

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

General Administration

Part 212 Ethics

Chapter 8 Donations, Fundraising, and Solicitation

212 FW 8

8.1 What is the purpose of this chapter? This chapter:

- A. Is an extension of the Department of the Interior's donations policy (374 DM 6);
- B. Establishes U.S. Fish and Wildlife Service (Service) policy for accepting, using, and recognizing donations;
- C. Establishes procedures for reviewing and evaluating potential donors and donations;
- D. Provides guidance on soliciting donations, where appropriate; and
- E. Provides general guidance on fundraising by non-Federal entities on our behalf.

8.2 What are the objectives of this chapter? The objectives of this chapter are to:

- A. Identify the Director's delegations of authority for accepting donations;
- B. Establish roles and responsibilities for our Donations Senior Manager and employees authorized to accept donations;
- C. Establish consistent procedures for evaluating potential donations to determine if acceptance is appropriate; and
- D. Provide guidance on solicitation of funds and on fundraising by non-Federal entities on our behalf, including the content of fundraising agreements.

8.3 What is our donations, fundraising, and solicitation policy?

A. Our policy is to:

- (1) Accept, use, and recognize donations in a manner that promotes and enhances our mission, consistent with applicable laws and the Department's donations policy (374 DM 6);
 - (2) Retain the discretion to decline any particular donation, especially if there are binding conditions on the donation that are inconsistent with our mission or require activities that circumvent Government regulations or ethics rules; and
 - (3) Solicit donations in limited circumstances (see section 8.15).
- B. Before accepting, using, or recognizing donations, an employee authorized to accept donations must determine if the circumstances of the donation maintain:
- (1) The integrity of the Department's and our programs and operations;
 - (2) The impartiality and appearance of impartiality of the Department, the Service, and its employees; and
 - (3) Public confidence in the Department, the Service, its programs, and its personnel.

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

General Administration

Part 212 Ethics

Chapter 8 Donations, Fundraising, and Solicitation

212 FW 8

8.4 What is the scope of this chapter?

A. This chapter covers donations that we have explicit statutory authority to accept. Our primary legislative authorities are listed in section 8.5.

B. This chapter does **not** apply to:

(1) Many services provided by individual volunteers or volunteer groups (e.g., National Wildlife Refuge System Friends organizations) as defined by our volunteer acceptance authorities. Most activities of Friends organizations and volunteers are governed by existing legislation (see section 8.5A6), Service policy (150 FW 1-3 and 633 FW 1-4), and partnership agreements, e.g., cooperating association agreements, Friends Partnership Agreements, Volunteer Services Agreements, etc., that clearly define agreed-upon Friends organization and volunteer activities. In addition, sections 8.18 – 8.23 of this policy specifically mention Friends organizations;

(2) The types of contributions where a person or entity shares costs and there is independent authority for such cost sharing, e.g., challenge cost share programs where there is no public fundraising for the partner's cost share;

(3) Money we receive as fees for services;

(4) Reports or analyses prepared that are legally required, e.g., a National Environmental Policy Act analysis funded by an applicant, or funds we receive to prepare such documents;

(5) Donations of expenses related to official travel covered by 31 U.S.C. 1353 for attending a meeting or similar function (see 43 CFR Part 20.302 and 212 FW 3);

(6) Donations associated with exercising our regulatory authorities, such as mitigation measures involving the donation of land or interests in land that we will use for conservation purposes;

(7) Gifts to individual employees who are separately governed by the Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR Part 2635 (see 212 FW 1); and

(8) Funds received through agreements where there is an independent statutory authority (e.g., the North American Wetlands Conservation Act, the Economy Act, the Intergovernmental Cooperation Act, the Intergovernmental Personnel Act, and the Stevenson-Wydler Technology Innovation Act).

8.5 What are the statutory authorities for this chapter?

A. The types of permissible donations depend on the specific provisions of the authorizing statute(s), which usually allow donations of real and personal property, services, or money. The primary legislative authorities for our donation acceptance activities are listed below. Individual units of the National Wildlife Refuge System or National Fish Hatchery System may also have specific legislative authorities to accept donations.

(1) Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

(2) Fish and Wildlife Act of 1956 (16 U.S.C. 742f.).

(3) Partnerships for Wildlife Act (16 U.S.C. 3741).

(4) Alaska National Interest Lands Conservation Act (16 U.S.C. 3101).

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

- (5) Migratory Bird Conservation Act, as amended (16 U.S.C. 715-715r).
- (6) National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998, as amended (P.L. 105-242).
- (7) Great Lakes Fisheries Act of 1956 (16 U.S.C 932).
- (8) National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(b)(2)).

