

Part A. Justification

1. Necessity of Information

The President issued a Proclamation on Granting Pardon for the Offense of Simple Possession Marijuana (Proclamation) on October 6, 2022. In that proclamation, he directed the Attorney General, acting through the Pardon Attorney, to develop procedures to “administer and effectuate the issuance of certificates of pardon to eligible applicants as soon as reasonably practicable.” The Proclamation specifically commands the Pardon Attorney to “develop and announce application procedures.”

In accordance with the President’s direction, the Pardon Attorney has developed a Certificate of Pardon Application for Simple Marijuana Possession form (Certificate Application). The form collects information from potential pardon recipients to enable the Pardon Attorney to determine whether the applicant qualifies for pardon under the subject Proclamation. The information collection requests information from the applicant, confirming that the petitioner is U.S. citizen or lawful permanent resident who was lawfully in the country at the time the marijuana offense occurred; information regarding the whether the person is currently a lawful permanent resident and the date that status was attained, a citizen by birth, or a citizen by naturalization, and if naturalized, the date of the naturalization; the alien registration or citizenship number of lawful permanent resident or naturalized citizen applicants; information regarding the specific court in which the applicant was charged or convicted and the date of said conviction, if any; information regarding the applicant’s race, gender, and ethnicity; identifying information regarding the applicant’s date and place of birth; and documentation of the applicant’s charge or convictions.

2. Needs and Uses

The information collected from the Certificate Application will primarily be used to determine whether the applicant is eligible for pardon under the terms of the Proclamation. The Certificate Application consists of two primary sections: eligibility and identification.

The eligibility portion of the Certificate Application seeks the information required to verify whether the applicant qualifies for pardon under the Proclamation, including information related to the docket number, immigration or citizenship status, statute of charge or conviction, and court where charges took place.

The identification portion of the Certificate Application seeks to verify the applicant’s identify and gather some minimal, demographic statistical information regarding the applicant’s race, age, ethnicity and gender, in order to provide some statistical analysis of the type of persons affected by the Proclamation.

Only those persons with valid identification, password, and permission created and maintained by the Office of the Pardon Attorney are authorized to have access to applicant file information.

3. Use of Technology

Certificate Applications may be submitted electronically to USPardon.Attorney@usdoj.gov. They may also be mailed to the Office. We intend to make the Certificate Application available for completion on our website, at <https://www.justice.gov/pardon>, in the near future.

4. Efforts to Identify Duplication

Duplication should not be a problem. A person should submit separate Certificate Applications for each charge or conviction in question. Docket numbers identifying either the charges or convictions will help to eliminate potential duplications.

5. Methods to Minimize Burden on Small Businesses

This information will have no effect on small businesses, which are not affected by information collection. Only individuals may apply for a pardon by Proclamation.

6. Consequences of Less Frequent Collection

The information collected from the Certificate Application will primarily be used to determine whether the applicant is eligible for pardon under the terms of the Proclamation. The Certificate Application will only be used once per charge or conviction.

If the collection is not conducted, eligible applicants would be unable to submit a Certificate Application and would therefore risk not having proof of their pardon under the Proclamation. Failure to complete this collection would render the Pardon Attorney unable to fulfill the President's directive in the Proclamation, as the Pardon Attorney has no other plausible means of obtaining information about individuals who are eligible for the pardon proclamation. This would prevent the Pardon Attorney from completing its vital mission to assist the President in executing his acts of executive clemency.

7. Special Circumstances Influencing Collection

The Certificate Application is a one-time collection.

Applicants may be required to submit supplementary information in order to accurately process their claim. The collection includes the applicant's alien registration or citizenship number, which will be used to verify the applicants' immigration status by use of the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) program, and other means as necessary.

Applicants are not required to submit more than an original or one copy of any document.

The Pardon Attorney intends to collect statistical data on the personal characteristics of the pardon recipients to provide to the White House, Department, and public in as yet unspecified studies and forums. The Pardon Attorney's intentions in this regard were encouraged by the Director of the Bureau of Justice Statistics, the Department's statistical authority.

