

600.115 Proposal Reviewer – Conflict of Interests and Confidentiality Statement

Natural Resources Conservation Service

Proposal Reviewer Conflict of Interests and Confidentiality Statement

1. Potential Conflicts of Interest.

You will be asked to review applicant proposals. You must be aware of the potential for conflicts of interest or apparent loss of impartiality that may arise and require your recusal. You would likely have a conflict of interest if you, a family member or an organization with which you are affiliated submits an application or is a sub-grantee or is one of their employees or suppliers. Other relationships may also trigger the disqualification requirement. See the list of affiliations and relationships that may trigger a conflict of interest or the apparent loss of impartiality on the back of this form. If you have a potential conflict with one or more, you must recuse yourself and promptly notify the Responsible Official. [A Responsible Official with conflicting interests must notify the Signatory Official.] The Responsible Official will contact the NRCS Ethics Office to determine how the matter should be handled and tell you what further steps, if any, to take.

2. No use of Insider Information.

You will have access to information not generally available to the public. You must not use that information for your personal benefit or make it available for the benefit of any other individual or organization. [This is to be distinguished from the entirely appropriate general benefit of learning more about USDA and NRCS, learning from other panel members, or becoming better acquainted with the state of a given discipline.]

3. Obligation to Maintain the Confidentiality of Proposals and Applicants.

You will be privy to confidential and proprietary information. NRCS receives proposals in confidence and protects the confidentiality of their contents. Unauthorized use of privileged information, ideas or unique methods is prohibited. For this reason, you must not copy, quote, or otherwise use or disclose to anyone any material from any proposal you are asked to review. If you believe a colleague can make a substantial contribution to the review, you must obtain permission from the Responsible Official before disclosing either the contents of the proposal or the name of any applicant. You are required to maintain the confidentiality of information contained within proposals, and you are prohibited from making unauthorized disclosure of confidential information pertaining to any information obtained in the review process. In accepting this assignment, you agree not to (1) disseminate or disclose information to anyone other than members of the panel without the consent of the applicant and the Responsible Official; (2) use the privileged information for purposes other than carrying out the requested review; or (3) discuss the information outside of the review sessions.

4. Confidentiality of the Review Process and Reviewer Names.

NRCS keeps reviews and your identity as a reviewer of specific proposals confidential as much as is practicable. Do not disclose their identities, the relative assessments or rankings of proposals by a review panel, or other details about the review of proposals.

Review Board Member Certification

I accept this assignment and agree to act in a manner consistent with this agreement. I understand that failure to disqualify myself if I have conflicting interests, or the unauthorized disclosure of any confidential information could subject me to sanctions.

Potential Conflicts.

I have read the list of affiliations and relationships that could reflect a conflict of interest or impartiality question and prevent my participation in matters involving such individuals or institutions. To the best of my knowledge, I have no affiliation or relationship that would prevent me from performing as a reviewer in this matter. I agree to immediately inform the Responsible Official, in writing, if a potential conflict exists or arises during my service. I understand that I must sign and return this Conflict of Interest and Confidentiality Statement to the Responsible Official before I may serve.

Confidentiality

I will not divulge or use any confidential information, described above, that I become aware of during my service.

Reviewer Identity

I understand that my identity as a reviewer of specific proposals will be kept confidential to the maximum extent possible, except that copies of written reviews that I submit may be sent to investigators without my name, title or affiliation.

Reviewer's Signature: _____ Date: _____

Reviewer's Name: _____ Employer/Affiliation/Institution _____

Name of Subject Grant or Agreement: _____

Civil Servant Status: (*Check one*) Federal Employee Special Government Employee

Ethics Summary for Reviewers

You are subject to the criminal conflict of interest statutes at 18 USC 201-209, and the Standards of Ethical Conduct for Employees of the Executive Branch [5 CFR Part 2635], whether an employee of NRCS or another Federal agency, or a non-Federal reviewer. NRCS employees should consult the Standards of Ethical Conduct and NRCS General Manual Title 110, Part 405, for applicable ethics regulations. A non-Federal reviewer is considered to be a "Special Government Employee" (SGE) while serving on a review panel. The SGE category was created by Congress as a way to apply a set of conflict of interest restrictions on individuals who provide limited services to the Federal Government. With some exceptions as detailed below, an SGE is subject to most of the Federal ethics laws and regulations that apply to regular employees.