B. The Partnership Legal Primer, available on the [Department's Web site](#), lists statutes that authorize the acceptance of donations. We may consult the Primer and the Office of the Solicitor to determine whether we have authority to accept a particular proposed donation.

8.6 What terms do you need to know to understand this chapter?

A. Authorized Employee. An Authorized Employee is an employee who may accept a particular donation as listed in Table 8-1 (see section 8.7) and who is responsible for ensuring that we follow the Department's donations policy and this chapter when evaluating donations. Authorized Employees must have sufficient experience, training, and organizational responsibility to be able to fully consider all factors and the totality of circumstances when accepting donations.

B. Donation. A donation is a gift of value received by the Service or on behalf of the Service from a non-Federal source without consideration or an exchange of value. We deposit donations of money in a contributed funds account or donations receipt account. Whether or not a proposed donation is allowed depends on the specific provisions of the authorizing statute and other factors (see section 8.10); statutes often allow donations of real and personal property, products, services, and money. A donation of money may have conditions or restrictions or may be for general purposes. A donation of land or interest in land may have conditions that restrict how we use the property (see Donation with Conditions, below).

C. Donation with Conditions. A donation with conditions, sometimes called a restrictive donation, is a donation we can use only for a specific purpose, or a donation of land or interest in land that includes restrictions on the type of use or access (e.g., a reservation of hunting rights or no hunting, no development, no vehicular access or access reserved to the donor, timbering or no timbering, etc.).

D. Donations Senior Manager. Our Donations Senior Manager is the Assistant Director – External Affairs (AD-EA). See section 8.8B for his/her responsibilities.

E. Fundraising. Fundraising means seeking donations of money, goods, or services, for the benefit of the Service. Typically, this applies to support groups, such as Friends organizations, that do fundraising for the benefit of the Service.

F. Grant. A grant is an award (usually monetary) based on an open competition. The grant provides terms that specify the uses of the award and any required deliverables, such as reports. It is different from a donation with conditions because it requires an application and selection process. Under certain circumstances, a grant application may be considered a solicitation.

G. Non-Real Property Donations. Non-real property donations are donations of money, products, services, or personal property.

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

H. Phased Donation. A phased donation is a donation that is accepted over a period of years. The Authorized Employee should evaluate and consider the circumstances surrounding the multi-year project/donation and accept or deny it following the procedures in sections 8.11 and 8.12 of this chapter. For donations of land or interests in land, for tax benefits it is common for a donor to spread the donation over several years by donating a portion of the property, or an undivided interest in the entire property, each year.

I. Real Property Donations. Real property donations are donations of land or interests in land. The most common reasons for landowners to donate land are because they want to benefit conservation programs or receive tax benefits.

J. Solicitation. A solicitation is a request that we make to a non-Federal entity, group, or individual, that seeks donations to the Department or to us in support of our programs/activities. A solicitation typically includes a grant application form.

8.7 What employees are authorized to accept donations? Table 8-1 shows who may accept donations and the dollar thresholds they may accept.

Table 8-1: Employees Authorized to Accept Donations		
Authorized Employee	Donation Type	Threshold/Value
Director	Non-Real property	Of any value
	Real property	Of any value
Regional Directors (RD)	Non-Real property	Less than \$250,000 annually per donor
	Real property	Of any value
Directorate members in Headquarters (HQ)	Non-Real property	Less than \$250,000 annually per donor
Assistant Regional Directors/Division Chiefs/Refuge Managers/Project Leaders	Non-Real property	\$50,000 or less annually per donor. If the RD or HQ Directorate member has delegated authority in writing, up to \$250,000 annually per donor
Regional Realty Chiefs	Real Property	Of any value, if delegated

A. Director. The Director may:

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

General Administration

Part 212 Ethics

Chapter 8 Donations, Fundraising, and Solicitation

212 FW 8

(1) Accept donations of non-real property (e.g. personal property, products, services, or money) of any value (for non-real property donations of \$1,000,000 or more, see section 8.8B(5));

(2) Accept donations of real property of any value:

(a) When the Regional or field Solicitor has approved title and acceptance complies with:

(i) 340 FW 1, Real Property Management – Policies, Authorities, and Responsibilities;

(ii) 341 FW 1, Land Acquisition – Policy and Responsibilities;

(iii) 341 FW 2, Land Acquisition Planning; and

(iv) 342 FW 5, Non-Purchase Acquisition; and

(b) When transfer of title complies with 342 FW 4, Title Curative and Conveyancing.

