

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
OMB #1405-0133
Affidavit Regarding a Change of Name, DS-60**

A. JUSTIFICATION

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

The Affidavit Regarding a Change of Name (form DS-60) is submitted in conjunction with an Application for a U.S. Passport (form DS-11). The Department of State uses form DS-60 to collect information for the purpose of establishing that an applicant for a U.S. passport has adopted a new name without formal court proceedings or a marriage and has publicly and exclusively used the adopted name over a long period of time (at least five years). The affidavit must be executed by an affiant who has personal knowledge of the facts of the applicant's use of both his/her former name and his/her current name in question.

Form DS-60 solicits information that the Department uses when determining whether to issue a U.S. passport. Pursuant to Title 22 United States Code (U.S.C.) Section 211a *et seq.* and Executive Order (E.O.) 11295 (August 5, 1966), the Secretary of State has authority to issue U.S. passports to U.S. citizens and non-citizen nationals and to designate and prescribe rules governing the granting, issuing, and verifying of U.S. passports.

The issuance of a U.S. passport requires the determination of identity and citizenship and/or nationality pursuant to the provisions of Title III of the Immigration and Nationality Act (INA) (8 U.S.C. Sections 1401-1504), the 14th Amendment to the Constitution of the United States, and other applicable laws. The implementing regulations are at Parts 50 and 51 of Title 22 of the U.S. Code of Federal Regulations (C.F.R.). Under 22 C.F.R. Section 51.1, a U.S. passport attests to the identity of the bearer. Under 22 C.F.R. Section 51.25, the Department may issue a U.S. passport to an applicant in a name that the applicant has adopted through means other than marriage, operation of state law, or a court order or decree. While not sufficient by itself to permit the issuance of a U.S. passport in identity acquired through customary usage, form DS-60 solicits information that may be helpful to the Department in determining whether to issue a U.S. passport in the name an applicant has requested.

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

The information collected on form DS-60 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 that a passport applicant has adopted a new name without formal court proceedings or through marriage and has publicly and exclusively used an adopted name over a long period of time (at least five years).

Form DS-60 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. Information from form DS-60 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 (Public Notice 6290 of July 15, 2008), or the Department's Systems of Records Notices State-26, Passport Records, and State-05, Overseas Citizens Services Records and Other Overseas Records.

Form DS-60 becomes part of the applicant's passport file, which is covered by the Privacy Act. The information contained in this form cannot be released except as provided by the Privacy and Freedom of Information Acts and Department of State implementing regulations at 22 C.F.R. Part 171; those regulations designate the Passport Records (State-26) as exempt from certain requirements of the Privacy Act. See 22 C.F.R. Section 171.36.

In addition to this primary use of the data, form DS-60 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-60 is currently available online as a printable PDF at travel.state.gov. However, form DS-60 cannot be submitted electronically. Under established regulations, a complete end-to-end electronic submission for this form is currently not an option. Form DS-60 requires signature before a passport agent, passport acceptance agent, or a notary public. Moreover, the Department needs the original affidavit, which must include birth facts to ensure there is no fraud involved, and to confirm the identity of the affiant. The Department will also continue to investigate, test, and deploy more complete electronic options, while continuing to meet legislated requirements.

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-60 is the sole Department of State form used by passport applicants who need to establish a change in their legal name that was not obtained through court order or marriage.

5. *Describe any impacts on small business.*

The collection of information does not involve small businesses or other small entities.

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

The information collected on form DS-60 is crucial to establishing the identity and legal name of the passport applicant.

7. *Are there any special collection circumstances?*

No special circumstances exist.

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

On April 2, 2020, the Department of State published a 60-day notice in the *Federal Register* (Federal Register Number: 2020-06900) to solicit public comments. One comment was received through email at PPTFormsOfficer@state.gov suggesting that the Department should only accept name changes if they are supported by a marriage certificate or court order. After reviewing the comment, the Department determined that form DS-60 is essential when establishing that a passport applicant has adopted a new name without formal court proceedings or through marriage and has publicly and exclusively used an adopted name over a long period of time (at least five years).

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 assurances of confidentiality to the respondents other than those contained in federal statutes and regulations.

