

U.S. Department of State
ECA/EC/D, SA-5, Floor 5,
220 C Street NW
Washington D.C. 20522-0505
ATTN: Federal Register Notice Response

RE: DOS Notice on Form DS-3097, Exchange Visitor Program Annual Report – Federal Register
Document Number: 2011-31963; OMB Control Number 1405-0151

To Whom It May Concern:

We are writing on behalf of Boston University (J-1 Exchange Visitor Program P-1-00576) in response to the Federal Register request for public comment on the proposed extension of the Form DS-3097 Exchange Visitor Annual Report.

Boston University is a large research university sponsoring J-1 exchange visitors in six academic categories (Professor, Research Scholar, Short-Term Scholar, Specialist, Student, Student Intern). We see the intent of the J-1 Annual Report to provide useful data to the Bureau of Educational and Cultural Affairs, Office of Private Sector Exchange (ECA/EC) to track data on EV program participation, monitor J program compliance, and to receive feedback from EV program sponsors on trends, initiatives, concerns in international exchange.

While the J-1 annual report is required by regulation and could be a useful tool, we believe that the current version of the form (1) does not effectively contribute to proper performance of program sponsors or the EVP, (2) is burdensome due to redundant paper versions of electronic data, (3) does not provide ECA/EC or the program sponsor with quality, utility or clarity of data, and (4) does not effectively use the electronic functionality of the Student and Exchange Visitor Information System (SEVIS). The effect is that the current form is burdensome and inefficient.

The regulatory requirement for J-1 Program Sponsors to submit an annual report precedes the implementation of SEVIS. On the big picture, we would question whether the annual report is still a useful and necessary function given the real-time data available to track program participation in SEVIS. If an annual report is still to be necessary, we would recommend finding a way to better utilize the electronic functionality of SEVIS, perhaps by creating a way to submit a report electronically.

In our opinion, the current Form DS-3097 annual report does not collect new data in a meaningful way. Our key concerns are as follows:

1. **Automatically-Generated Report Provides No New Data:** The annual report is automatically generated by the Student and Exchange Visitor Information System (SEVIS). The Responsible Officer (RO) of the J-1 Program Sponsor does not provide any new data as there is no functionality to change the data on the report. If EVP cannot retrieve and see the data needed directly from SEVIS, then SEVIS should be configured to allow EVP to do so.

2. **Limited Data Transparency:** No clarification is provided as to how figures are generated in the automatic report and there is no means to reconcile data that appears inaccurate. This is problematic as ROs are required to sign and certify on the report that the data is correct. The report asks the RO to confirm numbers of EVs with "invalid records," "inactive records," and "initial records." As these terms are not consistent with SEVIS terminology, clarification on what these terms mean and how the figures are calculated would be necessary in order for ROs to evaluate data accuracy.

As the data collection and terminology are both unclear, each year, we are reluctant to sign the Annual Report in good faith attesting to the accuracy of the data. We have chosen to add a statement clarifying that:

"This report was produced through the SEVIS report functionality. The figure of active exchange visitors approximately reflects the number of J program participants sponsored during this reporting year. However, other calculations on this report appear inaccurate. As it is not clear how these figures have been calculated, we are unable to confirm accuracy."

3. **Redundant Paper Report:** The requirement to printout and sign an electronically-produced report, without data transparency or functionality to reconcile data is a redundant and inefficient. In keeping with the Paperwork Reduction Act of 1995, we would request that the method of data collection for this annual report be made electronic and that the report criteria be made more transparent to J-1 Program Sponsors who are running the report.
4. **No Electronic Signature:** The inability to sign electronically would be an enhancement to the annual report functionality, and allowing electronic submission of the report would be more efficient and would seemingly help EVP organize and store reports. Better yet, electronic submission and storage of annual reports would ensure real-time submission of the report to ECA/EC and alleviate the need for ROs to repeatedly supply this information to EVP.
5. **Unclear Purpose of Form:** As there is no direct follow-up from ECE/EC related to submission of the annual report, it is not clear whether the narrative statement is reviewed, whether the SEVIS-generated data is compiled, or exactly how the reports are used. Clarification on the purpose of this report would help to make the report a more effective tool for program sponsors and the ECE/EC alike.
6. **Questionable Usefulness of Narrative Section:** Although the narrative section of the report allows the program sponsor to provide detailed response to six questions about program management, the open-ended format is more time-consuming to prepare and is also an inefficient way to collect data for overall EVP management. If more data is required than is available through SEVIS already, it would more efficient for EVP to create an electronic questionnaire that program sponsors could respond to directly through SEVIS.

7. **Unclear Mailing Instructions:** No address is given as to where the hard copy of the DS-3097 annual report should be mailed. Neither the Annual Report Form printed through SEVIS, nor the *User Manual for Exchange Visitor Program Sponsor Users (RO/ARO) of SEVIS* version 6.8, nor the Exchange Visitor Program website describing the annual report requirements. Furthermore, there is no electronic email receipt to confirm that the Annual Report has been received. (A similar email exists when an Application for Re-designation is received.) This oversight creates a difficulty for many exchange visitor programs attempting to be compliant with the annual report requirement. If the annual report were submitted electronic, this difficulty would be eliminated.

While we fully appreciate the need for communication between program sponsors and the EVP, we believe the annual report process could be improved to create a less burdensome, more accurate and more useful reporting tool if moved to an electronic survey within SEVIS.

We would recommend that the Office of Management and Budget (OMB) consider whether maintenance of SEVIS records for exchange visitors meets the regulatory requirement to provide ECE/EC with an annual report. If SEVIS record maintenance alone is not sufficient, then we would propose elimination of the redundant paper copy of the electronic Form DS-3097 and creation of an electronic method of collecting and retaining the J-1 annual report.

Respectfully,



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