B. Regional Directors. For donations in their respective Regions, Regional Directors may:

(1) Accept donations of non-real property valued at less than \$250,000 annually per donor;

(2) Accept donations of real property of any value when they meet the same requirements as the Director must in section 8.7A(2);

(3) Delegate, in writing, the authority to accept donations of non-real property valued at less than \$250,000 annually per donor to an Assistant Regional Director, Division Chief, Project Leader, or Refuge Manager. If Regional Directors delegate this authority, they must notify the Donations Senior Manager in writing, identifying the name(s) and title(s) of delegated Authorized Employees, and the donation amount that they will have authority to accept;

(4) Delegate, in writing, the authority to accept donations of real property to a Regional Realty Chief. If Regional Directors delegate this authority, they must notify the HQ Chief, Division of Realty, and the Donations Senior Manager in writing, identifying the name(s) and title(s) of delegated Authorized Employees and the donation amount that they may accept.

C. Directorate members in HQ. For donations within their respective programs, Directorate members in HQ may:

(1) Accept donations of non-real property valued at less than \$250,000 annually per donor, and

(2) Delegate the authority to accept donations of non-real property valued at over \$50,000 annually per donor, and less than \$250,000 annually per donor, to a Division Chief. If a Directorate member delegates this authority, he/she must notify the Donations Senior Manager in writing, identifying the name(s) and title(s) of delegated Authorized Employees and the threshold for the donation amount that they may accept.

D. Assistant Regional Directors, Division Chiefs, Refuge Managers, and Project Leaders may accept donations of non-real property valued at \$50,000 or less annually per donor. They may accept donations of non-real property valued at less than \$250,000 annually per donor if the Regional Director or a Directorate member/HQ has delegated authority in writing.

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

General Administration

Part 212 Ethics

Chapter 8 Donations, Fundraising, and Solicitation

212 FW 8

8.8 Who is responsible for implementing our donations policy?

A. The **Director** is responsible for implementing our donations policy.

B. The **Assistant Director – External Affairs (AD–EA)** is our Donations Senior Manager responsible for our donation-related activities. He/she:

(1) Oversees our donation-related activities and provides guidance to ensure effective and appropriate use of the donations we receive;

(2) Ensures our employees adhere to the Department’s donations policy (374 DM 6) and this chapter;

(3) Obtains a review by the Office of the Solicitor of the scope of the Service’s solicitation authority and authorizes direct solicitations, in writing, of non-Federal sources where statutorily allowed and appropriate (see section 8.15);

(4) Reviews and makes recommendations to the Director about accepting donations of non-real property valued at \$250,000 or more, annually per donor, and for all donations of non-real property of any dollar amount that contain conditions that may have significant implications for our budget or programs;

(5) Coordinates with other bureaus to obtain review of proposed donations to the Service of non-real property valued at \$1,000,000 or more;

(6) Is the Service contact for reviewing other bureaus’ proposed donations of non-real property valued at \$1,000,000 or more;

(7) With concurrence from the Assistant Director – Business Management and Operations, develops standard procedures to document and track non-real property donation activities (e.g., personal property, products, services, or money), (see section 8.25D); and

(8) May use AEA staff or other staff with specific subject matter expertise, as appropriate, to assist with the implementation of this section.

C. The **Assistant Director – Business Management and Operations (AD–BMO)** documents and tracks non-real property donations (see section 8.25D).

D. The **Chief – National Wildlife Refuge System (Chief–NWRS)** documents and tracks the receipt and disposition of all real property donations.

E. Authorized Employees (see section 8.7 and Table 8-1) must comply with the Department’s donations policy and this chapter whenever a donation is offered. Authorized Employees must:

(1) Gather sufficient information about a prospective donor or proposed donation to evaluate the donation;

(2) Evaluate all the circumstances, including the value and purposes of the donation, and the nature and interests of the donor, to determine whether to accept the donation;

(3) Determine if a proposed non-real property donation of any value contains conditions that may have significant implications for our budget or programs and, if so, refer the donation to our Donations Senior Manager for consideration and approval before accepting the donation;

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

(4) Ask our Donations Senior Manager, ethics personnel, the Office of the Assistant Secretary for Policy, Management and Budget (AS–PMB), or the Office of the Solicitor for guidance in resolving issues if the circumstances are unclear or questionable; and

(5) Consider additional concerns raised by a donation:

- (a) Made to an outside non-profit entity or partner when the non-Federal entity subsequently makes a related donation to us;
- (b) That may be reasonably expected to result in involvement with marketing or advertising;
- (c) That has conditions;
- (d) In which the donor is involved in a lawsuit or other controversy with the Department or with us; or
- (e) In which the Department or the Service regulates the donor.

