

Supporting Statement for Paperwork Reduction Act Submissions

Each information collection request must include a supporting statement outlining the justification for the proposed collection. Completed supporting statement documents must include both the questions below and the component's answers, even if a question is not applicable. If selecting "Yes" on question 17 of OMB Form 83-I or if selecting in ROCIS that the collection will employ statistical methods, then Part B of the Supporting Statement must also be completed.

1. *Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.*

The authority for collection of the information on these two forms (USM-3A, Application for Special Deputation/Sponsoring Federal Agency Information and USM-3C, Application for Special Group Deputation) is 28 CFR subpart T, 0.112, 28 U.S.C. 561 through 569. The USMS is authorized to deputize selected persons to perform the functions of a Deputy U.S. Marshal whenever the law enforcement needs of the USMS so require, to provide courtroom security for the Federal judiciary, and as designated by the Associate Attorney General pursuant to 28 CFR 0.19(a)(3).

2. *Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

These forms serve as records of the special deputations granted by the USMS to assist in tracking, controlling and monitoring the Special Deputation Program. These forms may be routinely disclosed: To a federal, state or local law enforcement agency regarding that agency's USMS deputized employees; where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law - criminal, civil, or regulatory in nature - the relevant records may be referred to the appropriate federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; and as otherwise provided in USMS Privacy Act system of records notice Justice/USM-004, Special Deputation Files, 72 FR 33515 (June 18, 2007).

3. *Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.*

The forms may be completed and submitted electronically. An email address has been set up to specifically receive these applications.

4. *Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.*

There is no similar collection in place.

5. *If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize burden.*

This collection of information does not impact small businesses.

6. *Describe the consequence to the Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*

Submission of these applications is voluntary. If the information on these two forms was not collected, our agency would not have the necessary information to make a determination about whether applicants were fit to become special deputies on behalf of USMS.

7. *Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines: (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document; (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; (e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) that includes a pledge of confidentiality that is not supported by authority established in stature of regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other*

agencies for compatible confidential use; (h) requiring respondents to submit proprietary trade secrets or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The Department anticipates no circumstances under which a request for the assumption of concurrent Federal criminal jurisdiction would be subject to any of the following conditions:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

8. *If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior*

periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The Department solicited comments on the information collection in FR Volume 86, Number 245, pages 73342-73343 (December 27, 2021) and FR Volume 87, Number 42, page 12205 (March 3, 2022). The comment period for the proposed rule has closed and the Department received no comments on the information collection.

9. *Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*

The Department has made no decision to provide any payment or gift to respondents.

10. *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*

There is no assurance of confidentiality.

11. *Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

The Department is not requesting such information.

12. *Provide estimates of the hour burden of the collection of information. The statement should:*

- *Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.*

- *If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.*
- *Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.*

The Department estimates the number of minutes necessary to submit a request on Form USM-3A to be approximately 15 per responder, with approximately 6,000 possible responders. In order to calculate the public burden, the Department multiplied 15 by 6,000 and divided by 60 (the number of minutes in an hour), which equals 1,500 total annual burden hours.

The Department estimates the number of minutes necessary to submit a request on Form USM-3C to be approximately 10 per responder, with approximately 5,500 possible responders. In order to calculate the public burden, the Department multiplied 10 by 5,500 and divided by 60 (the number of minutes in an hour), which equals 917 total annual burden hours.

These estimates were determined by having a staff member complete the forms and noting how long it took them.

13. *Provide an estimate for the total annual cost burden to respondents or record-keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14)*

There should be no cost burden on the respondent to complete this request.

14. *The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.*
- *If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost*

burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- *Generally, estimates should not include purchases of equipment or services, or portions thereof, made:

 - o *Prior to October 1, 1995,*
 - o *To achieve regulatory compliance with requirements not associated with the information collection,*
 - o *For reasons other than to provide information or keep records for the government, or*
 - o *As part of customary and usual business or private practices.**

No such costs are associated with this collection.

15. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

DOJ Component	Item	Cost Range
USMS	SDB Staff time to process and document request, 6,500 – 11,500 applications annually	\$120,633.59 – \$194,635.41
USMS	Delivery costs to ODAG by courier for 250 – 500 applications annually	\$1,177.50 – \$2,355.00
USMS	Records maintenance and storage, 6,500 – 11,500 applications annually	\$53,045.34 – \$93,894.66
Executive Secretariat	Staff time to review and comment, 250 – 500 applications annually	\$141.43 – \$282.85
ODAG	Staff time to review and comment, 250 – 500 applications annually/Management Analyst	\$28,285.00 – \$113,140.00
ODAG	Deputy Associate Attorney General’s time to review/sign each	\$10,978.75 –

	application, 250 – 500 applications annually	\$21,957.50
Grand Total		\$214,261.61 – \$426,265.42

Methods to estimating costs:

- A range of costs was calculated due to the voluntary nature of this collection of information. The Department is using actual numbers from fiscal years 2010 – 2014 to estimate the number of expected applications per year. During that time frame, the average number of applications received was 6,613 with recent years showing a downtrend towards 6,000. Notably, every four years the Special Deputations Branch (SDB) experiences a spike of 3,000 to 4,000 additional applications for the Presidential Inauguration. SDB cannot anticipate emergencies or operations that may occur that cause a large influx of applications (ESF-13, Operation Falcon, etc.) In the past, (FY2008) we have processed over 7,000 applications for Operation Falcon and over 4,000 for the Presidential Inauguration (FY2009) alone. These spikes in application submissions are processed on the USM-3C form. Therefore, we allowed for 6,000 USM-3A's to be the expected amount received annually and between 500 and 5,500 USM-3C submissions.
- SDB staff time to process and document requests: 1 GS-14 LEO (\$76.04/hour) devoting 325-575 hours to approving/reviewing + 1 GS-13 (\$56.57/hour) devoting 325-575 hours to processing/reviewing + 2 contractors (\$48.98/hour) devoting 1583-2417 hours total to processing/reviewing (.25 hours per USM-3A and .166 hours per USM-3C).
- 250 – 500 Courier requests for ODAG review (FedEx Express Saver \$4.71 each).
- Record maintenance and storage: 2 contractors (\$48.98/hour) devoting 1083 to 1917 hours each year (.166 hours per case each year) to creating, maintaining, and disposing of records, and pulling previous records for reference * 6,500 – 11,500 cases.
- Other component/agency: Executive Secretariat staff time to process and document requests: 1 GS-13 (\$56.57/hour) devoting 2.5 – 5 hours to processing/reviewing * 250 – 500 cases /year.
- Office of the Deputy Attorney General staff time to process and document requests: 4 – 8 Analysts (\$56.57/hour) devoting .5 hours to review and comment * 250 – 500 cases per year each consultation and to assess law enforcement and public safety claims made by the request Federal/State or Local Law enforcement in the request.
- Associate Deputy Attorney General time to review, approve/disapprove, and comment: 1 SES (\$87.83/hour) devoting .5 hours per request * 250 – 500 cases per year.

16. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

N/A

17. *For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*

N/A

18. *If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*

N/A

19. *Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.*

N/A