

# GUIDANCE AND PROCEDURES FOR TSA FIELD MANAGERS ON ACCEPTANCE OF DONATIONS TO SUPPORT FRONT-LINE WORKFORCE DURING A LAPSE IN APPROPRIATIONS

This document provides guidance on the acceptance, documentation, and distribution of donations to TSA in support of front-line employees during a lapse in appropriations. Proper documentation is essential for audit purposes, and all actions must comply with TSA MD 200.58, Gift Acceptance Authority. Field Counsel is available to answer any questions or assist with implementing this guidance.

During a potential lapse in government funding, TSA anticipates receiving offers of donations, such as food, supplies, and gift cards, to assist the front-line workforce. While TSA policy prohibits employees from personally accepting gifts on duty at security screen checkpoints, TSA management may accept donations on behalf of TSA under the Aviation and Transportation Security Act (49 U.S.c. §§ 114(M), 106(M)) And Tsa Md 200.58, Gift Acceptance Authority, when it is determined to be in the agency's best interest.

## 1. THE DATA



### APPLICABLE AUTHORITIES

#### TSA GIFT ACCEPTANCE AUTHORITY:

TSA management may accept donations under the Aviation and Transportation Security Act (49 U.S.C. §§ 114(m), 106(m)) and TSA MD 200.58 when acceptance is determined to be in the agency's best interest.

#### NON-PAY STATUS REQUIREMENT:

This authority applies only when TSA employees are in non-pay status during a government shutdown. If employees are in pay status, gifts intended for TSA employees must be declined due to insufficient justification under TSA MD 200.58.

#### PROHIBITION ON GIFTS AT CHECKPOINTS:

To avoid disruption of operations or the appearance of partiality, TSA employees are prohibited from personally accepting gifts while on duty at security screening checkpoints.

#### ACCEPTANCE BY MANAGERS OR SUPERVISORS:

FSD-delegated employees, which ideally should be at least a TSM, but which, due to operational necessity may be a STSO or acting STSO, may take possession of gifts and secure them for later evaluation to avoid operational disruptions. Field Counsel can assist in determining whether the gift is to an individual, a group, or TSA as an agency.

#### GIFT ACCEPTANCE AUTHORITY LIMITS:

The Executive Director (formerly Regional Director) may accept gifts to the agency valued at \$2,500 or less. This authority may be delegated to the FSD but cannot be further delegated. If delegated, Field Security Directors (FSDs) have the discretion to accept such donations, provided the acceptance supports TSA operations and employees in non-pay status.

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### IMPERMISSIBLE GIFTS

#### CASH AND CASH EQUIVALENTS:

TSA cannot accept cash or cash equivalents (e.g., checks, money orders, debit cards, or general prepaid gift cards with payment network logos such as VISA, Master Card, and American Express) on behalf of the agency. Employees also cannot accept such gift cards personally if offered due to their official position.

If such items are left with a TSA employee and cannot be declined or returned, they must be immediately turned over to a TSM, who will document the item in the Gift Tracking Log.

#### DECLINING GIFTS:

Cash or cash equivalents should always be politely declined. If such items are left with a TSA employee and cannot be returned, they must be turned over to a TSM and documented in the Gift Tracking Log and disposition guidance will be provided on a case-by-case basis by CC Ethics.

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## PERMISSIBLE GIFTS

### PERISHABLE ITEMS

#### (FOOD/NON-ALCOHOLIC BEVERAGES):

- Perishable items (e.g., pizza, coffee, donuts) left by passengers for distribution in break rooms may be accepted and included in the Gift Tracking Log.
- Similar items delivered by prohibited sources, or other donors may also be accepted, and must be included in the Gift Tracking Log.
- If prohibited sources or other donors arrange to cover meals for TSA employees throughout the day(s), management must document the donor's name, recipient, and description of the items in the Gift Tracking Log.
- A Gift Acknowledgement letter, exemplar attached, should be issued to all prohibited sources and other donors. The letter should include the date the gift was donated, the name of the donor, a description of the donation, and an approximate value of the gift. Questions regarding the Gift Acknowledgment letter should be raised to Security Operations management and/or Field Counsel.