8.9 What qualifications and training must Authorized Employees have to accept donations?

Authorized Employees must have sufficient experience, training, and organizational responsibility to be able to fully consider all factors and circumstances when accepting donations. At a minimum, Authorized Employees must be familiar with the Department's donations policy and this chapter and have completed Departmental ethics training. Online training is available, such as, [Course 2611 Department of the Interior Donations Policy Overview](#).

8.10 What are the basic factors Authorized Employees should consider when evaluating a proposed donation of any type or value? This section describes the factors Authorized Employees should consider when determining whether to accept or decline a proposed donation of any type or value. None of the factors should individually trigger a decision to accept or decline a proposed donation, but each illustrates what Authorized Employees must ask when evaluating the circumstances and making donation-related decisions. The Authorized Employees must act in a legally and ethically appropriate manner and document the basic factors that they considered.

A. Would the donation maintain the integrity of the Department's and Service's programs and operations?

- (1) Is the donation, or does it appear to be (such as by its size or circumstances), an attempt to influence regulatory or other Departmental or Service authority?
- (2) Does the donation meet a legitimate Department or Service need, and does it require the commitment of funding that is not currently available or anticipated?
- (3) Does the donation promote and enhance the Service's mission and an individual program or unit?
- (4) Is the donation consistent with, and does it not otherwise circumvent, law, regulation, or policy?
- (5) Is the Service able to properly use and manage any donated real property, including land or interests in land, or personal property within policy, programmatic, and management goals?
- (6) If there are conditions on the donation, are they consistent with authorized purposes and any relevant Service policy or planning documents?

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

(7) Will the donor use the donation to state or imply the Department's or the Service's endorsement of the donor or the donor's products or services?

(8) Is the donation, if it consists of personnel or funding to hire personnel, structured such that the donated or funded personnel do not inappropriately influence any Departmental or Service regulatory action or other significant decision?

B. *Does the donation maintain the impartiality, and appearance of impartiality, of Departmental and Service employees?*

(1) Does the amount of the donation influence or appear to influence any pending Department or Service decision or action involving the donor's interests?

(2) Could our acceptance of the donation be construed as an actual or an implied commitment by the Department or the Service to take an action favorable to the donor in exchange for the donation?

(3) Could our acceptance of the donation be construed as the donor obtaining or appearing to obtain special treatment in dealing with the Department or the Service?

C. *Does the donation maintain public confidence in the Department's and Service's programs and personnel?*

(1) Will accepting the donation cause substantial public controversy?

(2) If there are conditions on a donation, are they consistent with the Department's and Service's policies, goals, and programs?

(3) Does the donation involve any inappropriate goods or services?

8.11 What basic procedures must Authorized Employees follow when evaluating a proposed donation? For direct donations (not indirect, such as cash in donation boxes or nominal cash donations proffered at Visitor Centers, etc.), an Authorized Employee must:

A. Evaluate a prospective donor every fiscal year that the donor offers a donation (unless his/her fiscal year donation total triggers a higher evaluation requirement – see 374 DM 6). This applies to both one time and phased donations. If an Authorized Employee is aware that information related to a prospective donor has significantly changed, the Authorized Employee should re-evaluate the prospective donor.

B. If the donation is worth \$25,000 or more, ask the proposed donor to fill out [DI 3680, Donor Certification Form](#).

(1) For cash donations of \$25,000 or more, the Authorized Employee must prepare an approval memorandum to the Regional Financial Officer or the AD-BMO (in HQ), documenting the evaluation.

(2) A copy of this memorandum will later go to the lockbox with other documentation (see section 8.14A).

C. Determine what additional information (if any) is necessary to evaluate the circumstances of the proposed donation. This information includes the basic acceptance considerations described in section 8.10 and may include, but is not limited to, the value and any conditions of the proposed donation.

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

(1) For all proposed donations with conditions, the Authorized Employee must determine whether:

- (a) The donation with conditions is valued at \$300 or more (we may accept donations valued at \$300 or more for restricted or general purposes, and we may accept donations valued at less than \$300 only for general purposes); and
- (b) The terms of the donation comply with the Department's donations policy (374 DM 6); this chapter; and our mission, goals, and objectives.

(2) For proposed donations of land or interests in land, the Authorized Employee must give special consideration to donor's conditions (if any - see section 8.6C) and the costs necessary to develop, manage, and maintain the property to meet our objectives and satisfy special conditions. The Authorized Employee also must:

- (a) Consider and negotiate each proposed donation on a case-by-case basis,
- (b) Ensure that a proposed donation is allowable under the acquisition authority,
- (c) Ensure the costs are commensurate with the benefits received, and
- (d) Determine whether the terms of the donation comply with the Department's donations policy (374 DM 6), this chapter, and our mission.

D. If the Authorized Employee has any reason to believe that the donor is or was the subject of an Office of Inspector General (OIG) investigation, he/she must refer the proposed donation to the OIG or appropriate investigating office to obtain information about the investigation.

