Office of Government Ethics

§ 2601.204 Conditions for acceptance.

(a) No gift may be accepted that:
  (1) Attaches conditions inconsistent with applicable laws or regulations;
  (2) Is conditioned upon or will require the expenditure of appropriated funds that are not available to the agency;
  (3) Requires the agency to provide the donor with some privilege, concession or other present or future benefit in return for the gift;
  (4) Requires the agency to adhere to particular requirements as to deposit, investment, or management of funds donated;
  (5) Requires the agency to undertake or engage in activities that are not related to the agency’s mission, programs or statutory authorities; or

(b) In making the determination required under paragraph (a) of this section, an authorized agency official may be guided by all relevant considerations, including, but not limited to the following:
  (1) The identity of the donor;
  (2) The monetary or estimated market value or the cost to the donor;
  (3) The purpose of the gift as described in any written statement or oral proposal by the donor;
  (4) The identity of any other expected recipients of the gift on the same occasion, if any;
  (5) The timing of the gift;
  (6) The nature and sensitivity of any matter pending at the agency affecting the interests of the donor;
  (7) The significance of an individual employee’s role in any matter affecting the donor, if benefits of the gift will accrue to the employee;
  (8) The nature of the gift offered;
  (9) The frequency of other gifts received from the same donor; and
  (10) The agency activity, purpose or need that the gift will aid or facilitate.

(c) An authorized agency official may ask the donor to provide in writing any additional information needed to assist in making the determination under this section. Such information may include a description of the donor’s business or organizational affiliation and any matters that are pending or are expected to be pending before the agency.

§ 2601.203 Conflict of interest analysis.

(a) A gift shall not be solicited or accepted if the authorized agency official determines that such solicitation or acceptance of the gift would reflect unfavorably upon the ability of the agency, or any employee of the agency, to carry out OGE responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

(b) In making the determination required under paragraph (a) of this section, an authorized agency official may be guided by all relevant considerations, including, but not limited to the following:
  (1) The identity of the donor;
  (2) The monetary or estimated market value or the cost to the donor;
  (3) The purpose of the gift as described in any written statement or oral proposal by the donor;
  (4) The identity of any other expected recipients of the gift on the same occasion, if any;
  (5) The timing of the gift;
  (6) The nature and sensitivity of any matter pending at the agency affecting the interests of the donor;
  (7) The significance of an individual employee’s role in any matter affecting the donor, if benefits of the gift will accrue to the employee;
  (8) The nature of the gift offered;
  (9) The frequency of other gifts received from the same donor; and
  (10) The agency activity, purpose or need that the gift will aid or facilitate.

(c) An authorized agency official may ask the donor to provide in writing any additional information needed to assist in making the determination under this section. Such information may include a description of the donor’s business or organizational affiliation and any matters that are pending or are expected to be pending before the agency.