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## DIRECTOR'S ORDER #21: DONATIONS AND PHILANTHROPIC PARTNERSHIPS

**Approved:**       /s/ Jonathan B. Jarvis      

Director

**Effective Date:** December 28, 2016

**Duration:** Until amended or rescinded

This Director's Order (Order), together with the *Reference Manual to Donations and Philanthropic Partnerships*, supersedes and replaces Director's Order #21: Donations and Fundraising, dated July 11, 2008, Policy Memorandum 14-04, and any other previous guidance on this topic. The change in title reflects the evolving nature of this field and the importance of philanthropic partners to accomplish the work of the National Park Service. The Department of the Interior Office of Policy, Management and Budget has reviewed and approved this Order, as required by the Department of the Interior donations policy (374 DM 6).

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# 1. Background and Purpose

## 1.1 Background

Private support for national parks and programs is both a noble tradition and a vital element in the success of today's National Park System. In *Fifth Essence, An Invitation to Share in Our Eternal Heritage* (1968), Freeman Tilden wrote:

It is really astonishing...to discover how great a part private donation, springing from deep interest, has played in the development of the [National Park] System. In some cases entire areas owe their existence, as public possessions, to the feeling that this kind of benevolence projects itself and the giver into a future that has no foreseeable end.

A number of national parks exist because motivated citizens contributed their time, talent, and funds to create them. Gifts of land or easements helped establish or enlarge many parks. Donated artifacts enriched park stories in visitor centers and museums, fundraising campaigns improved visitor facilities and restored treasured icons, and matching gifts increased the impact of programs.

Philanthropic support for parks and programs continues to be an important supplement—not a replacement—for Federal appropriations. It creates opportunities for the NPS to react more quickly to resource protection or visitor needs than typical Federal funding cycles may permit. Philanthropic support allows the NPS to undertake higher quality and more sustainable capital projects than might be possible with Federal appropriations alone. Private support for NPS educational efforts and programs continues to grow, making it possible for the NPS to reach younger and more diverse populations, and be a more effective partner in communities. Philanthropic support comes in the form of donated funds, and as volunteerism, in-kind support, and the donation of talent to supplement the work of NPS employees. Most importantly, private philanthropy in its many forms gives people opportunities to participate directly in the stewardship of our Nation's treasures.

This Order acknowledges the important role philanthropic partners play in helping the NPS accomplish much of this work. From traditional friends groups to newly emerging partnership models, organizations are becoming more sophisticated and more creative to meet the needs of all parks and programs. NPS philanthropic policies and practices must also evolve so the NPS can be an effective partner. To be successful today, NPS employees should (1) have a general understanding of philanthropy, (2) be able to engage with potential philanthropic partners, and (3) practice an impartial and inclusive approach to philanthropy at all giving levels and from diverse sources.

## **1.2 Purpose**

The purpose of this Director's Order is to:

- Set forth the Director's delegation of authority for philanthropic partnerships, including donations, fundraising, and sponsorships;
- Establish roles and responsibilities for NPS employees who work with donors, potential donors, cause marketing partners, and philanthropic partners;
- Identify the types of philanthropic agreements and explain when their use is required;
- Establish NPS requirements and standards for expressing support of authorized philanthropic and cause marketing partners under 5 CFR 2635.702(c);

- Establish criteria for reviewing, accepting, and recognizing donations;
- Communicate NPS policies to philanthropic and cause marketing partners and potential donors; and
- Maintain the integrity and impartiality of, and public confidence in, the NPS and the Department of the Interior, per 374 DM 6.

This Order is intended to give the needed framework and flexibility to work with our diverse range of philanthropic partners, including individuals, start-up organizations, and long-established partners with years of demonstrated success. NPS employees must use this Order in tandem with the *Reference Manual to Donations and Philanthropic Partnerships* (RM-21).

### **1.3 Related Sources of Guidance**

The NPS enters into many types of partnerships, beyond philanthropic, to accomplish its mission. The guidance in this Order is specific to philanthropic partnerships; policy guidance for formalizing and managing other partnerships is found in:

- Director’s Order #20: Agreements—establishes NPS policies and procedures for using and administering Cooperative, Interagency, and General Agreements. Organizations that are not engaged in philanthropy for the NPS are covered by Director’s Order #20. Groups may have different types of relationships and agreements with the NPS. Philanthropic agreements are distinct in that they provide specific authorizations to fundraise on behalf of, or for the benefit of, the NPS, and they allow philanthropic support to be accounted for separately from other relationships.
- Director’s Order #25: Land Protection—provides guidance for donations of land and interests in land.
- Director’s Order #32: Cooperating Associations—provides guidance to NPS managers and staff who work with cooperating associations, the partners that support NPS educational, scientific, historical, and interpretive activities through the provision of educational products and services to visitors through retail sales. Cooperating associations may also enter into separate philanthropic agreements with the NPS.

This Order may mention activities that are governed or guided by other laws, regulations, or policies; in many of those cases, the reader is referred to those documents.

### **1.4. Activities not Subject to this Director’s Order**

The provisions of this Director’s Order do not apply to:

- a) Services of individual volunteers or groups of volunteers, such as a Girl Scout troop, under the NPS Volunteers-In-Parks program, authorized by the Volunteers in the Parks Act of 1969 (54 USC 102301);<sup>1[1]</sup>
- b) A person's or an entity's share of costs when there is independent cost sharing authority, such as challenge cost-share programs for which there is no public fundraising for the partner's cost share;
- c) Moneys the NPS receives as fees for services;
- d) Reports or analyses prepared or paid by outside parties, or funds received by the NPS for such purposes, under appropriate authorities, such as a National Environmental Policy Act analysis funded by an applicant, that are not donated as part of a park construction project;
- e) Donations of official travel expenses covered by 31 USC 1353 for attendance at a meeting or similar function;
- f) Donations associated with the exercise of NPS regulatory authorities, such as mitigation measures involving the donation of interests in land to be used by the NPS for conservation purposes;
- g) Gifts to individual employees that are governed by the Government-wide Standards of Ethical Conduct at 5 CFR Part 2635;
- h) Commercial services, including sales of items inside a park, except proceeds from sales items that are part of an NPS-authorized cause marketing or corporate campaign;
- i) Funds received through agreements where there is an independent statutory authority for acceptance of the funds, such as the Economy Act, the Intergovernmental Cooperation Act, and the Intergovernmental Personnel Act; and
- j) Donations of money or services accepted under the Park System Resource Protection Act (54 USC 100721) to meet response costs resulting from damages to park resources caused by a person or instrumentality (vessel, vehicle, aircraft, or other equipment).

