

**SUPPORTING STATEMENT FOR
APPLICATION FOR PARDON AFTER COMPLETION OF SENTENCE,
PAPERWORK REDUCTION ACT SUBMISSION**

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 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. 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 principal purpose for collecting this information is to enable the Office of the Pardon Attorney to process applicants' requests for pardon after completion of sentence. The information is necessary to verify applicants' identities; conduct investigation of the applicants' backgrounds, criminal records, and post-conviction conduct; and ensure proper notification to the 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. 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.

Applications for Pardon After Completion of Sentence may be submitted electronically to USPardon.Attorney@usdoj.gov. They may also be mailed to the Office. We intend to make the Applications for Pardon After Completion of Sentence 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.

Applications for Pardon After Completion 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. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

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

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 Application for Pardon After Completion of Sentence will primarily be used to make recommendations regarding executive clemency and ensure proper notification to the Federal Bureau of Investigation, U.S. Attorneys' Offices, U.S. Probation Offices, and federal courts in the event of grants of executive clemency. The Application for Pardon After Completion 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. 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;**

The Application for Pardon After Completion of Sentence is a one-time collection, but an individual can re-apply if they are denied and wait an appropriate waiting period.

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

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

- **requiring respondents to submit more than an original and two copies of any document;**

Applicants are not required to submit more than an original or one copy 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;**

Applicants are instructed to keep copies of all documents submitted for the duration of the pardon evaluation, which may exceed 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;**

The Pardon Attorney intends to collect statistical data on the personal characteristics of pardon 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

- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**

The Pardon Attorney intends to collect statistical data on the personal characteristics of pardon applicants as captured in the attached form to provide to the White House, Department, and public in as yet unspecified studies and forums. The Pardon Attorney may also use information gathered during the pardon process, but outside the formal requests of the pardon form itself, in developing statistical information. The Pardon Attorney's intentions in this regard were encouraged by the Director of the Bureau of Justice Statistics, the Department's statistical authority

- **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**

The Application for Pardon After Completion 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 Application for Pardon After Completion 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.

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.

- **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 confidentially to the extent permitted by law.**

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

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 [DATE] (XX FR XXXXX). The comment period ended on [DATE]. No comments were received.

I . Summary of Comments Received and Responses:

In accordance with 5 C.F.R. § 1320.8(d), the Pardon Attorney has published 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. PARDON received comments from 20 individuals or groups regarding the proposed collection during the 60-day notice and comment period. The comments covered a range of topics, including general praise and appreciation of the revised forms, suggestions for improvements to tangential areas of federal law or process, suggestions for the addition of social services to the application process, specific requests for pardon for an individual, requests for the form to provide additional information, specific requests for adjusted language or removal of a question, and specific suggestions to change the tone of the application. DOJ has carefully reviewed these comments and provides the following responses in this document. It is important to note that the number of comments in each category does not reflect the total number of comments, as many commenters expressed concerns or suggestions in multiple categories. DOJ has analyzed all comments, including ones addressing matters outside the scope of this form revision.

- **General Comments or Proposed Alternative Remedies:**

- Six commenters wrote only to approve of the revisions, describing them as an improvement, clear or user-friendly. Two commenters expressed hope that the pardon process would be simplified but offered no suggestions. Two commenters proposed that changes to the pardon application should be accompanied by a federal expungement mechanism or reinstatement of the review by the Bureau of Alcohol, Tobacco, and Firearms for restoration of firearm rights. One commenter asked that the process of applying for a pardon be made easier but provided no comments on the form itself. One commenter generally stated that the pardon process should be easier but provided no suggestions. One commenter suggested automatic pardons upon completion of sentence or removing all questions except one about subsequent criminal activity. One commenter suggested that PARDON provide resources for training and employment for applicants.
- *Response:* PARDON is grateful for the public's comments suggesting appreciation of the form's revisions. We have also reviewed all comments about suggestions for alternative remedies to pardon or for the Office of the Pardon Attorney to provide training and employment for applicants. While many of these comments touch on important ideas and values, because these comments are outside the scope of this form, PARDON has no response.

- **Improving the Information Provided in the Application**

- Four commenters suggested making minor changes to the instructions or question prompts to provide more information to applicants, allow improved responses, or provide opportunities for the applicants to provide information not necessarily responsive to an individual question.

