



NUMBER: Directive 0626

SUBJECT: Agency Acceptance of Travel Expenses 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 procedures for the agency's acceptance of travel expenses from non-federal sources to attend meetings. (For the procedures regarding agency acceptance of gifts other than travel, consult Directive 0625, *Agency Acceptance of Gifts from Non-Federal Sources*.)
2. **AUTHORITIES.**
 - a. 15 U.S.C. § 2086, Prohibition on Industry-Sponsored Travel, Consumer Product Safety Act (CPSA)
 - b. 31 U.S.C. § 1353, Acceptance of Travel and Related Expenses from Non-Federal Sources
 - c. 41 C.F.R. Subtitle F, Federal Travel Regulation System (Federal Travel Regulation or FTR), especially Part 304, Payment of Travel Expenses from a Non-Federal Source and Part 301, Temporary Duty (TDY) Travel Allowances
3. **SCOPE.** This Directive establishes a policy for the agency to accept gifts of travel expenses from a non-federal source so that employees may attend meetings or similar functions relating to their official duties that take place away from their duty station.

This Directive does **not** apply to:

- a. Gifts or payments for travel expenses provided by the federal government.
- b. Gifts or payments for travel expenses accepted by an employee in his or her personal capacity in accordance with the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct), 5 C.F.R. part 2635, Subpart B, Gifts from Outside Sources. Employees should consult with agency ethics officials regarding personal gift acceptance.



- c. Gifts of travel or expenses for travel that takes place entirely outside the United States pursuant to the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342.
- d. Travel and training related expenses that are paid for by certain nonprofit organizations pursuant to the Government Employees Training Act, 5 U.S.C. § 4111, codified at 5 C.F.R. part 410, Subpart E.
- e. Travel for partisan rather than official purposes in accordance with the Hatch Act, 5 U.S.C. § 7324.

4. DEFINITIONS.

- a. **Accepting Official.** An official at the highest practicable administrative level who the authority to approve acceptance of travel expenses on behalf of the agency. This official is typically 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. **Meeting or similar function.** As defined in 41 C.F.R. § 304-2.1, a conference, seminar, speaking engagement, symposium, training course, or similar event that takes place away from the employee's official station. "Meeting" does not include a meeting or other event required to carry out an agency's statutory or regulatory functions such as investigations, inspections, audits, site visits, negotiations or litigation. "Meeting" also does not include promotional vendor training or other meetings held for the primary purpose of marketing the non-Federal source's products or services, or long-term temporary duty or training travel. A meeting includes but is not limited to the following:
 - (1) An event where the employee will participate as a speaker or panel participant focusing on his/her official duties or on the policies, programs or operations of the agency.
 - (2) A conference, convention, seminar, symposium or similar event where the primary purpose is to receive training other than promotional vendor training, or to present or exchange substantive information of mutual interest to a number of parties.
 - (3) An event where the employee will receive an award or honorary degree, which is in recognition of meritorious public service that is related to the employee's official duties, and which may be accepted by the employee consistent with the applicable Standards of Conduct regulations.



Whether an activity is a “meeting” for the purpose of this Directive is not the same analysis that is required pursuant to CPSC’s Meetings Policy at 16 C.F.R. § 1012.

- 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).
- e. Payment.** A monetary payment from a non-Federal source to the agency for travel, subsistence, or related expenses by check or other monetary instrument payable to the agency (e.g., electronic fund transfer (EFT), money order, charge card, etc.).
- f. Payment-in-kind.** Transportation, food, lodging, or other travel-related services provided by a non-Federal source instead of monetary payments to the agency for these services. Payment-in-kind also includes waiver or discount of any fees (e.g., registration fees) that a non-Federal source collects from meeting attendees, including attendees who are accompanying a speaker, panelist, or presenter, but does not include waivers or discounts of an employee’s fees on the day(s) they are participating in the meeting or similar function as a speaker, panelist, or presenter.
- g. Prohibited Sponsors.** The CPSA prohibits industry-sponsored travel from a person or entity:
 - (1) Seeking official action from, doing business with, or conducting activities regulated by the Commission; or
 - (2) Whose interests may be substantially affected by the performance or nonperformance of the Commissioner’s or employee’s official duties.
- h. Spouse.** As defined in 41 C.F.R. § 300-3.1, any individual who is lawfully married (unless legally separated), including an individual married to a person of the same sex who was legally married in a state or other jurisdiction (including a foreign county), that recognizes such marriages, regardless of whether or not the individual’s state of residency recognizes such marriages. The term “spouse” does not include individuals in a formal relationship recognized by a state, which is other than lawful marriage; it also does not include individuals in a marriage in a jurisdiction outside the United States that is not recognized as a lawful marriage under United States law.
- i. Travel, subsistence, and related expenses.** As defined in 41 C.F.R. § 304-2.1, the same types of expenses payable pursuant to the Federal Travel Regulation, 41 C.F.R. part 301. These expenses also include conference or training fees (in whole or in part, whether through monetary payment or payment-in-kind), as well as benefits that cannot



be paid under the applicable travel regulation but which are incident to the meeting and provided in-kind and made available by the sponsor(s) to all attendees. "Travel, subsistence, and related expenses" does not include waivers or discounts of an employee's fees on the day(s) they are participating in a meeting or similar function as a speaker, panelist, or presenter.