## **2. Authorities**

### **2.1 Authority for this Director's Order**

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<sup>1[1]</sup> Corporate volunteer projects are managed under Director's Order #7: Volunteers-in-Parks. Donations of technical support, supplies, and other project materials are treated as in-kind donations, which are discussed in section 4 of this Order.

Authority to issue this Director's Order is contained in the National Park Service Organic Act (54 USC 100101 *et seq.*) and other laws, and the delegations of authority contained in Part 245 of the Department of the Interior Manual.

This Director's Order is intended only to improve the internal management of the NPS, and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

## **2.2 Authorities for Philanthropy in the NPS**

The primary authority to accept donations is found at 54 USC 101101, which expressly authorizes the NPS to accept donations for National Park System purposes. The authority to accept donations of property and money for museum purposes is found at 54 USC 102503. Other authorities may be contained in a park or program's enabling legislation. The NPS may also accept donations of funds, lands, buildings, and equipment from public and private entities, per 43 USC 1473a.

Several authorities establish guidelines for donor recognition. Section 3054 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3806) establishes guidelines for the NPS to recognize donations to the NPS or the National Park System. Two authorities are specific to philanthropic activities in Washington, D.C.:

- The Commemorative Works Act (40 USC 8905(c)) provides authorities and limitations on donor acknowledgment for contributions to commemorative works in Washington, D.C. and its environs; and
- Public Law 108-108 (Title I, section 145; 117 Stat. 1280) authorizes the acknowledgment of sponsors at special events on the National Mall and area parks and establishes guidelines for recognition.

The Department of the Interior donations policy (374 DM 6) provides guidelines for permissible solicitation and for determining the acceptability of donations. The Department of the Interior Partnership Legal Primer identifies other authorities that permit the NPS to accept donations and recognize donors.

## **2.3 Congressionally Authorized Fundraising Organizations**

Congress chartered the National Park Foundation (NPF) in 1967 as the official nonprofit partner of the NPS. The NPF raises private support for the conservation of natural, scenic, historic, scientific, educational, inspirational, or recreational resources for future generations of Americans. Congress occasionally authorizes nonprofit partners or recognizes the role of an existing nonprofit partner in legislation.

Unless specified otherwise, this Order applies to all the Service's dealings with its philanthropic partners, regardless of how they were created.

## **3. Roles and Responsibilities**

The Director sets forth Service-wide policy governing philanthropic partnerships between the NPS and its partners. Park and program managers are responsible for managing and fostering philanthropic partnerships and carrying out the specific requirements for administering these relationships and activities.

Other NPS employees may undertake a broad range of appropriate activities related to authorized fundraising by philanthropic partners.

### **3.1 National Park Service**

#### **3.1.1 Ethical Conduct Requirements for All Employees**

All NPS employees are subject to ethics regulations (5 CFR 2635), which generally prohibit Federal employees from using their official title, position, or any authority associated with their public office to endorse products, services, or enterprises. However, NPS employees may express support for the authorized fundraising efforts of philanthropic partners that have been identified in a formal agreement with the NPS. See RM-21 for more information on, and examples of, permissible and impermissible uses of title, position, and authority.

In communications with donors or prospective donors, employees must not portray Congress, the Department, or the NPS as having failed to meet their respective responsibilities. Employees must also comply with 18 USC 1913, which prohibits lobbying with appropriated funds, and other restrictions on lobbying activities.

As a matter of policy, NPS employees may not serve, in their official capacities, as voting or nonvoting officers or board members of any authorized NPS philanthropic partner or cooperating association that raises funds to benefit the NPS.<sup>2[2]</sup> NPS employees may serve as liaisons to authorized philanthropic partners as part of their official duties. Liaisons should consult with an NPS Ethics Officer to ensure compliance with all applicable ethics requirements.

The NPS Director serves as a non-voting, ex officio member of the NPF Board of Directors. This role is designated in the NPF's enabling legislation (54 USC 101112), as amended by title IV, section 401, of the National Park Service Centennial Act.

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<sup>2[2]</sup> This does not apply to positions designated by law.

NPS employees may, in their personal capacities, join or donate to authorized philanthropic partners—consistent with applicable ethics requirements.

The NPS will not knowingly accept donations from organizations in which an NPS employee is an officer, director (including ex officio positions), or has another leadership role, unless the Office of the Solicitor, the NPS, and the Departmental Ethics Office have reviewed and approved the arrangement in writing in advance. See RM-21 and the NPS Office of Policy website, <https://www.nps.gov/policy>, for more guidance.

### **3.1.2 General Prohibition on Solicitation by Employees**

As a matter of policy, the NPS does not permit employees to solicit donations. This general prohibition does not apply fully to the Director, who may solicit donations from private individuals or organizations to the NPF and NPS, subject to Departmental guidance in 374 DM 6.<sup>3[3]</sup> When soliciting on behalf of the NPF, the Director must clearly identify that, in addition to being the NPS Director, he or she is a non-voting, ex officio member of the Board of the NPF.

The general prohibition on solicitation of donations does not restrict NPS employees from:

- Responding to public inquiries about possible donations;
- Identifying the authorized fundraising efforts of philanthropic partners, in response to inquiries about opportunities to donate;
- Undertaking certain activities related to fundraising by authorized philanthropic partners; and
- Applying for grant programs for which their park or program qualifies.

### **3.1.3 Authorized Employees**

The authority to accept donations on behalf of the NPS must be delegated by the Director. NPS employees who have been delegated this authority are designated as “authorized employees.” RM-21 contains a detailed list of authorized employee responsibilities, some of which are undertaken in concert with a philanthropic partner.

Past policy established thresholds for superintendents, regional directors, and several positions in the Washington Support Office (WASO) to accept donations as a right of their positions. This Order has retained these thresholds as “base thresholds.”

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<sup>3[3]</sup> This Order provides guidelines for when NPS employees may accept donations from public and private sources. Although the Department of Justice has opined that the authority to solicit donations is inherent in the statutory authority to accept donations, this Director’s Order restricts that authority to the Director.

Authorized employees may be delegated a higher authority level after completing a certification program (see section 3.1.4). This level of authority will allow authorized employees to approve philanthropic agreements and to waive the requirement for a feasibility study up to the same threshold. While the certification is not required unless an authorized employee is interested in a higher delegation of authority, it is highly recommended. The decision to pursue a higher level of delegated authority is voluntary.

