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January 27, 2012

The Honorable Rick Ruth
Acting Deputy Assistant Secretary for Private Sector Exchanges
Bureau of Educational and Cultural Affairs
Department of State
Washington, D.C. 20520
Submitted electronically to jexchanges@state.gov

Re: Public Notice 7695, FR Doc. 2011-30521, Proposed Form DS-7007

Dear Deputy Assistant Secretary Ruth:

The International Association of Amusement Parks and Attractions (IAAPA) is the largest trade association for permanently situated amusement facilities and attractions. IAAPA represents more than 4,000 facility, supplier, and individual members in the U.S. Member facilities include amusement and theme parks, waterparks, attractions, family-entertainment centers, arcades, zoos, aquariums, museums, science centers, resorts, and casinos. Among our members are very large, multi-location facilities as well as small, single-site, family-owned operations.

IAAPA members have a long and successful history of working with Summer Work Travel (SWT) students. Given our members' history of working with the program, we welcome the opportunity to comment on the proposed Form DS-7007 and urge you to take serious consideration of our concerns.

The introduction of a new form introduces a significant additional administrative burden for employers. Completing this form as written, as far in advance of the student's arrival as is being requested, would be problematic from both a time and administrative standpoint, due to the fact that the industry does not have all necessary information that far in advance.

Assuming OMB's estimate that the form takes one hour per participant to complete is correct, if an employer had 40 participants, it would take one full time employee a full work week to complete the paperwork. For employers with substantial numbers of SWT students, that quickly becomes a significant workload for administrative staff. The Department of State should look at ways it can minimize this time requirement. We offer the following suggestions:

- The Department of State should, where possible, utilize current systems (such as “SEVIS” and “Footprint”) and forms (such as the DS-2019) to collect this information rather than introducing an additional form. This would greatly decrease the overall level of paperwork and would likely increase the usability and accessibility of such information.
- If an additional form is absolutely necessary, we suggest an employer complete one form per arrival group of students, which contains the names of all students. This would reduce the time burden of completing this form for each individual while still serving the purpose of verifying employment.
- The Department of State should allow the use of electronic information to fulfill the requirements they are seeking. For example, rather than requiring photos of housing, State should allow a link to an employer’s website to access photos of housing online. This would greatly decrease the administrative burden of complying with this requirement.
- This form should be submitted electronically. In addition to security concerns, an online form could be pre-populated with known information to avoid the burden of duplicate data entry. If an employer profile were on file with the State Department, the employer information would only need to be provided once and then applied to the relevant DS-7007 form for each participant.

We have specific concerns about the following items:

1.Participant Information. The form requires a “U.S. Residence Address.” Arrangements regarding employee housing, J-1 and domestic, vary widely among our members. It would be challenging to provide a US address and US phone number for the students as requested on the form at the time the students are trying to acquire a visa.

- In situations where a business provides its own housing, those logistics are not finalized until much closer to the student’s arrival date.
- Many students are offered a variety of housing options, and the student decides what they want based on their preferences and budgetary constraints. While employers often provide examples of the types of housing and costs of housing prior to the students’ arrival, students generally want the ability to view the housing firsthand before committing to it.
- Even where housing is provided directly by the employer, there are often variations in the employer provided housing and options for rooming with

other people. We don't see how it would be possible to indicate the U.S. residential address of a student until after they arrive and commit to their housing.

- Even if it was possible to pre-select housing for students prior to their arrival, this has great potential to negatively impact the student's experience and decrease the student's flexibility to weigh options and choose housing that fits his or her needs.

Requiring an employer or sponsor to indicate the U.S. housing within the first month of starting work would be achievable and would result in more accurate address records.

With the growing prevalence of alternative methods of communication, some students never obtain a U.S. telephone number, which means that field will either be left blank, or simply provide the employer's phone number.

The form references the housing as "EMPLOYER HOUSING" but housing type and ownership varies greatly. Housing can be employer owned or arranged, sponsor owned and arranged, etc. Please consider changing that section's title to something more generic to meet the needs of various situations. Perhaps simply "HOUSING" would be appropriate.

