

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

Request for Entry into Children's Passport Issuance Alert Program OMB Number 1405-0169 DS-3077

A. JUSTIFICATION

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

The information requested will be used to support entry of a minor's (unmarried, unemancipated person under the age of 18) name and other identifying information into the Children's Passport Issuance Alert Program (CPIAP). Additional information and documentation provided by the requestor facilitates contact with the requestor and establishes the requestor's identity and custodial relationship to the minor. CPIAP provides a way for parents (other than parents whose parental rights have been terminated by court order) or other persons having legal custody of a minor to obtain information regarding whether the Department has received a passport application for a minor. This program was developed as a means to prevent international parental child abduction, as well as to prevent issuance of passports against the wishes of a custodial parent/legal guardian, or in violation of the terms of a valid court order. When the Department receives an application for a new, replacement, or renewed passport for a minor whose name has been entered in the CPIAP, the passport office will place a hold on the application for up to 90 days and inform the Department of State's Office of Children's Issues. The Office of Children's Issues may in turn notify the requestor that the Department has received the application, thus permitting the requestor an opportunity to object to passport issuance and/or to provide any necessary additional supporting documents to the Department for further consideration. The Department will decide whether or not it has documentation sufficient to proceed with passport issuance.

The Department of State's statutory authority to issue passports and to publicize regulations regarding their issuance is provided in 22 U.S.C. § 211a et seq., 22 U.S.C. § 2651a(a)(4) and Executive Order 11295 (August 5, 1966). Regulatory support for CPIAP can be found in 22 C.F.R. § 51.28, which implements the statutory two-parent consent requirement and prescribes the bases for an exception. In particular, 22 C.F.R. § 51.28(c)(1) provides that a person having legal custody of a minor, or another person claiming authority to object, may object to issuance of a passport to that minor any time prior to issuance, and that the Department may deny issuance upon receipt of a written objection to issuance and sufficient documentation of custodial rights or other authority to object. In addition, 22 C.F.R. § 51.28(a)(3) provides that a passport application for a minor under age 16 may be executed by one parent or legal guardian under specified circumstances including if the applying person provides a notarized written statement or affidavit consenting to the issuance of the passport from the non-applying parent or legal guardian or documentary evidence demonstrating that the applying parent or legal guardian has sole authority to apply for the minor's passport. Parents (other than parents whose parental rights have been terminated by court order) and legal guardians may be permitted access to the passport records of their

minor children pursuant to both 22 C.F.R. § 51.28(c)(5) and 22 C.F.R. § 171.22(e)(1) and (2).

Finally, the requirement in U.S. law at P.L. 106-113, Div. B, §1000(a)(7) [Div. A., Title II, §236], Nov. 29, 1999 (two-parent consent requirements for children under 14) and in passport regulations at 22 C.F.R. § 51.28, that, in most instances, both parents execute or consent to issuance of a passport application for a minor under age 16, provides additional justification for CPIAP by providing a method to ensure that passports are not issued to minors under 16 without the consent of both parents, unless an exception to the two-parent consent rule is established.

2. *What business purpose is the information gathered going to be used for?*
 The Office of Children’s Issues will retain completed DS-3077 forms in its files as a record attesting to a person’s request to enter the minor’s name and identifying data into CPIAP. The Office of Children’s Issues will incorporate data from the completed DS-3077 forms into the Consular Lookout and Support System (CLASS), an electronic database used worldwide for various purposes, including cross-checking passport application data before a passport is issued or reissued. The Office of Children’s Issues will first ascertain whether a passport has already been issued to the minor and, if so, will utilize information provided on Form DS-3077 to notify the requestor. Once the data is incorporated into the CLASS database, an electronic “hit” on this data during subsequent passport processing will trigger a hold on the application and notice to Passport Services and overseas posts processing applications. The Office of Children’s Issues may use the information provided on Form DS-3077, and maintained in the Office’s database, to notify the requestor that a passport application has been received or processed for a minor.

3. *Is this collection able to be completed electronically (e.g. through a website or application)?*
 Responders will be able to access and complete Form DS-3077 online at the Department of State’s website at <http://www.travel.state.gov/content/childabduction/en/preventing/passport-issuance-alert-program.html>. The responder will be required to print out the completed online DS-3077 form and manually sign in the designated location before submitting the form and supporting documents via fax, e-mail or mail to the Office of Children’s Issues.

