

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
Birth Affidavit
OMB Number # 1405-0132 (Form DS-10)**

A. JUSTIFICATION

1. The Birth Affidavit is submitted in conjunction with an application for a U.S. passport and is used by Passport Services to collect information for the purpose of establishing the U.S. nationality of a passport applicant who has not submitted an acceptable United States birth certificate with his/her passport application.

The Secretary of State is authorized to issue U.S. passports under 22 U.S.C. § 211a et seq, 8 U.S.C. § 1104, and Executive Order 11295 (August 5, 1966). Pursuant to 22 U.S.C. § 212 and 22 C.F.R. § 51.2, only U.S. nationals may be issued a U.S. passport.

Most passport applicants show U.S. nationality by providing a birth certificate showing the applicant was born in the United States. Some applicants, however, may have been born in the United States, but were never issued a birth certificate. Form DS-10 is a form affidavit for completion by a witness to the birth of such an applicant. If credible, the affidavit may permit the applicant to show U.S. nationality based on the applicant's birth in the United States. Form DS-10 collects information relevant to establishing the identity of the affiant, and the birth circumstances of the passport applicant. We use this information to determine whether the applicant was, in fact, born in the United States despite never having been issued a U.S. birth certificate. We use the information collected on the person completing the affidavit to confirm that individual's identity, which is relevant to confirming his or her relationship to the applicant and the likelihood that the affiant has actual knowledge of the circumstances of the applicant's birth.

2. The information collected on the DS-10 is used to facilitate the issuance of passports to U.S. citizens and non-citizen nationals. The primary purpose for soliciting the information is to establish the birth in the United States of a passport applicant who has not submitted an acceptable United States birth certificate with his or her passport application.

The DS-10 is retained in the files of the U.S. Department of State as a record attesting to the adjudication of citizenship of passport applicants, and the subsequent issuance of their passports. These records are consulted when a U.S. passport has been lost and the bearer has no evidence of citizenship available or in support of derivative claim to citizenship made by an applicant's children. Consular personnel, in the event of an emergency abroad involving U.S. nationals, may also consult the records. Information from the DS-

10 may also be shared with other Federal agencies when personnel from those agencies may lawfully be given access to such information.

The DS-10 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 Act and/or the Freedom of Information Act.

In addition to this primary use of the data, the DS-10 may also be used as evidence in the prosecution of any individual who makes a false statement on the passport application. Such false statements may entail violations of 18 U.S.C. Sections 1001, 1542, and/or 1621.

3. The DS-10 is currently available online at <http://www.travel.state.gov>; however, the DS-10 cannot be submitted electronically. Under established regulations, a complete end-to-end electronic submission for this form is currently not an option. Pursuant to 21 C.F.R. § 51.42(b), a statement of birth facts should be made in an affidavit. Therefore, the DS-10 requires notarization from a passport agent, acceptance agent, or a notary public. Moreover, we will need the original affidavit of birth facts to ensure there is no fraud involved, and to confirm the identity of the applicant. In an effort to facilitate customers' completion of the form, it is posted on the Department's website. The Department will continue to investigate, test, and deploy more complete electronic options, while continuing to meet legislative requirements.
4. Aside from necessary basic self-identification data, the information requested does not duplicate information otherwise available. The DS-10 is the sole U.S. Department of State form used by passport applicants who need to establish their birth in the United States when a certified birth certificate does not exist.
5. This collection of information does not significantly impact small businesses or other small entities.
6. The information collected on the DS-10 is crucial to establishing the U.S. nationality of the passport applicant and resolving suspected fraud cases. Without it, time consuming and expensive field investigations would likely be required.
7. No special circumstances exist.
8. The 60-day Federal Register Notice soliciting public comment was published on March 11, 2014 (79 FR 13729) and closed May 12, 2014. The Department of State received one comment on the 60-day notice in the *Federal Register*.

A public comment was received on the proposed DS-10, "Birth Affidavit" form (OMB Control No. 1405-0132). The commenter expressed concern that the use of form DS-10 would result in people receiving U.S. passports despite not being able to prove U.S. nationality. In response, the Department replied with the following:

Form DS-10 does not change the requirement that U.S. passport applicants establish U.S. nationality and their identity before the applicant is issued a U.S. passport. Form DS-10 is used by a small number of U.S. passport applicants who are U.S. nationals by virtue of their birth in the U.S., but who were never issued a birth certificate. Applicants who use this form still need to prove their U.S. nationality as required by federal regulations.

9. This information collection does not provide any payment or gift to respondents.
10. This form includes a Privacy Act statement explaining the routine uses of the information collected under the Act. There are no promises of confidentiality to the respondents other than those contained in federal statutes and regulations.

