

**Department of the Treasury**

**SUPPORTING STATEMENT**

**Request for Transfer of Property Seized/Forfeited by a Treasury Agency**

**1505-0152**

**1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION**

As stated in the *Department of the Treasury Guide to Equitable Sharing for Federal, State and Local Law Enforcement Agencies*, after a seizure in a joint investigation the participating state, local or tribal law enforcement agency may request a share of the forfeited assets by submitting the Treasury Form TD F 92-22.46 to the investigative agency completing the forfeiture.

**2. USE OF DATA**

The information on form TD F 92-22.46 is used to evaluate a request for asset sharing by a local, county, state or tribal law enforcement agency that participated in a Treasury investigation.

**3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN**

The form is submitted via email.

**4. EFFORTS TO IDENTIFY DUPLICATION**

The information requested on form TD 92-22.46 is not available from any other source.

**5. METHODS TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES**

The information requested is the minimum necessary for Treasury to be able to evaluate a request for asset sharing from partner law enforcement agencies, regardless of their size.

**6. CONSEQUENCES OF LESS FREQUENT COLLECTION ON FEDERAL PROGRAMS OR POLICY ACTIVITIES**

This information is collected only when a respondent chooses to request the transfer of property from the Treasury Forfeiture Fund and thus cannot be collected less frequently. If agencies were not able to submit this form on

demand, delays would occur in the payment of asset sharing to those law enforcement entities entitled to it.

7. **SPECIAL CIRCUMSTANCES REQUIRING DATA COLLECTION TO BE INCONSISTENT WITH GUIDELINES IN CFR 1320.5(D)(2)**

There are no special circumstances.

8. **CONSULTATION WITH INDIVIDUALS OUTSIDE OF THE AGENCY ON AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, CLARITY OF INSTRUCTIONS AND FORMS, AND DATA ELEMENTS**

We received zero comments in response to the Federal Register Notice dated November 27, 2020 (85 FR 77486). In addition, Treasury Fund participating law enforcement personnel routinely meet with local, county, state and federal agency personnel in joint law enforcement situations and would have ample opportunity to advise this office if there are any concerns regarding the asset sharing application form.

9. **EXPLANATION OF DECISION TO PROVIDE PAYMENT OR GIFT TO RESPONDENTS**

No payment or gift is made to respondents, other than the asset sharing to which they may be entitled.

10. **ASSURANCE OF COFIDENTIALITY OF RESPONSES**

Reponses remain a part of the public record and may be made available under the Freedom of Information Act.

11. **JUSTIFICATION OF SENSISTIVE QUESTIONS**

No personally identifiable information (PII) is collected.

12. **ESTIMATED BURDEN OF INFORMATION COLLECTION**

The burden is as follows:

<u>Number of Responses</u>	<u>Time per Responses</u>	<u>Total Hours</u>
7,000	30 Minutes	3,500

Approximately 1,000 agencies (respondents) sending in 7 forms a year on average yields 7,000 responses.

13. **ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS**

Based on a fully loaded wage of \$48.43/hour<sup>1</sup>, we estimate that total annual labor costs will be \$169,512. There are no non-labor costs.

14. **ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT**

There is no direct cost to the federal government. However, the form is utilized as part of the equitable sharing package.

15. **EXPLAIN THE REASONS FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN 13 OR 14 OF THE OMB**

The form was updated to add fields to collect Title IV information required by the Department of the Treasury Civil Rights Office. Additionally, formatting of the form was enhanced.

There is no change to the previously approved burden for this form. The three added questions are brief. Two of the questions require Yes or No answers. One question requires listing a location.

16. **PUBLICATION OF INFORMATION COLLECTION RESULTS**

The information collected will not be published.

17. **APPROVAL TO NOT DISPLAY THE EXPIRATION DATE ON THIS FORM**

We believe the public interest will be better served by not printing an expiration date on the form. Printing the expiration date on the form will result in increased costs because of the need to replace inventories that become obsolete by passage of the expiration date each time OMB approval is required. Without printing the expiration date, supplies of the form could continue to be used.

Not printing the expiration date on the form will also avoid confusion among users who may have identical forms with different expiration dates in their possession. For the above reasons, we request authorization to omit printing the expiration date on this form and permission to use previous versions of TD F 92-22.46.

18. **EXPLAIN EXCEPTIONS TO THE CERTIFICATION STATEMENT IDENTIFIED AT ITEM 19**

There are no exceptions to the Certification Statement.

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<sup>1</sup> The Bureau of Labor Statistics lists a median wage of \$30.27 for Police and Detectives (in 2017). A benefits and overhead factor of 60% has been added to calculate a fully-loaded wage rate of \$48.43. <https://www.bls.gov/ooh/protective-service/police-and-detectives.htm>