



NUMBER: Directive 0625

SUBJECT: Agency Acceptance of Gifts from Non-Federal Sources

DIRECTIVE OWNER: Office of the General Counsel, General Law Division

EFFECTIVE DATE: October 6, 2023

1. **PURPOSE.** This Directive establishes the procedure for the agency's acceptance of gifts from certain non-federal sources. (For the procedures regarding gifts of travel, consult Directive 0626, *Agency Acceptance of Travel Expenses from Non-Federal Sources.*)

2. **AUTHORITY.**

a. 15 U.S.C. § 2076(b)(6), Commission Authority to Accept Gifts and Uncompensated Services, Consumer Product Safety Act (CPSA).

3. **SCOPE.** This Directive applies to any potential gift to the agency from a non-federal source.

This Directive does not apply to:

a. Gifts of travel that may be accepted by the agency in accordance with 31 U.S.C. § 1353 and are not prohibited by 15 U.S.C. § 2086. (See Directive 0626 regarding agency acceptance of gifts of travel and related expenses.)

b. Gifts of cash.

c. Gifts to employees either pursuant to the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. § 2635, Subpart B, or from a foreign government pursuant to the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342. Employees should consult with agency ethics officials regarding personal gift acceptance.

4. **DEFINITIONS.**

a. **Accepting Official.** An official at the highest practicable administrative level, who has the authority to approve acceptance of gifts on behalf of the agency. Typically, this official is the Executive Director. (See D201.1, *Delegation of Administrative and Operational Management Authority to the Executive Director.*)



- b. **Employee.** Any officer or employee of the agency, including Commissioners, as well as special government employees as defined in 18 U.S.C. § 202.
- c. **Gift.** For the purposes of this directive regarding agency gift acceptance, a gift is: Any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes voluntary and uncompensated services, notwithstanding 31 U.S.C. § 1342. It also includes gifts-in-kind, such as goods, services, or other benefits provided to an agency employee by a non-federal source without charge to the agency. Gifts-in-kind may include waiver of any fees to a local event that a non-federal source normally collects from meeting attendees, such as registration fees.
- d. **Non-Federal source.** Any person or entity other than the government of the United States. The term includes any individual, private or commercial entity, nonprofit organization or association. It also includes state, local, or foreign governments.

5. RESPONSIBILITIES.

- a. The **Executive Director**, on behalf of the agency, is authorized to accept gifts from non-federal sources. This authority may be exercised by an official with delegated authority in the absence of the Executive Director.
- b. **The Office of the General Counsel** reviews the request before submission to the Executive Director and conducts a conflict-of-interest analysis to determine whether it is permissible for the agency to accept the gift or gift-in-kind.
- c. The **Employee** who is offered the gift or gift-in-kind provides all necessary information to the General Counsel and Executive Director to make a determination regarding gift acceptance.

- 6. **CANCELLATION.** This directive supersedes and cancels D312.2, *Agency Acceptance of Gifts from Non-Federal Sources* (Sept. 20, 2019).

Alexander Hoehn-Saric
Chair

Date