An authorized employee’s ability to accept a donation remains predicated on successful donor review or vetting (see section 5, Donor Review) and receipt of the final determination of the Assistant Director, Partnerships and Civic Engagement for donations over \$250,000.

The table below shows the base thresholds for authorized employees who may accept donations and sign philanthropic agreements and the higher thresholds provided with certification. These threshold levels may change over time; updates will be provided through RM-21.

<b>Delegations of Authority for Authorized Employees</b>		
<b>Authorized Employee</b>	<b>Base Thresholds*</b>	<b>Thresholds with Certification**</b>
<b>Deputy Directors</b>	Up to \$1 million	Over \$5 million may be delegated by the Director
<b>Associate/Assistant Directors</b>	Up to \$1 million	Up to \$5 million may be delegated by the Director
<b>Assistant Director, Partnerships and Civic Engagement</b>	Up to \$1 million	Up to \$5 million may be delegated by the Director
<b>Regional Directors (RD)</b>	Up to \$1 million	Up to \$5 million may be delegated by the Director
<b>WASO Division Chief, Office of Partnerships and Philanthropy</b>	Up to \$100,000	Up to \$5 million may be delegated by Assistant Director, Partnerships and Civic Engagement
<b>Superintendents and WASO Program Managers</b>	Up to \$100,000	Up to \$5 million may be delegated by regional directors or associate/assistant directors based on grade level, size of budget, and philanthropic experience
<p>*The Base Thresholds levels are derived from the levels set in Director’s Order #21 (2008). Also see footnote to 3.1.6</p> <p>**Thresholds pertain to accepting vetted donations (section 5), approving Philanthropic and Partner Design &amp; Construction agreements, and waiving Fundraising Feasibility Study requirements.</p> <ul style="list-style-type: none"> <li>• Authorized employees must meet the certification requirements to obtain the delegated authority or to delegate authority for these threshold levels. Delegation is tied to the specific individual in a position; it does not automatically transfer to the next person assigned to a superintendency or program manager position.</li> <li>• The NPS Development Advisory Board must approve <u>all</u> partnership construction projects over \$500,000; these thresholds apply to all <u>fundraising</u> for partnership construction projects.</li> </ul>		

### **3.1.4 Philanthropic Competencies and Skills**

NPS employees and partners with responsibilities for philanthropic partnerships must have core competencies and skills to undertake and manage successful philanthropic partnerships. This will be supported through a certification program and a training program. NPS authorized employees seeking a higher delegation of authority will be required to complete a certification program. The Assistant Director, Partnerships and Civic Engagement may develop a process for

waiving, on a case-by-case basis, the certification requirement for authorized employees based on their experience and education. A broader training program will also be available for all NPS employees and partners. The NPS and its partners will co-create the training program to develop a community of practice and a deeper understanding of each other's organizational cultures. Additional guidance will be provided in RM-21.

### **3.1.5 Director and Deputy Directors**

The Director or a Deputy Director must approve agreements with philanthropic partners for activities that will benefit the NPS if the activities:

- Have a goal valued at over \$5 million;
- Involve high profile national or international donations or solicitations;
- Involve construction projects where the total costs are estimated to exceed \$5 million; or
- Involve corporate campaigns of national or international significance.

The Director or Deputy Directors will also complete the certification program described in section 3.1.4.

### **3.1.6 Assistant Director, Partnerships and Civic Engagement**

The Departmental Manual requires each bureau to designate a Senior Manager to be responsible for donation-related activities (374 DM 6.7C). The Assistant Director, Partnerships and Civic Engagement (Assistant Director) is designated as the NPS Senior Manager and is delegated the authority to implement and oversee this Order and will:

- Establish and implement the policies, procedures, and standards specified in this Order;
- Issue, review, and revise, as appropriate, RM-21 with detailed procedures for managing NPS philanthropic partnerships and donation acceptance activities;
- Encourage park philanthropy and provide the necessary guidance, advice, and consultation to ensure the proper and effective use of NPS donation acceptance authorities;
- Coordinate with NPS or Departmental ethics personnel, the Assistant Secretary for Policy, Management and Budget, or the Office of the Solicitor, to resolve issues associated with a donation if the circumstances are unclear or questionable;
- Make the final determination (vetting) for all donations (see section 5, Donor Review) of the amount established in 374 DM 6 (\$250,000 as of the approval of this Order);

- Make the final determination (vetting) for donations of any dollar amount with conditions that may have significant implications for the NPS budget or programs;
- Coordinate with other bureaus to obtain their review of proposed donations of the amount established in 374 DM 6 (\$1 million as of the approval of this Order);
- Serve as the NPS contact for review of other bureaus' proposed donations of \$1 million or more;
- Approve any donation offered to the NPS by a donor involved in litigation with the Department or any of its bureaus; and
- Manage the Service's day-to-day relationship with the NPF.

### **3.1.7 WASO Division Chief, Office of Partnerships and Philanthropy**

Unless specified elsewhere in this Director's Order, the Division Chief, Office of Partnerships and Philanthropy<sup>4[4]</sup> is delegated by the Assistant Director the day-to-day responsibility for implementing the policies and guidance and maintaining the standards in this Order. The Division Chief will:

- Track and sometimes coordinate philanthropic partnerships that are national in scope, or involve parks or programs in more than one region;
- Maintain a database to track and account for philanthropic support to the NPS;
- Develop and support a national philanthropic certification program to empower authorized employees to accept donations and approve philanthropic partnership agreements up to designated threshold levels;
- Maintain a roster of NPS authorized employees and their certifications;
- Work with philanthropic partners to create and administer a training program for interested NPS employees and partners;
- Review and refer to the Director for acceptance the following potential donations:
  - single donations or phased donations (pledges paid in installments by the same donor) with a value over \$5 million;
  - donations that raise significant concerns based on the criteria in section 5; and
  - corporate donations that are tied to national or international marketing promotions;

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<sup>4[4]</sup> Previously named the "Office of Partnerships and Philanthropic Stewardship."

- Administer a process for reviewing (vetting) all direct donations over \$250,000 and as requested for lesser amounts (see section 5.3); and
- Coordinate with the Office of the Solicitor, and NPS or other Departmental officials, as necessary.

### **3.1.8 Associate and Assistant Directors**

Associate and assistant directors are delegated the authority to accept donations and approve philanthropic partnership agreements for programs under their oversight according to the values in the Delegations of Authority table in section 3.1.3.

