

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
Supplemental Questionnaire to Determine Identity for a U.S.
Passport
OMB Number 1405-XXXX
DS-5520**

A. JUSTIFICATION

1. The Supplemental Questionnaire to Determine Identity for a U.S. Passport, Form DS-5520, is used to supplement an application for a U.S. passport when the applicant submits identity evidence that the Department of State determines is insufficient or of questionable authenticity. Passport Specialists and Consular Officers will use this form to collect additional information to further establish the identity of a passport applicant who has not submitted adequate evidence with his/her initial passport application.

The DS-5520 solicits data necessary for Passport Services to issue a United States passport in the exercise of responsibilities granted to the Secretary of State in 22 U.S.C. 221a and Executive Order 11295 (August 5, 1966) for the issuance of passports to U.S. citizens and nationals. Such responsibilities require the determination of identity with reference to the provisions of Title III of the Immigration and Nationality Act (8 U.S.C. sections 1201 – 1503) and the 14th Amendment to the Constitution of the United States, and compliance with 22 U.S.C. 212 and 213. Implementing regulations are found at 22 C.F.R. parts 50 and 51.

By definition, a passport is a travel document issued under the authority of the Secretary of State attesting to the identity and nationality of the bearer (22 C.F.R. 51.1 [e]). An applicant bears the burden of establishing his/her identity, and may submit as evidence a previously issued U.S. passport, other state, local, or federal government officially-issued identification with photograph, or other evidence supporting identity. , which may include an affidavit of an identifying witness. The Department may require an applicant to submit such additional evidence of identity as it deems to be necessary. 22 C.F.R. § 51.23. The procedures for establishing an applicant's identity are outlined in 22 C.F.R. part 50, subparts B and C.

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. Parts 50 and 51.

In addition to this primary use of the data, the DS-5520 may also be used as evidence in the prosecution of any individual who willfully and knowingly makes a false statement on the application (18 U.S.C. 1542) and for other uses as set forth in the Prefatory Statement and the

Passport System of Records Notice (State-26) at the following link:
<http://www.state.gov/documents/organization/102790.pdf>

2. The Department of State uses this information to verify the respondent's identity for purposes of determining eligibility for a U.S. passport. The information is also used to combat passport fraud and misuse. This form is used to supplement an existing passport application and solicits information relating to the respondent's employment and residences needed to corroborate an applicant's identity claim prior to passport issuance. Without adequate information about an applicant, the Department cannot issue that applicant a U.S. passport.
3. Once approved, the DS-5520 form will be made available on the Department's website at <http://www.travel.state.gov>, where it can be filled out online and printed for submission. Supplemental forms such as the DS-5520 are currently sent by mail along with a pre-addressed return envelope following receipt of an application, and are matched by the sending agency to the previously submitted application. The current process works because the particular agency/center that sends the form is the one adjudicating the application and will receive the returned form, and any additional documents the applicant provides. It is not practical at this time to create or modify existing systems or create to accept this form on-line. The Department systems are not currently set up to accept on-line submissions directly from existing applicants, cannot match on-line submissions from the public to specific applications, and cannot yet accept large downloaded files directly from the public. However, the Department is currently using available resources to work towards on-line submission of the DS-64 and the DS-82, which will serve a large percentage of the traveling public. Once this has been successfully accomplished, the Department will then explore options for modifying systems to include the ability to submit additional forms directly on-line, including the DS-5520. .
4. The information collected does not duplicate information collected elsewhere with the exception of the biographical information. While this information was originally requested on the DS-11, it is requested again on the DS-5520 in order to accurately match the DS-5520 to the correct DS-11 for proper adjudication of this supplementary form.
5. .The collection of information may have a minimal impact on small businesses and other small entities if the small business representative is required to travel overseas for business. The usual and customary business practices presuppose that a passport is needed for overseas activities.
6. In most cases a previous passport may be used as identification in lieu of this form. However, consistent with the Code of Federal Regulations (CFR) section 51.23, the Department may require such additional evidence of identity as it deems necessary.
7. No such special circumstances exist.

8. The Department of State posted a notice for public comment in the *Federal Register* (pages 67528 – 67529) on November 1, 2011, and the comment period closed on December 31, 2011. The Department of State received eight comments from the 60-day notice in the *Federal Register*. Some comments remarked that providing information about their family members (living and deceased) is irrelevant for determining their identity. Others expressed concern regarding adopted applicants. Comments also noted that it would be burdensome to list all schools attended inside and outside of the United States, since in some cases, people have come from a military background and have moved numerous times in their childhood or are elderly and may not remember. Finally, some comments noted that providing the last five residences could be challenging for some, specifically for the elderly.

The details surrounding one's family are usually one of the easiest pieces of information that the applicant can provide that can also easily be verified via records by the Department. That being said, the Department is also well aware of how complicated family dynamics can be regardless of whether or not the applicant is adopted or fostered (a fact which would be reflected in the citizenship evidence an applicant would submit with the initial application) which is why the form's instructions stress that if you are unsure of the information, please provide a response to the best of your knowledge as Passport Services will consider all the information derived from this form in its entirety. This form instruction also applies to the comments regarding children who went to school overseas as well as elderly applicants who may not remember where they lived five addresses ago. The Department understands that when it comes to an applicant's life history, there can be a wide variety of responses provided and the Department therefore accepts a wide variety of answers.

