



Ethics Rules for Fishery Management Council Members

Fishery Council Members Include:

- Individuals nominated by the Governor and appointed by the Secretary of Commerce (Public Members);
- Regional director of National Marine Fisheries Service; and
- State officials

Public Members of Fishery Management Councils

- Subject to Federal conflict of interest statutes
- File Statement of Financial Interests (NOAA Form 88-195)

What to Report



Any interest in a
harvesting, processing,
lobbying, advocacy, or
marketing activity

This includes stock, ownership interest, service, or employment with:

- Any entity that engages in harvesting, processing, or marketing;
- Any entity that provides services to someone engaged in harvesting, processing, or marketing; or
- Any entity that lobbies or provides advocacy, e.g., law firm, NGO, trade association
- Also report any affiliates of the above entities

Your financial interests include the interests of:

- Your spouse;
- Your minor children; or
- An organization in which you serve as an officer, partner, or employee

Special Exception

With disclosure, you may fully participate as a Council member in a matter in which you have an interest in a harvesting, processing, lobbying, advocacy, or marketing activity

UNLESS

- The matter at issue will have an **expected and substantially disproportionate benefit** to your financial interest; or
- Is a matter **primarily of individual concern**

Expected and Substantially Disproportionate Benefit



- Greater than 10% interest in the total harvest, or in the processing or marketing of the total harvest; or
- Greater than 10% ownership in the vessels within the fishery

Matters Primarily of Individual Concern

A matter that affects a small number of identified or easily identifiable parties



Bribes and Similar Payments

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

Lobbying the Government

You may not communicate (in your personal capacity) with any Federal agency or Federal court on behalf of others concerning a specific-party matter on which you participated as a Council member

After Leaving Council Service

- You may not communicate with any Federal agency or Federal court on behalf of others concerning a specific-party matter on which you participated as a Council member;
- Additional two-year bar on specific-party matters even if you did not participate; and
- No outside use of non-public information

Federal Officials of Fishery Management Councils

- Subject to same conflict of interest restrictions regarding your Council duties that apply to your other Government duties
- No participation in Council matters affecting harvesting, processing, lobbying, advocacy, or marketing activities in which you have an interest

Federal Standards of Conduct

- Gift restrictions;
- Conflicts based on appearance concerns; and
- Outside activities

State Officials of Fishery Management Councils

Subject to state statutes or
regulations and Council rules of
conduct

Restrictions on State Officials

- No solicitation or acceptance of anything of value in assisting someone in obtaining any appointive office or employment with the Council;
- No participation in any matter affecting your financial interests; and
- No outside use of non-public information

Fishery Management Council Staff

- Subject to Federal conflict of interest statutes and Council rules of conduct
- No participation in Council matters affecting harvesting, processing, lobbying, advocacy, or marketing activities in which you have an interest

Restrictions on Staff

- No financial interest that interferes with the fair and impartial conduct of your duties;
- No outside use of non-public information;
and
- No solicitation or acceptance of anything of value in assisting someone in obtaining any appointive office or employment with the Council

Lobbying the Government

If you serve more than 130 days in a 365-day period, you may not communicate (in your personal capacity) on behalf of others with any Federal agency or Federal court on any matter

After Leaving Council Service

- You may not communicate with any Federal agency or Federal court on behalf of others concerning a specific-party matter on which you participated as a Council employee;
- Additional two-year bar on specific-party matters under your supervision, even if you did not participate; and
- No outside use of non-public information

Scientific and Statistical Committee Members

- Must file Statement of Financial Interests;
- Not subject to Federal Conflict of Interest Statutes, unless already a Federal employee

Questions



- Contact the NOAA Regional Attorney responsible for advising your Council;
- State agency responsible for providing ethics advice; or
- Ethics Law and Programs Division at (202) 482-5384 or ethicsdivision@doc.gov