

**FISH AND WILDLIFE SERVICE
COMMITTEES AND ADVISORY BOARDS**

Committees and Advisory Boards

Part 107 Advisory Committees

Chapter 4 Appointment of Committee Members

107 FW 4

4.1 What is the purpose of this chapter? This chapter describes the procedures for recruiting, selecting, and appointing members to advisory committees.

4.2 What are the authorities and responsibilities for this chapter? See 107 FW 1 for the authorities and responsibilities for all the chapters in Part 107.

4.3 Who appoints committee members? Unless otherwise provided by statute, regulation, or individual committee charter, the Secretary reserves the authority to appoint advisory committees members and alternates.

4.4 What are the standards for selection of members?

A. Lobbyists.

(1) People registered as Federal lobbyists may not be appointed or reappointed to Federal advisory committees. We consider a lobbyist to be any individual who is subject to the registration and reporting requirements of the Lobbying Disclosure Act of 1995, as amended, 2 U.S.C. 1605, at the time of proposed appointment or reappointment

(2) Individuals who previously served as a Federally registered lobbyist may be appointed or reappointed only if they have:

(a) Filed a deregistration and can prove it;

(b) Been delisted by their employer as an active lobbyist; or

(c) Not appeared on a quarterly lobbying report for three consecutive quarters because they have stopped lobbying activities.

(3) *Federal Register* notices and other methods used to solicit members must include a statement prohibiting lobbyists from serving as members on the advisory committee. Committee bylaws or other procedural guidance should make clear to members, whether appointed as representatives or Special Government Employees, that if they become lobbyists after their appointment, they can no longer be a member on the advisory committee.

B. Membership Balance. The membership of advisory committees must be balanced in terms of the points of view represented and the functions to be performed. Select appointees in a manner to assure the advice and recommendations of the advisory committee will not be inappropriately influenced by the Service or by any special interest, but will be the advisory committee's independent judgment. Additional considerations are:

(1) The membership of a committee depends on its functions (e.g., the membership of a committee whose sole function is to consider scientific questions may be limited to scientists). However, when membership is limited to a group like scientists, make an effort to include scientists representing different points of view and different types of employment (university, industry, etc.).

(2) If a committee is concerned with matters involving questions of social policy, include representatives of the public interest and try to ensure representation of a variety of economic and social groups and geographic areas.

(3) No strict rule of proportional representation of the various types of groups is applicable. However, when selecting committee members, there must be no discrimination on the basis of race, color, national origin, religion, or sex.

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4.5 How are potential members solicited and evaluated? You should begin the solicitation and evaluation process approximately 6 months prior to the date appointments need to be made. Having the best people who represent key interests and balanced viewpoints enables the committee to provide the Department and the Service with recommendations that represent diverse stakeholder perspectives.

A. Begin the solicitation process by developing a list of people or organizations that have knowledge or involvement in the issues that the committee will address. You should broaden the pool of qualified individuals through a *Federal Register* notice, newspapers, and other forms of public solicitation.

B. Develop criteria to rank prospective members. Use the committee charter as a basis for establishing criteria to fulfill membership needs. Some examples of criteria that you could use to screen candidates include:

(1) Background and qualifications. The level of knowledge and experience that would help members address the issues facing the committee.

(2) Interest in or involvement in the issues the committee will address.

(3) Skills and experience in communication and collaboration processes.

(4) Availability and willingness to commit the time needed to participate as a member of the committee.

C. After evaluating prospective members, prepare a membership package (see section 4.11) for the Secretary's consideration for appointment to the committee.

4.6 What are the different types of members? Members may be:

A. Representatives. These members represent outside entities or groups. The opinions, information, and advice of these members will reflect the particular biases of the represented group.

B. Special Government Employees. Special Government Employees (SGEs) provide temporary service to the Government (not to exceed 130 days during any period of 365 consecutive days with or without compensation). SGEs are often recruited because they provide outside expertise or perspectives that might be unavailable among an agency's regular employees. SGEs may be added to an advisory committee by appointment or contract.

C. Regular Government Employees. Selection of a Federal employee as a member of an advisory committee must be based on the employee's particular expertise or on his or her capability as a representative of the bureau or office. Members are expected to express official positions and make agreements that are subject to further review within the organization. They must inform supervising officials about committee activities.

D. Ex Officio Members. An ex officio member is a member who is appointed to the advisory committee by virtue of holding another office. For example, if the authorizing statute or charter states that one member will represent the New York State Department of Environmental Conservation, that member would be appointed as an ex officio member. Unless there are constraints in the authorizing statute or charter, ex officio members may have the same rights as other members, including debate, making formal motions, and voting.

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4.7 Can members have alternates? If authorized in the committee charter, members may request that the Secretary appoint an alternate to attend meetings in the member's absence. The documentation required for appointment is the same as for primary members.

4.8 Are members subject to ethical laws and regulations?

A. Members serving as representatives are not subject to Federal ethics laws and do not have to complete financial disclosure reports.

B. Federal Government employees serving on an advisory committee, and who are subject to conflict of interests statutes, must file with the appropriate Ethics Counselor a Confidential Statement of Employment and Financial Interests for the duties assigned as committee members.

C. SGEs are subject to all ethics in Government and conflict-of-interest laws and must file a confidential financial disclosure form when appointed and annually as long as they serve.

4.9 Is there a limit on the length or number of terms? Unless otherwise stated in law, membership appointments may not exceed 4 years. When terms expire, we encourage the Designated Federal Officer (DFO) to solicit new membership to preserve a fresh perspective and ensure impartiality of points of view represented.

4.10 Does the Service compensate committee members? Unless otherwise specified in law, committee members serve without pay, but they may be eligible for reimbursement for travel and per diem expenses while attending committee meetings (in accordance with 5 U.S.C. 5703). An alternate may be eligible for reimbursement of travel and per diem expenses when attending a meeting in the absence of the primary member.

4.11 What must be in the membership package that the DFO must prepare to request the Secretary's consideration for appointments? The membership package includes recommendations and information on prospective members for the Secretary's consideration when appointing committee members. Enter the following documents in the Data Tracking System (DTS) and send the hard copy to the Group Federal Officer (GFO), Division of Policy and Directives Management (click here to access sample documents and templates):

A. Note to reviewers providing explanation of actions being taken.

B. Transmittal memorandum to the Secretary providing background information on the committee and recommendations for appointment.

C. Briefing paper for the White House Liaison providing background on qualifications of nominees.

D. Appointment letter for each prospective member. Appointment letters must contain:

(1) A brief sentence stating the purpose of the letter, name of the committee, and the scope of the committee.

(2) Type of appointment (see section 4.6). For representatives, the letter must include the group being represented. For SGEs, the letter must include information on ethics responsibilities.

(3) Term of appointment and start and end dates.

(4) Name of DFO and telephone number.

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- E. Resumés or biographical information for each prospective member.
- F. Copy of current charter for the advisory committee.
- G. Copy of vacancy report for the committee.
- H. Authorizing legislation (if applicable).

4.12 Is there a vetting process for prospective members? Yes. The Office of the Secretary and the White House vet all prospective members to ensure there are no issues that would affect their service on the advisory committee. While the membership package is in the surname process, the DFO should submit an advance list of recommended members, including the information listed on the committee Web site, to the Group Federal Officer. The Group Federal Officer will coordinate vetting with the Departmental Committee Management Officer.

/sgd/ Rowan W. Gould
DEPUTY DIRECTOR

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