

Ethics Guidance DESIGNATION OF FEDERAL ADVISORY COMMITTEES SGEs vs REPRESENTATIVES

When creating a committee pursuant to the Federal Advisory Committee Act (FACA), agency officials must first determine the purpose of the committee and how it would best serve the agency's needs; that is, whether the information they are seeking from the advisory body is a consensus opinion of experts in a given field, or information that reflects the positions and observations of interested groups or stakeholders. Once agency officials have determined the type of advice sought from the proposed committee, the members are then designated accordingly. If the agency is seeking advice from experts, those experts will be appointed as special Government employees (SGE). If the agency is seeking information from interested groups, the members will be designated as Representatives.

SPECIAL GOVERNMENT EMPLOYEES (SGEs):

- must file a Confidential Financial Disclosure Report (OGE Form 450) upon appointment and annually thereafter
- are subject to most ethics rules including the financial conflict of interest rules
- benefit from a special exemption for a conflict of interest arising from their employment
- may be issued conflict of interest waivers by their appointing official after consultation with an ethics official
- may not be registered lobbyists
- must receive an ethics briefing.

REPRESENTATIVES:

- must have identified stakeholders that are being represented
- do not file financial disclosure forms
- are not subject to the ethics rules applicable to Government employees, except that they must not misuse Government resources or their affiliation with the Committee for personal purposes
- may be registered lobbyists
- may receive an ethics briefing upon request.

The Ethics Law and Programs Division will receive, review, and certify the OGE Form 450's and will assist in preparing any required waivers for committee members serving as SGEs. Members may contact the Ethics law and Programs Division directly for help in filling out the forms or for guidance regarding any of the ethics rules.