

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**

**Birth Affidavit
OMB Number 1405-0132**

Form DS-10

A. JUSTIFICATION

1. Why is this collection necessary and what are the legal statutes that allow this?

The Birth Affidavit (form DS-10) is submitted in conjunction with an Application for a U.S. Passport (form DS-11). Passport Services uses form DS-10 to collect information about passport applicants who may have been born in the United States, and subject to the jurisdiction thereof (and therefore acquired U.S. citizenship at birth under the Fourteenth Amendment to the U.S. Constitution) but who have not submitted an acceptable U.S. birth certificate with their passport application. An acceptable U.S. birth certificate generally has been filed within one year of the date of birth and includes the full name of the applicant, date and place of birth, the full names of the parents, and is signed by the official custodian of birth records. 22 C.F.R. § 51.42(a).

The Secretary of State is authorized to issue U.S. passports pursuant to 22 U.S.C. § 211a 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. Therefore, the Department must determine the nationality of applicants for a U.S. passport.

Most passport applicants who acquired U.S. nationality under the Fourteenth Amendment provide a birth certificate showing birth in the United States or its outlying possessions (currently American Samoa and Swain's Island). Some applicants, however, may have been born in the United States or outlying possession, but were never issued a birth certificate or have a birth certificate that was filed more than one year after the applicant's birth. Form DS-10 is a form affidavit to be completed by a person or persons having personal knowledge of the facts of the birth of such an applicant. If credible, the affidavit may suffice as proof of birth in the United States or an outlying possession. In addition to collecting information about the birth, form DS-10 collects information about the identity of the affiant, which is relevant to confirming the affiant's relationship to the applicant and in assessing the likelihood that the affiant has personal knowledge of the facts of the applicant's birth. - The Department uses this information collection to determine whether the applicant was, in fact, born in the United States despite having a birth certificate that was filed more than a year after the applicant's birth or not having a U.S. birth certificate at all.

2. What business purpose is the information gathered going to be used for?

Form DS-10 is used by the Department to assist in determining whether passport applicants who have not submitted an acceptable U.S. birth certificate with their passport application were born in the United States or its outlying possessions.

Form DS-10 is retained in the files of the U.S. Department of State as a record relating to the U.S. citizenship status of passport applicants, and the subsequent issuance or denial of their passports. These records are consulted when a U.S. passport is lost or in support of a derivative claim to citizenship made by an applicant's children, and the bearer or applicant has no evidence of citizenship available. Consular personnel, in the event of an emergency abroad involving U.S. nationals, may also consult the records. Information from form DS-10 may also be shared with other federal agencies on a need-to-know basis when personnel from those agencies are lawfully given access to such information.

Form 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 and Freedom of Information Acts.

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

3. *Is this collection able to be completed electronically (e.g. through a website or application)?*

Form DS-10 is currently available online as a printable PDF at travel.state.gov. However, form 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 22 C.F.R. § 51.42(b), a statement of birth facts should be made in an affidavit. Therefore, form DS-10 requires signature before a passport agent, passport acceptance agent, or a notary public. Moreover, the Department will need the original affidavit of birth facts to ensure there is no fraud involved, and to confirm the identity of the affiant.

4. *Does this collection duplicate any other collection of information?*

Aside from necessary basic self-identification data, the information requested does not duplicate information otherwise available. Form 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 their U.S. birth certificate was filed more than a year after their or does not exist.

5. *Describe any impacts on small business.*

Form DS-10 does not significantly impact small businesses or other small entities.

6. *What are consequences if this collection is not done?*

The information collected on form 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. *Are there any special collection circumstances?*

No such special circumstances exist.

8. *Document publication (or intent to publish) a request for public comments in the Federal Register*

On February 14, 2020, the Department of State published a 60-day notice in the *Federal Register* (85 FR 8617) to solicit public comments. No comments were received on regulations.gov or through email at PPTFormsOfficer@state.gov.

9. *Are payments or gifts given to the respondents?*

This information collection does not provide any payment or gift to respondents.

10. *Describe assurances of privacy/confidentiality.*

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.

11. *Are any questions of a sensitive nature asked?*

Form DS-10 asks questions of a sensitive nature. Form DS-10 asks the affiant to provide a Social Security number to help confirm the affiant's identity. Confirming the affiant's identity is critical in determining whether to credit the affidavit.

