

# Ethics Rules for Fishery Management Councils

# Fishery Council Voting Members

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

# 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 financial interest (including spouse or minor child's interest) in any harvesting, processing, lobbying, advocacy, or marketing activity

This includes stock, ownership interest, or employment with:

- Any entity that engages in harvesting, processing, marketing, lobbying, or advocacy
- Any entity that provides equipment or services to an entity engaged in harvesting, processing, marketing, lobbying or advocacy
- Any entity that provides consulting or legal services to entities engaged in the above activities
- Also report any affiliates of the above entities

# 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

# Matter 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

# Contracts

In your personal business activities, you may not communicate with any Federal agency or Federal court on behalf of another person concerning any contract (or other matter involving an identifiable party) on which you participate as a Council member

# State Officials of Fishery Management Councils

Subject to state laws and Council Rules of Conduct, including:

- No participation in any matter affecting your financial interests
- No use or disclosure of nonpublic information
- No personal use of Council property

# Federal Officials of Fishery Management Councils

Subject to same conflict of interest restrictions regarding your Council duties that apply to your other Government duties, including

- No participation in Council matters affecting harvesting, processing, lobbying, advocacy, or marketing activities in which you have an interest, unless an exemption applies
- Non-financial conflicts
- Gift restrictions

# Fishery Management Council Staff

Subject to Federal conflict of interest

statutes and 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 or disclosure of nonpublic information
- No use of authority of position in connection with affecting an election
- No personal use of Council property

# Contracts

In your personal business activities, you may not communicate with any Federal agency or Federal court on behalf of another person concerning any contract (or other matter involving an identifiable party) on which you participate as a Council employee

# 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 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](mailto:EthicsDivision@doc.gov)