



# 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 of those 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](mailto:EthicsDivision@doc.gov)