



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of the Chief Information Officer
High Performance Computing and Communications
CHIEF INFORMATION OFFICER

April 28, 2022

MEMORANDUM FOR: Dominic J. Mancini
Deputy Administrator
Office of Information and
Regulatory Affairs Office of
Management and Budget

FROM: Zachary G. Goldstein
Chief Information Officer and Director
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National Oceanic & Atmospheric
Administration

Request for OMB Emergency Review and Approval of Information Collections for Office of Law Enforcement Cooperative Enforcement Program Survey Mandated by Congress

On behalf of the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) Office of Law Enforcement (OLE), I am seeking approval for emergency Paperwork Reduction Act (PRA) clearances to allow the Department of Commerce (DOC), as represented by OLE, to publish a Federal Register Notice (FRN). This emergency clearance will permit a survey of OLE's Cooperative Enforcement Program partner agencies, as mandated by Congress in the Consolidated Appropriations Act of 2022 (117th Congress (2021- 2022)) (the Act).

Background

The OLE enforces federal laws that support the management, conservation, and protection of commercial fisheries and living marine resources on behalf of NOAA's NMFS through a Cooperative Enforcement Program (CEP). To perform its work, the Magnuson-Stevens Fisheries Conservation and Management Act (MSFCMA, 16 U.S.C. §1861(h)(1)) specifically authorizes OLE to enter into annual Joint Enforcement Agreements (JEA):

The Governor of an eligible State may apply to the Secretary [of Commerce] for execution of a joint enforcement agreement with the Secretary that will authorize the deputization and funding of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary relating to law enforcement provisions of this title or any other marine resource law enforced by the Secretary.

Through the JEA, OLE confers authority upon twenty-nine (29) state and territorial law enforcement agencies to act on its behalf.

Justification

The Act was enacted on March 9, 2022 and directs OLE to collect the following information for a mandatory report to Congress. The report must be submitted by September 5, 2022. The Act states:

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.

The OLE does not collect or track information on its partner agencies' internal policies and procedures related to recruitment, retention, and training of its officers. Nor does the OLE collect or track the impacts this may have on an agency's capacity to perform.

Therefore, due to the urgent need to collect the information and provide a timely and accurate response to Congress, I request processing of this information collection as an Emergency Request in accordance with section 1320.13, Emergency Processing. I am submitting this information collection for approval under a new OMB control number (OMB XXXX) which will be discontinued at the end of FY2022.

Given the unique conditions associated with this request, NOAA cannot reasonably comply with the normal clearance process and requests emergency clearance. With your emergency approval, NOAA will be able to create and publish a survey, making it available to our state and territorial partners in response to Congress' direction. We appreciate your understanding of this urgent request and look forward to your response.

Request for OMB Emergency Review and Approval of Information Collections for a survey of OLE's Cooperative Enforcement Program partner agencies, as mandated by Congress in the Consolidated Appropriations Act of 2022.

_____ I approve.

_____ I do not approve.

_____ I approve as amended.