Associate and assistant directors will coordinate with the WASO Office of Partnerships and Philanthropy about prospective donations or philanthropic partnerships for their program areas.

### **3.1.9 Comptroller**

The Comptroller will issue documentation, accounting, and internal control procedures for donation activities under applicable statutes, regulations, and policies, including the Federal Records Act, the Paperwork Reduction Act, the Privacy Act, Office of Management and Budget (OMB) Circular A-123, and Director's Order #11D: Records and Electronic Information Management. Documentation will allow for NPS reviews or audits, and audits or investigations by the Office of Inspector General or Government Accountability Office. These procedures will:

- Document the receipt and disposition of all personal property, regardless of the acquisition method or source, following Director's Order and Handbook #44: Personal Property Management, and Departmental policies and directives for property management (410 DM, [IPMD 114-60.5](#)), and for museum property ([411 DM](#));
- Establish distinct accounting elements to comply with donor requirements for conditional donations;
- Account for all monetary donations in the NPS financial systems at a level that will allow accountability for individual donations, meet Federal requirements, and achieve transparency; and
- Establish internal controls that meet OMB, Departmental, and NPS requirements.

### **3.1.10 Regional Directors**

Regional directors are responsible for policy oversight, direction, and technical support for park and program philanthropic activities within their regions.

Regional directors will:

- Encourage park and program philanthropy at a regional level;
- Coordinate philanthropic partnerships that involve multiple parks or programs in one region;
- Ensure that authorized employees interested in a higher delegation of authority complete the required certification described in section 3.1.4;
- When acting as an authorized employee, review (vet) potential donations and receive final determination as described in section 5; and
- Designate a regional partnerships coordinator for the parks and programs within their regions.

Regional directors are delegated the authority to:

- Accept donations and approve philanthropic partnership agreements according to the values in the Delegations of Authority table in section 3.1.3; and
- Delegate authority to a superintendent or program manager, based upon his or her grade level, experience with philanthropy, completion of certification, and size of budget, to accept donations and approve philanthropic partnership agreements where the threshold value is \$5 million or less. The regional director must complete certification to receive and be able to delegate this authority.

### **3.1.11 Superintendents and WASO Program Managers**

Superintendents and WASO Program Managers will:

- As delegated, serve as the authorized employees for their respective areas to accept donations and approve agreements at threshold levels based on completion of certification, grade level, size of budget, and philanthropic experience;
- Develop an annual work plan with philanthropic partners based on the identified needs of the park and program areas. The work plan will guide the philanthropic goals and objectives;
- Review (vet) potential donations and receive final determination as described in section 5;
- Coordinate philanthropic partnerships for their respective areas. A superintendent who manages multiple parks, or a program manager who oversees multiple locations, will coordinate any partnership that involves one or more of those areas; and
- Designate a partnerships coordinator, where appropriate, to work with philanthropic partners and act on their behalf. Philanthropic authorities may not be delegated below the superintendent or program manager level.

Although superintendents and program managers may not solicit donations, they and key staff they identify, are encouraged to join philanthropic partners in meetings with prospective donors. In these situations, employees serve as the NPS subject-matter experts and may provide helpful context and content.

### **3.1.12 Office of the Solicitor**

The Department of the Interior Office of the Solicitor is to review any agreements with provisions that alter approved agreement templates to ensure their legal sufficiency.

## **3.2 Philanthropic Partners**

To enhance its management of the National Park System and NPS programs, the NPS increasingly relies on philanthropic relationships with the private sector. Some of those relationships are long-term, built over many years; others are short-term arrangements that focus on a specific project or program need.

The term “philanthropic partner” refers to any organization or individual that has a philanthropic agreement to fundraise or otherwise generate donations on behalf of, or for the benefit of, the NPS.

Friends groups have long been the primary philanthropic partners of the NPS. They go by many names, such as Foundation, Trust, Association, and Conservancy. They maintain long-term relationships with the NPS, and they support parks and programs in a variety of ways, including fundraising and providing volunteers, donated goods, and services. While some groups maintain full-time fundraising staff and engage in multi-million dollar capital campaigns, others provide valuable volunteer support or more targeted philanthropic support, especially for smaller or lesser-known parks or programs. Regardless of their size, their importance in addressing park needs, being a voice in neighboring communities, and creating future stewards is invaluable.

Cooperating associations (see Director’s Order #32) have also been traditional philanthropic partners, accepting donations on behalf of the NPS when appropriate and when conducted through authorized fundraising efforts, including point-of-sale programs. As nonprofit organizations, cooperating associations may attract donors who want to give to NPS-related efforts and may become philanthropic partners<sup>5[5]</sup> in addition to their cooperating association status.

However, today’s philanthropic landscape is evolving to include new types of partners and new functions for existing partners. Some of these groups have different types of relationships with the NPS and often provide educational or operational support. Some have a regional or national focus and join with the NPS because of a common purpose. New models are developing as new areas are added to the National Park System, and as NPS programs grow in communities. The term “philanthropic partner” makes room for the new opportunities presented by the changing

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<sup>5[5]</sup> The NPS often refers to cooperating associations that engage in major fundraising efforts as “hybrids.”

landscape, while still honoring the important relationships with friends groups and cooperating associations.

Once a philanthropic agreement is established, philanthropic partners should:

- Work with a superintendent or program manager to develop an annual work plan to identify the philanthropic activities and support that will address the identified needs of a park or program area (see section 6.2);
- Follow best practices in the philanthropic field and participate in the philanthropic training program co-developed with the NPS described in section 3.1.4;
- Describe NPS-identified needs to potential donors and the public;
- Raise, hold, and manage funds for the benefit of park projects and NPS programs, consistent with terms in philanthropic partnership agreements and annual work plans;
- Report their philanthropic support of parks and programs to the NPS;
- Be aware of NPS and Department of the Interior policies regarding donation review (see section 5) and incorporate them into gift acceptance policies; and
- Work with the NPS to review proposed donations, consistent with the donation review process outlined in section 5 of this Order.

Congressionally authorized partners may have specific responsibilities that are defined in legislation. Park and program managers must be knowledgeable about these specific responsibilities.

## **4. Philanthropic Support**

The NPS may accept, use, and recognize donations of various kinds to support and promote its mission, consistent with applicable laws and the Department of the Interior donations policy (374 DM 6).

Donations may come to the NPS as single expressions of support, or in response to an organized fundraising campaign. A donation may be offered directly to a park or program, or indirectly to a partner for the benefit of a park or program. Donations, be they cash or in-kind goods and services, are used to enhance national parks and NPS programs.

