

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
National Marine Fisheries Service, Office of Law Enforcement
Cooperative Enforcement Program Partner Survey of Need
(FY2022 Consolidated Appropriations Act Report)
OMB Control No. 0648-XXXX

Abstract

The National Oceanic and Atmospheric Administration’s (NOAA’s) National Marine Fisheries Service (NMFS) Office of Law Enforcement (OLE) has been directed to report on its Cooperative Enforcement Program partner needs. However, the Office of Law Enforcement does not track its partner agencies’ internal policies and procedures related to the recruitment, retention, and training of its officers or impacts from agencies’ capacity to perform as requested by Congress in the Consolidated Appropriations Act of 2022 (117th Congress (2021-2022)). To acquire, analyze, and submit this information in a final report to Congress, the Office of Law Enforcement will need to deliver an electronic survey to its twenty-nine (29) partner agencies requesting the information identified by Congress: shortages of trained personnel, maintaining maritime domain awareness, formal operational agreements with other Federal law enforcement agencies, access to advanced technological enforcement tools, and other issues as warranted.

Justification

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.

Congress directed National Marine Fisheries Service Office of Law Enforcement to “[...] document and report to the Committees on the needs of its partner State and territorial law enforcement agencies, in particular with regard to shortages of trained personnel, maintaining maritime domain awareness, formal operational agreements with other Federal law enforcement agencies, access to advanced technological enforcement tools, and other issues as warranted,” within 180 days of the enacting of the Consolidated Appropriations Act of 2022 (117th Congress (2021-2022)) (the Act). The Act was enacted on March 9, 2022; the final report must be submitted to Congress on September 5, 2022.

The Office of Law Enforcement must draft the survey questions; deploy the survey; collect survey answers; evaluate the answers; synthesize responses from twenty-nine (29) state and territorial partner agencies; perform the review, edits, and finalization of the report; and submit the final report into the review and approval process before submitting the report to Congress on September 5, 2022.

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.

The Office of Law Enforcement will survey Cooperative Enforcement Program partners made up of State and territorial law enforcement agencies to collect specific information with regard to shortages of trained personnel, maintaining maritime domain awareness, formal operational agreements with other Federal law enforcement agencies, access to advanced technological enforcement tools, and other issues as warranted.

The Office of Law Enforcement will survey its twenty-nine (29) natural resource law enforcement partner agencies: AK, AL, AS, CA, CT, DE, FL, GA, GU (2), HI, LA, MA, MD, ME, MI, MP, MS, NH, NJ, NY, OR, PR, RI, SC, TX, VA, VI, WA. The Office of Law Enforcement will collect the information through an internet-based online survey tool. The information will be used solely to report to Congress as mandated under the Consolidated Appropriations Act of 2022. The Office of Law Enforcement has no other use for this information.

To meet the Congressional reporting mandate, the Office of Law Enforcement will not offer any other options for providing the information. This information will be collected one time to meet the Congressional mandate and will be shared with Congress as directed in the Consolidated Appropriations Act of 2022.

This is not an ongoing collection of information. The Office of Law Enforcement does not intend to collect this information in the future. The information is collected solely for the purpose of meeting the Congressional mandate contained in the Act: “No less than 180 days after enactment of this Act, NOAA is directed to document and report to the Committees on the needs of its partner State and territorial law enforcement agencies, in particular with regard to shortages of trained personnel, maintaining maritime domain awareness, formal operational agreements with other Federal law enforcement agencies, access to advanced technological enforcement tools, and other issues as warranted.” Its practical utility will inform Congress about the needs of its natural resource law enforcement agencies’ needs in order to fulfill their obligations under the Cooperative Enforcement Program.

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, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

The Office of Law Enforcement intends to submit the survey to its Cooperative Enforcement Program partner agencies in an electronic, internet-based format. The electronic deployment of the survey will eliminate the time and cost associated with paper delivery and distribution. All partner agencies have access to electronic systems that will allow them to respond quickly to the survey.

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 Question 2

This is a new, one-time only collection of information from the Office of Law Enforcement Cooperative Enforcement Program partner agencies. This information is not collected by the Office of Law Enforcement and, therefore, is not duplicative of any other collection effort. This collection is unique

and necessary because it is directed by Congress in the Act.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

This information does not impact small businesses.

6. Describe the consequence to 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.

If the Office of Law Enforcement is not able to conduct the information collection, the consequences will be two-fold: 1. It will miss the deadline directed by Congress, which is September 5, 2022; and 2. It will not be able to address the needs and concerns of its Cooperative Enforcement Program partner agencies identified as a result of responding to the survey questions.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

This survey will be conducted in a manner consistent with OMB guidelines. However, OLE will require that responses to the survey questions be completed within two weeks (14 days) after receiving the survey in order to comply with the Congressional mandate that a report be submitted within 180 days of the enactment of the Act, which is September 5, 2022.

8. If applicable, provide a copy and identify the date and page number of publications 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.

A Federal Register notice is being published to inform the public that the information is being collected. However, given the expedited nature of this collection, public comments are not being solicited.

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

The Office of Law Enforcement will not provide a 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. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

The Office of Law Enforcement will not collect confidential information. This collection does not involve collecting personally identifiable information or business identifiable information so SORN coverage is not required.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or 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 Office of Law Enforcement will not ask any questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
CEP Partner Survey	First Line Supervisors of Law Enforcement Workers	29	1	29	2	58	\$43.32	\$2,512.56
Totals				29		58		\$2,512.56

*The hourly wage rate for First Line Supervisors of Law Enforcement Workers (33-1010) was used to calculate the total annual wage burden costs. https://www.bls.gov/oes/current/oes_nat.htm#33-0000

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 already reflected on the burden worksheet).

There are no costs incurred by the respondent as a result of this collection.

14. Provide estimates of annualized cost 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.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZA-5	\$264,450	1%		\$2,644.50
Other Federal Positions	ZA-4	\$217,464	1%		\$2,174.64
	ZA-3	\$154,764	2%		\$3,095.28
TOTAL					\$7,914.42

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

This is a new collection of information.

16. 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.

The Office of Law Enforcement will not publish the information collected.

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

The Office of Law Enforcement plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Explain each exception to the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

The Office of Law Enforcement certifies compliance with 5 CFR 1320.9 and the related provisions of 5

CFR 1320.8(b)(3).