

NOTICE

This guidance document is advisory in nature but is binding on the Nebraska Department of Administrative Services until amended. A guidance document does not include internal procedural documents that only affect the internal operations of the Department of Administrative Services and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document. See Neb. Rev. Stat. § 84-901.03



ete Rickett gov oi

POLICY OF PROCEDURE

TO: Doug Carlson, Chief Procurement Officer
Phil Olsen, State Accounting Administrator
Kevin Workman, Personnel Director

FROM: Jason Jackson, Agency Director

DATE: March 4, 2021

RE: International Ethical Commitments

Even though much of the world enjoys a higher standard of living than any other time in history, there are still many foreign countries that continue to violate human rights and support terrorism. DAS is uniquely positioned to make internal policy decisions that meaningfully impact the State's foreign relations and DAS will not support countries that threaten the security of the United States, support terrorism, or fail to uphold American ideals. As such, DAS will not:

1. Procure goods from or invest in countries that the Office of Foreign Assets Control of the U.S. Department of Treasury has sanctioned (Addendum One);
2. Procure materials from the Chinese Communist Party ("CCP") or from companies owned by the CCP; or
3. Sponsor H-1B visas, except as provided in this policy (Addendum Two).

Approved by:

A large, stylized handwritten signature in black ink, appearing to read "J. Jackson".

Jason Jackson, Director
Department of Administrative Services

Addendum One

STATE OF NEBRASKA OFAC SANCTIONS & PROCUREMENT POLICY

Office of Foreign Assets Control

The Office of Foreign Assets Control ("OFAC") of the US Department of the Treasury administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the United States.

OFAC administers and enforces sanctions policy, based on Presidential declarations of national emergency. OFAC has identified and listed numerous Specially Designated Nationals and Blocked Persons that include:

- Foreign agents;
- Front organizations;
- Terrorists;
- Terrorist organizations; and
- Narcotics traffickers.

It is the policy of the Department of Administrative Services to prevent procurement or investment activities with any entity which has violated U.S. sanctions law or is a Specially Designated National and Blocked Person, as identified by OFAC. The OFAC Sanctions List Search is found at: [Sanctions List Search \(treas.gov\)](https://www.treas.gov/sanctions).



Addendum Two

STATE OF NEBRASKA H-1B VISA POLICY

What is an H-1B visa?

An H-1B visa is a non-immigrant work visa for an alien that authorizes the person to come to the United States for a specific job. H-1B visas are typically reserved for individuals who possess unique or advanced education, experience or skills in a specialty occupation as defined under the Immigration and Nationality Act.

Before qualifying for an H-1B visa an employer must “sponsor” the worker and prove that a true employer-employee relationship exists at the time of application and beyond. An H-1B visa is portable only to the extent that a new employer is willing to assume sponsorship responsibilities, including the payment of all fees.

Policy:

It is the policy of the State of Nebraska not to sponsor aliens who need an H-1B visa to work in the United States. This includes sponsorship for existing H-1B Visa holders who wish to change employment to the State of Nebraska.

However, when in the best interest of the State of Nebraska, exceptions may be sought on a case-by-case basis, but never for positions that are policymaking and/or have access to information that the state deems sensitive or confidential. The state will not sponsor aliens with any known associations with [State Department’s Listed Terrorist Organizations](#), the U.S. Department of the Treasury’s [Sanctions Programs and Country Identification List](#) or the U.S. Department of the Treasury’s [Specially Designated Nationals and Blocked Persons List](#).

Any agency who seeks an exception to this policy must submit the following:

1. A statement of need, including:
 - a. The steps taken to fill the position with a United States Citizen or lawful immigrant who is authorized to work in the United States;
 - b. The specialized training or experience that is required to fill the position; and
 - c. Why the proposed hiring is in the best interest of Nebraska.
2. A fiscal impact statement that establishes that the agency has the financial authorization and ability to employ the visa holder and pay the associated fees, as well as an attestation from the appropriate person that the agency has the budgetary authority to pay the sponsorship application fees (Registration Fee, Base Filing Fee, ACWIA of 1998 Fee, Fraud Protection and Detection Fee, Public Law 114-113 Fee, Premium Processing Fee if Requested).