



ETHICS RULES FOR FISHERY MANAGEMENT COUNCILS



New England



Mid-Atlantic



South Atlantic



Caribbean



Gulf of Mexico



Pacific



Western Pacific



North Pacific



ETHICS

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VOTING MEMBERS

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

PUBLIC MEMBERS

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

Financial Conflict of Interest

You may not participate as part of your FMC duties 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

Exception for Public Members

You may participate in a matter affecting your financial interests if you are nominated by governor/tribal government and appointed by the Secretary and your financial interest is:

- in a **harvesting, processing, marketing, lobbying, or advocacy;**
- listed on your financial interest statement; and
- not a significant financial interest (or if significant, the matter would not have a positive/negative impact on your interest).

Exception for Public Members

SIGNIFICANT FINANCIAL INTEREST MEANS:

(1) A GREATER THAN 10-PERCENT INTEREST IN THE TOTAL HARVEST OF THE FISHERY OR SECTOR OF THE FISHERY AFFECTED BY THE COUNCIL DECISION;

(2) A GREATER THAN 10-PERCENT INTEREST IN THE MARKETING OR PROCESSING OF THE TOTAL HARVEST OF THE FISHERY OR SECTOR OF THE FISHERY AFFECTED BY THE COUNCIL DECISION; OR

(3) FULL OR PARTIAL OWNERSHIP OF MORE THAN 10 PERCENT OF THE VESSELS USING THE SAME GEAR TYPE WITHIN THE FISHERY OR SECTOR OF THE FISHERY AFFECTED BY THE COUNCIL DECISION.



Matters of Individual Concern

You may not participate as part of your FMC duties 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 (and no deliberations).

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 your business activities outside of the FMC

No communications on behalf of any person or entity with any Federal agency concerning any contract, license or any other specific-party issue that comes before the Council

Restriction remains in effect even after you leave the Council

Principal State Officials on Fishery Management Councils

- 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

FMC Employees

- 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

FMC Employees outside business activities

No communications on behalf of any person or entity with any Federal agency 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

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