

## Fishery Conservation and Management

## § 600.225

(4) Nominations must be provided to NMFS by March 15 of the year in which the term of the current tribal member expires.

(5) The Secretary shall rotate the appointment among the tribes taking into consideration:

(i) The qualifications of the individuals on the list referred to in paragraph (b)(1) of this section.

(ii) The various rights of the Indian tribes involved and judicial cases that set out how those rights are to be exercised.

(iii) The geographic area in which the tribe of the representative is located.

(iv) No tribal representative shall serve more than three consecutive terms in the Indian tribal seat.

(6) Any vacancy occurring prior to the expiration of any term shall be filled in the same manner as described above except that the Secretary may use the list referred to in paragraph (b)(1) of this section from which the vacating member was chosen.

[61 FR 32540, June 24, 1996, as amended at 62 FR 47586, Sept. 10, 1997; 63 FR 7073, 7075, Feb. 12, 1998]

### **§ 600.220 Oath of office.**

Each member appointed to a Council must take an oath of office.

### **§ 600.225 Rules of conduct.**

(a) Council members, as Federal office holders, and Council employees are subject to most Federal criminal statutes covering bribery, conflict-of-interest, disclosure of confidential information, and lobbying with appropriated funds.

(b) The Councils are responsible for maintaining high standards of ethical conduct among themselves, their staffs, and their advisory groups. In addition to abiding by the applicable Federal conflict of interest statutes, both members and employees of the Councils must comply with the following standards of conduct:

(1) No employee of a Council may use his or her official authority or influence derived from his or her position with the Council for the purpose of interfering with or affecting the result of an election to or a nomination for any national, state, county, or municipal elective office.

(2) No employee of a Council may be deprived of employment, position, work, compensation, or benefit provided for or made possible by the Magnuson-Stevens Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election, or on account of his or her political affiliation.

(3) No Council member or employee may pay, offer, promise, solicit, or receive from any person, firm, or corporation a contribution of money or anything of value in consideration of either support or the use of influence or the promise of support or influence in obtaining for any person any appointive office, place, or employment under the Council.

(4) No employee of a Council may have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Council duties. However, an Executive Director may retain a financial interest in harvesting, processing or marketing activities, and participate in matters of general public concern on the Council that might affect that interest, if that interest has been disclosed in a report filed under § 600.235.

(5) No Council member, employee of a Council, or member of a Council advisory group may use or allow the use, for other than official purposes, of information obtained through or in connection with his or her Council employment that has not been made available to the general public.

(6) No Council member or employee of the Council may engage in criminal, infamous, dishonest, notoriously immoral, or disgraceful conduct.

(7) No Council member or employee of the Council may use Council property on other than official business. Such property must be protected and preserved from improper or deleterious operation or use.

(8) No Council member may participate—

(i) Personally and substantially as a member through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in a particular matter primarily

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of individual concern, such as a contract, in which he or she has a financial interest; or

(ii) In any matter of general public concern that is likely to have a direct and predictable effect on a member's financial interest, unless that interest is in harvesting, processing, or marketing activities and has been disclosed in a report filed under § 600.235. For purposes of this section, the member's financial interest includes that of the member's spouse; minor child; partner; organization in which the member is serving as officer, director, trustee, partner or employee; or any person or organization with whom the member is negotiating or has any arrangement concerning prospective employment.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998]

### § 600.230 Removal.

The Secretary may remove for cause any Secretarially appointed member of a Council in accordance with section 302(b)(6) of the Magnuson-Stevens Act, wherein the Council concerned first recommends removal of that member by not less than two-thirds of the voting members. A recommendation of a Council to remove a member must be made in writing to the Secretary and accompanied by a statement of the reasons upon which the recommendation is based.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7073, Feb. 12, 1998]

### § 600.235 Financial disclosure.

(a) The Magnuson-Stevens Act requires the disclosure by each Council nominee, voting member appointed to the Council by the Secretary, and Executive Director, of any financial interest of the reporting individual in any harvesting, processing, or marketing activity that is being, or will be, undertaken within any fishery under the authority of the individual's Council, and of any such financial interest of the reporting individual's spouse, minor child, partner, or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee. The information required to be reported must be disclosed on NOAA

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Form 88-195, "Statement of Financial Interests for Use by Voting Members, Nominees, and Executive Directors of Regional Fishery Management Councils" (Financial Interest Form), or such other form as the Secretary may prescribe. The report must be filed by each nominee for Secretarial appointment with the Assistant Administrator by April 15 or, if nominated after March 15, 1 month after nomination by the Governor. A seated voting member appointed by the Secretary, or an Executive Director, must file a Financial Interest Form within 45 days of taking office; must update his or her statement within 30 days of acquiring any such financial interest, or of substantially changing a financial interest; and must update his/her statement annually and file that update by February 1 of each year with the Executive Director of the appropriate Council, and concurrently provide copies of such documents to the NMFS Regional Administrator for the geographic area concerned. The completed Financial Interest Forms will be kept on file, and made available for public inspection at reasonable hours at the Council offices. In addition, the statements will be made available at each public Council meeting or hearing.

(b) The provisions of 18 U.S.C. 208 do not apply to an individual who has filed a financial report under this section regarding an interest that has been reported.

(c) By February 1 of each year, Councils must forward copies of the completed disclosure from each current Council member and Executive Director to the Director, Office of Sustainable Fisheries, NMFS. Councils must also include any updates in disclosures, as well as revisions required for changes of interests.

(d) Councils must retain the disclosure forms for each member for at least 5 years after the expiration of that member's last term.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7073, 7075, Feb. 12, 1998]

### § 600.240 Security assurances.

(a) DOC/OS will issue security assurances to Council nominees and members following completion of background checks. Security assurances