

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
U.S. PASSPORT RENEWAL APPLICATION FOR ELIGIBLE INDIVIDUALS
OMB #1405-0020 (Form DS-82)**

A. JUSTIFICATION

1. The U.S. Passport Renewal Application for Eligible Individuals (Form DS-82, previously known as the Application for a U.S. Passport by Mail) is used by eligible citizens and non-citizen nationals (hereinafter, collectively referred to as “nationals”) of the United States who need to renew their current or recently expired U.S. passport (a travel document attesting to one’s identity and U.S. nationality).

The DS-82 solicits data necessary for Passport Services to issue a United States 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 (EO) 11295 (August 5, 1966) for the issuance of passport 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, other applicable treaties and laws and implementing regulations at 22 CFR Part 50 and 51. The specific regulations pertaining to the U.S. Passport Renewal Application for Eligible Individuals are at 22 CFR 51.20 and 51.21.

2. The information collected on the DS-82 is used primarily to facilitate the issuance of U.S. passports to U.S. nationals. The primary purpose for soliciting the information is to establish nationality, identity, and entitlement to the issuance of a U.S. passport, and to properly administer and enforce the laws pertaining to the issuance thereof.

The DS-82 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. The records may also be consulted by consular personnel in the event of an emergency abroad involving Americans: 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-82 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 relative to the Privacy Act (Public Notice 6290 of July 15, 2008) or the Department’s System of Records Notice (State-26) for passport records.

The DS-82 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.

Intentionally making a false statement on the DS-82 may constitute a violation of 18 U.S.C. sections 1001 and 1542.

3. The DS-82 requires the submission of original documents to establish citizenship and identity, as well as photographs, based on 22 CFR 51.20 et seq. Without the originals, we cannot conduct a forensic analysis to ensure that there is no fraud involved and to confirm the identity of the applicant.

In an effort to provide customers with an electronic option to this paper-based form, the DS-82 is posted on the Department's website where applicants can fill out forms on-line and print them for submission. With the completed application, a 2-D Barcode will be printed on each application. This barcode will be scanned by Passport Services and automatically record the applicant's information in our system. This process will save both Passport Services and the applicant time and reduce errors.

In addition to allowing applicants to fill out the form on-line and print it for submission, Passport Services is also developing a pilot to place the process of applying for and receiving a U.S. passport card completely online. An electronic DS-82 would be completed, a digital picture would be uploaded, and fees would be collected on the site. There are several hurdles to clear before the pilot may go live. First, the pending system upgrade at the pilot facility. Second is the completion of a Risk Analysis for accepting an e-signature in place of the traditional wet/ink signature. The final hurdle is the evaluation of possible litigation risks associated with prosecution of a fraudulent online applicant, which is unprecedented. All must be addressed before the submission for final approval or disapproval of the pilot. Efforts will also continue to investigate, test, and deploy more complete electronic options, while continuing to meet legislated requirements.

4. Aside from necessary, basic self-identification data, the information requested does not duplicate information otherwise available. The DS-82 is the Department of State form used by those U.S. nationals who meet the qualifications to apply for a U.S. passport book and/or passport card by using a renewal application.
5. The collection of information does not involve small businesses or other small entities.
6. The information collected on the DS-82 is crucial for documenting a U.S. citizen's request for a replacement passport and for establishing the applicant's entitlement to a replacement U.S. passport. Without it, applicants would be required to complete an alternative application less appropriate for the particular circumstances of the applicant.
7. No such special circumstances exist.
8. The Department of State received one comment during the 60-day notice to solicit public comments for the collection in the *Federal Register*.

The comment criticizes the forms for failing to explicitly recognize the right to passports of inhabitants of the United States trust territory of American Formosa. The Department feels this comment has no basis. This goes to an argument that has lost in court (ultimately with cert. denied in the Supreme Court) that Taiwan is under US jurisdiction and that the people on Taiwan are entitled to US passports. *Lin v. United States*, 561 F.3d 502 (D.C. Cir. 2009) affirmed the district court's dismissal on political question grounds of a case brought by individuals residing on Taiwan who sought a declaratory judgment that they were non-citizen U.S. nationals and asserted that the United States was exercising sovereignty over Taiwan. Cert was denied subsequently.

