

or future benefit (other than an appropriate acknowledgment) in return for a gift.

(c) Only an authorized agency official may solicit, accept or decline a gift after making the determination required under the conflict of interest standard in § 2601.203. An authorized agency official may find that, while acceptance of an offered gift is permissible, it is in the interest of the agency to qualify acceptance by, for example, limiting the gift in some way. Approval of acceptance of a gift in-kind after receipt of the gift may be granted as deemed appropriate by the authorized agency official.

(d) Gifts may be acknowledged in writing in the form of a letter of acceptance to the donor. The amount of a monetary gift shall be specified. In the case of nonmonetary gifts, the letter shall not make reference to the value of the gift. Valuation of nonmonetary gifts is the responsibility of the donor. Letters of acceptance shall not include any statement regarding the tax implications of a gift, which remain the responsibility of the donor. No statement of endorsement should appear in a letter of acceptance to the donor.

(e) A gift may be declined by an authorized official orally or in writing. A donor may be advised of the reason why the gift has been declined. A gift may be declined solely as a matter of agency discretion, even though acceptance would not be precluded under the conflict of interest standard in § 2601.203.

(f) A gift of money or the proceeds of a gift shall be deposited in an appropriately documented agency fund. A check or money order should be made payable to the "U.S. Office of Government Ethics."

§ 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.

§ 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

§ 2601.301

(6) Would reflect unfavorably upon the ability of the agency, or any of its employees, to carry out its responsibilities or official duties in a fair and objective manner, or would compromise or appear to compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

(b) [Reserved]

NOTE TO §2601.204: Nothing in this part shall prohibit the agency from offering or providing the donor an appropriate acknowledgment of its gift in a publication, speech or other medium.

Subpart C—Accounting Requirements

§ 2601.301 Accounting of gifts.

(a) The Administration Division shall ensure that gifts are properly accounted for by following appropriate internal controls and accounting procedures.

(b) The Administration Division shall maintain an inventory of donated personal property valued at over \$500. The inventory shall be updated each time an item is sold, excessed, destroyed or otherwise disposed of or discarded.

(c) The Administration Division shall maintain a log of all gifts valued at over \$500 accepted pursuant to this part. The log shall include, to the extent known:

(1) The name and address of the donor;

(2) A description of the gift; and

(3) The date the gift is accepted.

PART 2602—EMPLOYEE RESPONSIBILITIES AND CONDUCT, ADDENDUM [RESERVED]

PART 2604—FREEDOM OF INFORMATION ACT RULES AND SCHEDULE OF FEES FOR THE PRODUCTION OF PUBLIC FINANCIAL DISCLOSURE REPORTS

Subpart A—General Provisions

Sec.

2604.101 Purpose.

2604.102 Applicability.

5 CFR Ch. XVI (1–1–12 Edition)

2604.103 Definitions.

Subpart B—FOIA Public Reading Room Facility and Web Site; Index Identifying Information for the Public

2604.201 Public reading room facility and Web site.

2604.202 Index identifying information for the public.

Subpart C—Production and Disclosure of Records Under FOIA

2604.301 Requests for records.

2604.302 Response to requests.

2604.303 Form and content of responses.

2604.304 Appeal of denials.

2604.305 Time limits.

Subpart D—Exemptions Under FOIA

2604.401 Policy.

2604.402 Business information.

Subpart E—Schedule of Fees

2604.501 Fees to be charged—general.

2604.502 Fees to be charged—categories of requesters.

2604.503 Limitations on charging fees.

2604.504 Miscellaneous fee provisions.

Subpart F—Annual OGE FOIA Report

2604.601 Electronic posting and submission of annual OGE FOIA report.

2604.602 Contents of annual OGE FOIA report.

Subpart G—Fees for the Reproduction and Mailing of Public Financial Disclosure Reports

2604.701 Policy.

2604.702 Charges.

AUTHORITY: 5 U.S.C. 552; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235; E.O. 13392, 70 FR 75373, 3 CFR, 2005 Comp., p. 216.

SOURCE: 60 FR 10007, Feb. 23, 1995, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 2604 appear at 66 FR 3439, Jan. 16, 2001.

Subpart A—General Provisions

§ 2604.101 Purpose.

This part contains the regulations of the Office of Government Ethics (OGE) implementing the Freedom of Information Act (FOIA) and Executive Order 12600. It describes how any person may obtain records from OGE under the