This form includes a Privacy Act statement explaining the routine uses of the information collected under the Act and referencing the Passport Systems of Records Notices (SORN) under the following:

State 26 <http://www.state.gov/documents/organization/102790.pdf>, and

State 05: <http://www.state.gov/documents/organization/102787.pdf>

11. The DS-10 does not ask questions of a sensitive nature. The DS-10 collection of information asks the respondent to provide a Social Security number in order to help confirm the respondent's identity. Confirming the respondent's identity is critical in determining whether or not to credit the affidavit.
12. Passport Services estimates that the average time required for this information collection is 40 minutes per response. Therefore, the estimated total annual burden for the collection is:

21,585 (number of respondents) x 40 minutes / 60 = 14,390 hours per year.

The estimated number of minutes per response is based on a sampling of the time required to search existing data sources, gather the necessary information, provide the information required, travel to a notary public and have the form notarized, make photocopies of the front and back side of the affiant's identification, review the final collection, and submit the collection to Passport Services for processing.

Passport Services conducted a sampling of the time required to complete the affiant's portion of the form through consultation with a small group of Consular Affairs employees to validate the time. In addition, Passport Services has increased the estimated number of minutes per response from the previous 15 minutes to 40 minutes to allow for travel time for the following:

- Documentation – Requires travel to a local county/city registrar's office and acquire documentation that no birth records exist;

- Proof of Identity - Percentage of applicants that will travel to their local Fed Ex Office to make photocopies of their identification document; and
- Signature of Passport Agent, Acceptance Agent, or Notary Public – Requires travel to a notary public, passport agent, or acceptance agent.

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) x 1.4 (weighted wage multiplier) = **\$31.64** weighted wage

14,390 (annual hours) x \$31.64 (weighted wage) = **\$455,299.60** (hour burden cost)

13. To properly complete and submit a DS-10 birth affidavit, an applicant must provide the following as specified in the “Purpose” section on page 1:

- Documentation - Acquire from the appropriate authorities documentation that no birth record exists;
- Proof of Identity - Submit a clear photocopy of the front and back side of his or her original identification. (The estimated cost of a black and white copy is based on a quote from FedEx Office.) While not a new requirement, as it is already stated in the “PURPOSE” section at the top of the form, the proof of identity statement has been repeated in the notary section at the bottom of the form following the word “NOTE:” in order to emphasize this requirement. It is estimated that 50% of the applicants (affiant) will have access to a photocopy machine at no cost, while the other 50% will require travel to a local Fed Ex Office to make the photocopies of their identification document; and
- Signature of Passport Agent, Acceptance Agent, or Notary Public – The signature of the passport agent or acceptance agent is done upon submission of the DS-10 form at a passport agency or acceptance facility. If the respondent (affiant) visits a notary public to substantiate the identifying document, they may be required to pay a notarization fee. The national average cost to have a document notarized is \$5.00. Since some respondents are expected to have access to cost-free notary services, we have assumed that 25% of respondents will incur a notarization fee.

There is no application fee associated with this collection. Form DS-10 is submitted in conjunction with form DS-11, Application for a U.S. Passport. When combining the estimated cost burdens associated with Form DS-10, the total annual cost burden for the percentage of applicants outlined in the table below (0.50 and 0.25 probability of incurring a fee) is **\$256,574**. The change in respondent costs is due to the following costs that were not included in the previous DS-10 collection:

Documentation of No Birth Record (21,585 total respondents)	x	10.00	=	\$215,850
Identity Proof - Black & White Copy (10,793 = 0.50 of total respondents/year)	x	\$ 0.44	=	\$ 4,749

(2 @ \$0.22 each)				
Notary (1) (5,396 = 0.25 of total respondents/year)	x	\$ 5.00	=	\$ 26,980
Total Cost to Respondents				\$247,580

14. The Department pays a contractor for materials and/or supplies purchase functions to produce the DS-10. The estimate provided to the Department by the contractor includes cost for contractor labor, supplies, equipment, printing, materials, delivery, overhead, support staff, etc. Using the estimated projection of 21,585 respondents per year for FYs 2015 – 2017 at a cost of \$15.00 per thousand, the contractor cost to the Federal Government is **\$324**.