This section highlights options for philanthropic support and tools available to the NPS and our partners. All direct and indirect donations to the NPS and cause marketing campaigns are subject to the donor evaluation and review (vetting) guidelines in section 5.

RM-21 contains additional guidance; sections may be updated as needed, to ensure the NPS and its partners can respond to evolving trends in fundraising and use best practices to achieve philanthropic goals, maintain transparency, ensure accountability, and preserve the public integrity of the NPS.

## 4.1 Types of Support Accepted by the NPS

The NPS accepts philanthropic and cause marketing support from many sources—from individuals, nonprofit organizations, for-profit corporations, and grants from public agencies. Some donation practices are designed to benefit both the donor and the recipient, but can be complex and come with some risk or responsibility. RM-21 contains additional guidance and considerations on these forms of giving, as well as emerging opportunities. It also provides information about in-kind donations to ensure they meet NPS needs and do not obligate the NPS to future expenses or commitments.

Examples of acceptable gifts and forms of support include:

- Cash for either restricted or unrestricted purposes
- Tangible personal property
- Securities (such as common stocks, preferred stocks, and bonds)
- Real estate (land and improvements), or interests in real property (easements)
- Museum collections
- Intellectual property
- Planned and phased giving (estate planning, bequests, charitable gift annuities, charitable trusts, and retirement plan or life insurance beneficiary designations, etc.)
- In-kind (such as goods, products, services, volunteer time, and expertise)
- Pro bono (such as professional services and technical expertise)<sup>6[6]</sup>

Donations to parks and NPS programs are tax deductible in accordance with applicable laws. The Internal Revenue Service (IRS) has specific recordkeeping rules for donors and donation recipients. To meet these rules, the NPS requires park and program managers to substantiate contributions, where a donor is known, with a written communication following the requirements

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<sup>6[6]</sup> For the purposes of this Order, individual contributions of technical expertise or time are considered volunteering (see Director's Order and RM #7), while corporate or organizational contributions of technical expertise or time are considered pro bono contributions and are subject to this Order.

in [IRS Publication 1717: Charitable Contributions](#). RM-21 includes a written communication example.

## 4.2 Use of Donations

The NPS may use donations to fund or otherwise support any activity for which appropriated funds could be used, subject to the following:

- a) Donations for employee salaries are to be made only to the NPS directly (not to the employee) and only to fund the salaries of:
  - term or temporary NPS employees;
  - permanent NPS employees when they are directly engaged in a capital improvement project that is funded with donations. This applies only to employees who normally charge their time to project accounts; and
  - permanent employees funded through an NPS-approved endowment from which the payment of salaries is a stated purpose.
- b) Donations made directly to the NPS or an authorized philanthropic partner will not be used to begin construction, or a phase of construction, or other projects or programs, unless there are enough funds in hand to ensure completion of the work to a degree that has independent utility. Donated funds may also be used to advance project design work.
- c) Donated funds or services, or both, may pay for NPS-conducted or authorized plans or studies if NPS planning or study procedures, partnership construction process requirements (see section 7), and other applicable policies are followed. Research projects, books, mapping, exhibits, films, and other projects funded with donations must receive the same reviews and approvals and meet the same standards as projects that use appropriated funds.

## 4.3 Generating Support

All NPS-authorized philanthropic activities and efforts must:

- a) Generate a clear benefit for the NPS and be consistent with NPS purpose, mission, and goals, and applicable laws, regulations and policies;
- b) Be conducted with high standards that maintain the integrity of the NPS and its partners:
  - fundraising that identifies the NPS with tobacco or any type of illegal product will not be authorized;
  - associated marketing or advertising activities may not state or imply NPS endorsement of any business, product, service or enterprise; and
  - marketing, donor recognition, or brand/product promotion activities must take special care to ensure that national parks and NPS programs are not commercialized.

- c) Have a written philanthropic partnership agreement executed between the NPS and a philanthropic partner before fundraising activities begin that clearly states the requirement for NPS review and approval of campaign-related informational materials before distribution; and
- d) Be provided to the Division Chief, Office of Partnerships and Philanthropy before approval of the campaign when authorizing efforts for \$1 million or above to ensure consistency with the use of the NPS brand.

See section 3 of this Order for guidance on approval thresholds for philanthropic partnership agreements.

### **4.3.1 Corporate Philanthropic and Cause Marketing Partnerships**

Philanthropic partnerships with nonprofit and for-profit corporations can play a role in supporting the NPS mission. They may include monetary, non-monetary, marketing, and other forms of support for NPS activities. Partnerships can also help the NPS build constituencies, promote stewardship, and increase awareness through public engagement. The value and potential of all corporate partnerships, sponsorships, and cause marketing campaigns must be consistent with the mission and purpose of the NPS.

These types of relationships are established through agreements; see section 6 for the appropriate agreement types and related considerations (annual work plans, insurance and risk, feasibility studies, and intellectual property).

#### **4.3.1.1 Cause Marketing**

The NPS engages in cause marketing in partnership with philanthropic partners or directly with nonprofit and for-profit corporations to generate awareness and funds. One goal of cause marketing is for the cause (the NPS or a nonprofit partner) and a corporation to co-brand campaign promotional materials for mutual benefit, such as public and employee engagement that achieves a purpose and creates business value. The NPS should only agree to a cause marketing campaign when the relationship strengthens its assets and brand. The NPS will allow associated public relations campaigns that talk about the relationship and the resulting benefits. While NPS policy encourages cause marketing campaigns to be run through a philanthropic partner, there may be times when it would be advantageous for the NPS to enter into these relationships directly. In these instances, the NPS and its philanthropic partner will discuss the issue as part of their annual work plan.

Cause marketing campaigns that involve parks or programs within one region will be designed and reviewed through that regional office. The Office of Partnerships and Philanthropy will review any cause marketing campaign with a goal over \$250,000, and will design and vet campaigns that involve parks or programs in more than one region. Authorized fundraising partners may engage in cause marketing campaigns on behalf of, or for the benefit of, the NPS through the same approval process.

Cause marketing is implemented through point-of-sale, purchase or action-triggered donation, licensing, message promotion, employee engagement, and digital programs. The NPS will not

allow any promotion that advertises a corporate brand, service, product, or enterprise to use the NPS arrowhead symbol, an NPS employee, any part of the NPS uniform, or other elements of NPS intellectual property.

