

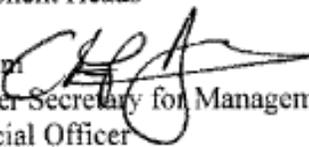


**Homeland
Security**

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Policy Directive 255-04, Revision 02

MEMORANDUM FOR: DHS Component Heads

FROM: Chip Fulghum 
Deputy Under Secretary for Management and
Chief Financial Officer

SUBJECT: **Solicitation of Nominations of DHS Employees to Receive Non-Federal Entity Awards**

This policy provides guidance for responding to requests for the Department to solicit its personnel eligible to receive award nominations from organizations outside of the Department of Homeland Security (DHS); in other words, awards offered to DHS personnel by any non-Federal entity. These procedures apply to all DHS personnel, including uniformed military personnel, and employees, as defined by 5 United States Code (U.S.C.) § 2105, and by the Aviation and Transportation Security Act, Pub. L. NO 107-71, 115 Stat. 597 (2001).

Many non-Federal entities sponsor awards programs, both monetary and non-monetary, to recognize outstanding achievements and contributions of Federal personnel who improve the efficiency and effectiveness of government, who provide exemplary service to the public, or who improve scientific/academic disciplines relevant to both Federal and private interests. DHS only nominates personnel in response to external award nomination requests from other Federal agencies, non-profit organizations (those designated as such under Section 501(c) of the U.S. Internal Revenue Code), Media Organizations (except when the actual media organization employee who makes the solicitation request is a registered lobbyist), and Institutions of Higher Education (as defined under 20 U.S.C. § 1001).

1. DHS does not participate in soliciting personnel for non-Federal entity award programs that involve businesses, contractors, grantees, regulatees or any entity that could benefit financially from DHS, or who otherwise pose a real or perceived organizational conflict of interest, including. Such programs include:
 - a. Award programs offered from for-profit businesses, contractors, or any entity that could benefit financially from DHS.

- b. Those involving a non-Federal entity award that does not have written standards, that is not open to a wide array of possible recipients (e.g., an award program focused solely on DHS), and programs that do not advance the mission of the Department. New award programs that request DHS solicitation that are offered by non-Federal entities are given extra scrutiny to ensure their motivation is not to influence official actions that could be or are being taken by the Department.
 - c. Those involving a non-Federal entity involved or imminently involved in a pending or imminent procurement, grant, regulatory action, or other official Departmental matters related to the non-Federal entity or its financial interests.
 - d. Those that, in the view of management or the below mentioned Human Capital Leadership Council (after consultation with the DHS Headquarters or relevant component ethics office) raise, in the eyes of the public, an impermissible appearance of partiality, or impugn the Department reputation for impartiality in the public eye when viewed by a reasonable person with knowledge of all the relevant facts.
2. DHS does not participate in the nomination of DHS contractor personnel for non-Federal entity award programs.

Procedures for Internal Solicitation of External Award Nominations

1. All non-Federal entity award programs that are applicable to DHS personnel are referred, before any action is taken on soliciting nominations, to the Office of the Chief Human Capital Officer (OCHCO).
2. Upon receipt of an external award request from a qualifying organization (i.e., non-profit organization or university, or media organization), the OCHCO evaluates the award program for consideration of distribution to all Components.
3. The OCHCO distributes appropriate award program information to relevant DHS Components through the Human Capital Leadership Council.
4. Component human resources offices are responsible for ensuring: (1) external award requests are distributed within the Component, as appropriate; (2) proposed nominees are vetted through the Employee/Labor Relations, Internal Affairs Security Offices, and Component Ethics Officials; (3) nominations (if any) are timely submitted by their Component; and (4) only nominated for these external awards if they meet the specific eligibility criteria established by the award sponsor.
5. DHS personnel or organizations are only nominated for these external awards if they meet the specific eligibility criteria established by the award sponsor.

Screening and Clearing of Nomination of a DHS Employee for a Non-Federal Entity Award

1. In order to effectively screen and clear any award nomination for a non-Federal entity award program, the DHS office that is forwarding award nomination request ensures the following information is provided to OCHCO:
 - Name of the award;
 - Published award selection standards/eligibility for the award;
 - Award nomination form (if available);

 - Content of the award (e.g., plaque or monetary amount, venue of the award presentation, meal/travel stipend for the recipient and family);
 - Overall value of the award, including, but not limited to, any offer of travel expenses, the cost of the actual award, or any monetary award;
 - Link to website about the award (if applicable);
 - Named sponsor of the award;
 - Underwriters of the award/award ceremony (if any);
 - Composition of award selection committee, if any;
 - Whether the selection committee has final approval of award recipient(s);
 - Whether there are official matters regarding the external organization pending before the DHS personnel to be nominated for the award, or if such official matters are pending before the office involved or the Department (note: negative reports are required);
 - A statement by the responsible management official that the nominated employee is not currently subject to adverse action and that the last performance evaluation has no “unacceptable” ratings;
 - Clearance by the respective Component, office, or division ethics official; and
 - A statement by the responsible management official that the mission of the non-Federal organization is compatible with that of the Department.

2. The vetted nomination(s) is signed and approved by Component head or designee, and by the program head for Headquarters employees, before it is transmitted to OCHCO. Nominations are submitted by e-mail to the DHS Awards Program Manager at DHS AwardsPM@hq.dhs.gov by the specified due date. OCHCO transmits a copy of each nomination received to the sponsoring organization, after following the below vetting procedures, while retaining a copy for the record.

Final Vetting of Nomination

Prior to forwarding the nominations to the sponsoring organization, OCHCO ensures the nominations are vetted through the DHS Office of the Chief Security Officer (OCSO), which coordinates such background checks with the Office of the General Counsel, the Office for Civil Rights and Civil Liberties, the Component Procurement Law Division and with appropriate Component internal affairs and security staffs.

OCHCO coordinates with Headquarters ethics officials delegated by the Designated Agency Ethics Official within the Office of the General Counsel to ensure there are no issues of concern with the nominees accepting the award (e.g., review for compliance with ethics financial disclosure filing and to ensure the nominees are not being investigated by the Office of the Inspector General or otherwise not eligible for an award).

These contacts are made to ensure there are no concerns that would disqualify the nominee from acceptance of the award from the non-Federal entity or other Federal Agency. Issues which arise out of vetting are adjudicated within the Office of the Under Secretary for Management.

Ethics Review of Award Acceptance by Individual Employee Required

The above language, however, refers to Departmental acceptances and dissemination of a request for nominations, and does not affect the evaluation required under the Standard of Conduct for Executive Branch Employees for the actual acceptance of an award. All DHS personnel selected to receive an award from a non-Federal entity, consults with their Component, office, or division ethics office regarding implications and applicable reporting requirements if he or she chooses to accept the award. Note that personnel who win a monetary award, or any award whose fair market value is greater than \$200, are required by ethics regulation obtain written approval from their component ethics official prior to acceptance of any such award irrespective of its clearance through the procedures noted above.

Please contact your component Awards Coordinator or servicing Human Resources Specialist for additional information and guidance.