

# Federal Ethics Rules and MCSAC Representatives



**FMCSA**

Federal Motor Carrier Safety Administration

Presented By

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**FMCSA Chief Counsel's Office**

# Overview



Representative

Financial Conflicts of Interest

Appearance of a Conflict of Interest

Lobbying

Political Activities

Gifts

Fundraising

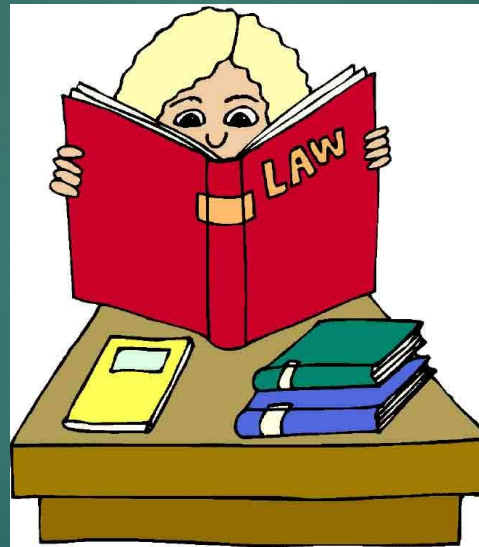
Teaching, Speaking, or Writing

Use of Non-public Information

# Representative:

- Not a Government employee
- Provides the point of view of nongovernmental entities or of a recognizable group
- Expected to represent a particular bias

# Financial Conflicts of Interest



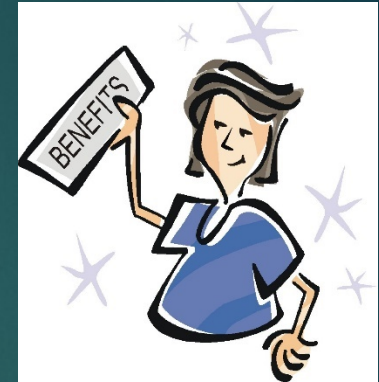
# Financial Conflict of Interests



You may not participate in any particular Government matter that will have a direct and predictable effect on your financial interests or on the financial interests of others with whom you have certain relationships. These others are:

- Your spouse
- Your minor child
- Your general partner
- Organization which you serve as officer, director, trustee, general partner or employee
- Person or organization with which you are negotiating or have an arrangement concerning prospective employment

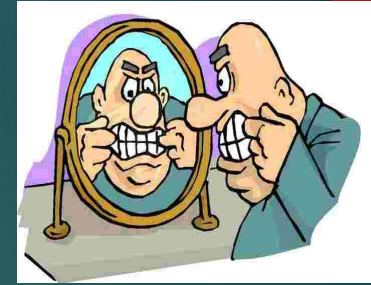
# Outside Pay for Government Duties



You are prohibited from receiving compensation from a third-party for performing your MCSAC duties.

# Appearance of a Conflict of Interest

(5 C.F.R. § 2635.502)



- You may not participate in a particular matter if a person with whom you have a covered relationship is or represents a party to such matter and a reasonable person who is familiar with the facts would question your impartiality.
- Impartiality / Bias / Favoritism

# Lobbying

## Direct Lobbying

- ▶ Personal
- ▶ Officer, Professional Association
- ▶ Representing MCSAC

## Grass Roots Lobbying



# Hatch Act



Representatives may not use position or influence to interfere with or affect the result of any election, or solicit or discourage political activities by regulated entities, contractors, or grantees.

Representatives may not participate in partisan political activity while providing service to FMCSA or while in a Government building.

# Gifts



# Gift Exceptions



- Modest items of food and drink, greetings cards, plaques, and public discounts are not considered gifts
- Common *exceptions* to the gift ban:
  - Gifts valued at \$20 or less, per occasion
  - Gifts based on personal friendships
  - Certain social engagements (widely-attended gatherings and personal social gatherings)
  - Gifts or opportunities based on outside activities or employment (completely unrelated to MCSAC position)

*When in doubt- seek advice from your ethics attorneys*

# Sponsored Travel

## DOT Policy on Gifts of Travel from a Non-Federal Source (November 2007):

NO accepting gift of travel-related expenses from:

- Any entity regulated by DOT;
  - Any association of entities regulated by DOT;
  - Any entity with a particular matter pending before FMCSA;
- and
- Any entity that regularly has matters before FMCSA

Exceptions can only be requested through FMCSA Administrator  
Exceptions will be granted by Deputy Secretary or his designee

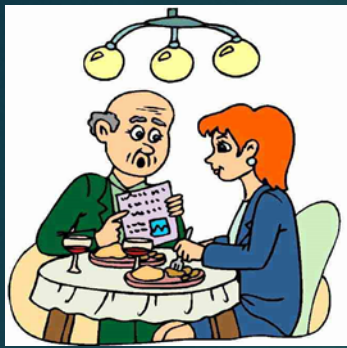


# Fundraising

- Not in the Federal Workplace
- May not use your MCSAC title or position
- May not solicit funds or other support from a person known to be a person whose interests may be affected substantially by the performance or nonperformance of your official duties.

# Teaching/Speaking/Writing





## Use of Non-public Information

You may not engage in a financial transaction using nonpublic information or allow the improper use of nonpublic information to **further your own private interest or that of another**, whether through advice or recommendation or knowing unauthorized disclosure.

# FMCSA Ethics Program

**Point of Contact:**

[FMCSAethics@dot.gov](mailto:FMCSAethics@dot.gov)

**Or**

**Arlene McCarthy**

Office of the Chief Counsel, General Law

P: 202-841-7072