E. After completing the review and evaluation of the proposed donation, the Authorized Employee must store information that led to his/her decision in the land acquisition project option file (see Privacy Act Issuances [2005], Interior/FWS 11, Real Property Records), with access limited to him/her or his/her program office. The information should not be stored electronically unless Internet security measures are in place.

F. After accepting a donation, the Authorized Employee may send a letter of appreciation or recognize the donor in another appropriate manner (see section 8.24 and Exhibit 1).

8.12 What additional procedures must Authorized Employees follow when evaluating a proposed donation valued at \$25,000 or more?

A. For Real Property Donations valued at \$25,000 or more. In addition to the basic procedures in section 8.11, Authorized Employees must:

- (1) As required, ask the prospective donor to fill out the donor information form [DI 3680, Donor Certification Form](#). If the prospective donor does not provide this information, gather it from other sources so that it is available to make a decision regarding the donation, and document the findings;
- (2) Review the gathered information and evaluate the circumstances surrounding the proposed donation;
- (3) If employees have concerns, send the information in the title package to the Regional or field Office of the Solicitor and request an evaluation;

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

General Administration

Part 212 Ethics

Chapter 8 Donations, Fundraising, and Solicitation

212 FW 8

(4) Decide whether to accept or decline the proposed donation. Acceptance of the proposed donation must comply with the policies listed in section 8.7A(2)(a); and

(5) Obtain the Director's and the U.S. Department of Justice's approval prior to accepting the donation (see 342 FW 5, Non-Purchase Acquisition) if the donation is subject to a reverter clause. This is a clause with restriction(s) attached—if the recipient violates the restriction(s), the donation may revert back to the donor.

B. For Non-Real Property Donations valued at \$25,000 or more. In addition to the basic procedures in section 8.11, Authorized Employees must:

(1) Ask the prospective donor to fill out the donor information form, [DI 3680, Donor Certification Form](#). If the prospective donor does not provide this information, gather it from other sources so that it is available to make a decision regarding the donation, and document the findings;

(2) Review the gathered information and evaluate the circumstances surrounding the proposed donation; and

(3) Decide whether to accept or decline the proposed donation.

C. For cash donations of \$25,000 or more. The Authorized Employee must prepare an approval memorandum to the Regional Financial Officer or the AD-BMO (in HQ), documenting the donor evaluation. A copy of this letter will later go to the lockbox with other documentation (see section 8.14).

D. For Non-Real Property Donations valued at \$250,000 or more.

(1) In addition to the requirements in section 8.12B above, the Authorized Employee must provide information about the proposed donation to the Donations Senior Manager for a final determination on whether to accept or decline the proposed donation. The Authorized Employee must provide the following information:

(a) The authorizing statute for accepting the donation;

(b) Any conditions that may have significant implications for our budget or programs;

(c) If the donation has restrictive conditions, an explanation of how the donation:

(i) Will benefit our national mission,

(ii) Is consistent with program priorities, and

(iii) Will not divert resources from other priorities;

(d) Assurance that the proposed donation will maintain the integrity and impartiality of the Department's and the Service's programs, operations, and employees and public confidence in the Department and the Service; and

(e) Supporting documentation, including, but not limited to, the basic acceptance considerations described in section 8.10 and required information described in section 8.11C.

(2) The Donations Senior Manager:

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

- (a) Must refer the proposed donation to the Washington, D.C., Office of the Solicitor for a litigation search;
- (b) Must refer the proposed donation to the affected Directorate member in HQ and the AD–BMO to review the information to ensure the proposed donation is consistent with our policies and budgetary priorities; and
- (c) May refer the donation to the OIG to obtain information about the donor from its systems.

E. For Non-Real Property Donations valued at \$1,000,000 or more. In addition to the requirements in section 8.12B and D above, the Authorized Employee, through the Donations Senior Manager, must also refer the proposed donation to the other Interior bureaus' Donations Senior Managers so they can identify any concerns.

8.13 Are there donation situations that do not require Authorized Employees to follow the procedures in sections 8.11 and 8.12? Yes, once the Authorized Employee has determined that the proposed donation complies with our basic acceptance considerations (in section 8.10) we do not have to follow the procedures in sections 8.11 and 8.12 if:

- A. The donation is from a Federal, State, or local government;
- B. The donation is from an accredited educational institution; or
- C. The donation is offered during and in relation to natural disasters and other emergencies.

8.14 How do we deposit monetary donations and make them available for use? How monetary donations are deposited and used depends on the intent of the donation.

