial for documenting a U.S. citizen's request for a replacement passport and for establishing the applicant's entitlement to a replacement U.S. passport. Without it, applicants would be required to complete an alternative application less appropriate for the particular circumstances of the applicant.
7. No such special circumstances exist.
8. The Department of State received one comment during the 60-day notice to solicit public comments for the collection in the *Federal Register*.

The first comment received criticizes the forms for failing to explicitly recognize the right to passports of inhabitants of the United States trust territory of American Formosa. The Department feels this comment has no basis. This goes to an argument that has lost in court (ultimately with cert. denied in the Supreme Court) that Taiwan is under US jurisdiction and that the people on Taiwan are entitled to US passports. *Lin v. United States*, 561 F.3d 502 (D.C. Cir. 2009) affirmed the district court's dismissal on political question grounds of a case brought by individuals residing on Taiwan who sought a declaratory judgment that they were non-citizen U.S. nationals and asserted that the United States was exercising sovereignty over Taiwan. Cert was denied subsequently.

Estimates on the time and cost burden associated with this form were acquired through consultations with a small group of actual respondents. Respondents gave feedback on 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.

9. Not applicable. This information collection does not provide any payment or gift to respondents.
10. Not applicable. 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. The estimated number of minutes is based on consultations with a small group of actual respondents. Passport Services found that the overall average for the estimated time required for this information collection is 30 minutes per response. Therefore, the estimated total annual burden for 181,000 respondents is 90,500 hours per year.
13. There is no application fee associated for the DS-5504.

To properly complete and submit a DS-5504 passport application, an applicant must provide a photograph that meets criteria specified in the instruction pages, with a national average cost of \$10 a set.

DS-5504 applications are submitted primarily by mail. Per information received from the United States Postal Service, the cost burden for postage is approximately \$1.05 per application.

Passport Services estimates that 181,000 respondents will use the DS-5504 annually to apply for a replacement U.S. passport. Additionally, and based on past demand, we estimate that 36% (65,000) 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 181,000 applicants is \$5,900,050. A complete breakdown of the involved costs is outlined below.

181,000 – Photo	X	\$10	=	\$1,810,000
181,000 – Postage	X	\$1.05	=	\$ 190,050
65,000 – Expedite Service	X	\$60	=	\$3,900,000
Total			=	\$5,900,050

14. It is estimated that Passport Services will issue 181,000 U.S. passports annually during each of the next three years through the use of the DS-5504. This equates to 1% of our total issuance system wide. Passport Services' total operating budget including equipment, overhead, printing, and support staff employed for this information collection is \$26,040.
15. The adjustment indicated reflects an increase in the number of respondents (from 100,000 to 181,000 respondents) because the demand for a U.S. passport has continued to increase. Postage costs have also been adjusted to reflect the increase in postage fees since 2007. The cost burden has also changed, in part, because Passport Services underestimated the number of respondents who would request expedited service. In 2007, Passport Services estimated approximately 22% of DS-5504 applicants requested expedited service, we now estimate 36% (65,000) of all respondents using a DS-5504 will request expedited service.
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.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.