- *Response:* PARDON has worked to improve the form substantially and has created a product that will provide more comprehensive information to potential pardon applicants, produce responses that will allow applicants to best convey how their lives have changed since their conviction, and enable a potential applicant's decision about whether to apply for pardon. PARDON has worked with plain language and human-centered design experts to improve the instruction, language, tone, and questions, in order to produce the draft now available for comment.
- **Removing or Combining Questions or Adjusting Phrasing**
 - Two commenters suggested removing questions about criminal history, expressing their concerns that these questions were demeaning or focused only on the past. Two commenters suggested de-emphasizing the question about finances, suggesting the tone of the current question is negative. Four commenters suggested rewording several questions to address their tones. Three commenters suggested combining various questions, such as combining the question about military service with those on community activities or combining the questions about employment with those about education. One commenter suggested removing all questions other than a question about newly acquired convictions. One commenter stated suggested making the application "simpler," but did not provide specific suggestions.
 - *Response:* PARDON has adjusted the overall tone and questions of the revised form to focus on a human-centered and trauma-informed approach but has not specifically removed or combined questions necessary for the pardon investigation.
- **Notarization requirement**
 - Two commenters suggested that DOJ should not remove the requirement of a notarized oath and signature page, expressing their belief that this step provided applicants with a vital opportunity to reflect on the completeness and accuracy of the application before submitting. One commenter commended the removal of the notarization requirement as a way of improving accessibility for applicants.
 - *Response:* PARDON has removed the notarization requirement to improve accessibility and expand the applicant pool.
- **Making Ongoing Improvements and Educating on the Application**
 - One commenter suggested the importance of making ongoing improvements to the form to keep pace of societal norms and remain focused on equity and rehabilitation. This same commenter suggested a robust outreach plan to educate potential applicants on how to use the pardon form.

- *Response:* PARDON remains committed to equity and rehabilitation and will continue to consider ongoing improvements to the form going forward as appropriate. Further, PARDON intends to conduct outreach and education on the use of the revised form once it is available for public use.

- **Acceptance of Responsibility**

- One commenter suggested that asking applicants to accept responsibility for the crimes of conviction does not adequately account for those who are innocent. Two commenters suggested providing additional opportunities for applicants to express remorse.
- *Response:* PARDON has revised the application to focus on a human-centered and trauma-informed approach, which encourages applicants to provide thoughtful and nuanced explanations of their lives, offenses, and reasons for seeking pardon.

- **Time and Burden Estimate**

- One commenter stated that it would take more than three hours to complete this form thoughtfully.
- *Response:* PARDON has worked carefully to improve the instructions provided in the form itself to make the applicant fully aware of the information requested and allow the applicant to engage in adequate preparation and document collection before undertaking completion of the form. With this clarity of instruction and other updates to the form, PARDON believes the time estimate is adequate.

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

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

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

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 Application for Pardon After Completion 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. 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 Application for Pardon After Completion of Sentence is necessary to process applicants' requests for pardon and to evaluate pardon cases under the standards articulated in the Justice Manual, § 9-140.110-140.113. 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. 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

b	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)¹	Hourly Rate*	Monetized Value of Respondent Time
Application for Pardon After Completion of Sentence	1,000	1	1,000	3 hrs.	3,000 hrs.		
Unduplicated Totals	1,000	1	1,000	3 hrs.	3,000 hrs.		

Estimate of Hour Burden

13. Estimate of Cost Burden

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**

¹ This estimate derives from comparison to estimates made in similar information collections, such as PARDON’s Application for Certificate of Pardon for Simple Possession of Marijuana, OMB Control No. 1123-0014.

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 Application for Pardon After Completion of Sentence. 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.

Available information suggests that between 500 and 1,000 people will complete the Application for Pardon After Completion 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 \$42.84 (rounded),² the estimated annual cost to the federal government is \$42,840 to \$85,680.

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

This change is a revision to PARDON's existing application for Pardon After Completion of Sentence. The form is more accessible and easier to utilize by members of the public seeking clemency, and removes some procedural portions of the application, such as requiring notarized signatures and affidavits of support. The application also expands information collected to include demographic information.

² 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 GS-7 and GS-8 positions in the Washington, D.C. locality by averaging the cost of each step within those grades, \$61,070 and \$67,565 (rounded), respectively. The two cumulative averages were then added together to determine an average annual cost of \$64,317. In order to include the cost of benefits, the average annual salary of \$64,317 was multiplied by a federal benefit scaler of 1.39 (computed from PARDON's 2023 budget submission). The resulting sum of \$89,400.63 was divided by 2,087 annual hours to obtain the adjusted average hourly wage rate of \$42.84 (rounded).

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 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.

PARDON is not seeking an 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 does not contain statistical methods.