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

Form DS-60 does ask questions of a sensitive nature. The collection of information for form DS-60 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 form DS-11 respondents from FY 2020-2022 is 10,366,667. Through a Department-led time and motion study, it was determined that 0.025 percent of forms DS-11 had a form DS-60 attached to it. Therefore, the projected number of respondents to form DS-60 over the next three years is 2,592.

$10,366,667$ (form DS-11 respondents) \times 0.00025 = **2,592 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:

$2,592$ (number of respondents) \times 40 (minutes) \div 60 = **1,728 hours per year.**

The estimated number of minutes required per response is based on a sampling of the time required to search existing data sources, gather the necessary information, provide the information required, notarize the form, make photocopies of the front and back side of the applicant’s identification document, review the final collection, and submit the collection to the Department 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 (1,728 hours). The wage is estimated to be \$25.43. The Department used the Employer Costs for Employee Compensation released by the Bureau of Labor Statistics in 2019.ⁱ

$$1,728 \text{ (annual hours)} \times \$25.43 \text{ (average wage)} = \mathbf{\$43,943.04 \text{ (hour burden cost)}}$$

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-60 is submitted in conjunction with form DS-11, Application for a U.S. Passport, if specifically requested by the Department.

Form DS-60 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-60 in front of a passport agent or passport acceptance agent do not incur a fee. Respondents who execute form DS-60 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-60 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 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 **\$14,878.08**:

Document	Total respondents/year		Cost		Total
Proof of Identity Black & White Photocopy	2,592	x	\$ 0.34 (2 @ \$0.17 each)	=	\$ 881.28
Notarial service	2,592	x	\$ 5.40	=	\$ 13,996.80

Total Cost to Respondents					\$14,878.08

14. Describe the cost incurred by the Federal Government to complete this collection.

We estimate the total cost to the Federal Government is **\$3,825.91:**

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-60 requires 43 seconds of a passport adjudicator’s time, or 0.72 minutes. Dividing \$68.78/hr. by 60 minutes yields a processing time cost of \$1.15 per minute, multiplied by 0.72 yields \$0.83 per minute of adjudicator’s time. Multiplying the projected number of respondents (2,592) by \$0.83 yields **\$2,151.36**.

Printing Cost:

We also consider the cost to print the forms. Form DS-60 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 \$32.62 per 1000 forms^v. Based on the projected number of 2,592 respondents per year for the next three years, at a cost of \$32.62 per thousand, the contractor printing cost to the Federal Government is **\$84.55**.

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	2,592 x \$0.83 =	\$ 2,151.36
Cost to print the form	32.62 x 2,592 =	\$ 84.55
Cost to publish two Federal Register Notices (FRN)	2 x \$795 =	\$1,590.00
Total Cost to Federal Government		\$ 3,825.91

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

The previous submission does not show how it calculated the number of respondents to form DS-60. Many of the previous submissions based their calculations on information request letters sent to applicants that require use of the form. 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-60 resulted in compliance. As described in question 12, this submission uses a Department-led time and motion study to determine the percentage of forms DS-11 that had a form DS-60 attached to it. This data collection is far more accurate.

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-60 is expected to increase or decrease in correlation with the DS-11 application estimate through FY 2022.

Projections			
Fiscal Year	FY20	FY21	FY22
Passport Applications (DS-11)	10,500,000	10,400,000	10,200,000
DS-60 (0.025 percent of forms DS-11)	2,625	2,600	2,550

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

- Put the instructions as page 1 and the information collection as page 2 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 1, 3, 4, and 5.
- Reworded field 2 for clarity.
- Reworded field 6 for clarity.
- Reworded field 7 for clarity and listed examples of acceptable relationships between affiant and passport applicant.
- Reworded field 8 for clarity.
- STOP! YOU MUST SIGN THIS FORM - Changed the background color to dark blue to make it stand out and match the formatting on other passport forms.
- “Note” above the oath – reworded for clarity.
- Oath for affiant – removed “...to the best of my knowledge and belief...” and changed “present name” to “current name” for consistency.
- 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, Statement of Consent: Issuance of a U.S. Passport to a Minor Under Age 16 (which also must 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.

- Removed “For Information and Questions” to create space for additional guidance for the affiant and passport applicant.
- 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