

SUPPORTING STATEMENT FOR PETITION FOR COMMUTATION OF SENTENCE, PAPERWORK REDUCTION ACT SUBMISSION

A. JUSTIFICATION

1. Necessity of Information

The Office of the Pardon Attorney has authority to collect this information under the United States Constitution, Article II, Section 2 (the pardon clause); Orders of the Attorney General Nos. 1798-93, 58 Fed. Reg. 53658 and 53659 (1993), 2317-2000, 65 Fed. Reg. 48381 (2000), and 2323-2000, 65 Fed. Reg. 58223 and 58224 (2000), codified in 28 C.F.R. §§ 1.1 et seq. (the rules governing petitions for executive clemency); and Order of the Attorney General No. 1012-83, 48 Fed. Reg. 22290 (1983), as codified in 28 C.F.R. §§ 0.35 and 0.36 (the authority of the Office of the Pardon Attorney).

2. Needs and Uses

The principal purpose for collecting this information is to enable the Office of the Pardon Attorney to process applicants' requests for commutation. The information is necessary to verify applicants' identities, conduct investigation of the applicants' backgrounds and criminal records, and ensure proper notification to the Bureau of Prisons, Federal Bureau of Investigation, U.S. Attorneys' Offices, U.S. Probation Offices, and federal courts in the event of grants of executive clemency.

This information will primarily be used internally by Department of Justice employees. However, routine uses which may be made of this information include provision of data to the President and his staff, other governmental entities, and the public. The full list of routine uses for this correspondence can be found 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, and at the [U.S. Department of Justice, Office of Privacy and Civil Liberties' website](#).

3. Use of Technology

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

4. Efforts to Identify Duplication

Petitions for Commutation of Sentence are prepared for unique, individual applicants. The information is not similarly reproduced by another government entity. Also, the application requires the submission of unique identifying numbers in order to ensure no duplication of information among applicants.

5. Methods to Minimize Burden on Small Businesses

This information will have no effect on small business, which are not affected by information collection. Only individuals may apply for a commutation of sentence.

6. Consequences of Less Frequent Collection

The information collected from the Petition for Commutation of Sentence will primarily be used to make recommendations regarding executive clemency and ensure proper notification to the Bureau of Prisons, Federal Bureau of Investigation, U.S. Attorneys' Offices, U.S. Probation Offices, and federal courts in the event of grants of executive clemency. The Petition for Commutation of Sentence will only be used once per application for clemency.

If the collection is not conducted, the Pardon Attorney cannot fulfill its directive to receive, investigate, and facilitate the disposition of applications for executive clemency. 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 Petition for Commutation of Sentence is a one-time collection.

Applicants may be required to submit supplementary information in order to accurately process their claim.

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 commutation applicants 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 Petition for Commutation of Sentence 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 Petition for Commutation of Sentence 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.

The collection does not require the claimants to submit proprietary trade secrets.

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 60-Day Notice was published in the Federal Register on June 27, 2023 (88 FR 41660). The comment period ended on September 27, 2023. No comments were received.

In accordance with 5 C.F.R. § 1320.8(d), the Pardon Attorney will publish the proposed information collection requirements in the Federal Register, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995 and giving interested persons 60 days to submit comments.

9. Payment of Gifts to Applicants

No government funds will be used as payment or for gifts to applicants.

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 Petition for Commutation of Sentence. 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. Confidentiality is assured.

11. Justification for Sensitive Questions

All information on the Petition for Commutation of Sentence is necessary to process applicants’ requests for commutation. The information is necessary to verify applicants’ identities, conduct investigation of the applicants’ backgrounds and criminal records, and ensure

proper notification to the Bureau of Prisons, Federal Bureau of Investigation, U.S. Attorneys' Offices, U.S. Probation Offices, and federal courts in the event of grants of executive clemency.

12. Estimate of Hour Burden

Available information suggests that potentially 5,000 people will complete petitions annually. We estimate an average of three hours to complete the petition. This results in 15,000 burden hours annually to the public.

13. Estimate of Cost Burden

Approximately 700 applicants are expected to mail in the Petition for Commutation of Sentence, incurring a \$.63 postage fee for each submission. This results in a total estimated cost burden of \$441. Applicants will not incur any capital, start-up, or system maintenance costs associated with this information collection.

14. Estimated Annualized Costs to Federal Government

Available information suggests that between 3,000 and 5,000 people will complete the Petition for Commutation of Sentence annually. We estimate an average of two hours for review and data entry of the information in the application. Review and data entry will be performed by PARDON legal assistants (OPM Series 0986) at the GS-7 and GS-8 level. With an average hourly wage of \$26 (rounded),¹ the estimated annual cost to the federal government is \$156,000 to \$260,000.

15. Reasons for Change in Burden

This change is an update to PARDON's existing application for commutation form. The language changes are intended to make the forms more accessible and easier to utilize by members of the public seeking clemency. The updated application also expands information collected to include demographic information, information regarding an applicant's prison adjustment, and information regarding an applicant's reentry plans.

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

¹ The Federal employee average hourly wage rate comes from Office of Personnel Management (OPM) GS Scale Salary and Wage Tables, 2023, <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables>. Average annual salary was obtained for the GS-7 and GS-8 positions. s. Obtained as a weighted average from two occupations for DOL-MSHA employees. Data search qualifiers are: Agency = DLMS, Occupation = 1822 Mine Safety and Health Inspection Serie or 0880 Mining Engineering, Work Schedule = Full-Time, Salary Grade = GS-12. In order to include the cost of benefits, the average annual salary of \$92,323 was multiplied by a Federal benefit scaler of 1.440 (computed from MSHA's 2023 budget submission). Then divided by 2,087 hours to obtain the adjusted average hourly wage rate [\$63.70 = (\$92,323 annual salary x 1.440 Federal benefits adjustment) ÷ 2,087 annual hours].

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 commutation 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 Petition for Commutation of Sentence when it is received; there is no deadline for applicants to apply.

18. Exceptions to the Certification Statement

This collection of information does not include any exceptions to the certificate statement.

B. Statistical Methods

This collection does not contain statistical data.