This provides a very general summary of the ethics restrictions applicable to all reviewers (employees and non-Federal reviewers), and highlights areas in which the ethics laws and regulations are limited or narrowed for SGEs. Your careful adherence to the ethics rules should foster public confidence that NRCS review process is not tainted by improper influences.

I. DISQUALIFYING INTERESTS

Financial Interests: Absent an advance written waiver, a criminal statute prohibits you from participating as a reviewer or having other substantive involvement for the Federal Government regarding a grant or agreement in which you have an interest if the matter will have a direct and predictable effect on your interest or the interest of:

- Your spouse, parent, minor child, member of household, close relative or business partner
- An organization with which you are employed or affiliated as an officer, director, trustee, or partner
- An organization with which you have an arrangement for future employment
- An organization with which you are negotiating for future employment
- An institution with which you have a position, such as adjunct or visiting professor.

Other Relationships: You are also to recuse yourself and not participate for the Federal Government as reviewer or other substantive role regarding proposals involving the interests of persons with whom you have certain other affiliations or relationships, such as:

- A close relative
- Where you have an interest or relationship to an applicant, sub-grantee, or their employees or suppliers
- An organization with which you were previously employed within the past 1 year
- An organization or individual with which you have or seek a business, contractual, consultative or other financial relationship
- An organization or individual with which the spouse, parent or dependant child is an employee, officer, director, consultant, contractor or agent
- An organization with which you are "active", *e.g.* committee chairperson, subcommittee chairperson, fundraiser, or agent.

In addition, you should advise the Responsible Office if you are a member of an applicant organization; or if, to your knowledge, you are a member of the same organization or institution as an applicant. Membership alone, in a professional organization, is generally not disqualifying.

II. MISUSE OF POSITION

You must not use or disclose information not generally available to the public.
You must not use your title or position with NRCS for private gain (whether your own or another's).

III. REPRESENTATION

A criminal statute prohibits Federal employees from representing another before a Federal agency or officer in connection with any particular matter in which the Federal Government has a direct and substantial interest, whether compensated or not. [See 18 USDA 203 and 205.] These restriction on regular employees apply to particular matters whether they involve specific parties [such as contracts, grants, applications, requests for rulings, litigation or investigations] or are of general applicability [such as policies, rulemaking, proceedings and legislation]. However, these restrictions have limited application to an SGE. They apply to an SGE with respect to particular matters involving specific parties. For example, when applied to a non-Federal reviewer who becomes an SGE, these laws restrict the SGE from representing someone else before any Federal Government official on a matter involving specific parties, if it is the same matter in which the SGE participated as a reviewer. In some cases, they also prohibit your representation of another to a Federal official on a matter actually pending in USDA. The law also prohibits you from accepting direct or indirect compensation for such representation done by others.

IV. ACCEPTING GIFTS

While working for NRCS, you cannot accept gifts offered to you because of your NRCS position and you cannot solicit or accept gifts or favors from NRCS grantees, sub-grantees, contractors, suppliers, applicants, or other entities having or seeking business ties with NRCS. Exceptions include the following: benefits resulting from your non-NRCS business or employment activities (or those of your spouse) when it is clear that the benefits have not been offered or enhanced because of your status in the Federal Government status; gifts clearly motivated by familial relationship or personal friendship; and items worth \$20 or less per occasion --up to \$50 a year from any one source. Additional restrictions are at 5 CFR Part 2635, Subparts B and C.

V. FOREIGN GOVERNMENTS

Federal Grants and Cooperative Agreements Handbook

While working for NRCS, you may not have or accept employment with any foreign government (including a foreign university), or accept any gift from a foreign government or international organization.

User-friendly Internet-based ethics training is available at www.aglearn.usda.gov