A. Monetary donations to a National Wildlife Refuge go into the Service's contributed funds account or other donation receipt account (see Exhibit 2 for a list of donation receipt accounts).

(1) The Collection Officer for the Authorized Employee's office prepares a Collection Transmittal Form (FWS Form 3-2061).

(2) The Collection Officer sends the following to the Service's lockbox address. Check the Division of Financial Management's [Intranet site](#) to validate the most current lockbox address:

- (a) The Collection Transmittal Form,
- (b) A copy of the Service's acceptance letter, if appropriate, and
- (c) For cash donations of \$25,000 or more, a copy of the Authorized Employee's approval memorandum (see 8.12C).

(3) The Division of Financial Management deposits and records the donation in the appropriate subactivity/project account or donation receipt account with Fund Code 300A.

(4) The Chief, Division of Budget, allots and allocates the donated funds after they are deposited.

(5) The receiving organization may obligate and expend the funds after the Chief, Division of Budget, has allocated them.

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

B. Monetary donations to a Friends organization go into that Friends organization's account.

C. Other non-profits or non-governmental organizations must have a fundraising agreement or special use permit in place that allows them to accept monetary donations for the benefit of the Service.

8.15 May we solicit donations?

A. Service employees may not directly solicit donations unless the Donations Senior Manager specifically authorizes them to do so in writing (see section 8.8B(3)).

(1) Service employees may apply for and accept grants (see section 8.16).

(2) Donation boxes are not considered a direct solicitation. Refuge Managers or Project Leaders may set out donation boxes (see section 8.23).

B. The Donations Senior Manager may authorize employees to directly solicit third parties only in limited circumstances:

(1) The written authorization must clearly describe the scope of the authorized solicitation, including how the employee may solicit for donations, the timeframe, permissible entities that the employee may solicit, and any restrictions on the solicitation activity.

(2) Employees must not portray Congress, the Department, or the Service as having failed to meet their responsibilities. Employees must ensure, consistent with anti-lobbying provisions such as 18 U.S.C. 1913, that they do not make any statement or take any action that may be construed as encouraging contact of a Federal Government official to influence them in any way.

(3) Employees may provide information, when appropriate, regarding their authority to accept donations in support of their programs. As part of this activity, employees may develop lists of programs or activities that we could undertake with donated support and disclose them to outside entities.

8.16 May we apply for and accept a grant from any person or entity? Only the Authorized Employees listed in Table 8-1 may apply for and accept grants from non-Federal entities, groups, or individuals on behalf of the Service.

A. Before applying for and accepting a grant, Authorized Employees must evaluate the proposed grant/grantor in the same manner as a proposed donation/donor.

B. When applying for a grant, Authorized Employees must address the basic acceptance considerations in sections 8.10 and 8.11C.

C. In general, the Authorized Employee should consider whether accepting the grant will maintain the integrity and impartiality of the Department and the Service and the public's confidence in the Department and the Service.

D. The Authorized Employee must write an approval memorandum and include the specific grant authority, to the Regional Finance Officer or AD-BMO documenting the evaluation.

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

General Administration

Part 212 Ethics

Chapter 8 Donations, Fundraising, and Solicitation

212 FW 8

8.17 How do we deposit grant funds and make them available for use?

A. We may deposit grant funds in our contributed funds account or other donation receipt account and record the deposit within the appropriate subactivity/project code with Fund Code 300A. These funds will not have any cost recovery implications if they meet certain conditions (see Exhibit 2 for a list of donation receipt accounts).

(1) The Regional Finance Officer or AD-BMO determines if the grant complies with the authorizing statutes of the contributed funds account or the specific donation receipt account.

(2) If not, it is considered a reimbursable agreement subject to the applicable indirect cost rate (see 264 FW 2, Reimbursable Agreements and Intergovernmental Agreements – Policies and Procedures).

B. The Collection Officer must prepare a Collection Transmittal Form (FWS Form 3-2061).

C. The Collection Officer sends the following to the Service's lockbox address. Check the Division of Financial Management's [Intranet site](#) to validate the most current lockbox address.

(1) The Collection Transmittal Form,

(2) A copy of the Service's acceptance letter, if appropriate, and

(3) A copy of the Authorized Employee's approval memorandum.

C. The Division of Financial Management deposits and records the grant funds in the appropriate subactivity/project account or donation receipt account with Fund Code 300A.

D. The Chief, Division of Budget, allots and allocates the grant funds after they are deposited.

E. The receiving organization may obligate and expend the funds after the Chief, Division of Budget, has allocated them.

8.18 Do other entities solicit donations or fundraise for our benefit? Yes.

A. Congress occasionally charters non-profit partners or recognizes the role of an existing non-profit partner through legislation. In 1984, Congress passed the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701), which chartered the National Fish and Wildlife Foundation as a national, charitable, non-profit corporation to encourage private gifts to the Service that further the conservation and management of our fish, wildlife, plants, and other natural resources. The National Fish and Wildlife Foundation may solicit donations and fundraise on our behalf.

