

## Supporting Statement

### A. *Justification*

1. The Communications Assistance for Law Enforcement Act (CALEA), 47 U.S.C. §§ 1001-1010 (1994), was enacted to preserve the Government's ability, pursuant to court order or other lawful authorization, to intercept communications involving advanced technologies, while protecting the privacy of communications and without impeding the introduction of new technologies, features, and services. Section 109(a) of CALEA authorizes the Attorney General (who has delegated his authority to the FBI) to agree to pay telecommunications carriers for reasonable costs associated with modifications necessary to comply with CALEA's requirements, for equipment installed before 1995. Section 109(e)(1) directs that the Attorney General shall "establish regulations necessary to effectuate the timely and cost effective payment to telecommunications carriers under this title. . . ." Section 109(e)(2) specifies the contents of the regulations. The FBI, as the authorized delegate of the Attorney General, therefore adopted the regulations published at 28 C.F.R. § 100.9, et seq. The FBI uses these regulations to govern the submission of claims, and, as is further required by CALEA Section 109(c) to, "allocate funds . . . in accordance with law enforcement priorities." The purpose of this statement is to support the continued collection of information collected pursuant to the regulations.
2. The information collected pursuant to the regulations will be used by the FBI to evaluate whether claims submitted by telecommunications carriers are eligible for payment pursuant to the statutory requirements set forth above, and whether such claims should be paid in order to ensure law enforcement priorities as determined by the FBI under Section 109(c) of CALEA.
3. Information submitted pursuant to the regulations is collected in the most efficient means. The FBI will accept the information provided by a carrier in either electronic or hard copy format.
4. There is no duplication of effort, as the FBI is the only authorized delegate of the Attorney General for the implementation of CALEA. There is no other similar information currently available that can be used for the purposes set forth herein.
5. While most telecommunications carriers are not large in terms of capitalization, most are dominant within their markets, so they are not considered "small" for the purposes of the Paperwork Reduction Act. Moreover, this collection of information does not have a direct impact on small business or other small entities because while they are required to comply with CALEA's assistance capability requirements, they are not required to submit any information unless they choose to seek cost reimbursement.

6. Without this information collection, the FBI cannot determine whether a carrier's claim for reimbursement is valid and meets the requirements of CALEA, or whether payment would help ensure law enforcement priorities. The FBI must make such determinations as required by CALEA.
7. There are no special circumstances that would cause the information collection to be conducted in a different manner from that described herein. Although this information collection does not require respondents to submit proprietary or confidential information, the FBI anticipates that where telecommunications carriers submit such information to the FBI it will be protected in accordance with the law, as described in paragraph 12, below.
8. Notices have been forwarded to the Federal Register for publication that the FBI will be seeking OMB approval for this information collection. The notice allowed for a 60 and 30 day public comment period.
9. The FBI does not provide payment or gifts to respondents for a benefit sought.
10. Telecommunications carriers should mark any proprietary information they submit to the FBI under this information collection as proprietary. Information will be used for the purposes described herein and in the regulations published at 28 C.F.R. § 100.9 et seq. Such information shall be treated as confidential in accordance with the procedures described in 28 C.F.R. § 100.20 and other federal laws. Proprietary information will not be disclosed outside the Government except in accordance with applicable federal law.
11. There are no questions of a sensitive nature.
12. Annual Reporting Burden:

a.	Number of Respondents:	2
b.	Number of Responses per Respondent:	5
c.	Total Annual Responses:	10
d.	Hours per Response:	4
e.	Total Annual Reporting Burden:	40 hours
f.	Total Public Cost Burden:	\$1,400

The projected hours per response for this collection of information is based on FBI prior experience

### **Reporting Burden**

**The total annual reporting burden hours is 40.** This figure was derived by multiplying the approximate number of respondents 2 by the frequency of response 5 by the hours per response 4.

**Public Cost**

**The estimated annual public cost is \$1,400.** This estimation is based on the approximate number of respondents (10) multiplied by the hours per response (4 hours) and the estimated average wages and overhead (\$35).

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this collection are identified in item. There is no fee associated with the collection of this information.

14. Annualized Cost Analysis:

a.	Printing Cost	----
b.	Collection and Processing Cost	\$320
c.	Total Cost to Program	\$320
d.	Fee Charge	----
e.	Total Cost to Government	\$320

**Government Cost**

**The estimated cost to the Government is \$320.** This figure is calculated using the estimated number of respondents (10) multiplied by the time required to collect and process the information (1 hours) multiplied by the suggested average hourly rate for clerical, officer, and supervisory time with benefits (\$35).

15. There are no program changes to report?.

16. The FBI does not intend to employ the use of statistics or the publication thereof for this collection of information.

17. The FBI is not seeking approval to not display the expiration date for OMB approval of the information collection. The FBI does not request an exemption from this requirement. The FBI will not however be using any forms to collect information pursuant to this process.

18. The FBI does not request an exemption from the certification required for this information collection.