



**UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION**

**DIRECTIVE NUMBER: D312.2**

**SUBJECT: Agency Acceptance of Gifts from Non-Federal Sources**

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

**EFFECTIVE DATE:** September 20, 2019

**CERTIFIED CURRENT DATE:** September 20, 2019

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1. **PURPOSE.** This Directive establishes the procedure for the agency's acceptance of gifts from non-federal sources. (For the procedures regarding gifts of travel, consult Directive Number D312.1.)
2. **AUTHORITY.**
  - a. 15 U.S.C. § 2076(b)(6), Commission Authority to Accept Gifts and Uncompensated Services, Consumer Product Safety Act (CPSA).
  - b. 5 CFR § 2635, Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct).
3. **DEFINITIONS.**
  - a. **Accepting Official.** An official at the highest practical administrative level, who has been delegated authority to approve acceptance of gifts on behalf of the agency. Typically, this official is the Executive Director.
  - b. **Employee.** Any official or employee of the agency, including Commissioners and special government employees, as defined in 18 U.S.C. § 202.
  - c. **Gift.** Any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value, including services. Gifts also include training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. For this Directive, a gift does not include cash. Any gifts of travel or related expenses are evaluated for acceptance under Directive Number D312.1.

- 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, or international or multinational organization (irrespective of whether an agency holds membership in the organization or association), or foreign, state, or local government (including the government of the District of Columbia).
  
- d. **Gift-in-kind.** Goods, services, or other benefits provided to an agency employee by a non-federal source without charge to the agency. Gift-in-kind may include waiver of any fees that a non-federal source normally collects from meeting attendees such as registration fees.
  
- e. **Prohibited Source.** Any entity, individual, or organization that fits at least one of these criteria:
  - (1) A person seeking official action from, doing business with, or conducting activities regulated by the agency.
  - (2) A person whose interests may be substantially affected by the performance or nonperformance of an employee's official duties.
  - (3) A consumer product importer, manufacturer, distributor, retailer, or representative of such organization.
  - (4) A consumer, public interest, or other group, or a representative of such organization that seeks regulatory or other official action by the agency.
  - (5) A professional, trade, or business association, or a representative of such organization, a substantial majority of whose members are regulated by or do business with, the agency.
  - (6) A consensus standards organization involved with consumer product standards, or a representative of such organization.
  - (7) An organization that accredits laboratories or laboratories that perform testing or other evaluation of consumer products, or a representative of such organization.
  - (8) A person or company, or a representative of such organization, that currently has, or is seeking, a government contract or grant from the agency.
  - (9) A person or company, or representative of such organization, involved in litigation with the agency.

- (10) A media representative seeking information from, an interview with, or an ongoing working relationship with, an employee of CPSC regarding official agency business.
- (11) An organization, a majority of whose members are described in this section.

4. **SCOPE.** This Directive establishes a policy for all gifts (excluding travel and related expenses) that may be accepted by the agency in furtherance of its mission.

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. See Directive Number D312.1, regarding agency acceptance of non-federally sponsored gifts of travel and related expenses.
- b. Gifts accepted from a foreign government pursuant to the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342.

5. **RESPONSIBILITIES.**

- a. The **Executive Director**, on behalf of the agency, is authorized to accept gifts to the agency 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.
- c. The **Employee** who is offered the gift provides all necessary information to the General Counsel and Executive Director to make a determination regarding gift acceptance.

6. **CANCELLATION.** This Directive supersedes, in part, Order No. 0680.2, Acceptance of Gifts and Travel Expenses from Non-Federal Sources. Directive D312.1 addresses the portion of Order No. 0680.2 that is not addressed in this Directive.

  
Ann Marie Buerkle  
Acting Chairman

  
Date

**Reference Materials:**

- Implementing Procedure IP312.2, Agency Acceptance of Gifts from Non-Federal Sources
- Sample Gift Memorandum
- Sample Gift Acknowledgment Letter