4. *Does this collection duplicate any other collection of information?*
 The information in this form is not duplicative of information maintained elsewhere or otherwise available.

5. *Describe any impacts on small business.*
 This information collection will not have an impact on small businesses or other small entities.

6. *What are consequences if this collection is not done?*
 Information will be provided solely at the initiative of a requesting person. If a requestor does not use this standard form, he/she will be required to provide the necessary information

in another format, such as a letter to the Department or a report of an international parental child abduction, in order for a minor's name to be entered into CPIAP. Form DS-3077 asks only for the minimum information and identifiers needed to establish requestor's authority to be notified, to search and maintain Department passport records on the minor in the CLASS system, and to establish a useful record in CPIAP for use by the Office of Children's Issues. If this information were not collected, the Department would not have a means of contacting requestors to help prevent issuance of passports to minors against the wishes of a custodial parent/legal guardian (or other person or entity with legal custody), or in violation of the terms of a valid court order.

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*

The Department of State will publish a 30-day Federal Register notice for public comment. The 60-day notice was published in the Federal Register for public comment on December 17, 2020 (85 FR 82026). There were no comments submitted.

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

No payment or gifts to respondents will be made in connection with this information collection.

10. *Describe assurances of privacy/confidentiality*

The information provided on Form DS-3077 is covered under the Privacy Act. No unauthorized use or dissemination of this information will be permitted. The Department has not provided assurances of confidentiality to respondents.

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

The collection instrument asks for the child's social security number. The child's social security number is requested because that number is a unique identifier used to establish the identity of the passport holder.

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

Approximately 4,000 individuals each year are expected to complete and return the DS-3077 form. After testing the DS-3077, we found that the average length of time it will take respondents to complete the form, including the time it takes to gather the necessary information, is 30 minutes. The total estimated burden is 2,000 hours per year (4,000 responses x 30 minutes/60 minutes).

The annualized cost to all respondents for the hour burden for collections of information, is \$56,640. The custodial parent/legal guardian respondents to the form can come from any

occupation. The Department used the mean hourly wage rate from the ¹Bureau of Labor Statistics - Comparison of All Employee Average Hourly Earnings to determine the mean hourly wage rate. At the end of December 2019, the mean hourly wage rate was \$28.32. To get to \$56,640, we multiplied the mean hourly wage rate, which is \$28.32/hr., by 2,000 burden hours.

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

There is a cost burden associated with this application when the person applying cannot fax or email the form to the Children's Issues office and must send the application by express mail. The average cost to the applicants to mail the form by express mail is approximately \$50. The average rates were based on data for FedEx express mail shipments. FedEx express mail international shipment costs were taken into consideration for determining the average cost to the applicants to mail the form by express mail. Approximately 800 applicants send the form by express mail. Multiply 800 applicants by \$50 and the estimated total overall cost for express mail is \$40,000.

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

The projected annual cost to the federal government is as follows: for Calendar Year (CY) CY 2019 - 2020 is \$67,760 (4,000 x \$16.94 = \$67,760). The projected cost to the government is based on multiplying the projected number of respondents by the calculated cost based on time for a Civil Service Children's Issues Country Officer to process a respondent's completed form. A Civil Service Children's Issues Country Officer takes 15 minutes to process a respondent's completed form. The hourly wage rate of \$67.76/hr. was used for a Civil Service Children's Issues Country Officer to project the annual cost to the federal government.

The basis of determining the projected fiscal numbers above is calculated by using the recurring costs in the Bureau of Budget and Planning, internal to the Department of State, New Position Cost Model (NPCM). The NPCM cost rate includes fringe and overhead costs.

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

The estimated annual number of respondents to this information collection decreased from 6,000 to 4,000. The number of respondents varies from year to year depending on the number of citizens in need.

The total cost burden to the respondent decreased from \$60,000 to \$40,000. The cost decreased because the number of respondents to the information collection decreased.

¹ Source: Bureau of Labor Statistics, "Comparison of All Employee Average Hourly Earnings, Seasonally Adjusted, before and after the March 2019 Benchmark," <https://www.bls.gov/web/empsit/compaehes.txt>

The cost to the government numbers have decreased from \$135,358.66 to \$67,760 because the method for determining the cost to the government estimations has changed since the last renewal.

The modifications above are changes due to adjustment in the agency estimate.

