CHAPTER 7. PARTICIPATION IN NON-DOT-SPONSORED COMMITTEES

80. GENERAL. FAA employees may participate in advisory, interagency, or international committees which are not sponsored by the Department and in committees which are not sponsored by agencies of the Federal Government. There must be a determination that such participation is justified, is in the public interest, and does not constitute a conflict of interest for the Department or for the employee. The extent of the authority to represent or commit FAA or DOT, as well as the responsibilities involved in doing so, must be clearly defined in writing by the approving official.

81. APPROVAL AUTHORITY. Heads of offices, services, regions, and centers are responsible for ensuring that appropriate controls are maintained over such participation. FAA participation in such committees may be approved by a division manager, district office manager, or sector manager, if authorized, in Washington headquarters, regional headquarters, or a center. A field facility manager, if delegated the authority, may approve participation of field employees in such a committee.

82. APPROVAL GUIDELINES. In lieu of official participation as a member, consideration should be given to approving participation in an observer or liaison capacity, particularly in the case of non-Government committees.

a. Non-DOT Committees.

(1) Before approving employee participation in a committee, the approving official should consider and base that determination on those guidelines which are applicable to the establishment of an FAA or DOT committee.

(2) Approval shall not be given for official participation when it would not be in the best interests of FAA or DOT.

(3) DOT representation on non-DOT committees normally will be limited to one member and one alternate. In the event more than one DOT organizational element is participating in non-DOT committee activities at the Washington level, the DOT Committee Management Officer will designate the lead organization which will coordinate with the various participants to ensure a single DOT position and avoid unnecessary duplication. In the case of joint participation at the regional level, the FAA regional administrator will contact other DOT organizations and reach agreement as to which will be the lead organization.

b. Non-Government Committees.

(1) Approving officials shall ensure that FAA participation in committees not sponsored or controlled by another Government agency is in the best interests of the Government, that potential embarrassment is not likely to result from such representation, and that the participant is not involved in formulating recommendations or standards which would later have an effect on the regulatory authority or responsibilities of the Government.

(2) FAA employees shall not assume positions of leadership in non-Government committees unless it is clearly evident to the approving official that such would be in the best interest of the Government.

(3) While participation in non-Government committees may be necessary, FAA employees must avoid any real or apparent conflict of interest in connection with such participation. The employees must neither directly nor indirectly:

(a) Commit the Government to a course of action which is not in the public interest.

(b) Espouse any cause which might be detrimental or embarrassing to the Government.

(c) Permit their names to be associated with documents or reports, the distribution of which could be potentially embarrassing.

(d) Receive pay from a non-Government committee for work performed or contributions made to it in connection with its activities under any circumstances.

83. PARTICIPATION GUIDELINES. Approving officials shall ensure that their participants comply with the following guidelines:

a. Approval of participation does not automatically entail approval of travel to attend meetings. Attendance, per diem, and travel costs must be justified and the availability of funds must be verified.

b. Dissemination or release of DOT or FAA information or reports must follow DOT and FAA policy and procedures.

c. Reports of significant committee events shall be made to the approving official for review and dissemination. Such events include notification of appointments, pre-meeting and post-meeting reports, and other matters which may be of interest to DOT or FAA management.

84. SERVING ON THE BOARD OF A NONPROFIT ORGANIZATION. The Department of Justice has ruled that under 18 USC 208, Federal Government employees serving on the boards of nonprofit organizations as part of their official duties have conflicts of interest that must be resolved in one of three ways. Service on such boards is considered consistent with the statute only when:

a. It is pursuant to specific statutory authority.

b. The organization specifically states that the employee has no fiduciary duty to the organization.

c. The agency obtains a waiver under the statute.

85.-89. RESERVED.