

Supporting Statement
1105-0094

1. 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. 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. The forms may be completed and submitted electronically. An email address has been set up to specifically receive these applications.
4. There is no similar collection in place.
5. This collection of information does not impact small businesses.
6. 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. 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. The Department solicited comments on the information collection in FR Volume 80, Number 132, page 39800 (July 10, 2015) and FR Volume 80, Number 176, page 54803 (September 11, 2015). The comment period for the proposed rule has closed and the Department received no comments on the information collection.
 9. The Department has made no decision to provide any payment or gift to respondents.
 10. There is no assurance of confidentiality.
 11. The Department is not requesting such information.
 12. 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.
 13. The cost associated with submitting a request is negligible, as it involves submitting an email with an attachment(s).

14.

| 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 application, 250 – 500 applications annually | \$10,978.75 – \$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.

- 15. N/A
- 16. N/A
- 17. N/A
- 18. N/A