



Federal Ethics Rules for MCSAC Representatives





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

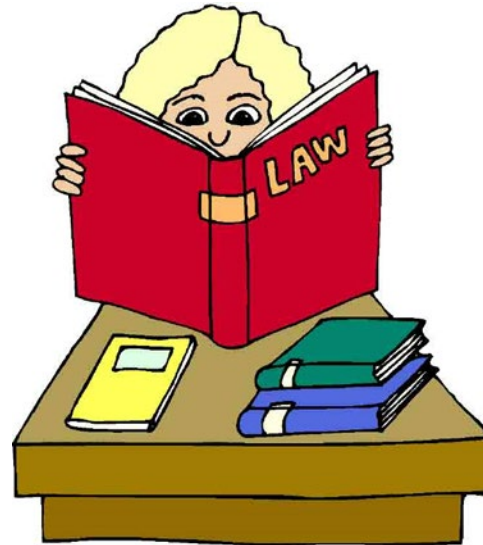


Representative

- 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

- What is the law?
- The standard we ask you to follow





Financial Conflicts of Interest

- 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

What are the rules?





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, and 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

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