The Department originally posted a notice for public comment that was published in the *Federal Register* (page 10421) on February 24, 2011 and closed April 25, 2011. The Department received 1,521 comments during that period and continued to receive an overwhelming response after the close of the 60 day notice. Many of the comments seemed to come from people who did not understand that the form was designed to supplement an application for a U.S. passport only when the Department of State determines the applicant initially submitted insufficient evidence to establish eligibility. The Department estimated that less than 0.5 percent of applicants, approximately 69,647 persons per year, would be asked to fill out the form each year. After the comment period closed, the Department began revising the form and addressing the comments. As part of the revision, the Department split the form into two shorter forms: the DS-5520 for identity questions and the DS-5513 for entitlement (e.g., whether the individual actually was a U.S. citizen or national). The revision also assures applicants that failure to answer every question will not necessarily preclude passport issuance, as the form is considered in its entirety.

In response to comments regarding burden and privacy concerns, the revision amends many of the form's questions to pinpoint the exact information the Department is seeking.

Specifically, some comments expressed that the proposed form poses questions that are unreasonable. These included comments that expressed doubt over how the average applicant would be able to remember the information requested and answer the form's questions regarding residences and employment. The Department attempted to revise and

specify these questions as best it could by limiting the number of past employment and residences requested. The Department also removed the question regarding past supervisors and employers' contact information based on the feedback from the public.

With regard to privacy concerns, some commenters stated that the questions amounted to an unreasonable invasion of the applicants' privacy. The Department explained that its intent in developing this supplementary form was to ensure that an applicant is given every opportunity to provide whatever documentary evidence is at his/her disposal. While the questions posed were detailed, the answers are needed to enable the Department to take into account each individual's unique situation and consider that information for proper examination and identity verification.

The DS-5520 has been created to correct a procedure that may have been inconsistent with the Paperwork Reduction Act (PRA). During the passport application vetting process, additional information is occasionally needed from an applicant to verify eligibility for a passport. Field offices have, in the past, sent the applicant a letter containing a questionnaire asking for the supplemental information. The Department has become aware of this procedure and is now seeking OMB approval to rectify the oversight.

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 (i.e., the only circumstances under which personal information may be disclosed) to the Act. (5 U.S.C. § 552a)
11. The DS-5520 does ask questions of a sensitive nature regarding family information, employment, schools and residences as these questions specifically concern adjudication of identity. The purpose of these questions is to assist the applicant in establishing their identity.
12. The estimated burden of forty-five minutes required per response is based on a sampling of time required to complete this form by the Department. The time estimates required to complete this form were acquired through consultations with a small group of five actual respondents within the Department. Respondents were asked to provide 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 which amounted to an average of forty-five minutes.

The Department's time estimate includes both the time spent completing and reviewing the form. The number of respondents is estimated at 69,647 per year for the next three years. Therefore, the total annual burden hours are estimated to be 52,235 based on the following calculation:

69,647 applicants x 45 minutes per response divided by 60 minutes = 52,235 hours.

The DS-5520 is a new collection based on the previously internal Information Request Letter (IRL) titled, "Supplemental Identification List". To estimate the number of respondents per year, therefore, the Department ran a report using our Management Information System

(MIS) to determine the number of these IRLs filed in 2011 by every passport agency and acceptance facility. The results revealed that in 2011, 54,723 letters were filed along with the DS-11. This represents 0.497% of the actual number of DS-11's for 2011 at 11,000,000 applications. As the amount of DS-11's are expected to rise to 14,000,000 for each year from 2013 through 2016, we arrived at the yearly respondent estimate of 69,647 by multiplying 0.497 % by 14,000,000.

The annualized cost to respondents for the hour burdens for this collection of information, according to appropriate wage rate categories using the weighted wage multiplier is as follows:

\$22.60 (mean hourly earnings based on estimated income per hour from the Bureau of Labor Statistics) multiplied by 1.4 (weighted wage multiplier) x 0.75 hours (45 minutes) x 69,647 (number of respondents) = \$1,652,723.31.

13. There is no cost to the respondent associated with this form.
14. -Currently, the Department has a contract in place for printing all passport forms. The DS-5520 will be produced by a contractor with cost-plus-fixed-fee line items materials and/or supplies purchase functions. The estimate provided to the Department by the contractor includes costs for contractor labor, supplies, equipment, printing, materials, delivery, overhead, support staff etc. The contractor has provided an estimate of approximately \$28.00 per thousand forms.

It was estimated that at minimum, the initial delivery of one package of 50 forms would be provided to each passport acceptance facility (9000 plus acceptance facilities) which totals 450,000 forms at \$28.00 per thousand.

Therefore, the cost to the Government for the DS-5520 is: $50 \times 9000 = 450,000$ (forms) x \$28.00 per thousand = \$12,600 estimated total.

15. The DS-5520 is a new collection.
16. The collection of information is not planned to 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 requested.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

1. This collection does not employ statistical methods.

