

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Statement of Financial Interests for Regional Fishery Management Councils
OMB Control No. 0648-0192

SUPPORTING STATEMENT PART A

Abstract

This request is for extension of a currently approved information collection. The [Magnuson-Stevens Fishery Conservation and Management Act](#)¹ (Magnuson-Stevens Act) authorizes the establishment of eight Regional Fishery Management Councils (Councils) to manage fisheries within regional jurisdictions. This collection pertains to several sections of the Magnuson-Stevens Act related to the Councils. Section 302(b) provides for appointment of Council members nominated by State Governors, Territorial Governors, or Tribal Governments and for designation of a principal state fishery official for the purposes of the Magnuson-Stevens Act. Section 306(b)(2) provides for a request by a state for reinstatement of state authority over a managed fishery. Nominees for Council membership must provide their State Governor, Territorial Governor, or Tribal Government leadership with background documentation, which is then submitted to NOAA, on behalf of the Secretary of Commerce, to review qualifications for Council membership. The information collected with these actions is used to ensure that the requirements of the Magnuson-Stevens Act are being met in regard to Council membership and state authority.

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.

The Magnuson-Stevens Act authorizes the establishment of eight Councils to manage fisheries within regional jurisdictions by recommending fishery management plans and regulations to NOAA Fisheries for implementation. Section 302(j) of the Magnuson-Stevens Act requires that Council members appointed by the Secretary of Commerce, Scientific and Statistical Committee (SSC) members appointed by a Council, or individuals nominated by the State Governor, Territorial Governor or Tribal Government for possible appointment as a Council member must disclose their financial interest in any Council fishery ([50 CFR 600.235](#))². These financial 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 on financial interests must be disclosed on NOAA Form 88-195, Statement of Financial Interests. The current Statement of Financial Interests form can be found at: <https://www.fisheries.noaa.gov/national/partners/financial-disclosure-statements>.

Currently seated voting Council members must file an updated Statement of Financial Interests form within 45 days of taking office, within 30 days if any such financial interest is acquired or substantially changed and must update his or her form with the Council Executive Director by February 1 each year (50 CFR 600.235 (b)(2)). In addition, SSC members must file an updated Statement of Financial Interests form under the same conditions. The complete and current Statement of Financial Interests

¹ <https://www.fisheries.noaa.gov/s3/dam-migration/msa-amended-2007.pdf>

² <https://www.ecfr.gov/current/title-50/chapter-VI/part-600/subpart-C/section-600.235>

forms are kept on file by the NOAA Fisheries Regional Administrators and Council offices, who are required to maintain copies that are publicly available at Council meetings and posted online for transparency. These recordkeeping requirements are outlined in NOAA Fisheries policy and procedure directives. The current NOAA Fisheries [policy directive 01-116](https://media.fisheries.noaa.gov/2021-11/NMFS%20PD%20001-116_final%20revised.pdf)³ on Fishery Management Council Financial Disclosure and [procedural directive 01-116-01](https://media.fisheries.noaa.gov/2021-10/PD%20001-116-01_final%20for%20Denit%20signature_KD.pdf)⁴ on Procedures for Review of Fishery Management Council Financial Disclosures outline specific responsibilities for reporting financial interests and can be found at: <https://www.fisheries.noaa.gov/national/laws-policies/policy-directive-system>.

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 information collected is intended to inform the Secretary and the public of potential members' conflicts of interests relevant to decision making during the Council's process. NOAA Fisheries uses the information reported by individuals nominated by their State Governors, Territorial Governor or Tribal Government to validate financial interests and verify any connections to fishing vessels or other interests before recommending an individual for appointment by the Secretary. NOAA Fisheries Regional Offices and NOAA General Counsel use the current information on file to make determinations about when recusals are necessary to avoid conflicts of interests. Instances of recusals are outlined in the annual *Report to Congress on the Regional Fishery Management Councils and Scientific and Statistic Committee Members' Financial Interest and Recusal Requirements*. The current Report to Congress is found at: <https://www.fisheries.noaa.gov/national/partners/council-reports-congress>.

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 Statement of Financial Interests (NOAA Form 88-195) is available electronically in PDF format on the NOAA Fisheries website or via the [Council Appointment System](#)⁵ (CAS). The information is collected either by a fillable PDF form and submitted via email or online via the CAS. A digital signature is permitted on the form.

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

There is no duplication. Processes for requesting current financial interests' information are clearly defined in procedural directive 01-116-01. Information collected is specific and relevant only to the Regional Fishery Management Councils.

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

This information collection will not have a significant impact on small businesses, organizations or

³ https://media.fisheries.noaa.gov/2021-11/NMFS%20PD%20001-116_final%20revised.pdf

⁴ https://media.fisheries.noaa.gov/2021-10/PD%20001-116-01_final%20for%20Denit%20signature_KD.pdf

⁵ <https://councils.fisheries.noaa.gov/>

government entities because all respondents are individuals.