#### **4.3.1.2 Corporate Social Responsibility and Pro Bono Support**

A growing number of companies have made corporate social responsibility (CSR) a core business practice, promoting social, environmental, and economic sustainability (people, planet, and profit, the “three pillars of sustainability”). The NPS is a potential partner for companies with a commitment to CSR who are willing to provide financial and in-kind support for NPS projects, programs, and other activities. By engaging with corporations through their CSR programs and as philanthropic partners, the NPS can educate corporate leaders and employees about the National Park System and NPS programs, and establish long-term, sustainable relationships.

Corporate relationships could lead to employee volunteer service days, donations to NPS initiatives through financial contributions, employee donation matching programs, and in-kind donations such as providing pro bono expertise.

A formal relationship with a corporation, whether at a park, regional, or national level, must be formed through an agreement to define the roles and responsibilities of both parties. If a CSR program is activated with a park, program, or an authorized philanthropic partner, the corporation will typically make it part of their annual budget and work plan. Superintendents or program managers should follow their donor recognition plan to recognize corporate CSR and pro bono contributions.

#### **4.3.1.3 Sponsorships**

A successful sponsorship program can benefit the NPS, its philanthropic partners, and the sponsor. A sponsor can be a nonprofit or for-profit corporation, an individual, or another government entity. Sponsorship can take a number of forms, including financial support, media support, and in-kind support.

Sponsorship opportunities with the NPS or a philanthropic partner offer public recognition of the sponsor’s connection with a charitable cause, which may help it attract new customers or clients or bolster its reputation through the “halo effect” (impressions of the organization’s goodwill). The NPS and its philanthropic partners receive financial support, in-kind services, or product donations, and may experience increased media and public attention.

A sponsor, or any product or service they offer, may not be recognized as the “official sponsor,” or any similar form of recognition, of the NPS, a park or program, or the National Park System. In addition, a sponsorship should not state or imply NPS endorsement of the donor, or of any product or service of the donor.

Before starting a sponsorship program, parks, programs, and authorized philanthropic partners must have an approved sponsorship agreement with a sponsor that defines each entity’s roles and

responsibilities. Superintendents or program managers should recognize sponsors in accordance with their donor recognition plans.

A regional office will work with sponsors proposing sponsorships that involve multiple parks or programs in that region. The Office of Partnerships and Philanthropy will work with sponsors proposing sponsorships that involve parks or programs in multiple regions. This approval process also applies to authorized philanthropic partners that want to seek sponsors for their activities. See RM-21 for more information about sponsorships.

## **4.4 Volunteers**

Volunteers are vital to the mission of the NPS and are invaluable to building strong partnerships and to strengthening existing and new constituencies. Engaging potential donors as volunteers in park activities or through our programs increases their appreciation for, and support of, national parks, programs, and activities.

The in-kind donation of professional time and expertise is a form of volunteerism. The national parks and NPS programs have benefited from the professional expertise of educators, scientists, engineers, lawyers, architects, mechanics, information technology specialists, historians, and researchers. For the purposes of this Order, individual contributions of technical expertise and time are considered volunteering (see Director's Order #7 and RM-7), while corporate contributions of technical expertise and time are considered pro bono contributions and are subject to this Order.

## **4.5 In-park Fundraising**

As people become engaged in the work of the NPS and its philanthropic partners, they often express an interest in supporting projects, programs, and activities. The NPS can offer opportunities for people to make donations through park websites, in-park donation boxes, and through the Checkout Counter Donation Program (see section 4.5.3). Without personally soliciting donations, NPS employees may offer information about ways to donate to a park, program, or an authorized philanthropic partner.

The Privacy Act of 1974 requires the NPS to protect any personally identifiable information it collects and maintains. Thus, unless visitors have given specific permission (such as through an opt-in checkbox), the NPS cannot give park partners or other third parties any visitor names from permit applications, backcountry or campground registrations, park passes, or other sources, except as allowed by the Privacy Act and provisions of the Freedom of Information Act.

### **4.5.1 In-park Fundraising by Partners**

In-park fundraising efforts by an authorized philanthropic partner serve the NPS and the partner by:

- Offering visitors opportunities to support stewardship of a park or program;

- Communicating to the public that fundraising activities directly benefit a park or program;
- Demonstrating the relationship between the NPS and the partner; and
- Enhancing the public's awareness and understanding of the partner's role.

An authorized philanthropic partner may conduct fundraising activities or donor cultivation events, and solicit or accept donations on park property when:

- The superintendent has issued a special park use permit following the applicable regulations and policy guidance in [36 CFR 2.37](#); [36 CFR 2.50](#); [36 CFR 2.51](#); [36 CFR 2.52](#); [36 CFR 7.96\(h\)](#); *NPS Management Policies* (2006), [section 8.6.2](#); and Director's Order #53 and RM-53: Special Park Uses; and
- The NPS and the partner have decided how their respective costs and fees for managing and monitoring each event will be covered.

The activity or event should be identified in an approved philanthropic partnership agreement or annual work plan.

However, while permits may be issued for special events that require participants to pay a separate admission or participation fee, the payment whether in the form of a fee or required donation, may not take place within the park (see Director's Order #53, section 7).

Park superintendents may allow cooperating associations to collect donations in park stores following the same rules and policies as authorized philanthropic partners.

See RM-21 for more information.

#### **4.5.2 Donation Boxes**

Donation boxes may be installed on park property. The boxes may be owned and managed either by the NPS or by an authorized philanthropic partner if the donations will benefit the park. NPS policy is to encourage the ownership and management of boxes by authorized philanthropic partners. Parks with philanthropic partners interested in installing an NPS donation box should include this in the annual work plan.

NPS donation boxes may be placed only on NPS property, or on property jointly administered by or for the benefit of the NPS. The accounting procedures for funds received from NPS donation boxes on jointly administered property (joint visitor centers, heritage areas, or NPS-leased facilities outside of parks) are the same as those on NPS-controlled property. The proceeds from joint donation boxes will be allocated based on a formula agreed to by the entities in a written agreement.

Through a philanthropic partnership agreement or annual work plan, the NPS may permit the placement of an authorized philanthropic partner's donation box in a park. The agreement will

(1) include all necessary internal control measures (same as those for NPS-administered donation boxes); and (2) describe the amount of funds collected from the donation box that a partner may use for administrative costs related to accounting of the funds collected, and for the building, installation, and maintenance of the box. Such donation boxes must recognize the partner's role as owner of the box and manager of the proceeds.

