

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

Supplemental Questionnaire to Determine Entitlement for a U.S. Passport OMB Number 1405-XXXX DS-5513

A. JUSTIFICATION

1. The Supplemental Questionnaire to Determine Entitlement for a U.S. Passport, form DS-5513, is used to supplement an application for a U.S. passport when the applicant submits entitlement 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 when a passport applicant has not submitted information sufficient to establish that the applicant is entitled to be issued a passport.

The DS-5513 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 citizenship or nationality 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 entitlement, and the Department may require an applicant to submit such additional evidence of identity and/or entitlement as it deems to be necessary. 22 C.F.R. §§ 51.23, 51.40, 51.45. The procedures for establishing an applicant's entitlement 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-5513 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 that a respondent is entitled to be issued 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 family and birth circumstances that is needed 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-5513 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-5513 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-5513.
4. The information collected does not duplicate information collected elsewhere with the exception of the biographical information. While this information was originally required on the DS-11, it is requested again on the DS-5513 in order to accurately match the DS-5513 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, according to the Code of Federal Regulations (CFR) 51.23, the Department may require such additional evidence of identity as it deems necessary.
7. No such special circumstances exist.
8. The Department originally posted a notice for public comment that was published in the *Federal Register* on February 24, 2011 (page 10421) 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 applicant initially submits evidence that the Department of State determines is insufficient to establish entitlement, pursuant to 22 C.F.R. 51.45. The Department estimated that less than 0.5 percent of applicants 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 established that he/she is 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 public comments regarding burden and privacy concerns, the revision updates the DS-5513 burden time (from forty-five minutes to eighty-five minutes) as well as amends many of the forms' questions to pinpoint the exact information the Department is seeking. The Department also removed the question regarding any religious or institutional recording of an applicant's birth that occurred around the time of birth in response to comments that expressed discontent with the query.

The Department received comments that expressed doubt over how an applicant who is adopted, fostered, or elderly would be able to answer the form's questions on birth circumstances. The Department attempted to revise and specify these questions as best it could, but the form must ask a wide range of questions related to the circumstances and facts surrounding an applicant's birth in order to accommodate the various situations in which Americans are born, whether hospital, home birth, non-institutional birth, etc. Many of these questions may not apply to the majority of applicants; however, in those instances where the questions are relevant, the supplemental form gives the applicant an opportunity to provide additional information that may then support passport issuance.

The Department of State posted a second 60-day notice for public comment that was published in the *Federal Register* on November 1, 2011, page (page 67529) and closed December 31, 2011. During this second posting, the Department received 21 comments. Comments received described the form as burdensome and overly detailed. Comments also expressed concern regarding difficulties obtaining their parent(s) employment information, residences of their parent(s) one year before and one year after their birth, and their mother's medical information while pregnant. Also, comments mentioned that listing all residences, employment, and schools, day care centers, or developmental programs inside and outside of the United States from birth to age 18 would be difficult for applicants to remember. Again, the Department has revised the DS-5513 to assure applicants that fail to answer every question will not necessarily preclude passport issuance, as the responses to the questions in the form are considered in its entirety. The Department also realizes that most information an applicant supplies for this questionnaire surrounding his/her birth will likely come from other sources and takes this into account during the adjudication process. However, it is imperative that the Department be able to accurately place where the applicant was at the time of his/her birth in order to make a determination of the applicant's entitlement to a U.S. passport.

Following the 30-day notice, the Department received one comment from an individual who described the DS-5513 as excessively intrusive. 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 may appear intrusive, the answers are needed to enable the Department to take into account each individual's unique situation and consider that information for proper examination of entitlement.

The DS-5513 form 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 that the applicant is eligible to receive 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 practice and is now seeking to standardize the process of obtaining supplemental information from applicants consistent with OMB regulations.

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-5513 does ask questions of a sensitive nature regarding claims of citizenship to establish that the preponderance of the evidence supports that the applicant was born in the United States (e.g., by establishing that the mother was in the United States at the time of birth).
12. The estimated burden of eighty-five minutes required per response is based on a sampling of time required to complete this form. Originally, the burden time of 45 minutes per response was estimated through consultations with a small group of five actual respondents within the Department. However, one public comment was received where the respondent reported that it took 10 hours to fill out and review the form, locate the information the form required and acquire other documentation that needed to accompany the form. The Department believes this is an uncharacteristic amount of time reported in this one instance, because the surveyed group all reported a burden time in the range of 45 minutes. However, to address the public comment, we increased the burden time to 85 minutes to reflect that the burden may vary by applicant. As the DS-5513 is a newly proposed form, this is currently our best estimate of time until the form is placed into production.

The number of respondents is estimated at 1145 per year for the next three years. Therefore, the total annual burden hours are estimated to be 1,622 based on the following calculation:

1145 (applicants) x 85 (minutes per response) / 60 minutes = 1,622 hours

The DS-5513 is a new collection based on the previous internal Information Request Letter (IRL) titled, "Non-Institutional Birth with Questionnaire". To estimate the number of respondents per year, 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, 900 letters were filed along with the DS-11. This represents 0.000081818% 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 1145 by multiplying 0.000081818 by 14,000,000. We note, however, that the usage of the DS-5513 is expected to gradually decrease over time due to the increasing trend of U.S. born passport applicants being born in hospitals (with documented birth certificates) as opposed to home births (without documentary evidence).

To estimate the cost to respondents for this form based on the hourly wage and weighted wage multiplier, the Department calculated the following:

\$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 1.25 hours (85 minutes) x 1145 (number of respondents) = \$45,284.75

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-5513 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-5513 is: 50 x 9000 = 450,000 (forms) x \$28.00 per thousand = \$12,600 estimated total.

15. The DS-5513 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.