

REGIONAL ADVISORY COUNCIL MEMBERS

ETHICS, ADVOCACY, LOBBYING, AND CAMPAIGNING GUIDANCE

All Federal Subsistence Regional Advisory Councils (Councils) were established by the mandates of Title VIII of Alaska National Interest Lands Conservation (ANILCA) Act and chartered under the Federal Advisory Committee Act (FACA). All Council members are appointed by the Secretary of the Interior in concurrence with the Secretary of Agriculture as representative members. The members represent two user groups on the Councils, either subsistence user group or commercial/sport user group.

Per Federal regulations and guidance issued by the General Services Administrations (GSA) and the Office of Government Ethics (OGE), representative members role is to actively advocate for the interests of a specific organization, company, sector, or stakeholder group. They do not serve as independent experts, but rather as advocates for the constituency they are appointed to represent; therefore, they are not subject to specific Federal ethics statues and regulations governing their conduct. However, representative members should behave themselves with integrity, should not trade upon their positions in the government for their own personal benefit, and should avoid criticism and retain the integrity of the agency and the public's trust. Although the Federal standards of ethical conduct do not strictly apply to the Council members, they should guide their conduct while they are a Council member and, based on the totality of the circumstances and facts involved with a member's individual situation, a member may be asked to comply with the principles. Members should comply with the federal ethics laws and regs so that if any appearances of conflict exist, they should share that information with the Council during one of its public meetings as well as with their assigned Designated Federal Officer (DFO), who is at the same time their Council Coordinator.

Ethics Responsibilities

The FACA Council charters specifically outline ethics responsibilities of the representative Council members, "No Council or subcommittee member will participate in any Council or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation in which the member or the entity the member represents has a direct financial interest."

Such instances are expected to be rare since most of the aforementioned legal agreements would be with the State, a private agency, or an individual rather than the Department of the Interior. The two most likely exceptions would be:

1. The Council member has a use-permit in his or her name to conduct business within a national park, refuge, or forest, or
2. The Council member is a named party in a current lawsuit against the Department.

If a member has a use-permit issued by a Department of the Interior agency, is a named party in a lawsuit against the Department in which he or she has a direct financial interest, or has another conflict that falls under the Department's policy in a particular matter before the Council, that member may not

participate in any discussion or vote on that particular issue. Following are examples of Council member activities that do not require a conflict of interest statement: members who hold commercial fishing permits issued by the State of Alaska, members who have subsistence hunting and fishing permits, and members who lease land from an individual or corporation for a big game guide base camp.

Prior to any discussion of a particular issue regarding which the member has a conflict-of-interest as described above, the member will make a conflict of interest statement on the record and recuse themselves. For example, the member may state “My name is John Public, Council member from Ciceley. I have a special use permit to operate a sport fish guide business in Chugach National Forest waters. Therefore, I will not participate in the discussion and vote on this proposal.”

DFOs/Coordinators are responsible for instructing their Council members regarding this Department policy and for assisting members who are not sure whether they have a conflict of interest. More complex situations might require a consultation with the Department’s ethics solicitor.

Lobbying Restrictions

- Council members cannot use their official title, committee letterhead, or committee resources to lobby Congress or state legislatures.
- Council members are completely free to lobby, contact lawmakers, or run grassroots advocacy campaigns on their own time, utilizing their personal or their employer’s resources if permitted by the latter.
- Any permissible official communications from the Councils to the Secretary must flow strictly through the established official channels and DFO/Council Coordinator.

Campaigning and Political Activities

- The Hatch Act, which restricts federal employees from engaging in political campaigning, does not apply to representative members.
- Members may freely campaign for candidates or political causes in their personal time, but they are strictly prohibited from using their advisory committee position, title, or authority to endorse a candidate, endorse a product, or promote a political campaign.

Permissible Advocacy and the Anti-Lobbying Act (18 U.S.C. § 1913):

- The Anti-Lobbying Act prohibits the use of federally appropriated funds to pay for materials or activities designed to influence Congress on pending legislation.
- Because representative members are not paid by the Federal government and use their own or their organization’s funds, they do not trigger the Anti-Lobbying Act when advocating for their industry or group. However, they must never use agency-provided meeting spaces, travel stipends, or technology to coordinate external political pressure.