

**SUPPORTING STATEMENT
STATEMENT OF FINANCIAL INTERESTS, REGIONAL FISHERY MANAGEMENT
COUNCILS
OMB CONTROL NO. 0648-0192**

A. JUSTIFICATION

This request is for revision and extension of this information collection. Changes were made to the financial disclosure form in response to Fishery Management Council suggestions.

1. Explain the circumstances that make the collection of information necessary.

The [Magnuson Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act) authorizes the establishment of Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of such fishery management plans under circumstances (a) which will enable the States, the fishing industry, consumers, environmental organizations, and other interested persons to participate in the development of such plans, and (b) which take into account the social and economic needs of fishermen and dependent communities.

Section 302(j) of the Magnuson-Stevens Act (attached) requires that Council members appointed by the Secretary, Scientific and Statistical Committee (SSC) members appointed by a Council, or individuals nominated by the Governor of a State for possible appointment as a Council member disclose their financial interest in any Council fishery. These interests include harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery over which the Council concerned has jurisdiction.

The information required to be reported must be disclosed on NOAA Form 88-195, "Statement of Financial Interests," or such other form as the Secretary may prescribe. *We are requesting that the new expiration date for this information collection have the same approval month as currently.*

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information is intended to inform the Secretary of Commerce (Secretary) and the public of potential members' conflicts of interests. Seated Council members appointed by the Secretary, including the Tribal Government appointee, must file a financial interest form within 45 days of taking office, must file an annual disclosure by February 1, and must file an update of their statements within 30 days of the time any such financial interest is acquired or substantially changed. SSC members appointed by the Councils must file a financial interest form with 45 days of taking office, must file an annual disclosure by February 1, and must file an update of their statements within 30 days of the time any such financial interests is acquired or

substantially changed. The information is also intended to inform the Secretary of potential SSC members' conflicts of interests.

As described in Question 8, changes to format and instructions were made in response to comments.

The National Oceanic and Atmospheric Administration's (NOAA) Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

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

The form is available electronically in PDF format mainly for ease of use of the form. Despite this plan, the use of automated technology has not been deemed to substantially reduce collection-of-information burden on the respondents. An original signature is required.

4. Describe efforts to identify duplication.

There is no duplication. Information being collected is specific and relevant only to the Regional Fishery Management Councils.

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

This information collection will not have a significant impact on small businesses, organizations or government entities. The respondents are individuals.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Failure to collect this information would increase the risk of SSC and Council members violating the Magnuson-Stevens Act and other conflict of interest laws, including [18 USC 208](#), Acts Affecting a Personal Financial Interest.

The Magnuson-Stevens Act further provides that a member shall not vote on a Council decision that would have a significant and predictable effect on a financial interest. A Council decision shall be considered to have a significant and predictable effect on a financial interest if there is a close causal link between the decision and an expected and substantially disproportionate benefit to the financial interest of the affected individual relative to the financial interest of other

participants in the same gear type or sector of the fishery. However, an affected individual who is declared ineligible to vote on a Council action may participate in Council deliberations relating to the decision after notifying the Council of his/her recusal and identifying the financial interest that would be affected.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The collection is consistent with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the 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.

A published Federal Register Notice solicited public comment on this renewal. No comments were received.

Substantive comments were received by staff members from the Fishery Management Councils. The comments were addressed and changes were made to the form.

NOAA Fisheries, on four separate occasions in July, August, September and November 2016, consulted with the NOAA General Counsel and members of the Fishery Management Councils about this form, the clarity of instructions, and reporting format. These consultations were done via conference call or email. NOAA Fisheries focused on gaining insight from the affected public 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. Council staff noted that the form, in its current format, could lead to inconsistent reporting due to the fact that individuals may interpret the instructions and the requirements differently. Council staff also noted that the time to fill out the form may be longer than 45 minutes -- the form was made more comprehensive in 2014, but the response time had not been re-estimated at that time. All input from the Council staff is reflected in the current form. Based upon their recommendations, NOAA Fisheries updated the format of the form to make it clearer and more user friendly, clarify to the public how disclosures are documented, and better identify the legal consequences of omitting a disclosure declaration or making a false declaration. The response time has been changed to 45 minutes from 35 minutes. The information being requested will not change.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or gift will be made for responses.

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

Financial statements completed by Council members appointed by the Secretary will be kept on file by the Council and the Secretary, and made available on Council Internet sites and for public inspection at the Council offices during reasonable hours, and at each public hearing or public meeting. Financial statements completed by SSC members will be kept on file by the Secretary.

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.

No sensitive questions are asked.

12. Provide an estimate in hours of the burden of the collection of information.

Estimate in hours of the burden of the collection of information:

Number of respondents = 330
Frequency of responses = annual
Total number of responses expected = 330
Average response time per respondent = 45 minutes
Total annual response time = 247 hours.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

Annualized costs per respondent are estimated at \$1.47 (\$0.47 for postage + \$1.00 for copying). Based on 330 total responses, this equates to \$485.10 (\$485).

14. Provide estimates of annualized cost to the Federal government.

Staff time to process times salary of processor = \$60.77/hour x 30 hours = \$1,823.10 (\$1,823).

15. Explain the reasons for any program changes or adjustments.

The response time was changed from 35 to 45 minutes, based on reviewer comments.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The results will not be published, although they may be posted on the Council Internet and made available at Council offices.

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

Not Applicable.

18. Explain each exception to the certification statement.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not use statistical methods.