

**Your Ethics Responsibilities
as a
Royalty Policy Committee
Representative**

Representative vs. Employee

* **Representative**

- * Voice of group with financial interest or other stake in the matter
- * Ethics statutes and regulations don't apply
 - * **Charter language governs**

* **Employee**

- * Independent judgment on behalf of the Government – no financial interest in the matter
- * Ethics statutes and regulations apply
 - * **Criminal Code provisions**
 - * **Standards of Conduct**

Charter Language: Ethics Responsibilities

No committee or subcommittee member or alternate member will participate in any **specific party matter** (including a lease, license, permit, contract, claim, agreement, or related litigation) with the DOI in which the member or alternate member has a **direct financial interest**. Members and alternate members will endeavor to avoid any actions that would cause the public to question the integrity of the Committee's operations, activities, or advice. The provisions of this paragraph do not affect any statutory or regulatory ethics obligations to which Federal members (and alternate members) are subject.

Specific Party Matter

- * **In addition to charter examples, includes:**

- * Grant
- * Application
- * Enforcement Action
- * Request for ruling or other determination
- * Controversy

- * Arrest
- * Investigation
- * Other matter involving a specific party of parties
- * Charge
- * Accusation

What is not a Specific Party Matter

- * **Matters of general applicability, such as:**
 - * Rulemaking
 - * Legislation
 - * Formulation of general policy, standards, or objectives
 - * Other actions of general application

Direct Financial Interest

- * **Personal financial interest - yours.**
- * **“Financial interest”**
 - * The potential for gain or loss as a result of governmental action on the matter
 - * Ownership of certain financial instruments or investments such as stock, bonds, mutual funds, or real estate
 - * Salary, indebtedness, job offer, or any similar interest

Direct and Predictable Effect Required

- * **Direct Effect**

- * Close causal link between action on the matter and expected effect on financial interest
- * Effect need not be immediate

- * **What is Not a Direct Effect**

- * Chain of causation attenuated or effect contingent upon events that are speculative or independent of, and unrelated to, the matter
- * Effect on interest only a consequence of action's effect on general economy

Direct and Predictable Effect Required

- * **Predictable**

- * Real, as opposed to speculative, possibility that matter will affect interest
- * However--
 - * Amount of gain or loss need not be known
 - * Dollar amount of gain or loss is immaterial

Only Advisory Duties are Restricted

- * May act, outside of advisory duties, on behalf of self or others, in a specific party matter before DOI
- * May not act, as part of advisory duties, on that specific party matter

Example

An advisory committee provides advice to the Bureau of Land Management on applications for rights-of-way over Federal lands. A representative owns stock in a power company that has applied for a right-of-way so that its power lines may traverse a tract of Federal land. The right of way application is a specific party matter with the Department. Because the representative has an equity interest in the power company, the matter would have a direct and predictable effect on her personal financial interests. Accordingly, she may not participate in committee actions regarding the power company's application and must recuse herself from any such actions.

Example

A National Park Service advisory committee is assisting in the development of a special regulation regarding the use of off-road vehicles on a tract of National Park Service land. Rulemaking is considered a matter of general applicability – not a specific party matter. Accordingly, it is very unlikely that the committee would become involved in any specific party matter as part of its advisory duties. In the unlikely event that the committee should be required to consider a specific party matter, the representative should determine whether or not that matter would affect his direct financial interest. If it would, he may not participate and must recuse himself from that matter.

Application to Your Committee

- * **Committee Functions**

- * **Duties of the committee are solely advisory**

- * **Provide advice and recommendations related to:**

- * Management of Federal and Indian mineral leases and revenues.

- * Review and comment on revenue management and other mineral and energy-related policies.

- * Provide a forum to convey views representative of mineral lessees, operators, revenue payors, revenue recipients, governmental agencies, and public interest groups.

Application to Your Committee

- * You are not likely to be in a position to participate in any specific party matters as part of your advisory duties
- * If you encounter a specific party matter with the Department that would affect your direct financial interest:
 - * Notify DFO
 - * Take no action on that matter

If Unsure or Have Questions...

- * Notify DFO
- * Contact Scott Currie
 - * (202) 208-2151
 - * scott.curriel@sol.doi.gov