B. Friends organizations may also solicit donations and fundraise on our behalf or to support their activities and programs that benefit us. See the Friends policy (633 FW 1-4). Friends organizations:

(1) Are independent, non-profit organizations formed and managed primarily by private citizen volunteers whose mission is to support our site or program purposes and objectives (e.g., National Wildlife Refuges, National Fish Hatcheries, or other programs or offices).

(2) Most commonly support a single Service site, but they may support multiple sites, offices, or programs. They may serve as an umbrella group for other Friends organizations as long as they formalize such arrangements in a Friends Partnership Agreement.

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

General Administration

Part 212 Ethics

Chapter 8 Donations, Fundraising, and Solicitation

212 FW 8

(3) Provide many vital services to our sites and programs, including community outreach and special events support; educational, interpretive, and other visitor services programming support; habitat restoration and other biological and maintenance program support; and volunteer staffing.

(4) Have formal partnership agreements (i.e., Friends Partnership Agreements, and possibly supplemental agreements, Volunteer Services Agreements) that define the relationship among the Friends organization, other entity/individual, and the Service. These agreements include agreed-upon Friends organization activities that they conduct on our behalf including, where applicable, any solicitation and fundraising activities.

C. Some non-profit conservation groups, such as Ducks Unlimited, The Nature Conservancy, and The Trust for Public Lands, may solicit donations or fundraise on our behalf.

8.19 What types of fundraising activities are not permitted on Service-managed property?

A. We do not allow any fundraising that is not in direct support of the Service site the agreement (e.g., Friends Partnership Agreement, fundraising agreement, etc.) covers.

B. We do not allow any games of chance, including 50-50, Bingo, raffles, and door prizes for a fee, on Service-managed property because they are gambling activities (see 50 CFR 27.85).

8.20 When do we need a written fundraising agreement? Except in limited circumstances (see section 8.22), we may not accept donations raised for our benefit without a written fundraising agreement. The agreement:

A. Should be completed and signed by both parties before the non-Federal entity begins fundraising.

B. Must require the fundraiser to state explicitly that they are seeking financial or other resources for our benefit. For example:

(1) A local civic group that wants to raise funds for a new trail on a nearby National Wildlife Refuge will need to be party to a fundraising agreement before sending out solicitation letters.

(2) A non-profit conservation group that comes onto a National Wildlife Refuge to solicit funds for a project that will benefit that refuge needs to complete a fundraising agreement.

C. May be written for a short-term effort or may broadly cover a long-term relationship encompassing many fundraising activities.

8.21 What information must be included in a written fundraising agreement?

A. Fundraising agreements may vary in format and substance, but should enable us to evaluate fundraising objectives, plans, and schedules; minimize overlap with other fundraising efforts; and ensure fundraising complies with our policy. The agreement must require those fundraising for our benefit to conduct themselves in a manner that ensures the integrity and impartiality of the Department and the Service and public confidence in the Department's and Service's programs and personnel.

B. The fundraising agreement must contain, at a minimum, the following information:

(1) The fundraising objectives and timeframe;

(2) Descriptions of the roles our employees may have in the fundraising campaign;

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

General Administration

Part 212 Ethics

Chapter 8 Donations, Fundraising, and Solicitation

212 FW 8

- (3) The Authorized Employee's name, title, and contact information and the name, title, and contact information for the fundraising non-Federal entity;
- (4) A requirement that the Authorized Employee approve, in writing, all printed and other informational and fundraising materials before they are distributed or communicated to the public;
- (5) A description of how all funds the entity raises will be accounted for and how all funds a partner invests will be secured;
- (6) A clause that allows us to terminate the agreement at our discretion and without cost;
- (7) A clause prohibiting actions that imply that we endorse the business, products, or services of prospective donors or actions that are inconsistent with the Department's donations policy or this chapter;
- (8) A description of how we review prospective donors;
- (9) Plans for how we will recognize contributions; and
- (10) Descriptions of how we will address contingencies, including cost overruns, dissolution of assets, if necessary, and frequency of reporting.

8.22 When is a written fundraising agreement not required? We do not require a written fundraising agreement in the following situations:

A. For events that are local or community-based, are locally publicized, and are not expected to raise more than \$25,000, on behalf of the Service. Authorized Employees must account for monetary donations from local events—including those that Friends organizations organize—in the Service's financial system at a level that allows accountability for individual donors. Examples of local events include:

- (1) A wildlife festival,
- (2) A silent auction,
- (3) A benefit dinner, or
- (4) A request from a local service club to a grocery store for an in-kind donation of consumable goods, such as snacks and garbage bags, for use in the club's volunteer maintenance efforts on Service-managed property.

