

CERTIFICATION OF NO CONFLICT AND NON-DISCLOSURE

As a member of the Federal Advisory Committee on Juvenile Justice, I agree and certify that I will abide by the terms of confidentiality that are set forth in the Standards of Ethical Conduct for Executive Branch Employees 5 CFR § 2635.703 (attached) in relation to any non-public information to which I am provided access, either verbally or in writing.

I further agree and certify that I have been provided information concerning possible conflicts of interest which may arise in the performance of my duties, consistent with the attached OJP guidance on Conflicts of Interest, and further:

- It is my belief that I have no conflict of interest with any of the duties concerning advice or decisions which are currently before this Advisory Committee, and,
- I will immediately notify a Co-Chair and DFO of the Advisory Committee, and shall recuse myself from any discussion, vote or other matters which come before the Advisory Committee, if I become aware of any of the following potential conflicts of interest with programs or specific subject matter which come before the Advisory Committee:

Nature of the conflict or possible conflict:

- I, my spouse, child, other family member or business partner is currently an employee or consultant to an organization that could directly or indirectly benefit as a result of action by the Advisory Committee;
- I, my spouse, child, other family member or business partner is currently seeking employment with, an organization that could directly or indirectly benefit as a result of action by the Advisory Committee;
- I am a former employee of an organization that could directly or indirectly benefit as a result of action by the Advisory Committee, having left employment with that organization within the past year;
- I have a pension plan or other financial interest an organization that could directly or indirectly benefit as a result of action by the Advisory Committee;
- I am an officer, trustee, board member, committee member, or immediate past officer of an organization that could directly or indirectly benefit as a result of action by the Advisory Committee;
- I have within the past year received a gift or other similar gratuity from an organization that could directly or indirectly benefit as a result of action by the Advisory Committee;
- There are circumstances which would cause a reasonable person with knowledge of the relevant facts to question my objectivity and impartiality in participation in any matter as a function of my work on this Advisory Committee.

NAME: _____ DATE: _____

SIGNATURE: _____

5 C.F.R. § 2635.703

Use of nonpublic information.

(a) Prohibition. An employee shall not engage in a financial transaction using nonpublic information, nor allow the improper use of nonpublic information to further his own private interest or that of another, whether through advice or recommendation, or by knowing unauthorized disclosure.

(b) Definition of nonpublic information. For purposes of this section, nonpublic information is information that the employee gains by reason of Federal employment and that he knows or reasonably should know has not been made available to the general public. It includes information that he knows or reasonably should know:

- (1) Is routinely exempt from disclosure under 5 U.S.C. § 552 or otherwise protected from disclosure by statute, Executive order or regulation;
- (2) Is designated as confidential by an agency; or
- (3) Has not actually been disseminated to the general public and is not authorized to be made available to the public on request.

Example 1: A Navy employee learns in the course of her duties that a small corporation will be awarded a Navy contract for electrical test equipment. She may not take any action to purchase stock in the corporation or its suppliers and she may not advise friends or relatives to do so until after public announcement of the award. Such actions could violate Federal securities statutes as well as this section.

Example 2: A General Services Administration employee involved in evaluating proposals for a construction contract cannot disclose the terms of a competing proposal to a friend employed by a company bidding on the work. Prior to award of the contract, bid or proposal information is nonpublic information specifically protected by 41 U.S.C. 423.

Example 3: An employee is a member of a source selection team assigned to review the proposals submitted by several companies in response to an Army solicitation for spare parts. As a member of the evaluation team, the employee has access to proprietary information regarding the production methods of Alpha Corporation, one of the competitors. He may not use that information to assist Beta Company in drafting a proposal to compete for a Navy spare parts contract. The Federal Acquisition Regulation in 48 CFR parts 3, 14 and 15 restricts the release of information related to procurements and other contractor information that must be protected under 18 U.S.C. 1905 and 41 U.S.C. 423.

Example 4: An employee of the Nuclear Regulatory Commission inadvertently includes a document that is exempt from disclosure with a group of documents released in response to a Freedom of Information Act request. Regardless of whether the document is used improperly, the employee's disclosure does not violate this section because it was not a knowing unauthorized disclosure made for the purpose of furthering a private interest.

Example 5: An employee of the Army Corps of Engineers is actively involved in the activities of an organization whose goals relate to protection of the environment. The employee may not, other than as permitted by agency procedures, give the organization or a newspaper reporter nonpublic information about long-range plans to build a particular dam.