



# ETHICS RULES FOR FISHERY MANAGEMENT COUNCILS



New England



Mid-Atlantic



South Atlantic



Caribbean



Gulf of Mexico



Pacific



Western Pacific



North Pacific



# ETHICS

Will Jacobi

Senior Attorney

Ethics Law and Programs Division

Office of the General Counsel

202-482-5384

EthicsDivision@doc.gov

# VOTING MEMBERS

- Public Members (nominated by Governor and appointed by the Secretary of Commerce);
- Regional Director of National Marine Fisheries Service; and
- Principal State official



# **PUBLIC MEMBERS**

- Subject to Federal conflict of interest statutes
- Subject to Council conduct regulations

# **Restriction on Matters Affecting a Personal Financial Interest**

You may not participate on the Council on a matter that will have a direct and predictable effect on your financial interests or the interests of your spouse, minor child, general partner, outside employer, or prospective future employer *unless . . .*

# Exception for Public Members

The interest is in a **harvesting, processing, lobbying, advocacy, or marketing activity** AND:

(a) the interest is listed on a financial interest statement and

(b) the matter at issue will not have an “expected and substantially disproportionate benefit to the interest.”



# Other Exceptions

Exceptions to the disqualification requirement regarding personal financial interests:

- (1) broadly-diversified mutual funds;
- (2) publicly-traded securities of \$15,000 or less

# **Restriction on Participating in Matters Primarily of Individual Concern**

You may not participate on the Council on a matter of primarily individual concern. This means a matter that affects a small number of identified or easily identifiable parties, in which you have a financial interest



# Bribes and Similar Payments

You may not accept anything of value for taking action or failing to take action as a Council member



# **Restrictions on Communications with the Federal Government**

No communications on behalf of any person or entity with any Federal agency or Federal court concerning any contract (or any other matter involving an identifiable party) that comes before the Council

(Restriction remains in effect even after you leave the Council)

# **Principal State Officials on Fishery Management Councils**

Subject to:

- Council Rules of Conduct, including:
  - no participation in any matter affecting your personal financial interests
  - no use of nonpublic information
- State statutes and state regulations that apply to your conduct as a state official



# **Employees of Fishery Management Councils**

Subject to:

- Federal conflict of interest statutes
- Council Rules of Conduct, including:
  - No participation in any matter affecting financial interests, unless an exemption applies
  - No direct or indirect financial interest that conflicts with fair and impartial conduct of official duties
  - no use of nonpublic information

# **Employees of Fishery Management Councils**

## **Outside business activities**

**No communications on behalf of any person or entity with any Federal agency or Federal court concerning any contract (or any other matter involving an identifiable party) on which you participate as a Council employee**

**(Restriction remains in effect even after you leave Council employment)**

# **Scientific and Statistical Committee Members**

- Must file Statement of Financial Interests
- Not subject to Federal Conflict of Interest Statutes, unless already a Federal employee
- No use or disclosure of nonpublic information



# QUESTIONS

Contact the:

- NOAA Regional Attorney for your Council;
- state agency responsible for providing ethics advice; or
- Ethics Law and Programs Division at **(202) 482-5384** or **EthicsDivision@doc.gov**