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.

Failure to collect this information would increase the risk of Council and SSC members violating the Magnuson-Stevens Act requirements and conflict of interest laws, including 18 U.S.C. 208⁶, Acts Affecting a Personal Financial Interest.

The Magnuson-Stevens Act provides that a member may not vote on a Council decision that would have a significant and predictable effect on financial interest. A Council decision will be considered to have a significant and predictable effect on financial interest if there is a close causal link between the decision and an expected and substantially disproportionate benefit to the financial interest in harvesting, processing, lobbying, advocacy, or marketing of the affected individual. A close causal link means that “a Council decision would reasonably be expected to directly impact or affect the financial interests of an affected individual”. An affected individual who is declared ineligible to vote on a Council action may, however, participate in Council deliberations relating to the decision after notifying the Council of their recusal and identifying the financial interest that would be affected.

The implications of failing to regularly collect and update financial disclosure information are that Council decisions may have the appearance of financial conflict of interests by voting Council members. Making such determinations for recusals from voting decisions would not be possible without regular reporting of financial interests.

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

The collection is consistent with OMB guidelines and does not require special circumstances.

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 seeking comment on this collection was published on January 14, 2026, (91 FR 1509). No public comments were received.

NOAA reached out to three (3) external stakeholders to obtain their views on the need for and practical utility of the data collected, the accuracy of the burden and frequency of collection, suggestions to minimize the burden, and ways to improve the clarity of instructions and forms. No comments were received.

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

No payment or gift will be made for responses.

⁶ <https://www.govinfo.gov/content/pkg/USCODE-2012-title18/html/USCODE-2012-title18-partI-chap11-sec208.htm>

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 system of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Statement of Financial Interests forms completed by Council members appointed by the Secretary are kept on file by the Council and by NOAA Fisheries, on behalf of the Secretary. The current statements on file are available on Council websites and for public inspection at the Council offices during reasonable hours, at each public hearing or public meeting. SSC members' forms are also kept on file by the Council and NOAA Fisheries and available online. Statement of Financial Interests forms for individuals nominated by their State Governors, Territorial Governor or Tribal Government, but not appointed by the Secretary, are stored on a secure encrypted drive with restricted access.

System of record notices [COMMERCE/DEPT-11](#)⁷, Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees, and [NOAA-13](#)⁸, Personnel, Payroll, Travel, and Attendance Records of the Regional Fishery Management Councils, cover the collection of this information. The privacy impact assessment for [NOAA4000](#)⁹ provides the security and privacy controls for this collection of information.

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.

No sensitive questions are asked on the form.

⁷ <https://www.commerce.gov/node/4946>

⁸ <https://www.commerce.gov/node/4987>

⁹ <https://www.commerce.gov/sites/default/files/2025-10/NOAA4000%20PIA%20FY25%20SAOP%20Approved.pdf>

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

Estimate in hours of the 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)
Statement of Financial Interests, Regional Fishery Management Councils	Regional Fishery Management Council Member	330	1	330	.75	248	\$78.24 ¹	\$19,403.52
Totals				330		248		19,403.52

¹Equivalent to GS-15 step 1 averaged over the 8 Council localities

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 capital costs or operating and maintenance costs associated with this information 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.

Federal costs for this collection are attributed to the review, validation, and storage of the Statement of Financial Interests forms. When a form is submitted, a NOAA Fisheries employee or supported contractor (typically at a Commerce Alternative Personnel System (CAPS) ZP-III or ZP-IV level) reviews the disclosure for completeness and potential conflicts of interest. Regional Counsel and Regional Administrators then review any identified conflicts to determine if a voting recusal is necessary. Additionally, Council staff coordinate the public posting of these forms.

The Office of Personnel Management (OPM) [General Schedule](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/RUS.pdf)¹⁰ for the Rest of U.S. locality was used to determine the base salary. The Rest of U.S. locality was used as the Regional Council members or nominees are geographically dispersed. Step 5 was used as the median salary and a multiplier of 1.5 was applied to calculate the loaded salary.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	GS-15/5	\$251,508 (\$120.92/hr)	10 hours		\$1,209
Other Federal Positions	GS-11/5	\$126,957 (\$61.04/hr)	30 hours		\$1,831
Contractor Cost		\$36.45/hr	15 hours		\$547
Travel					
Other Costs:					
TOTAL					\$3,587

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

There have been no changes to the information collection since the last OMB approval.

¹⁰ <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/RUS.pdf>

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.

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. 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 per [Section 515 of Public Law 106-554](#). See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy.

The Councils publish current Statement of Financial Interests forms on the Council websites. No analysis is done.

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 agency 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."

There are no exceptions for compliance with provisions in the certification statement. The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).