Donation boxes must clearly inform the public of how the NPS or its partners will use the money. Without this information, all money collected in a donation box must be considered miscellaneous receipts and deposited to the U.S. Treasury (per [31 USC 3302](#)). RM-21 contains guidance on internal controls for securing, handling, and depositing any funds that are collected.

Authorized philanthropic partners may fundraise through virtual or electronic donation boxes (using direct mobile giving or mobile giving through a third-party vendor). Partners may use an agreed upon portion of the funds collected from mobile giving to cover administrative costs. Partners must include the details of how electronic giving methods will be used in their approved annual work plans. See section 4.6 for guidance on electronic donations and emerging practices in philanthropy.

### **4.5.3 Checkout Counter Donation Program**

The original Checkout Counter Donation Program (formerly the Guest Donation Program) authorized lodging concessioners to offer guests the opportunity to donate one dollar, or more, per day through the NPF to be distributed back to the national park they were visiting. Since it began, the program has expanded to include non-lodging activities. Donation checkout campaigns (also called point-of-sale) at a lodge, gift shop, or bookstore register give visitors a convenient way to support park programs or projects.

Concessioners and cooperating associations may offer checkout opportunities for visitors to make donations to support park projects or programs. For cooperating associations, the program must be identified in a philanthropic agreement with the park, and all collected funds must be dispersed to the park or its authorized philanthropic partner and accounted for in the organization's financial reports to the NPS. Concessioners wishing to participate in the program must enter into an agreement with the Office of Partnerships and Philanthropy. The agreement is established through the Washington Office to ensure the superintendent's impartiality when re-negotiating a concessions contract. As with cooperating associations, collected funds must be dispersed to the park or its authorized philanthropic partner, and be accounted for in the organization's financial reports to the NPS.

The NPF may accept donations from this program upon request, but collected funds will no longer be required to pass through the NPF. The current policy that requires the funds to pass through the NPF, however, will remain in place until the original guidance from the Secretary of the Interior is amended.

Similar programs that occur outside of a park would be considered cause marketing and would be negotiated under a philanthropic support agreement, as described in section 6.3.

RM-21 provides instructions for implementing this program.

## **4.6 Electronic Donations and Emerging Practices**

Philanthropic trends in electronic, online, peer-to-peer, and mobile giving offer expanded opportunities to support the NPS. Many of these methods are virtual or online manifestations of traditional donation boxes.

NPS employees may, when asked by visitors about opportunities to donate to support park projects and programs, direct them to web-based donation boxes maintained by the park's philanthropic partner or by the park. Parks with philanthropic partners must include acceptance of donations via NPS.gov in their annual work plans. Parks without philanthropic partners may direct visitors to the NPF or develop the ability to accept online donations. Procedures for setting up and operating online direct donation collections are contained in RM-21.

NPS.gov websites may also link to the websites of authorized fundraising partners that are able to accept electronic donations. These links must conform to NPS and Departmental policies for digital governance, electronic accessibility, management, and security (see [Director's Order #70: Internet and Intranet Publishing](#)).

### **4.6.1 Crowdfunding**

Crowdfunding is the social media and web-based collection of small amounts of funds through large networks of people. Following the guidelines in this Order, authorized philanthropic partners may consider the use of crowdfunding in a fundraising effort. Partners may use an approved portion of the funds collected from crowdfunding to cover any administrative costs, under the terms of an approved philanthropic agreement or annual work plan. At this time, crowdfunding is not available to the NPS or its employees as a way of funding projects or programs.

## **4.7 Accountability and Recordkeeping Requirements for Donations**

All monetary donations received directly by the NPS must be deposited in a donation account,<sup>7[7]</sup> be accounted for, and be disbursed using the same standards and procedures used for other appropriated funds. All non-monetary donations accepted by a park or program must be accounted for under the same standards and procedures used to account for other similar government property (see Director's Order #44: Personal Property Management, Director's Order #25: Land Acquisition, and Director's Order #24: NPS Museum Collections Management). The donor is responsible for establishing the value of the item for purposes of

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<sup>7[7]</sup> See 3.1.9 for more information. Note that the Consolidated Appropriations Act, 2016 (PL 114-113) authorizes the NPS to deposit monetary donations (classified as "trust funds" under 31 USC 1321(a)(17-18) in interest-bearing U.S. Treasury investments.

Federal and State tax laws; the NPS does not give valuation or tax advice. Accountability and recordkeeping procedures and forms are found in RM-21.

## **5. Donor Review**

The NPS and its partners will review (vet) all proposed donations, gifts, and cause marketing campaigns, and their circumstances, before acceptance (unless exemptions apply, as noted in section 5.3.3). The information discovered is used to make informed decisions about whether to accept a donation.

All donations are vetted to:

- Ensure that any conditions or restrictions on the donations are consistent with the NPS mission and values;
- Avoid conflicts of interest;
- Maintain NPS and Department impartiality, as well as the appearance of impartiality;
- Maintain public confidence in the NPS and the Department;
- Protect brand integrity;
- Consider the cumulative effects of any donations that occur across multiple regions or parks; and
- Prevent financial liability.

### **5.1 Acceptance Considerations**

The NPS generally will not accept a donation that imposes, or purports to impose, any unacceptable or unlawful long-term conditions or obligations on the NPS.

#### **5.1.1 Prohibited Sources**

NPS policy is to decline direct donations for its parks, projects, and programs from:

- Concessioners or those seeking a concessions contract, or others where the donation would appear to unduly influence the NPS (this does not prohibit an authorized philanthropic partner from accepting donations from these sources for NPS projects, nor does it prohibit an authorized philanthropic partner with a Category III Concession Contract for convenience items from donating to a park);
- Sources that would identify the NPS with tobacco or any illegal products;

- Sources that would generate controversy, harm public confidence, or associate the NPS with products that are inconsistent with our mission, or require activities that circumvent Federal regulations or ethics rules; or
- Donors involved in litigation with the Department or its bureaus, except under circumstances described in section 5.5.

After the effective date of this Order and under its provisions and standards, the NPS may permit—after thorough review and approval by the Director—philanthropic partnerships with, and accept donations from, corporations that produce or distribute alcohol.

## **5.2 Evaluation Factors**

NPS authorized employees and partners must consider all relevant factors when determining whether to accept or decline a donation to benefit the NPS, including the value and purposes of the donation and the nature and interests of the donor. The authorized employee and philanthropic partner should weigh the totality of the circumstances from the perspective of a reasonable person with knowledge of the relevant facts.

