



United States  
Department of  
Agriculture

## Transportation and Marketing Grants Division

### Conflict-Of-Interest & Confidentiality Statement

Please familiarize yourself with the *Conflict-of-Interest and Confidentiality Guidelines*. If you are unable to act as a reviewer, please contact the Federal Agency Program Contact so that application materials may be returned, and confidentiality maintained.

#### 1. Your Potential Conflicts-of-Interest

Your designation as an Agricultural Marketing Service (AMS) grant program peer reviewer requires your awareness of potential conflicts-of-interest. As a peer reviewer, you will assess multiple grant applications, and you may encounter a conflict, or an appearance of a conflict, with one or more of these applications. Should any conflict arise while you serve as peer reviewer, you must bring the matter to the attention of the Federal Agency Program Contact. This official will determine how the matter should be handled and will explain what further steps, if any, to take.

Failure to identify a conflict-of-interest may subject you to administrative sanction; i.e., removal from the current review and/or disqualification from involvement in future grant applications review.

#### 2. No Use of "Insider" Information

If your designation gives you 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 personal benefit of any other individual or organization. This is to be distinguished from the entirely appropriate general benefit of learning more about AMS grant programs, learning from other peer reviewers, or becoming better acquainted with a given discipline.

#### 3. Your Obligation to Maintain the Confidentiality of Applications and Applicants

AMS receives grant applications in confidence and protects the confidentiality of their contents. For this reason, you must not copy, quote, or otherwise use or disclose to anyone, any material from any application you are asked to review. If you believe that you have a colleague who can make a substantial contribution to the review, please obtain permission from the Federal Agency Program Contact before disclosing either the contents of the application or the name of the applicant(s).

Unauthorized disclosure of confidential information may subject you to administrative sanction, i.e., removal from the current review and/or disqualification from involvement in future reviews of grant applications.

#### 4. Confidentiality of the Review Process and Reviewer Names

AMS keeps reviews and your identity as a reviewer of specific applications confidential to the maximum extent possible. Peer review results are routinely sent to the AMS's executive staff without your name, affiliation or any other identifying information. It is critical that you respect the confidentiality of all other reviewers. Do not disclose their identities, relative scores, assessment comments, or application rankings by a peer review team, or other details about the peer review of applications or process.

### CERTIFICATION

**Your Potential Conflicts:** I have read the list of affiliations and relationships listed in the "Conflict-of-Interest and Confidentiality Guidelines" that could 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 my panel duties. Where there is an appearance or actual conflict-of-interest, I will recuse myself from the review of the application or be granted an appropriate waiver.

**Maintaining the Confidentiality of Others:** I will not divulge or use any confidential information, described above, that I may become aware of during my service.

**Your Identity as a Reviewer will be Kept Confidential:** I understand my identity as a reviewer or specific application(s) will be kept confidential to the maximum extent possible. Applicants will receive copies of written team reviews without my name and affiliation.

Peer Reviewer's Name: \_\_\_\_\_

Peer Reviewer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Panel and/or Panel Number: \_\_\_\_\_

## Conflict-Of-Interest & Confidentiality Guidelines

**Please review these guidelines periodically during your service.**

AMS is required to establish conflict-of-interest policies (2 CFR 400.2). As a peer reviewer of AMS grant applications, you are considered a “special” Government employee while serving on a panel. This is a summary of the major conflict-of-interest rules that apply to you as a special Government employee.<sup>1</sup> Some rules will inevitably be less relevant to your duties than others, but your careful adherence to the rules should foster public confidence that AMS review processes are not tainted by improper influence.

**Conflict-of-Interest:** You must disqualify yourself as a reviewer of a grant application if you have one or more of the following:

- a. **Financial Interest:** Absent an advance written waiver, a criminal statute bars your participation in your Government capacity in any particular matter, if you have a direct and predictable financial interest in the outcome; or if any of the following have direct and predictable and predictable financial interests in the outcome:
  - Your spouse, sibling, minor child, or business partner;
  - An organization with which you are employed or affiliated as an officer, director, trustee, or partner; or
  - An organization with which you have an arrangement for, or are negotiating, future employment.
- b. **Organizational/Institutional Relationship or Relationship with Key Personnel Listed in the Application:** If you have direct or indirect interests with the organization or personnel due to the following:
  - Current employment at the institution as a professor, (incl. adjunct or visiting), consultant, or member of an advisory board;
  - Past (within previous 12 months) or future employment, including informal re-employment, with said institution;
  - Pre- or post-award involvement as an officer or employee of the federal government; or
  - Past or present association with key personnel as:
    - A known family relationship (spouse, sibling, minor child, or parent);
    - Thesis or postdoctoral advisee/advisor;
    - Co-author on a publication within the past 3 years, including pending publications and submissions; or
    - Collaborator on a project within the past 3 years, including current and planned collaborations.

**Other Relationships:** Any relationship, such as a close personnel friendship, that you think might tend to affect your judgment or be seen as doing so by a reasonable person familiar with the relationship. This includes all conflicts-of-interest, or compensation of any type (e.g. money, goods, services) for the prior 3 years.

If you encounter a situation about which you are uncertain, please bring it to the attention of the applicable Federal Agency Program Contact for a decision.

If you determine that you have a conflict-of-interest, or an appearance of such, and therefore you are unable to serve in the capacity of reviewer, please contact the Federal Agency Program Contact, so that application materials may be returned.

Failure to identify a conflict-of-interest may subject you to administrative sanction, such as removal from the current review of the grant applications and/or disqualification from involvement in future reviews.

**Confidentiality:** While the content of awards is subject to the Freedom of Information Act (FOIA), reviewers must not disclose information contained in the applications as it is the role of the Department of Agriculture, not the reviewer, to determine whether such information is releasable pursuant to the FOIA. For this reason, confidentiality must be maintained. Upon completion of your review, please return or destroy all printed or electronic materials related to the application.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0287. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

*USDA is an equal opportunity provider, employer, and lender.*

<sup>1</sup> For specific rules, see “An Ethics Guide for Special Government Employees of the U.S. Department of Agriculture,” 18 U.S.C. 201-209, E.O. 12674 (as amended), and 5 CFR Parts 2635 and 8301.