

**§ 2601.104**

**5 CFR Ch. XVI (1–1–10 Edition)**

(e) *Type of gift.* The agency may solicit or accept any gift that is within its statutory authority. However, as a matter of policy, OGE will not solicit or accept gifts of currency pursuant to this part. Donors who offer currency should be advised that the gift may be made by check or money order payable to the U.S. Office of Government Ethics.

**§ 2601.104 Relationship to other authorities.**

(a) This part does not apply to gifts to the agency of:

(1) Travel and travel-related expenses made pursuant to the authority set forth in 31 U.S.C. 1353; or

(2) Volunteer services made pursuant to the authority set forth in 5 U.S.C. 3111.

(b) This part does not apply to gifts to an individual agency employee, including:

(1) Gifts of contributions, awards or other expenses for training made pursuant to the authority set forth in the Government Employees Training Act, 5 U.S.C. 4111;

(2) Gifts made by a foreign government or organization, or representative thereof, pursuant to the authority set forth in 5 U.S.C. 7342;

(3) Gifts made by a political organization that may be accepted by an agency employee who, in accordance with the terms of the Hatch Act Reform Amendments of 1993, at 5 U.S.C. 7323, may take an active part in political management or in political campaigns; or

(4) Gifts made directly or indirectly that an employee may accept in a personal capacity pursuant to the authority set forth in 5 CFR part 2635, subpart B or subpart C.

**§ 2601.105 Definitions.**

For the purposes of this part:

*Administration Division* means the Administration Division of the Office of Government Ethics.

*Agency* means the Office of Government Ethics (OGE).

*Authorized agency official* means the Director of the Office of Government Ethics or the Director's delegatee.

*Director* means the Director of the Office of Government Ethics.

*Employee* means an employee of the Office of Government Ethics.

*Gift* means any gift, donation, bequest or devise of money, use of facilities, personal property, or services and may include travel reimbursements or payments for attendance at or participation in meetings or events.

*Money* means currency, checks, money orders or other forms of negotiable instruments.

*Personal property* means all property, tangible or intangible, not defined as real property, and includes stocks and bonds.

*Prohibited source* means any source described in 5 CFR 2635.203(d).

*Services* means all forms of voluntary and uncompensated personal services.

*Use of facilities* means use of space, equipment and all other facilities.

**Subpart B—Guidelines for Solicitation and Acceptance of Gifts**

**§ 2601.201 Delegation.**

(a) The authority to solicit, accept, and utilize gifts in accordance with this part resides with the Director.

(b) The Director may delegate this authority.

(c) Authorities delegated in accordance with paragraph (b) of this section may be redelegated only through a written delegation authorizing an agency employee to solicit or accept specific types of gifts, or a gift for a specific purpose, function, or event.

**§ 2601.202 Procedure.**

(a) The authorized agency official shall have the authority to solicit, accept, refuse, return, or negotiate the terms of acceptance of a gift.

(b) An employee, other than an authorized agency official, shall immediately forward all offers of gifts covered by this part regardless of value to an authorized agency official for consideration and shall provide a description of the gift offered. An employee shall also inform an authorized agency official of all discussions of the possibility of a gift. An employee shall not provide a donor with any commitment, privilege, concession or other present