

SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
Annual Report by Sponsors of J-1 Exchange Visitor Program
OMB # 1405-0151
DS-3097

A. JUSTIFICATION

1. The Bureau of Educational and Cultural Affairs of the U.S. Department of State (DOS) administers the Exchange Visitor Program (J-Visa) under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended (Public Law 87-256, 22 U.S.C. 2451 *et seq.*). The Exchange Visitor Program Annual Report form provides a means for sponsoring organizations to report a summary of exchange visitor activity and an accounting of the number of Forms DS-2019 used (DS-2019 is the Certificate of Eligibility for Exchange Visitor (J-1) Status.) It also provides a means for assisting the Department in maintaining appropriate oversight of the Exchange Visitor Program. This Program requires DOS designated sponsors to report annually on a variety of educational and cultural exchange activities as set forth at 22 CFR § 62.15. These activities include program activities that participants were engaged in throughout the year, evaluation of program effectiveness, cross-cultural activities offered, and a description of the nature and extent of reciprocity in the sponsor's exchange visitor program.

This collection of information utilizes one form: Form DS-3097 – Annual Report.

2. The Exchange Visitor Program Annual Report Form (DS-3097) is used by Department of State designated sponsors (United States government agencies, academic institutions, and private sector for-profit and not-for profit organizations) to annually report their activities and provide a narrative to discuss program effectiveness, cross cultural activities and reciprocity to the Department of State. Approximately 1,435 annual reports are received each year. The information provided is used to monitor and maintain appropriate oversight of how the sponsors conduct their exchange visitor programs. The reports are reviewed for statistical data to determine participant levels and this data (participant levels) is shared on the Department's website. The Department uses the statistical data during the review of the sponsor's annual allotment of Forms DS-2019 and communication between the Department and sponsor ensues during this review. In addition, the Department reviews the narrative summary to assess the new types of exchange programs being offered, the effectiveness of these programs, and to determine that each sponsor meets the cross cultural and reciprocity components of an exchange program. Failure to address all narrative questions could impact future allotments of Forms DS-2019 or lead to future sanctions, as they are a requirement of 22 CFR § 62.15.

3. The Department is working with the Department of Homeland Security (DHS) in moving toward the development of an electronic form. Currently sponsors can obtain an annual report of statistical information on their program from the Student and Exchange Visitor Information System (SEVIS), but must print the report, sign it and mail it to the Department. The Department has been working in close cooperation with DHS to meet the legislative mandate established by Subtitle D, Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of

1996 (IIRIRA) (P.L. 104-208), whereby the Attorney General was mandated to develop an electronic system to collect and submit information on non-immigrants entering the United States on F, J, and M visas.

It is expected that when the collection of electronic signatures is in place in SEVIS, the annual report process will also move to a completely electronic format. This will enable us to better serve the public and will reduce administrative and financial burdens on the Department of State for the reproduction costs and time necessary to obtain the reports by mail and fax. The ability to provide information electronically will also reduce the administrative and financial burden on the sponsors when submitting their annual reports.

The availability of electronic signatures and ability of the annual report process to be completely electronic is awaiting implementation of SEVIS II. The Student and Exchange Visitor Program (SEVP) within DHS and its partners at the Department of State have been working toward a two-phase deployment of SEVIS II. Phase one, the creation of customer accounts and the migration of school and sponsor records, was planned to start in March 2010, and phase two, full operating capability, was planned to deploy in October 2010. For a number of reasons this schedule has changed. SEVIS II was initially scheduled for deployment in Fall 2013. However, due to performance issues with the initial development contractor, DHS opted to end the contract and begin new acquisition efforts. In an effort to ensure the next SEVIS II development effort was successful, DHS management restarted all acquisition-related activities (e.g. acquisition plan, life cycle cost estimates, statement of work, etc.). While State was initially advised that the first release of SEVIS II would occur in late 2013 and final deployment in November 2014 (as noted in our previous comments), there is a great chance that the acquisition delays will further delay the deployment dates. A final decision on the schedule has not been reached. The Department received confirmation of these projected dates in writing on November 3, 2011, from the SEVIS II Development Lead at DHS.

