

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION**

Application for a U.S. Passport

OMB #1405-0004 (DS-11)

A. JUSTIFICATION

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

The Application for a U.S. Passport (Form DS-11) is used by citizens and non-citizen nationals (hereinafter, collectively referred to as “nationals”) of the United States who are applying for a U.S. passport (a travel document attesting to one’s identity and U.S. nationality), and who must apply in person.

The DS-11 solicits data necessary for Passport Services to issue a U.S. passport (book and/or card format) in the exercise of authorities granted to the Secretary of State in 22 United States Code (U.S.C.) Section 211a *et seq.*, and Executive Order (E.O.) 11295 (August 5, 1966) for the issuance of passports to U.S. nationals.

The issuance of U.S. passports requires the determination of identity, nationality, and entitlement with reference 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, as well as the implementing regulations at 22 C.F.R. Parts 50 and 51. Authority to collect the respondent’s Social Security number is also in 26 USC 6039E and 22 U.S.C 2714a(f) (see also paragraph 11, below). The specific regulations pertaining to the Application for a U.S. Passport are at 22 C.F.R. 51.20 through 51.28.

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

The information collected on the DS-11 is used primarily to facilitate the issuance of passports to U.S. nationals. The primary purpose for soliciting the information is to establish nationality, identity, and entitlement to the issuance of a United States passport or related service, and to properly administer and enforce the laws pertaining to issuance thereof.

The DS-11 is retained in the files of the Department of State, along with other documentation related to passport applications, adjudication, and issuance. Among other uses within the Department of State, 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 the passport bearer’s children. The records may also be consulted by consular personnel in the event of an emergency abroad involving U.S. citizens; the application has a block for the name, address, and telephone number of

a person to notify in the event of an emergency. Information from the DS-11 may also be shared with certain parties outside of the Department of State, as permitted by the Privacy Act of 1974, as amended, including as set forth in the Department of State's Prefatory Statement of Routine Uses, the Department's System of Records Notice (SORN) for Passport Records (STATE-26), and the SORN for Overseas Citizens Services Records and Other Overseas Records (STATE-05) available in the Federal Register and online at <https://www.state.gov/system-of-records-notices-privacy-office/>.

The DS-11 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.

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

The DS-11 is currently available online at travel.state.gov. However, the DS-11 cannot be submitted electronically. As required by 22 U.S.C. 213 and 22 C.F.R. Part 51, all DS-11 applicants (including all applicants under the age of 16) must appear in person to execute their passport application. The form is on the Department's website where it can be filled out online and printed for manual signature and submission. With the completed application, a 2-D barcode is printed on each application. This barcode is scanned by Passport Services, and automatically records the applicant's information. This process saves both Passport Services and the applicant time and reduces errors.

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

Aside from necessary basic self-identification data, the information requested does not duplicate information available elsewhere. The DS-11 is used by first-time applicants, applicants under the age of 16, and other individuals not eligible to apply for a U.S. passport book and/or passport card using the "U.S. Passport Renewal Application for Eligible Individuals" (Form DS-82).

5. *Describe any impacts on small business.*

This collection of information does not significantly impact small businesses or other small entities.

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

The information collected on the DS-11 is crucial for documenting a U.S. citizen's request for a passport and for establishing the applicant's entitlement to a U.S. passport.

7. *Are there any special collection circumstances?*

The DS-11 is one of three (3) information collections currently under review that requires development and testing of multiple supporting systems used to complete, adjudicate, and process the application. The OMB-approved changes to the three (3) information collections will require simultaneous systems development and testing. Therefore, it will be necessary to receive OMB approval of the DS-11, DS-82, and DS-5504 together.

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

The Department published a 60-day notice in the Federal Register to solicit public comments on this collection. The public submitted 15 comments to regulations.gov. The Department determined that 13 comments required a response concerning the sex and gender definition, changing “sex” to “gender” on the form and passport, and rewording how we ask for other names and parents’ names on the form.