12. *Describe the hour time burden and the hour cost burden on the respondent needed to complete this collection.*

The projected *average* number of respondents for form DS-11 from FY 2020-2022 is 10,366,667. Through a Department-led time and motion study, it was determined that 0.05 percent of forms DS-11 had a form DS-10 attached to it. Therefore, the projected number of annual respondents to form DS-10 is **5,183**.

10,500,000 (projected amount of forms DS-11 in FY 2020) + 10,400,000 (projected amount of forms DS-11 in FY 2021) + 10,200,000 (projected amount of forms DS-11 in FY 2022) = 31,100,000 / 3 (years) = **10,366,667** (projected *average* number of form DS-11 respondents from FY 2020-FY 2022)

10,366,667 x 0.0005 (projected percentage of forms DS-10 submitted with form DS-11) = **5,183 annual respondents**

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:

5,183 (annual respondents) x 40 (minutes) / 60 = **3,455 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 passport agent, passport acceptance agent, or 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.

The estimated cost to respondents is based on the civilian hourly wage from the Bureau of Labor Statistics website multiplied by the annual time burden (3,455 hours). The wage is estimated to \$25.43. The Department used the Employer Costs for Employee Compensation released by the Bureau of Labor Statistics in 2019.ⁱ

3,455 (annual hours) x \$25.43 (average wage) = **\$87,860.65** (hour burden cost)

13. *Describe the monetary burden to respondents (out of pocket costs) needed to complete this collection.*

There is no application fee associated with this collection. Form DS-10, Birth Affidavit is submitted in conjunction with form DS-11, Application for a U.S. Passport. Form DS-10 must either be notarized or signed by a passport agent at a passport facility or by a passport acceptance agent at an acceptance facility (U.S. post offices, clerks of court, public libraries, and other state, county, township, and municipal government offices).

Respondents who execute form DS-10 in front of a passport agent or passport acceptance agent do not incur a fee. Respondents who execute form DS-10 in front of a notary public may be required to pay a notarization fee, and the national average cost to have a document notarized is \$5.40.ⁱⁱ The Department of State does not track where forms DS-10 are executed, so it is not possible to calculate the percentage of respondents who incur a notarization fee.

In addition to a notarization fee, respondents must submit a clear photocopy of the front and back side of the affiant's valid photo identification. The estimated cost of a black and white copy (\$0.17/page) is based on a quote from a FedEx Officeⁱⁱⁱ.

Therefore, we estimate the total cost burden to respondents is **\$29,750.42:**

Document	Total respondents/year		Cost		Total
Proof of Identity Black & White Photocopy	5,183	x	\$ 0.34 (2 @ \$0.17 each)	=	\$ 1,762.22
Notarial service	5,183	x	\$ 5.40	=	\$ 27,988.20
Total Cost to Respondents					\$29,750.42

14. Describe the cost incurred by the federal government to complete this collection.

Adjudication cost:

To calculate the cost to the federal government, we consider the hourly wage for an FY 2020 domestic Civil Service GS-11 step 10 (the highest level of a passport adjudicator), which is \$34.39^{iv} and a weighted wage rate multiplier:

$$\$34.39 \times 2 = \$68.78$$

As suggested by the Office of Management and Budget, we use two as the weighted wage rate multiplier since Department of State employees have access to a lot of resources.

Passport Services estimates that reviewing form DS-10 requires 40 seconds of a passport adjudicator's time, or 0.67 minutes. Dividing \$68.78/hr. by 60 minutes yields a processing time cost of \$1.15 per minute, multiplied by 0.67 yields \$0.77 per minute of adjudicator's time. Multiplying the projected number of respondents (5,183) by \$0.77 yields **\$3,990.91**.

Printing Cost:

Passport Services also considers the cost to print the forms. Form DS-10 will be produced by a contractor with cost-plus-fixed-fee line items for 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 current cost is \$28.97 per 1000 forms^v. Based on the projected number of 5,183 respondents per year for the next three years, at a cost of \$28.97 per thousand, the contractor printing cost to the federal government is **\$150.15**.

