



July 15, 2009

Mr. Stanley Colvin
Deputy Assistant Secretary for Private Sector Exchange
Bureau of Educational and Cultural Exchange
U.S. Department of State
Office of Exchange Coordination and Designation (ECA/EC)
301 4th Street, SW., Room 734 (SA-44)
Washington, DC 20547

Via e-mail: jexchanges@state.gov

RE: 60-Day Notice of Proposed Information Collection: Form DS-3097, Exchange Visitor Program Annual Report, and OMB Control Number 1405-0151

Dear Mr. Colvin:

The American Council on International Personnel (ACIP) is pleased to submit comments on the proposed form DS-3097, Exchange Visitor Program Annual Report that was published on May 26, 2009. ACIP is the designated J-1 visa sponsor for one Trainee and one Intern exchange visitor program, the designation numbers for which are P-3-04894 and P-3-05777.

The first item we'd like to address is the methodology for submission of the form – we applaud the decision to allow the annual report to be submitted online via SEVIS. This will greatly simplify the process and hopefully allow for a more accurate tally of program numbers.

For the first page which is intended to provide program statistics and an overview of program activity in numbers, it is not clear whether or not these fields will auto-populate. We hope that this is the intent, however, we have concerns regarding accuracy. The existing version of SEVIS does not currently provide an accurate tally of program numbers, such that a manual tally is necessary. To do this, we run a report titled “Profile of Sponsor Activity” specifying program activity from January 1 through December 31 of the given year. This report invariably contains a number of duplicate entries which we reconcile by cross-checking the report with our database records and spreadsheets. Unless the underlying SEVIS system issues causing the discrepancy in calculation are addressed, we are concerned that program sponsors could be held liable for mistakes in an automatic tally. We strongly suggest that the annual report include a mechanism whereby a list is generated that enumerates the participants who are being counted in the yearly tally. This would be very helpful in clarifying how the final program number is reached.

It would also be very helpful for DOS to explain the methodology used to calculate this number. For example, our organization counts participants whose J-1 programs have begun in a given year, and not participants for whom DS-2019 Certificates of Eligibility were issued in a given year. This is necessary, since program dates often change due to wait times at consulates or delays in program. For example, a DS-2019 form may be issued in November for a program scheduled to begin on December 20. If there are consular delays, the program start date must be amended, often into the next year. For our purposes, we consider this program to belong to the year beginning in January, since the start date was amended to begin in this year. It is unclear whether DOS determines program year of a particular program by date of issuance of the initial DS-2019 form, or by the year in which the program actually begins.

Apart from the mechanics of the report, we also have some concerns regarding the narrative responses requested under the “Program Evaluation” section. The third question requesting information on cross-cultural activities is one of these. As a J-1 umbrella sponsor, our program participants undertake training programs in various locations throughout the United States. Our organization has one office located in Washington, DC, so we do not directly make cross-cultural activities available to our participants – we do this through collaboration with the local U.S. host employers. To ensure that this requirement is met, we collect and review to assess as sufficient information on cultural activities to be offered as part of each training program we sponsor. To this end, we suggest that this narrative section be amended to read as follows:

“Provide a summary of the cross-cultural activities provided for its exchange visitors by sponsor or hosting organizations during the reporting year.”

Another concern is number five, which requests information on staffing. We are concerned that the purpose of this information collection is unclear. Due to the wide variances in program purpose and focus, raw data on personnel cannot provide an accurate snapshot of program integrity, and should not alone be used to assess sponsor quality.

Again, we wholeheartedly support DOS’ decision to allow for online submission of the annual report, however, we strongly urge DOS to revise and/or clarify the narratives in the “Program Evaluation” section. We encourage DOS to work with the higher education and exchange communities to create an annual report that will provide for an accurate snapshot of J-1 Trainee and Intern program activities. ACIP welcomes the opportunity to be involved in such a dialogue.

Sincerely,

Darra Klein
Director of Exchange Visitor Programs
Responsible Officer, P-3-4894 & P-3-5777
American Council on International Personnel