

**SUPPORTING STATEMENT FOR**  
**Application for certificates of Pardon for the Offense of Simple Possession of Marijuana - E.O.**

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection 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. This collection is authorized by Executive Order 10467, Granting Pardon for the Offense of Simple Possession of Marijuana.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current 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 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 applicants' identify and gather some minimal, demographic statistical information regarding the applicant's race, age, ethnicity and gender, in order to provide some 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. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

Certificate Applications may be submitted electronically to [USPardon.Attorney@usdoj.gov](mailto: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. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.**

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. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

There is no significant impact on small business or other private entities.

**6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

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. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

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.

**8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

The 60-Day Notice was published in the Federal Register on May 9, 2023 (88 FR 29948). The comment period ended on July 10, 2023. No comments were received.

**9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payment or gift will be provided to applicants who complete the Certificate Application.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

Confidentiality is not required in the processing of this information collection. 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.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

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. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

**Estimated Annualized Respondent Cost and Hour Burden**

Activity	Number of Respondents	Frequency	Total Annual	Time Per Response	Total Annual	Hourly Rate*	Monetized Value of
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			Responses		Burden (Hours)		Respondent Time
Application	20,000	1	20,000	2 hours	40,000	\$0	\$0
<b>Unduplicate d Totals</b>	<b>20,000</b>	<b>1</b>	<b>20,000</b>		<b>40,000</b>	<b>\$0</b>	<b>\$0</b>

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

- **The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

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. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any**

**other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.**

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. Explain the reasons for any program changes or adjustments.**

No changes or adjustments were made to this collection.

**16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

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. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

We are requesting no exemption.

**18. Explain each exception to the certification statement.**

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

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.**

This collection contains statistical data.