### NON-PERISHABLE DONATIONS WITH FINANCIAL VALUE (E.G., GIFT CARDS, VOUCHERS):

- Retail or restaurant gift cards or vouchers donated by passengers, prohibited sources, or other donors may be accepted and must be documented in the Gift Tracking Log. A Gift Acknowledgement letter, exemplar attached, should be issued to all donors. The letter should include the date the gift was donated, the name of the donor, a description of the donation, and an approximate value of the gift. Questions regarding the Gift Acknowledgment letter should be raised to Security Operations management and/or Field Counsel.
- Requests from donors for photo opportunities or media engagements involving TSA employees in uniform or official TSA statements acknowledging the donation must be denied.

### GIFTS OVER \$2,500:

For offers of significant value, for example, exceeding \$2,500, contact Security Operations leadership and Field Counsel for coordination and guidance.

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## DISPOSITION OF GIFTS

### IMPERMISSIBLE CASH AND CASH EQUIVALENTS:

Cash and Cash Equivalents: Disposition guidance will be provided on a case-by-case basis by CC Ethics.

#### DISTRIBUTION OF PERMISSIBLE GIFTS TO GROUPS:

Merchant-specific gift cards that cannot be accepted personally may be used to purchase items for break rooms for all TSA employees to enjoy during breaks.

Leftover perishable items may be distributed for employees to take home.

#### DISTRIBUTION OF PERMISSIBLE GIFTS TO INDIVIDUALS:

For low-value gift cards or tangible items that can be accepted under gift regulations (5 CFR 2635.203(b), 5 CFR 2635.204), random selection methods such as a raffle or randomizer app may be used to distribute gifts.

- **Example 1:** Gift cards under \$20 (e.g., gas stations, restaurants) may be distributed via random selection.
- **Example 2:** Benefits offered to all government employees or a broad class (e.g., all airport employees) may also be distributed using random selection.
- **Example 3:** Benefits offered by a non-prohibited source to a group that does not discriminate based on rank or pay may be distributed via random selection.

#### CONSIDERATION OF ACCEPTANCE:

Gifts should generally be accepted unless doing so is not in TSA's best interest. Field Counsel can assist in evaluating acceptance using TSA and DHS resources (e.g., TSA MD 200.58, DHS Directive 112-02-00, DHS Instruction 112-02-001).

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## GIFTS TO EMPLOYEES FROM OUTSIDE SOURCES

**UNDER ETHICS RULES, THE FOLLOWING ITEMS ARE NOT CONSIDERED GIFTS:**

Modest items of food and non-alcoholic beverages (e.g., coffee, donuts, soda, water) that are not part of a meal.

Greeting cards and items of little intrinsic value.

Opportunities and benefits available to the public or offered to all government employees, even if restricted by geographic location.

Loans from banks and financial institutions on terms generally available to the public. Low or no-interest loans may be considered a gift unless they are made available to ALL federal employees. *The key distinction is that the offer should be based on the general status of being a government employee, not on the specific job duties or position of the individual. A discount cannot be accepted if it comes from a "prohibited source" and is intended to influence an employee's official duties. Employees may present their federal ID to prove your eligibility for these discounts.*

Any gift accepted by the Government under specific statutory authority (as outlined above).

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## COMMON EXCEPTIONS THAT MAY APPLY

**De Minimus Gifts:** Items or discounts with a market value of \$20 or less per source per occasion (excluding cash or cash equivalents), provided total gifts from the same source do not exceed \$50 in a calendar year.

**Personal Relationships:** Offers motivated by familial relationships or close personal friendships, rather than the employee's official position.

**Non-Discriminatory Offers:** Offers from individuals who are not prohibited sources and are extended to a broad group or class of employees without discrimination based on official responsibility, rank or pay.

◦ **Example:** An offer extended to all government employees impacted by the shutdown is permissible. However, an offer limited to furloughed or excepted employees would discriminate based on official responsibility and is not permissible.



**FOR ADDITIONAL QUESTIONS OR GUIDANCE,** please contact your Field Counsel or refer to TSA MD 200.58.