

CHECKLIST FOR GIFTS AND CONTRIBUTIONS TO AN AGENCY

A gift may be accepted for official agency use if the following apply:

- acceptance would aid or facilitate an agency program,
 - acceptance would not create an appearance of impropriety (acceptance cannot be seen as likely to affect the objectivity of Government actions), and
 - acceptance is approved by the appropriate official;
 - in addition, unless it is for travel, the gift must be of property, rather than services.
- An acceptable gift must be recorded on a Form CD-210 (which can be downloaded from the Ethics web page at www.commerce.gov/ethics).

A gift or contribution other than for official travel may be solicited for agency use if the following all apply:

- it supports an agency program;
- the donor is not an agency contractor or grantee;
- the solicitation is conducted on a non-preferential basis, preferably to broad-based groups;
- no preference is given to donors over non-donors regarding agency programs (including access to Government officials);
- the solicitation is not coercive;
- acceptance is approved by the appropriate agency official;
- no *quid pro quo* is given (other than acknowledgment and tickets to the event).

A travel gift may be accepted if the following apply;

- it was not solicited;
- it was approved prior to the travel – it will generally be approved if:
 - it was not solicited,
 - it is from a non-Federal source with no grants or contracts or other matters pending before the agency (with exceptions in some cases for gifts to NIST and OAR), and
 - acceptance of the gift will not cause a reasonable person to question the integrity of Department operations);
- if for a Senate-confirmed Presidential appointee, it is not from a lobbying organization; and
- if it is not transportation on a private aircraft (unless approved by the Office of the General Counsel).

An acceptable travel gift must be reported on a form SF 326 (if valued at more than \$250) as well as a Form CD-210. (These forms can be downloaded from www.commerce.gov/ethics).

For advice on solicitation and acceptance of gifts, contact the Ethics Office of the Office of General Counsel at 202-482-5384 or ethicsdivision@doc.gov.

**Ethics Office – Office of General Counsel – U.S. Department of Commerce
202-482-5384 – ethicsdivision@doc.gov – January 31, 2022**