Federal Register Notice:

The estimated amount to publish one Federal Register Notice (FRN) is \$795. A 60-day FRN and 30-day FRN is published for each form with a total cost to the federal government of **\$1,590**.

Cost to Federal Government

Time and expense to adjudicate form	5,183 x \$0.77 =	\$ 3,990.91
Cost to print the form	28.97 x 5.183 =	\$ 150.15
Cost to publish two Federal Register Notices (FRN)	2 x \$795 =	\$1,590.00
Total cost to federal government		\$ 5,731.06

15. *Explain any changes/adjustments to this collection since the previous submission*

The previous submission calculated the number of respondents based on information request letters sent to applicants who require use of form DS-10. This is not the best source of data given that there is no way to confirm that the information request letter asking the respondent to submit form DS-10 resulted in compliance.

Projections in this submission are based on information collected during a time and motion study recording the percentage of forms DS-11, Application for a U.S. Passport submitted with form DS-10, Birth Affidavit. The yearly projected numbers of respondents for form DS-11 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 date to project future demand. Given that projected passport application (form DS-11) demand is the primary driver for form usage, as shown below in the table, form DS-10 is expected to increase or decrease in correlation with form DS-11 estimates through FY 2022.

Projections			
Fiscal Year	FY20	FY21	FY22
Passport Applications (Form DS-11)	10,500,000	10,400,000	10,200,000
Birth Affidavits (Form DS-10) (0.05 percent of forms DS-11)	5,250	5,200	5,100

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

Page one:

- Put the instructions as page one and the information as page two to be consistent with formatting on other passport forms.
- Deleted “Attention: Read WARNING INSTRUCTIONS on page 2” to be consistent with changes made to other passport forms.
- Added “Use black ink only. If you make an error, complete a new form. Do not correct.” under the title to be consistent with changes made to other passport forms.

- Moved “PURPOSE” from the top of the information collection page to the instruction page to be consistent with the formatting on other passport forms.
- Entirely reworded the “PURPOSE” section and divided the information into three sections: Use of This Form, Affiant, and Passport Applicant.
- Changed “Applicant” to “Passport Applicant” in fields one through five.
- Added “country” to “state” in field five.
- Added “postal code” to “zip code” in field five.
- Reworded field six for clarity.
- Reworded field seven for clarity and listed examples of acceptable relationships between affiant and passport applicant.
- Reworded field eight for clarity.
- Reworded the warning “STOP! YOU MUST SIGN THIS FORM...” and changed the background color to dark blue to make it stand out and match the formatting on some of our other passport forms.
- Defined “affiant” next to ‘Printed Name of Affiant’ below the oath.
- Moved the issue date and expiration date in the “Identifying Document Presented” section to improve formatting.
- Completely reworded the “notary statement” to match the statement on form DS-3053 (which also needs to be notarized).
- Added the word “Passport” to “Acceptance Agent.”

Page Two:

- Added “Use of This Form,” “Affiant,” and “Passport Applicant” sections to the top.
- Reworded “Warning” to be consistent with wording in other passport forms.
- Reworded sections in “Privacy Act Statement” to be consistent with other passport forms and improve plain language.
- Updated the address in the Paperwork Reduction Act Statement.

16. Specify if the data gathered by this collection will be published.

Quantitative summaries of Department of State passport activities are published periodically on the Department of State website at travel.state.gov. Such summaries do not involve use of complex analytical techniques.

17. *If applicable, explain the reason(s) for seeking approval to not display the OMB expiration date.*

Expiration date for OMB approval will be displayed.

18. *Explain any exceptions to the OMB certification statement below.*

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.

ⁱ Source: Bureau of Labor Statistics, “Employer Costs for Employee Compensation – September 2019,” <https://www.bls.gov/news.release/ecec.toc.htm>.

ⁱⁱ Source: National Notary Association, “Notary Fees By State,” <https://www.nationalnotary.org/knowledge-center/about-notaries/notary-fees-by-state>

ⁱⁱⁱ Source: FedEx Office, <https://www.fedex.com/en-us/office.html>

^{iv} Source: Office of Personnel Management, “Pay & Leave,” <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2020/general-schedule/>

^v Source: Passport forms printing contractor Occam Solutions