The following changes were made to the form:

At the top of page one, the beginning paragraph has been changed to state the following: "REQUEST FORM An alert request may be filed with respect to a minor under the age of 18. This request can be filed by concerned parents of U.S. citizen children, their appointed agents, or other persons having legal custody of the child. Complete one form for each child, and submit the completed request along with proper documents to the Office of Children's Issues by e-mail, fax, or mail. By signing this form you are affirming that you have parental rights to this child."

On page 1, "Date of Birth (mm-dd-yy)" and "Place of Birth" fields were added after the "Your Full Name (Last, First, Middle) fields.

On page 1, the "Documentation of Identity Provided" fields were moved down to be below the "Your Relationship to Child Shown Above" field.

On page 1, the "Relationship to Child Shown Above" field now says "Your Relationship to Child Shown Above"

On page 1, after the "Relationship to Child Shown Above" field, the paragraph has been changed to say, "Documentation of Parentage, Guardianship, Legal Custody OR Authority to Act on Behalf of Parent or Legal Guardian, as applicable. Without this documentation, a child may not be enrolled in the Children's Passport Issuance Alert Program".

At the bottom of page 1, the paragraph after the "Postal Code" field has been changed to say: "NOTE: Since the Department may need to contact you, it is very important that you keep us informed in writing or by telephone of any changes to your contact information. Failure to notify this office of your correct address, e-mail, and phone number may result in passport issuance for your child without your knowledge."

At the bottom of page 1, the sentence after the first checkbox in #3 has been changed to say: "By signing below, I request that the U.S. Department of State notify me if it receives a U.S. passport application for the above-mentioned child, or if an application is currently pending, or if there is any U.S. passport still valid for the child's travel. I understand that under prescribed circumstances (see 22 CFR 51.28) the Department is nonetheless authorized to issue the passport." The second checkbox has been eliminated. .

At the bottom of page 1, after the "Date (mm-dd-yyyy)" field, the paragraph has been changed to say: "Please read the dual nationality for children information accompanying this form. It relates to a child who may have a foreign nationality in addition to U.S. nationality.

Please see additional information on preventing abductions at our website, childabduction.state.gov".

At the bottom of page 1, the last paragraph on the page, the wording has been changed to say: "Please submit via e-mail, fax, or mail the completed form along with copies of the original documents to the U.S. Department of State, Overseas Citizen Services, Office of Children's Issues; Attention: Children's Passport Issuance Alert Program; SA-17, 9th Floor, Washington, DC 20522-1707; Email: PreventAbduction1@state.gov; Telephone Number 1-888-407-4747, Fax Number 202-485-6222".

At the top of page 2, the paragraph under "Dual Nationality for Children" has been changed to say: "Many children, born in the United States or born abroad to a U.S. citizen parent, are citizens of both the United States and another country. A child may acquire the citizenship of a foreign country, for example, through the child's birth abroad, or through a parent. Many countries do not require the consent of all parents in order to acquire nationality and/or a passport. Therefore, even though U.S. law may prevent one parent from obtaining a U.S. passport for a child in the absence of two-parent consent, a parent may still be able to obtain a foreign passport for a dual national child from the embassy or government of the other country. Under U.S. law, a U.S. citizen child is required to enter and depart the United States on his or her U.S. passport. However, please be advised that U.S. citizen children may still be able to depart the United States undetected on foreign passports.

U.S. laws and regulations concerning the issuance of U.S. passports do not apply to foreign governments issuing passports to people (including children) considered citizens of that country, whether or not the foreign passport is issued in the United States and/or to a person the United States considers to be a U.S. citizen. If you think there is a possibility that your child may have another nationality, you are encouraged to contact the relevant country's embassy or consulate directly to inquire about the rules governing the issuance of that country's passport to your child, including the possible availability of mechanisms to prevent the issuance to your child of that country's passport without your consent. The address and telephone numbers for the embassies and consulates of foreign countries within the United States can be found on the Bureau of Consular Affairs web page at travel.state.gov".

16. *Specify if the data gathered by this collection will be published.*
The results of this collection will not be published.
17. *If applicable, explain the reason(s) for seeking approval to not display the OMB expiration date.*
Expiration date of OMB approval will be displayed.
18. *Explain any exceptions to the OMB certification statement below.*
No exception to the certification statement is sought.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.