4. Designated sponsors are required to file this form on an annual basis. Although the statistical data is automatically populated from SEVIS on Form DS-3097, the certification and narrative information must be provided annually by the sponsor in order for Department monitoring of all individual exchange programs.

5. This collection does not have significant economic impact on a substantial number of small businesses or other small entities.

6. If the collection of information is not conducted, the Department could not administer the Exchange Visitor Program effectively. We would not be aware of details of existing sponsor program activities that now enable us to effectively assist sponsors in conducting viable exchange programs and monitoring activities to ensure that they are operating their exchange programs in compliance with the governing regulations (22 CFR Part 62). In addition, there would be no means for a designated sponsor to reconcile the use of Form DS-2019 in order to assist Department employees in reviewing separate requests for annual allotments of forms DS-2019 necessary to conduct their exchange programs.

7. There are no special circumstances. The collection of information indicated on the annual report form is an annual submission, filed either on an academic, calendar or fiscal year basis, as directed by the Department in its letter of designation.

8. The Department received six public comments. Four comments represented academic institutions and two were anonymous, but all relate to the reconciliation of information, the method of collection and recommendation for electronic signatures. Two comments question the purpose and redundancy of the report. The Department disagrees that the report is redundant. The statistical calculation demonstrates the specific numbers for an individual program. The calculations are further supported by the sponsor's narratives on the program activities for the specific year. The narrative questions come directly from the annual report regulations set forth in 22 CFR § 62.15. Four comments concerned SEVIS terms. The terms are expected to be addressed in a future rulemaking on Subpart A of the Exchange Visitor Program regulations (22 CFR Part 62).

The Department has already explained that electronic signatures are being implemented during the release of SEVIS II. The Department does not have the rights or the means to amend the current SEVIS system to incorporate electronic signatures. Four comments were received suggesting the immediate use of electronic signatures. These suggestions will be put on hold until the availability of electronic signatures; the Department expects the submission of the annual report process to be completely electronic by 2014. The electronic submissions will also assist the Department in compiling data for all exchange visitor categories and sponsors. Such data may be posted or shared in the future. Finally, four comments raised concerns regarding where to mail the annual report. A Department address has been added to the Form DS-3097 for clarity.

9. Respondents are not provided with any gifts or payments.

10. There is no assurance of confidentiality provided other than that contained in applicable statutes such as the Privacy Act.

11. There are no questions of a sensitive nature included in the data required by the annual report form (DS-3097).

12. The number of responses expected for the Form DS-3097 is approximately 1,435 annually. This form takes approximately 2 hours to complete, which was based on the time it takes sponsors to run the statistical report in SEVIS, write a narrative to each of the six questions, obtain the required signatures and send to the Department-. The annual burden hours for this form is estimated to be 2,870 hours (1,435 sponsors x 2). The annualized labor cost to respondents is estimated at \$ \$129,150 (1,435 sponsors x \$45 loaded wage x 2 hrs per report).

13. There are no estimated capital or start-up costs associated with this collection. There is no additional cost to the respondents as the Department is continuing with the same procedures already required in the existing annual report requirements. As this data collection is an element of program administration, other costs that may potentially be incurred are not included as such costs are part of customary and usual business practices.

14. It is estimated that the annualized cost to the Federal Government is confined to the salary and benefits of Department officials responsible for the administrative oversight of the 1,435 designated sponsors submitting this information. Ten employees (GS-9 to GS-14) with an average loaded wage of \$45.00 will spend approximately five percent of their time, or approximately 1040 hours, processing the forms (acknowledging receipt, tracking, reviewing reports, and filing) which yields an annual cost of \$46,800.00 (1040 hours x or @ \$45.00 hourly loaded wage). Costs for equipment, overhead, printing or other costs associated with the processing of this information collection are expected to be negligible.

15. There are no program changes to the collection. However, the number of designated Exchange Visitor Program sponsors has slightly decreased since 2008. The Department estimates a reduction in the number of respondents from 1,460 to 1,435, resulting in a corresponding estimated burden decrease of 50 hours.

16. The Department will not publish the information.

17. The Department will display the OMB expiration date.

18. The Department is not requesting any exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection does not employ statistical methods.