

**Your Ethics
Responsibilities
as a
FACA 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

“No Committee or subcommittee member will participate in any Committee 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.”



Specific Party Matter

- In addition to charter examples, includes:
 - Grant
 - Application
 - Enforcement Action
 - Request for ruling or other determination
 - Controversy
 - Charge
 - Accusation
 - Arrest
 - Investigation
 - Other matter involving a specific party of parties



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 that affects your financial interests
- May not act, as part of advisory duties, on that specific party matter



Application to Your Committee

- If you encounter a specific party matter with the Department that would affect your direct financial interest:
 - Notify the Departmental Ethics Office (DEO)
 - 202-208-7960
 - doi_ethics@sol.doi.gov
 - Take no action on that matter