Also, the Department is providing the passport specialist time and salary cost, which was derived using 2011 Time and Motion (T&M) Study numbers that measured processes conducted by passport specialists. This includes time spent to adjudicate specific forms. These average times were then used to calculate a weighted average of the number of respondents (application receipts) for each form, to account for differing amounts of time required to adjudicate a particular form. For forms that were not measured during the T&M study, no adjudication time multiplier was applied to the estimated number of respondents. The weighted averages were then converted into percentages and multiplied by the total estimated salary and total number of hours spent on adjudication tasks for passport specialists to arrive at the cost and time required to process each form. The total estimated salary is based on the existing ratio of grade levels at each passport agency and locality pay; the total number of hours is adjusted to reflect time spent only on adjudicative tasks.

Therefore, the DS-10 passport specialist adjudication cost is calculated as follows:

$$1.0 \text{ (adjudication time multiplier)} \times 21,585 \text{ (respondents)} / 21,765,378 \text{ (total weighted avg. of respondents, all PPT forms)} \times \$82,165,237 \text{ (total passport specialist salary)} = \mathbf{\$81,484}$$

Or using numbers only,

$$[(1.0 \times 21,585) / (21,765,378)] \times (\$82,165,237) = \mathbf{\$81,484}$$

With regard to the material costs (use of office supplies, printing, overhead, etc.) incurred by the passport specialist when adjudicating the DS-11, the Department has determined these costs to be negligible.

Therefore, the total cost to the Government is:

$$324 \text{ (contractor)} + 81,484 \text{ (passport specialist adjudication)} = \mathbf{\$81,808}$$

15. Previously the projected hour burden for the 2011 – 2014 renewal period was estimated as 154,850, however, this forecast was found to be incorrect. Instead, it appears that this estimated number should have been reported as 15,485. The Department discovered this oversight when comparing the historical form usage (actual receipts) to the Fiscal Year 2013 – Fiscal Year 2017 projections as shown in the tables below.

Projections are based on information request letters sent to applicants who need to use the DS-10. This method provides higher numbers than actual forms used since every applicant may not respond to the information request. The yearly projected numbers of respondents are based on demand forecast numbers from statistical models and historical trends of form usage. The primary driver for form usage is the demand forecast for each fiscal year. The next two fiscal years' forecasts are updated on an annual basis so that each forecast uses the most recent, relevant data to project future demand. Given the limits of statistical model forecasting, the demand projections beyond two fiscal years are considered guidance and are not supported by full statistical modeling. Given that projected passport application (DS-11) demand is the primary driver for form usage, the demand estimate used at the time of the previous submission (2011/2012) impact the difference between actual and proposed number of respondents. As shown in the Projections table below, the DS-10 use is expected to increase steadily in correlation with the DS-11 application estimate through FY 2017.

	Historical Form Usage		
Fiscal Year	2010	2011	2012
Total Passport Application (DS-11) Receipts	14,005,102	12,028,710	12,478,407
DS-10	19,296	16,573	17,193

	Projections				
Fiscal Year	FY13	FY14	FY15	FY16	FY17
Passport Applications (DS-11)	14,000,000	14,000,000	14,500,000	15,500,000	17,000,000
DS-10	19,289	19,289	19,978	21,356	23,422

The program changes associated with the submission of this collection now includes asking the affiant to list the names of the applicant's birth parents if known to them, asking for the affiant's date of birth, and allowing sufficient travel time for the percentage of applicants traveling to the notary, passport facility, and/or a local FedEx office to acquire proper documentation, and make copies of their identification as outlined in detail in item 13 above, which has increased the burden time by 25 minutes for a total of 40 minutes, and increased the cost burden to \$247,580.00.

Also, while not a new requirement, the following statement (that currently appears in the “Purpose” section) has been added to the notary section of the form: “Note: A clear photocopy of the front and back of the identification you presented to the notary is required with this form.” This statement was added to assist in establishing and verifying the identity of the affiant, which is a critical element that bears on the witness’s credibility.

In addition to general format changes, the following content changes have been made to the form:

- Page 1 Form – In the oath section, the statement “I, the undersigned, do solemnly swear (*or Affirm*) that the above information given by me is true and correct to the best of my knowledge and belief.” has been revised to read “I declare under penalty of perjury that the above information given by me is true and correct to the best of my knowledge.”
- Page 1 Form – In question 8, a new sentence “List the names of the applicant’s birth parents if you know them” has been added after “State how you obtained this knowledge.”
- Page 1 Form – A new block field to add the Affiant’s “Date of Birth” has been added.
- Page 1 Form – A new statement “NOTE: A clear photocopy of the front and back of the identification you presented to the notary is required with this form.” has been added underneath the “Identifying Document Submitted” section.
- Page 2 Instructions – The “Additional Comments” section at the top of the page has been deleted.

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 use of complex analytical techniques.

17. 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.