5. PROCEDURE FOR ACCEPTANCE OF SPONSORED TRAVEL EXPENSES.

- a. Acceptance of travel and payment for employee travel.** All industry-sponsored travel, subsistence, and related expenses are prohibited pursuant to 15 U.S.C. § 2086. Additionally, sponsored travel may not be accepted from a prohibited sponsor as defined in Section 4(g) of this Directive. However, the agency may accept sponsored travel expenses for an employee to attend a meeting or similar function in an official capacity on behalf of the agency from a non-federal source that is not a prohibited source.

For the agency to accept travel sponsorship from a non-federal source, the Accepting Official must determine before the travel that the proposed sponsorship is:

- (1) For travel for an employee to attend a meeting or function relating to the employee's official duties, if the travel is performed under an official travel authorization issued to the employee; and
- (2) From a non-federal source that is not a "prohibited sponsor," as defined in this Directive.

Sponsorship of travel expenses from a non-federal source shall not be accepted if the Accepting Official determines that acceptance under the circumstances would cause a reasonable person with knowledge of all the facts to question the integrity of agency employees, programs, or operations.

The Accepting Official may find that, even if acceptance from the non-Federal source is permissible, it is in the interest of the agency to qualify acceptance of the gift by, *e.g.*, authorizing attendance at only a portion of the event or limiting the type or character of benefits that may be accepted. It is never inappropriate and frequently prudent for the Accepting Official to decline a gift of sponsored travel offered to the agency.

- b. Spousal travel.** In certain circumstances the agency may allow a non-federal source to pay for the travel expenses of an employee's spouse to accompany the employee on official duty to a meeting or similar event. The conditions for accepting and reporting a gift of spousal travel shall be in accordance with the FTR.
- c. Solicitation prohibited.** An employee shall not solicit payment for travel, subsistence, or related expenses from any non-federal source. However, in the course of event



discussions with a non-federal source, the employee may inform the non-federal source of the agency's authority to accept payment for employee travel expenses.

- d. Speaker, panelist, or presenter at meeting or conference.** Agency employees occasionally travel from their duty location to speak at meetings, conferences, or similar functions to further the mission of the agency as a necessary and customary part of work activities. When the event organizer waives part or all of the registration fee to the event *on the day or days the employee is speaking*, the waived fee is not considered a "payment-in-kind" or "gift" to the speaking employee or the agency, and therefore the waived fee does not fall under the 15 U.S.C. § 2086 prohibition on industry-sponsored travel. Employees who speak at a meeting or similar function as part of their job will be classified as attending for "mission" reasons, rather than "conference" or "training" purposes. Payment-in-kind of other expenses, such as conference meals, likely remains prohibited. In most instances, non-speaking staff accompanying a speaker may not accept a conference fee waiver while on official travel.

6. RESPONSIBILITIES.

- a.** Except as otherwise provided in paragraphs b and c of this section, the **Executive Director**, on behalf of the agency, is authorized to serve as the Accepting Official for travel expenses from non-federal sources for agency employees, in accordance with the procedures set forth in this Directive. This authority may be exercised by an official with delegated authority in the absence of the Executive Director. In accordance with Directive 1300, *Travel Management Policies and Procedures*, the Chair must approve any foreign area travel, as defined in Directive 1300, prior to the Executive Director accepting an offer for such travel sponsorship from a non-federal source.
- b.** A **Commissioner** may serve as the Accepting Official for travel expenses from non-federal sources on behalf of him or herself and his or her immediate staff members in accordance with the applicable procedures set forth in this Directive. In accordance with Directive 1300, *Travel Management Policies and Procedures*, the Chair must approve any foreign area travel, as defined in Directive 1300, prior to a Commissioner accepting an offer for travel expenses from a non-federal source.
- c.** The **Chair** serves as the Accepting Official for travel expenses from non-federal sources that are offered to the Executive Director. This authority may be exercised by the Vice Chair in the absence of the Chair.
- d.** The **Office of the General Counsel** shall provide legal counsel to all agency employees, including the Commissioners, regarding the prohibition on industry-sponsored travel and ethics issues relating to agency acceptance of non-federally sponsored travel. The General Counsel shall report travel expenses accepted under 31 U.S.C. § 1353 to the Office of Government Ethics (OGE). This



responsibility may be exercised by the Assistant General Counsel for General Law.

- e. The **Division of Financial Services** (FMFS) is responsible for specifying agency accounting and reporting requirements of accepted travel expenses, reimbursements and payments, and for maintaining an agency record of such acceptances.
7. **CANCELLATION.** This Directive supersedes and cancels Directive D312.1, *Acceptance of Gifts and Travel Expenses from Non-Federal Sources* (Sept. 20, 2019).

Alexander Hoehn-Saric
Chair

Date