



# Federal Ethics Rules for MCSAC Representatives





# Overview

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- Representative
- Financial Conflicts of Interest
- Impartiality
- Lobbying
- Political Activities
- Gifts
- Fundraising
- Teaching, Speaking, or Writing
- Use of Non-public Information



# Representative

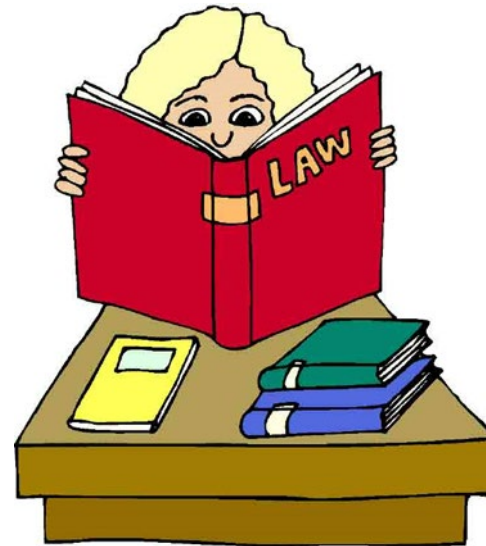
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- Not a Government employee
- Provides the point of view of nongovernmental entities or of a recognizable group
- Expected to represent a particular bias

# Financial Conflicts of Interest

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





# Financial Conflicts of Interest

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- 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

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



# Impartiality

## (5 C.F.R. § 2635.502)

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- Under the impartiality regulation, you may not participate in a “particular matter involving specific parties”:
  - if you know that a person with whom you have a "covered relationship" is or represents a party to the matter, or
  - if the matter will have a direct and predictable effect on a financial interest of a member of your household, and
  - the circumstances would cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter, unless an FMCSA ethics official issues you an authorization to participate.



# Lobbying

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- Direct Lobbying
  - Personal
  - Officer, Professional Association
  - Representing MCSAC
- Grass Roots Lobbying





# Hatch Act

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- 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

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What are the rules?





# Gift Exceptions

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- Modest items of food and drink (not meals), greetings cards, plaques, and public discounts are not considered gifts
- Common exceptions to the gift ban:
  - Gifts valued at \$20 or less, per occasion/\$50 per source cap in a calendar year
  - 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

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- 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

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- 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

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# Use of Non-public Information

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- 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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