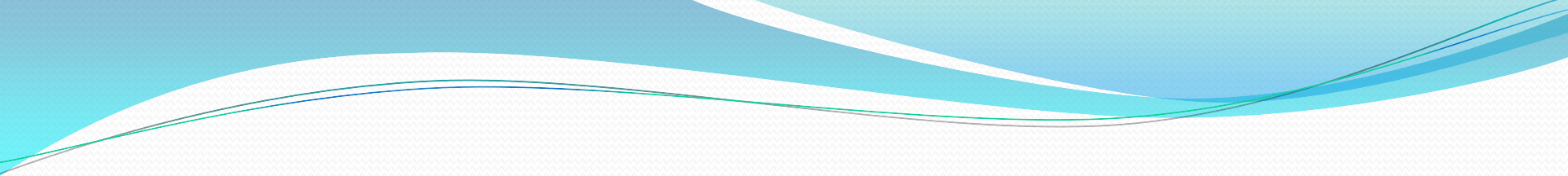


Magnuson-Stevens Fishery Conservation and Management Act Financial Disclosures, Conflicts of Interest, and Recusals

Conflict of Interest

- **Rules of Conduct. 50 CFR § 600.225 (b)(9)(i).** Under general federal law concerning conflict of interests, a council member would be prohibited from voting on matters in which they have a financial interest.
- **MSA provides a limited exception to this general rule under terms specified at Section 302 (j) and in regulations at 50 CFR § 600.CFR 235.**

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- **The provisions of 18 U.S.C. 208 regarding conflicts of interest do not apply to a council member voting on council actions, if the council member has filed a financial disclosure report as described in federal regulations.**
 - **However, a council member must still recuse him/herself if a vote on council decision would have a significant and predictable effect on the financial interests described in the financial disclosure report.**

- **A “significant and predictable effect” means a close causal link between the decision and an expected and substantially disproportionate benefit to the financial interest.**
- **“Expected and substantially disproportionate benefit” means a quantifiable positive or negative impact with regard to a matter likely to affect a fishery or sector of the fishery in which the affected individual has a significant interest, as indicated by having a greater than a 10 % interest in:**
 - the total harvest of the fishery or sector of the fishery in question;**
 - the marketing or processing of the total harvest of the fishery or sector of the fishery in question; or**
 - Full or partial ownership of the vessels using the same gear type within the fishery or sector of the fishery in question.**

- **“Council decision” refers to decisions to adopt an FMP, Amendment or other action such as a framework, emergency action request or comments on a Secretarial amendment. It does not include a committee actions.**
- **Council member may still participate in deliberations and indicate which way the member would vote.**
- **To recuse oneself, the council member must announce to the Council an intent not to vote on the decision and identify the financial interest that would be affected.**

- **Unlawful for an affected individual to knowingly and willfully fail to disclose, or to falsely disclose, any financial interest as required by this section, or to knowingly vote on a Council decision in violation of this section. In addition to the penalties applicable under § 600.735, a violation of this provision may result in removal of the affected individual from Council.**

Personal Conflict of Interest

- **Rules of Conduct. 50 CFR § 600.225(b)(9)(ii). No Council member may participate personally and substantially as a member through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a particular matter primarily of individual concern, such as a contract, in which he or she has a financial interest, even if the interest has been disclosed in accordance with § 600.235. Violation of this provision may result in removal of the affected individual from the council.**