The Certificate Application contains a Privacy Act Statement. Any release of information will conform to the Privacy Act Statement. The language of the Privacy Act Statement is included in the Certificate Application and provides references to the Pardon Attorney's System of Record Notice, which outlines that data collected in the form may be included in the "provision of data to the President and his staff, other governmental entities, and the public," as well as other routine uses documented in the System of Records Notice titled, "Privacy Act of 1974; System of Records," published in Federal Register, September 15, 2011, Vol. 76, No. 179, at pages 57078 through 57080; as amended by "Privacy Act of 1974; System of Records," published in the Federal Register, May 25, 2017, Vol. 82, No. 100, at page 24161. Notably, the Department's Office of Privacy and Civil Liberties as approved the amended application in its attached form.

The collection does not require the claimants to submit proprietary trade secrets. Nor does it require the applicant to submit social security numbers to confirm identification; verification of the applicant's identity is accomplished with other, less sensitive, information, such as date and place of birth. The alien registration number is collected to verify citizenship status. Only those persons with valid identification, password, and permission created and maintained by the Office of the Pardon Attorney are authorized to have access to applicant file information.

8. Public Comments and Consultations

The Pardon Attorney does intend to seek public comments on the Certificate Application through the Federal Register 30-day and 60 day notices.

9. Payment of Gift to Claimants

No payment or gift will be provided to applicants who complete the Certificate Application. The collection is part of the Pardon Attorney's delegated authority to verify whether an applicant qualifies for pardon by the Proclamation. If eligible, the applicant will receive a Certificate of Pardon that proves their qualification under the Proclamation. Only those applicants who submit a complete application, satisfy the eligibility criteria as provided in the Proclamation, and are determined by the Pardon Attorney to satisfy those eligibility criteria, will receive a Certificate of Pardon. No monetary exchange occurs.

10. Assurance of Confidentiality

Information requested in this collection is collected in accordance with the Privacy Act.

Any release of information will conform to the Privacy Act Statement, which is included in the Certificate Application. The Statement provides references to the Pardon Attorney's System of Record Notice, which outlines that data collected in the form may be included in the "provision of data to the President and his staff, other governmental entities, and the public," as well as other routine uses documented in the System of Records Notice titled, "Privacy Act of 1974; System of Records," published in Federal Register, September 15, 2011, Vol. 76, No. 179, at pages 57078 through 57080; as amended by "Privacy Act of 1974; System of Records," published in the Federal Register, May 25, 2017, Vol. 82, No. 100, at page 24161.

Only those persons with valid identification, password, and permission created and maintained by the Office of the Pardon Attorney are authorized to have access to applicant file information. Further, only those who are required to review and process the Certificate Application will have access to the applicant's information. Confidentiality is assured.

11. Justification for Sensitive Questions

All information on the Certificate Application is necessary to determine whether a particular applicant is eligible to receive a Certificate of Pardon or to track statistical information regarding the types of persons who are recipients of pardon under this Proclamation.

12. Estimate of Hour Burden

Available information suggests that potentially 20,000 people will complete applications, whether they are actually eligible or not. We estimate an average of 2 hours per application review.

20,000 applicants x 2 hours per review = 40,000 burden hours

13. Estimate of Cost Burden

Applicants will not incur any costs other than their time to complete the Certificate Application and, in some instances, administrative costs necessary to attain paperwork evidencing their charge or conviction from the courts or National Archives. Applicants will not incur any capital, start-up, or system maintenance costs associated with this information collection.

14. Estimated Annualized Costs to Federal Government

Unable to provide a reasonable estimate of annualized costs to the Federal Government. This project has no projected final completion date. We have received no additional funds to date to accomplish this review.

15. Reasons for Change in Burden

This is a new project and so no change in burden is applicable.

16. Plans for Publication

There are no current plans to publish the information collected. Statistical information collected from applicants may be provided to other government entities, the White House, or the public when requested. We do not intend to link the names of the applicants to this statistical data.

Names of clemency recipients are routinely provided upon request; names of pending clemency applicants are also provided. The Pardon Attorney maintains a searchable database of pending and closed clemency applications that is available on our public-facing website. Names of the applicants for pardon by Proclamation will be included in the database.

17. Expiration Date Approval

The Pardon Attorney is seeking approval to not display the expiration date for OMB approval. The use of this form is expected to continue indefinitely, as the Pardon Attorney will continue to process any Certificate Application when it is received; there is no deadline for applicants to apply.

18. Exceptions to the Certification Statement

There are no exceptions to the certification statement.

Part B. Statistical Methods

No statistical methods are used.