Estimates on the time and cost burden associated with this form were acquired through consultations with a small group of actual respondents. Respondents gave feedback on 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.

9. Not applicable. This information collection does not provide any payment or gift to respondents.
10. Not applicable. This form includes a Privacy Act Statement explaining the routine uses of the information collected under the Act.
11. Not applicable. The DS-82 does not ask questions of a sensitive nature.
12. 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 small group of actual respondents. Passport Services found that the overall average for the estimated time required for this information collection is 40 minutes per response. Therefore, the total annual burden for 4,200,000 respondents is 2,800,000 hours per year.
13. The DS-82 makes available the option of applying for a U.S. passport book, a U.S. passport card, or both, using a single application form. The current fee for a passport book is \$110. The fee for a passport card is \$30. For both a passport book and a passport card the combined fee is \$140.

To properly complete and submit a DS-82 passport application, an applicant must provide a photograph that meets criteria specified in the instruction pages, with a national average cost of \$10 a set. (The estimated cost of photographs is based on a sampling through consultation with a small group of actual respondents.) DS-82 applications are primarily submitted by mail. Per information received from the United States Postal Service, the cost burden for postage is approximately \$1.05 per application.

Passport Services estimates that 4.2 million respondents will use the DS-82 annually to apply for a U.S. passport. In addition and based on past demand, we estimate that 20% (856,000) of all respondents using a DS-82 will request expedited service at a rate of \$60 per application.

When combining all of the individual estimated cost burdens associated with the Form DS-82, the total annual cost burden for approximately 4.2 million applicants is \$567,080,000. A complete breakdown of the involved costs can be found below.

3.8 million – Passport Book Only	X	\$110	=	\$418,000,000
49,000 – Passport Card Only	X	\$30	=	\$1,470,000
356,000 – Book + Card	X	\$140	=	\$49,840,000
4.2 million – Photo	X	\$10	=	\$42,000,000
4.2 million – Postage	X	\$1.05	=	\$4,410,000
856,000 – Expedite Service	X	\$60	=	\$51,360,000
Total				\$567,080,000

14. Passport Services estimates we will issue 4.2 million U.S. passports annually during each of the next three years through the use of the DS-82. This figure equates to 25% of our total issuance system wide. Passport Services' total operating budget including equipment, overhead, printing, and support staff employed for this information collection is \$359,000.
15. The adjustments indicated reflect the Departments recent revised schedule of fees that went into effect July 13, 2010. The adjustments also show a decrease in the number of respondents from 6,210,000 to 4,200,000 respondents. The number of respondents was last updated in December 2007 (ICR Reference Number 200710-1405-003). The number provided at that time was based on a demand survey conducted prior to implementation of the Western Hemisphere Travel Initiative (WHTI). The projections significantly exceeded the actual demand observed through the final phase of WHTI in 2009. Demand decreased sharply in 2008 and continues to remain steady. The annual number of respondents projected to use the DS-82 was adjusted to reflect the actual demand.

The Department notes its discovery of a procedural oversight regarding this collection. As stated previously, burden data for this collection was last updated in December 2007. Subsequent to that update, the Department of State published a revised schedule of fees that raised the fee associated with the DS-82 for applicants requesting issuance of a passport book. (Public Notice 6082, January 29, 2008.) The fee for a U.S. passport book renewal increased from \$67 to \$75. Upon publication of the final rule, the Department of State failed to recalculate and update the fee burden currently inventoried as a result of the increased fee for passport books. The error was noted by the Department during preparations to submit this package in accordance with the Paperwork Reduction Act.

On July 13, 2010 the Department implemented a new schedule of fees that raised the fee associated with the passports, including the DS-82. The fee for a U.S. passport book renewal increased from \$75 to \$110. The fee for a U.S. passport card renewal was raised from \$20 to \$30.

16. Quantitative summaries of Department of State passport activities are published periodically on the Department of State website at www.travel.state.gov. Such summaries do not involve the use of complex analytical techniques.

17. Not applicable. Expiration date for OMB approval will be displayed.

18. 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.