

GIFTS TO THE DEPARTMENT OF HOMELAND SECURITY

I. Purpose

This Directive establishes the policies governing the solicitation and acceptance of gifts offered to the Department of Homeland Security (DHS).

II. Scope

- A. This Directive applies throughout DHS when accepting and soliciting gifts under the authority granted the Secretary pursuant to Title 6 of the United States Code, Section 453, and section 507 of Public Law 108-90, the DHS Appropriations Act of 2004.
- B. This Directive does not apply to the acceptance of gifts in the following circumstances:
1. To employees in their personal, individual capacities pursuant to the authority set forth in 5 CFR part 2635, subpart B or subpart C;
 2. From foreign governments or foreign organizations or representatives thereof, pursuant to the authority set forth in 5 U.S.C. 7342;
 3. To pay for the expenses of official travel pursuant to the authority set forth in 31 U.S.C. 1353;
 4. For volunteer services made pursuant to the authority set forth in 5 U.S.C. 3111;
 5. To contributions, awards or other expenses for training made pursuant to the authority set forth in the Government Employees Training Act, 5 U.S.C. 4111;
 6. To gifts made by a political organization that may be accepted by an agency employee who, in accordance with the terms of the Hatch Act Reform Amendments of 1993, at 5 U.S.C. 7323, may take an active part in political management or in political campaigns;

7. To voluntary personal services within the meaning of 31 U.S.C. 1342; and

8. To gifts which may be accepted under distinct gift acceptance authority vested in a particular Component.

III. Authorities

A. Title 6, United States Code, Section 453(b), "Use of appropriated funds"

B. Department of Homeland Security Appropriations Act, 2004, Public Law No. 108-90, Section 507, 117 Stat. 1153 (2003)

IV. Responsibilities

A. The **DHS Under Secretary for Management (MGMT)**:

1. Maintains the semi-annual report on gifts accepted under this Directive.

2. Ensures authorized agency officials file the semi-annual property report of the gifts accepted for the department during the preceding six months in a timely fashion.

B. The **Heads of the Components**:

1. Appoint, in writing, an individual responsible for preparation of the semi-annual report to the MGMT regarding gifts received in the previous six months. Forward a copy of the appointment letter to the MGMT. Ensure the Appointment Letter includes a requirement to forward the report to the MGMT, when requested.

2. Develop a written process for evaluating proposed gifts.

V. Policy and Requirements

A. Authorized agency officials may use statutory authority to accept and utilize gifts to DHS that aid or facilitate DHS's work.

B. No employee of DHS may solicit gifts or encourage the solicitation of gifts to DHS unless the Secretary or Deputy Secretary approves the solicitation in advance. Nominating or seeking a nomination for an award under an award program does not constitute solicitation.

C. Solicitation or acceptance of a gift must not compromise the integrity of DHS, its programs, operations, or employees

D. Unconditional gifts that will aid and facilitate the work of DHS may be accepted upon approval by the Secretary or delegate (“authorized agency official”). Gifts offered subject to conditions may be accepted if, in the judgment of the concerned acceptance authority, the conditions do not unduly restrict or interfere with the work of DHS and do not attach conditions inconsistent with applicable laws or regulations. Such conditions must be reviewed by the Office of the General Counsel prior to acceptance.

E. DHS may accept gifts to carry out program functions regardless of whether or not appropriated funds are available for that purpose, provided such expenditures are not barred by law or regulation.

F. Authorized agency officials may, at their discretion, decline a gift. The gift may be declined orally or in writing. The donor may be advised of the reason the gift is being declined. A gift may be declined solely as a matter of DHS discretion, even though acceptance would not be precluded under this policy.

G. Acceptance of a gift may not, in any way, be deemed to be or used as an endorsement of the donor, or the donor’s products, services, activities, or policies. Letters to donors expressing appreciation of a gift are permitted and shall be reviewed by the Office of the General Counsel prior to sending to the donor.

H. DHS may not accept gifts of currency. Donors who offer currency should be advised that gifts may be made to DHS by check or money order payable to the “Department of Homeland Security.”

I. Gifts may not be accepted that:

1. Require the expenditure of appropriated funds that are not available to DHS;
2. Require DHS to adhere to particular requirements as to deposit, investment, or management of funds donated;
3. Require DHS to undertake or engage in activities that are not related to DHS’s mission, programs, or statutory authorities;
4. Reflect unfavorably on the ability of DHS and/or its employees, to carry out their responsibilities or official duties in a fair and objective manner, or compromise or appear to compromise the integrity of DHS programs or any employee involved in those programs.

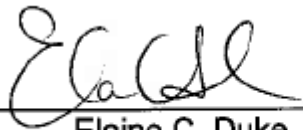
5. Gifts from current DHS employees, employees of contractors, or consultants to DHS will not be accepted absent a compelling reason.

J. No employee of DHS may receive gifts to DHS unless specifically delegated such authority by the Secretary

K. No gift can be considered for acceptance or accepted without coordination with the servicing ethics official.

VI. Questions

Any questions or concerns regarding this Directive should be addressed to the Under Secretary for Management.



Elaine C. Duke

Deputy Under Secretary for Management

2/11/08

Date