

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**

**Birth Affidavit
OMB No. 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. Pursuant to 22 C.F.R. § 51.42(a), 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.

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 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 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 birth or does not exist at all.

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*

The Department of State published a 60-day notice in the Federal Register to solicit public comments on August 14, 2023 (Public Notice: 12117). 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.*

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 2023-2025 is 12,055,600. Through a Department-led time and motion study, it was determined that Form DS-10 was attached to 0.05 percent of Form DS-11 receipts. Therefore, the projected number of annual respondents for Form DS-10 is 6,028.

Passport Services estimates that the average time required for this information collection is 40 minutes per response. The estimated **total annual respondent hour time burden is 4,018 hours.**

(6,028 annual respondents x 40 minutes / 60 = 4,018 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 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 hour time burden. The wage is estimated to be \$28.01. The Department used the Employer Costs for Employee

Compensation released by the Bureau of Labor Statistics in 2021.ⁱ The estimated **total annual respondent hour cost burden is \$112,544.**

(4,018 annual hours x \$28.01 civilian hourly wage) = \$112,544

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

There is no 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 \$7.70.ⁱⁱ The Department of State does not track where DS-10 forms 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 government-issued photo identification. The estimated cost of a black and white copy is \$0.19/page and is based on a quote from FedExⁱⁱⁱ.

Therefore, we estimate the **total annual respondent monetary burden is: \$48,707:**

Document	Total respondents/year		Cost		Total
Proof of Identity Black & White Photocopy	6,028	x	\$ 0.38 (2 @ \$0.19 each)	=	\$2,291
Notarial service	6,028	x	\$7.70	=	\$46,416
Total Monetary Burden to Respondents					\$48,707

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 2023 domestic Civil Service GS-11 step 10 (the highest level of a passport adjudicator) of \$36.95^{iv} with a weighted wage rate multiplier:

$$\$36.95 \times 2 = \$73.90$$

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 many resources.

Passport Services estimates that reviewing Form DS-10 requires 40 seconds of a passport adjudicator's time, or 0.67 minutes. Dividing \$73.90/hr. by 60 minutes yields a processing time cost of \$1.23 per minute. \$1.23 multiplied by 0.67 yields a cost of \$0.82 to review each form. Multiplying the projected number of respondents (6,028) by \$0.82 yields \$4,943. The estimated **total annual adjudication cost is \$4,943.**

Printing Cost:

Form DS-10 will be produced by a contractor with cost-plus-fixed-fee line items for material and/or supply purchases. 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 \$33.44 per 1000 forms^v. Based on the projected number of 6,028 respondents per year, at a cost of \$33.44 per thousand, the estimated **total annual printing cost is \$202.**

Federal Register Notice:

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

Cost to Federal Government

Time and expense to adjudicate form	6,028 x \$0.82 =	\$4,943
Cost to print the form	6,028 x .03344 =	\$202
Cost to publish two Federal Register Notices (FRN)	2 x \$795 =	\$1,590
Total cost to Federal Government		\$ 6,735

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

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

Page 2, Question 2: Removed "Sex" field and markers

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 – May 2021,” https://www.bls.gov/oes/current/oes_nat.htm#00-0000

ⁱⁱ Source: National Notary Association, “2023 Notary Fees By State” | NNA (nationalnotary.org)

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/2023/general-schedule>

^v Source: Passport forms printing contractor, Occam Solutions