

**SUPPORTING STATEMENT**  
**U.S. Department of Commerce**  
**National Oceanic & Atmospheric Administration**  
**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, in order to increase clarity for respondents. No new information is being requested.

- 1. Explain the circumstances that make the collection of information necessary. Cite all applicable authorities for this information collection.**

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 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. (50 CFR 600.215; 64 FR 4600, Jan. 29, 1999, as amended at 75 FR 59151, Sept. 27, 2010). 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. NMFS is 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.

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 [Statement of Financial Interests](#) (NOAA Form 88-195) form is available electronically in PDF format on the NOAA Fisheries website <https://www.fisheries.noaa.gov/national/partners/financial-disclosure-statements>. A digital signature is permitted on the form. The use of automated technology has not been deemed to substantially reduce collection-of-information burden on the respondents.

**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 U.S.C. 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. 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.**

A *Federal Register* Notice published on December 20, 2019 (84FR 70152) solicited public comments. One comment was received regarding the commercial interests in council membership. The comment was outside of the scope of the Collection of Information notice.

We also received a comment from one of the Council Executive Directors that the Statement of Financial Interests fillable PDF contained a number of formatting problems. We reformatted the form and it now works more efficiently.

- 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. These statements will be 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 commonly considered private.**

No sensitive questions are asked.

- 12. Provide an estimate in hours of the burden of the collection of information. (add rows as necessary)**

**For wage costs: use [www.bls.gov/oes](http://www.bls.gov/oes), then click on OES Data in the left-hand column, then National to find Occupational Employment Wage Rates for the current year. Find the**

appropriate Occupational Title of the Respondent completing the Information Collection and use the Mean hourly wage.

Information Collection	Type of Respondent (Occupational Title)	# of Respondents (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)	Mean Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Statement of Financial Interest		330	1	330	.75	247.50	\$63.92	\$15,820
<b>Totals</b>				330		247.50		\$15,820

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). (add rows as necessary)

Information Collection	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c)=(a) x (b)	Cost Burden / Response (h)	Total Annual Cost Burden (i) = (c) x (h)
Statement of Financial Interest	330	1	330	\$2.00	\$660.00
<b>TOTALS</b>			660		\$660.00

14. Provide estimates of annualized cost to the Federal government. (add rows/information as necessary)

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	GS-15/5	\$77.49/hr	10 hours		\$774.00
Other Positions	GS-11/5	\$39.12/hr	30 hours		\$1,173.60
Contractor Cost					
Travel					
Other Costs					
<b>TOTAL</b>					\$2,557.60

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

The following tables show the changes and in the number of respondents, responses, time estimates, labor costs, and miscellaneous costs; and explains the reasons for these changes.

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Statement of Financial Interest	\$15,820	Not calculated previously	\$660	\$485	Salary updates and updated estimates of postage/copying costs
<b>Total for Collection</b>	\$15,820	<b>Not Available</b>	\$660	\$485	
<b>Difference</b>	<b>\$15,820</b>		<b>\$175</b>		

**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.**

The expiration date is displayed on the information collection.

**18. Explain each exception to the certification statement.**

There are no exceptions for compliance with provisions in the certification statement.