

# **SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION**

## **Affidavit of Identifying Witness OMB Number 1405-0088 DS-0071**

### **A. JUSTIFICATION**

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

The Affidavit of Identifying Witness (DS-0071) is used in conjunction with the Application for a U.S. Passport (DS-0011). It is used by Passport Agents, Passport Acceptance Agents, and Consular Officers of the Department of State to collect information for the purpose of establishing the identity of a passport applicant who has not submitted adequate evidence of identity with their passport application. This affidavit is executed by a witness who affirms that they can identify the applicant.

22 U.S.C. § 211a, et seq.: Authority to grant, issue, and verify passports

Executive Order 11295: Rules governing the granting, issuing, and verifying of United States passports

22 C.F.R. Part 51, Passports, including 22 C.F.R. 51.24, Affidavit of Identifying Witness

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

The DS-0071 is issued by the Department of State, and when completed, is evidence of a passport applicant's identity. Lack of sufficient identity information may result in the denial of a passport application.

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

Because Department regulations at 22 C.F.R. 51.24 require an original signature, a complete end-to-end electronic submission for this form is not possible. Form DS-0071 is only available at acceptance facilities, passport agencies, and U.S. embassies and consulates. This form must be completed and signed in the presence of an authorized Passport Agent, Passport Acceptance Agent, or Consular Officer.

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

The DS-0071 is the sole Department of State form that is used when a passport applicant cannot furnish sufficient evidence of identity and seeks to submit a statement of an identifying witness in support of the application.

5. *Describe any impacts on small business.*

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

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

If the information solicited in the DS-0071 were not collected, passport applicants who lack sufficient evidence of identity (such as government-issued photo IDs) would be unable to establish their identities and would be unable to obtain U.S. passports.

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*

The Department of State published a 60-day notice in the *Federal Register* to solicit public comments on April 27, 2022 (Public Notice: 11719). No comments were received.

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*

The Department provides no promises of confidentiality, other than those included in the Privacy Act and other federal statutes. This form includes a Privacy Act Statement listing the legal authorities for requesting, and the authorized routine uses of, the information collected.

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

The DS-0071 asks the identifying witness to provide a Social Security number if one is available, and if they wish to disclose it. The DS-0071 is used in rare circumstances when an applicant does not submit sufficient identity evidence for passport issuance. By obtaining the identifying witness' Social Security number, the Department of State can use the databases at its disposal to assist in confirming the identity of the witness.

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

Passport Services estimates that the average time required for this information collection is five minutes per response, since the respondent is only responsible for half of the fields (the other fields are completed by a Passport Agent, Passport Acceptance Agent, or Consular Officer). It has also determined, through a time and motion study, that 0.35% of DS-0011s have a DS-0071 associated with it. The projected number of DS-0011s are:

DS-0011	
FY 21	6,873,771
FY 22	9,076,971
FY 23	11,701,784

Therefore, the estimated total annual time burden for the collection is:

$9,217,500$  (average number of DS-0011 respondents FY21 – FY23)  $\times 0.0035 = 32,260$

$32,260 \times 5$  (minutes) / 60 = **2,688** hours per year

The sampling was completed through consultation with a small group of employees of the Department's Bureau of Consular Affairs to validate the time.

The estimated cost to respondents is based on the weighted civilian hourly wage rate from the Bureau of Labor Statistics website multiplied by the annual time burden (2,688 hours). The wage rate is estimated to be \$39.01 per hour (\$24.34 average wage \*1.4 multiplier).

$\$39.01$  hourly rate  $\times 2,688$  hours responses = \$104,859 hour cost burden

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

There is no cost to respondent associated with this form.

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

To calculate the cost to the Federal Government, we use the hourly wage for FY 2021 for a domestic Civil Service GS-11 step 10 (the highest level of a passport adjudicator), which is \$34.73. Passports Services estimates that reviewing the DS-0071 requires 1

minute of a passport adjudicator’s time. Dividing \$34.73/hr. by 60 minutes yields a processing time cost of \$0.58 per minute. Multiplying the projected number of respondents (32,260) by \$0.58 yields \$18,711. This number is added to the cost to the Federal Government to print the forms.

We also include the cost to print the forms. (These forms are only available at an acceptance facility, passport agency, or U.S. embassy/consulate. The applicant cannot print this form at home). The current cost is \$29.51 per 1000 forms. Multiplying this unit price by 32.26 (the number needed to get to 32,260 forms) yields \$952.

Additionally, we include the cost of publishing a 60-Day Federal Register Notice and a 30-Day Federal Register Notice (FRN). The FRN allows the Department to solicit comments from the public.

Cost to Print the form	\$29.51 x 32.26	=	\$952
Time and Expense to adjudicate form	32,260 x \$0.58	=	\$18,711
Federal Register Notice	2 x \$795	=	\$1,590
<b>Total Cost to Federal Government</b>			<b>\$21,253</b>

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

The program change reflects a decrease in respondents’ use of this form from 47,408 in 2018 to 32,260 (annual average projected for FY 21 – 23). This decrease may be attributed in part to the greater availability of public records online which the Department may search and use to corroborate an applicant’s identity, reducing the need for an identifying witness to complete a DS-0071.

The following content changes have been made to the form:

- a. Page 1, header: Changed “and is to ONLY be used in conjunction with form DS-11” to “and used ONLY in conjunction with DS-11”. Justification: Adds clearer and more concise language
- b. Page 1, header: Added the following language: “This form must be completed in the presence of an authorized Passport Agent, Passport Acceptance Agent, or Consular Officer.” Justification: The Passport Agent’s Reference Guide directs the DS-71 should be completed by the witness before the acceptance agent; Provides consistency with language in signature block
- c. Page 1 mid-header: Deleted "Acceptance Agent"; Added: "PASSPORT AGENT, PASSPORT ACCEPTANCE AGENT, OR CONSULAR OFFICER". Justification: Provides consistency with titles/roles in signature block
- d. Page 1, Witness’ Signature Block” Inserted “government-issued”

- e. Page 1, Agent's Signature Block: Deleted "Acceptance"; Added "Authorized".  
Justification: Provides consistency with language on DS-11
- f. Page 2, header: Changed "USE OF AFFIDAVIT OF IDENTIFYING WITNESS" to "USE OF THIS FORM". Justification: Provides consistency with language on other passport forms
- g. Page 2, Section 1, Line 1 and Line 2: Deleted "his or her"; Added "their".  
Justification: Anticipation of language (pronoun) changes to align with the Administration's new gender marker policy
- h. Page 2, Section 1, Line 2 and Line 4: Deleted "Acceptance Agent"; Added: "Passport Agent, Passport Acceptance Agent, or Consular Officer." Justification: Provides consistency with titles/roles in signature block
- i. Page 2, Section 1, Line 3: Deleted "one through ten"; Added "1 through 10".  
Justification: Provides consistency with numbering on Page 1
- j. Page 2, Section 1, Line 5: Inserted "government-issued"
- k. Page 2, Section 1, Line 6: Inserted "government-issued photo"
- l. Page 2, Sections 2, 3, and 4: Replaced Warning, Privacy Act Statement, and PRA Statement with updated/current standard language (Note: Removed reference to 26 U.S.C. 6039E); Justification: Provides consistency with language on other passport forms; Disclosure of the identifying witness' SSN is voluntary

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

The data gathered in this collection of information will not be published.

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.*

No exceptions to the OMB certification statement are being requested.

**B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.