2. Employer Information. "Supervisor's Name" should be changed to "Employer or Employer's designee."

3. Position Information. Sometimes, due to the needs of the business, workers can be shifted into other positions. Furthermore, specific positions and titles can change during the course of the summer. What happens when changes occur? Whose responsibility is it to contact the Department of State with the updated information? What if a position changes with weekly scheduling?

The attractions industry values the flexibility to make adjustments to job placements as business needs dictate and does so with its domestic employees. As requirements can change from the time of offer to the time of arrival, and even during the program, this flexibility is needed.

4. Hours of Work per Week (minimum 32 hours). The hours that our members' employees work per week vary contingent on any number of factors, including conditions beyond their control such as weather. Also, students may request time off to travel or participate in cultural activities, which will reduce the number of hours a student wants to work in a week.

Currently, J-1 students are treated similarly to their comparable American counterparts. Requiring an employer to ensure that their J-1 students will be guaranteed a minimum number of hours per week will put employers in the uncomfortable position of

discriminating against their American workers in order to accommodate requirements for J-1 students. This is contrary to the goals of the program and we strongly recommend that the Department of State take out any reference to a minimum number of hours per week. However, if this requirement remains, we would recommend any of the following approaches as an alternative:

- Deletion of the specific reference to minimum hours worked and insertion of a box certifying that with regard to hours worked, J-1 SWT students are treated similarly to American workers in comparable positions.
- Deletion of a specific reference to minimum hours worked with an addendum in the Federal Register notice indicating the minimum number of anticipated hours of work students should expect.
- A box indicating the minimum average number of hours that students can expect to work over the course of their stay in the United States based on a 30 hour per week average.
- Clarify that average number of hours refers to scheduled hours, and if a student misses work due to uncontrollable circumstances (including absences requested by the student), that the number of hours may fall below the anticipated average.

5. Employer-Provided Housing. The requirements for this area are far too specific to accommodate the range of options available through most employer provided housing. Within employer-provided housing there are different types of housing, and different rooming opportunities. This form does not allow for that diversity. We would urge the Department of State to allow employers to provide a general description of the housing including: average cost per week, types of rooming options, average total cost including utilities and illustrative photos. We would also urge that any photos be allowed to be made available electronically rather than requiring print copies for every participant. This would greatly minimize the paperwork burden on employers and would more accurately provide an overview of the types of housing that would be available. The Department of State might also want employers to verify that the overall cost of employer-provided housing is no higher than local housing costs of similar quality, amenities, and proximity.

6. Contract Agreement. We believe the Department of State is intending for Form DS-7007 to be a “verification” form as stated in the title, not a “contract” as stated on page two. It is reasonable for employers and sponsors to certify to certain requirements; however, we would urge you to indicate that the sponsor and employer certification is made under a “good faith effort made to the best of one’s knowledge and belief” not a bare certification that could be read as a “guarantee.” With tens or even hundreds of employees and myriad elements of the Job Placement Verification Plan, it would be

impossible for employers to guarantee the items they are being asked to certify. The form prominently highlights that employers are subject to substantial fines or jail time. What employer would agree to notify a sponsor, “regarding *any concerns about, changes in, or deviations* from the Job Placement Verification Plan?” This is simply too broad.

We urge you to consider requiring employers and sponsors to verify that they will make a “good faith effort” to the “best of their knowledge and belief.” A change to reflect a “good faith” standard will increase the likelihood of sponsors, employers and students signing this form. We believe this is a more appropriate approach, which will reach the same management outcome without having a potentially chilling impact on program participation.

7. Effective date. This should not go into effect until winter 2012 at the earliest. Employers and sponsors need a full year to implement changes, and should not have to amend forms and processes while they are at the height of the SWT recruiting season (generally January - March).

We believe the SWT program is an extremely valuable public diplomacy tool that enhances the experience of our guests and domestic employees and are deeply concerned that the noted requirements will be impracticable and have unintended consequences. We support the State Department’s overall effort to ensure the program maintains its integrity as an exchange program and hope changes are not made that make it difficult for employers to continue to participate in the program.

If you have any questions about our comments, please feel free to call me at (703) 836-4800. I would welcome the opportunity to discuss them with you.

Sincerely,



Randall Davis

Senior Vice President, Safety & Advocacy