



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
- Must file Statement of Financial Interests (NOAA Form 88-195)

NOAA FORM 88-195

Must disclose any financial interest in any harvesting, processing, lobbying, advocacy, or marketing activity held by:

- Member
- Member's spouse or minor child; or
- an organization for which the Member serves as an officer, board member, trustee, partner, or employee.

NOAA FORM 88-195

REPORT ANY OWNERSHIP INTEREST,
EMPLOYMENT, OR FIDUCIARY RELATIONSHIP
WITH:

- Any entity that engages in harvesting, processing, marketing, lobbying, or advocacy
- Any entity that provides equipment or other services
- Any entity that provides consulting , legal, or other representational services
- **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 interests;
- the matter is primarily of individual concern; or
- the matter involves an entity with which the member is seeking employment

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

(Affiliate entities possibly count towards determining the 10% threshold)

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



Restrictions on 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) 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 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