B. For most Friends organization fundraising activities. We do not require a written fundraising agreement for a Friends organization if an individual Friends Partnership Agreement is in place that clearly identifies fundraising activities it will conduct to carry out its mission to support a Service unit (e.g., nature store sales). However, if a Friends organization leads a specific fundraising effort on our behalf with the intent of raising more than \$25,000 (e.g., larger, more complex projects, like capital campaigns, endowments, or fundraising activities that are not included in the Friends Partnership Agreement's scope of work), then, where applicable, we must address the activities in both a modification to the Friends Partnership Agreement and in a separate fundraising agreement (see sections 8.20 and 8.21).

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

General Administration

Part 212 Ethics

Chapter 8 Donations, Fundraising, and Solicitation

212 FW 8

8.23 May a Refuge Manager or Project Leader install a donation box on Service-owned or leased property?

Yes, by authority of the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998, as amended, a Refuge Manager or Project Leader may install a donation box on Service-owned or leased property if:

A. 100% of the money received in the donation box is used to support Service on-site programs and projects (“on-site” may include other refuges within the same National Wildlife Refuge Complex), and

B. The donation box clearly advises the public about how we will use the money.

(1) Monetary donations in a refuge donation box go into a contributed funds account.

(2) Monetary donations in a Friends organization donation box go into the Friends organization’s account.

8.24 How do we recognize donors?

A. Donors who have contributed to us directly or through a fundraising partner may receive appropriate, reasonable recognition and thanks from us, our fundraising partners, or both through:

(1) Letters of acceptance and appreciation (see Exhibit 1);

(2) Press releases;

(3) Public events; and

(4) Certificates, acknowledgment plaques, and similar items.

B. Authorized Employees may determine the means of appreciation, but they must consider the appearances associated with the particular donation and whether the cost of the recognition is a proper expenditure of appropriations. We must not recognize a donation in a way that implies we endorse the donor’s products, services, or activities (other than the donation itself).

C. For any donation we receive valued at \$300 or more, we must, at a minimum, acknowledge the donation by preparing and issuing a letter of acceptance and appreciation (see Exhibit 1).

D. Most donors view a donation to a group fundraising effort for our benefit as a donation to the Service. It is appropriate that both the partner and the Service express appreciation consistent with Service policy.

8.25 What donation-related activities must we document? We must document our donation-related activities in accordance with applicable statutes and regulations, including the Federal Records Act, the Paperwork Reduction Act, and the Privacy Act. Such documentation allows for audit or investigation by the OIG or the Government Accountability Office. We must:

A. Document receipt and disposition of all real or personal property, regardless of the method or source of acquisition, in accordance with:

(1) Interior Property Management Directives (IPMD);

(2) 410 DM 1, Personal Property Management: Scope, Policies, and Responsibilities; and

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION**

General Administration

Part 212 Ethics

Chapter 8 Donations, Fundraising, and Solicitation

212 FW 8

(3) 410 Addition to IPMD, Subpart 114-60.5, Receipt of Property and Services.

B. The Chief–NWRS must document and track the receipt and disposition of all real property donations.

C. The Authorized Employee or the respective unit or program office that receives a personal property donation must document receipt and disposition of the donation, and, when the donation qualifies as accountable, system-controlled personal property (see 310 FW 1, Exhibit 1), must submit Form [DI-102](#) to report the item to the Regional/HQ Personal Property Manager who records the property donation in the Department's Financial and Business Management System (refer to 310 FW 1-5, Personal Property for additional information, guidelines, and requirements).

D. The AD–BMO, with concurrence from the Donations Senior Manager, must:

(1) Document and track monetary donations in a way that provides accountability for individual donations. At a minimum, for any donation valued at \$5,000 or more, the AB-BMO must identify the source, the date, and the amount of the donation.

(2) Establish distinct accounting elements to comply with donor requirements for donations with conditions. Obligations and expenditures charged to a project number must be consistent with the conditions. For example, if the donation is limited to purchasing maintenance supplies, then salaries of Government employees and contract costs are not permissible charges to the project account. The Authorized Employee who received the donation must monitor all charges to the account to ensure compliance with the conditions of the donation.

(3) Ensure appropriate documentation is received to support accounting and reporting requirements.

(4) Establish such internal controls as the Office of Management and Budget Circular A-123 requires.

/sgd/ Stephen Guertin
DEPUTY DIRECTOR

Date: May 1, 2014