The Department coordinated with the Center for Disease Control (CDC) to conduct a two-part qualitative study with the intent to have a scientific backing to the overall, federal definition of “X”. CDC’s results focused on participants’ responses surrounding the three themes of inclusivity, privacy, and clarity. The study results concluded that “unspecified or another gender identity” is the most appropriate definition for “X” gender marker. “Unspecified” is also the International Civil Aviation Organization’s (ICAO) standard for third gender markers, aligning our efforts with that of the international community and further facilitating smooth travel for all U.S. citizens regardless of their gender identity. The Department updated the form to replace the term “sex” with “gender” and to be pronoun-inclusive of all genders. The U.S. passport conforms with the standards set by the ICAO, which among other things determines the various fields on the passport’s biographical data page. The Department acknowledges that the existing markers for male “M” or female “F” reflect an individual’s gender rather than their sex, but the label on the data field in the actual passport will not change unless the ICAO standards are amended.

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. More information on the routine uses for the information collected can be found in the Department of State’s Prefatory Statement of Routine Uses, the Department’s System of Records Notice (SORN) for Passport Records (STATE-26), and the SORN for Overseas Citizens Services Records and Other Overseas Records (STATE-05) available in the Federal Register and online at <https://www.state.gov/system-of-records-notices-privacy-office/>.

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

The DS-11 collects personally identifiable information from the applicant necessary to establish nationality, identity, and entitlement to the issuance of a U.S. Passport. The DS-11 requires that the applicant submit a photograph of the applicant, which conveys biometric data required to validate the applicant’s identity. The DS-11 requests the applicant’s Social Security number to help confirm the applicant’s identity. Failure to

provide a Social Security number may result in the denial of an application (consistent with 22 U.S.C 2714a(f)) and may subject the applicant to a penalty pursuant to 26 U.S.C. 6039E, which is enforced by the U.S. Department of the Treasury, Internal Revenue Service.

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

The estimated number of respondents for this collection was calculated by taking the average number of projected respondents for the next three years.

| | DS-11s |
|----------------|------------------|
| FY 2021 | 6,874,000 |
| FY 2022 | 9,077,000 |
| FY 2023 | 11,702,000 |
| Average | 9,217,667 |

Passport Services estimates that the average time required for this information collection is 85 minutes per response. Therefore, the estimated total hour time burden to the respondent to complete this collection is:

$$9,217,667 \text{ (number of respondents)} \times 85 \text{ (minutes)} / 60 = \mathbf{13,058,362 - \text{hour time burden}}$$

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, review the final collection, and submit the collection to Passport Services for processing. The sampling was completed through consultation with a group of Department of State employees to validate the time.

The estimated cost to respondents is based on \$27.07 (mean hourly earnings) based on estimated income per hour from the Bureau of Labor statistics¹ x 1.4 (weighted wage OMB multiplier) = \$37.89 (weighted hourly wage). Therefore, the estimated total hour cost burden to the respondent to complete this collection is:

$$\mathbf{\$37.89 \text{ (weighted hourly wage)} \times 13,058,362 \text{ (annual hours)} = \mathbf{\$494,781,336.18 \text{ hour cost burden}}}$$

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

To properly complete and submit a DS-11 passport application, a respondent must provide proof of U.S. citizenship/nationality, proof of identity, and one passport photo.

¹ Source: Bureau of Labor Statistics, "Employer Costs for Employee Compensation – May 2020," https://www.bls.gov/oes/current/oes_nat.htm#00-0000.

The estimated out of pocket cost associated with submitting the DS-11 includes the following:

- Print front and back copy of U.S. citizenship/nationality evidence (2 pages) and front and back copy of identification (2 pages) - Average copier print fee at \$0.14 per black and white copy based on a quote from Staples (\$0.13)² and Office Depot (\$0.14).³
- Order passport photo - Average photo fee at \$14.99 based on a quote from Walgreens (\$14.99)⁴, CVS (\$14.99)⁵, and the United States Postal Service (USPS) (\$15).⁶
- The Department estimates that the majority respondents submit their application to a local U.S. Post Office for processing, which is estimated to be an average distance of approximately three (3) miles one way and six (6) miles round trip. This distance is estimated to take an amount of five (5) minutes each way for a total of 10 minutes round trip. The Department has no way to calculate the average distance overseas applicants may have to travel to execute the DS-11s.

To determine the travel cost to the respondent, the Department is factoring in the General Services Administration (GSA) reimbursement rate of \$0.58 per mile for privately owned vehicles (POV).⁷

When combining all the individual estimated cost burdens associated with form DS-11, the total annual cost burden is **\$175,412,203.01**.

A complete breakdown of the involved costs is outlined below.

| | | | |
|--|--|---|------------------|
| U.S. Citizenship or Nationality Evidence front and back copy | 9,217,667 respondents (2 pages @ \$0.14 each) x \$0.28 print fee | = | \$2,580,946.76 |
| Identification front and back copy | 9,217,667 respondents (2 pages @ \$0.14 each) x \$0.28 print fee | = | \$2,580,946.76 |
| Passport Photo | 9,217,667 respondents x \$14.99 fee | = | \$138,172,828.33 |
| Average Travel Cost | 9,217,667 respondents x 6 miles x \$0.58 per miles | = | \$32,077,481.16 |
| Total Cost to Respondent | \$175,412,203.01 | | |

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

²Source: Staples, <https://www.staples.com/sbd/content/copyandprint/copiesanddocuments.html>.

³Source: Office Depot, <https://www.officedepot.com/>.

⁴Source: Walgreens, "Passport Photos," <https://photo.walgreens.com/store/passport-photos>.

⁵Source: CVS, "Passport Photos," <https://www.cvs.com/photo/passport-photos>.

⁶Source: U.S. Postal Service, <https://www.usps.com/international/passports.htm#>.

⁷Source: General Services Administration, "Privately Owned Vehicles (POV) Mileage Reimbursement Rates," <https://www.gsa.gov/travel/plan-book/transportation-airfare-rates-pov-rates/privately-owned-vehicle-pov-mileage-reimbursement-rates>.

Total Cost to Program: \$1,013,944,960

The estimated cost to the government, which is funded by Department of State fee collections, is calculated by multiplying the estimated number of respondents (9,217,667) x the unit cost for adjudication (\$122.43). The cost includes the full cost to the Federal Government for first time passport application, processing, and production. This cost includes the cost of producing the DS-11 form. It also includes the suggested hourly rate for clerical, officer, and managerial time with benefits, plus a percent for the estimated overhead cost for printing, stocking, and distributing and processing of this form.

$$9,217,667 \text{ (number of respondents)} \times \$122.43 \text{ (unit cost for adjudication)} = \mathbf{\$1,128,518,971}$$

This number is added to the cost to the Federal Government to publish the Federal Register Notices (FRNs). 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**. $\$1,128,518,971 + \$1,590$ (cost of publishing two FRNs) = **\$1,128,520,561**

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

The hour burden adjustments indicated reflect a decrease in the number of projected respondents from 11,015,000 (previously projected for FY 2019 - 2021) to 9,217,667 (FY 2021 - 2023). Using the actual historical application count for FY 2018 - 2020, the average total DS-11 receipts amounted to 9,226,340. Demand forecast projections, by their nature, will have some uncertainty in their accuracy, which can explain differences between actual and forecast. The change in Federal Government costs reflects the decrease in the number of projected respondents.

In December 2020, Form DS-11 received OMB approval renewing the continued use of this information collection for three years. This form has been amended based on a recent change in Department policy. The Department's new policy permits passport applicants to select the gender marker on their passport without presenting medical documentation. This policy change includes updating forms to add a third gender marker, X for applicants identifying as unspecified or another gender identity (in addition to the existing M and F gender markers).

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

- Instruction Page 3 – Added explanatory content regarding the new gender marker change.
- Page 1 – Changed field “3. Sex” “3 to “Gender” and provided the gender marker options “M” (for Male), “F” (for Female), and “X” (for Unspecified or Another Gender Identity). Added a self-attestation statement that reads, “Changing gender marker? Yes” to verify that the applicant is changing their gender marker from what they listed on a previously issued passport.

- Page 2 – Changed in the Parental Information field “Sex” to “Gender” and provided the gender marker options “M” (for Male), “F” (for Female), and “X” (for Unspecified or Another Gender Identity).

The Department estimates that these changes will not result in an increase in the current burden time of 85 minutes.

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 the use of complex analytical techniques.

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

The 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.