Authorized employees and philanthropic partners must consider the factors listed below, which follow Departmental guidance (374 DM 6, including section 6.6, *Acceptance Considerations*), when evaluating the circumstances and making donation-related decisions for the benefit of the NPS. It is not comprehensive, nor does it imply that any one of these factors absolutely requires the NPS or a partner to accept or decline a donation. See RM-21, and 374 DM 6.6 and 6.10C.

### **5.2.1 Integrity**

Maintains the integrity of the NPS and the Department's programs and operations:

- a) The donation neither is, nor appears to be (such as by its size or circumstances), an attempt to influence the exercise of any NPS or Departmental regulatory or other authority.
- b) The donation meets a legitimate NPS need and does not require the commitment of funding that is not planned or available.
- c) The donation is consistent with and does not otherwise circumvent law, regulation, or policy.
- d) Any conditions or restrictions on the donation are consistent with policy, authorized purposes, or applicable plans.
- e) NPS is able to properly and effectively use and manage any donated real or personal property consistent with policy, programmatic, and management goals.
- f) The donor will not use the donation to state or imply NPS endorsement of the donor or the donor's product or services.
- g) The donation, if it involves temporary or term personnel or provides funding to hire temporary or term personnel, is structured in such a manner that these personnel do not inappropriately influence any regulatory actions or other significant decisions.

### **5.2.2 Impartiality and the Appearance of Impartiality**

Maintains the impartiality, and the appearance of impartiality, of the NPS, the Department, and their employees:

- a) The proposed donation is made to a park or program, or made in an amount that would not influence or appear to influence any significant pending NPS or Departmental decision or action involving the donor's interests.
- b) There is neither an actual nor an implied commitment to take an action favorable to the donor in exchange for the donation.
- c) The donor will not obtain or appear to obtain special treatment in dealing with the NPS, the Department, or any of its other bureaus.

### **5.2.3 Public Confidence**

Maintains public confidence in the NPS, the Department, and their programs and employees:

- a) Acceptance would not likely result in public controversy.
- b) The donation comes only with conditions that are consistent with NPS program and policy goals.
- c) The donation consists of only goods or services needed by the NPS.

## **5.3 Process for Vetting Donations Made Directly to the NPS**

The purpose of the vetting process is to obtain information and provide a basis for a decision by an NPS authorized employee to (1) accept a donation, (2) decline a donation, or (3) defer acceptance until certain conditions are met. The final decision to accept or decline a donation rests with the NPS authorized employee.

The NPS will evaluate a prospective donor every fiscal year that the donor offers a direct donation to benefit the NPS (unless the donor's total fiscal year donation triggers a higher evaluation requirement; see 374 DM 6.10 and section 3.1.6 of this Order). This applies to both one-time and phased donations made over one or more fiscal years. The authorized employee should evaluate the circumstances surrounding a multi-year project or donation and accept or deny it following the procedures in this section.

The authorized employee will identify what information is necessary to evaluate the circumstances of a donation and should re-evaluate any prospective donor whose information has significantly changed. RM-21 includes the list of circumstances suggested by the Department Manual. Any employee engaged in vetting will safeguard the personal information of all donors. If an authorized employee has any reason to believe that a donor was, or will be, the subject of a Departmental or Office of Inspector General (OIG) investigation, he or she should refer the proposed donation to the Office of Partnerships and Philanthropy. This office will coordinate with the OIG or the appropriate investigating office to obtain information.

### **5.3.1 Donations that are Not Land or Interests in Land**

- a) The authorized employee will identify what information is necessary to evaluate the circumstances of a donation consistent with section 5.3 of this Order and up to their acceptance threshold (see Delegations of Authority table in section 3.1.3).
- b) The authorized employee's review of donations over \$250,000 (per 374 DM 6) will include submittal of the potential donation to a donor review process administered by the

Office of Partnerships and Philanthropy. The process will include review by NPS program areas and the Office of the Solicitor for a search of their record systems. The donation may also be referred to the OIG to obtain information from its systems or public databases for prior dealings and adjudications. The NPS senior manager will provide the authorized employee with the final determination on the donation.

c) The NPS senior manager will refer any proposed donation of the amount established in 374 DM 6.10 (\$1 million as of the approval of this Order) or more to the senior managers responsible for donations in other bureaus to identify any concerns about the donation.

### **5.3.2 Donations of Land or Interests in Land**

NPS field or regional lands/realty offices will review donations of land or interests in land following the processes and requirements specified in Director's Order #25: Land Protection.

### **5.3.3 Exceptions**

The following types of donations are not subject to the donor vetting process. They will be evaluated using the acceptance considerations and factors listed in sections 5.1 and 5.2 and, as relevant, before submitting a proposal or application, and before donation acceptance:

- a) Donations (or grants) from Federal, State, and local governments;
- b) Donations from accredited educational institutions;
- c) Donations offered during and related to (declared) natural and other emergencies; and
- d) Small-scale, one-time, electronic donations from individuals.

## **5.4 Review of Indirect Donations and Contributions to Partners**

Philanthropic partners may accept a gift that will benefit the NPS when that gift (1) conforms to a jointly created gift acceptance policy; (2) does not imply endorsement of an individual, organization, or product; and (3) supports a jointly identified need of the NPS and its nonprofit partner through a philanthropic agreement or annual work plan.

Philanthropic partners engaged in fundraising to directly benefit the NPS are required to review donors. Most nonprofit partners have their own professional standards for vetting and accepting donations, typically described in a gift acceptance policy. The philanthropic partner's donor review process must be set out in the gift acceptance policy section of the philanthropic agreement between the NPS and the partner.

Donors often contribute directly to a nonprofit partner of the NPS with the partner subsequently making the donation to the NPS—an indirect donation. Partners must be aware that Departmental and NPS policies govern the vetting of donations made directly and indirectly to the NPS. Philanthropic partners should vet these “indirect donations” to the NPS up to \$500,000. The NPS will vet larger donations following the guidance in section 5.3.1.

Donations made to a philanthropic partner solely to support their general operations and unrelated programs are not subject to NPS donor review policies.

## **5.5 Acceptance of Donations from Donors Involved in Litigation**

To avoid any appearance that a donation is intended to influence the handling or outcome of legal disputes or litigation, the NPS will normally decline a gift from a donor involved in litigation with the Department or its bureaus. In some cases, however, the context of the proposed donation may be sufficiently removed from the litigation that it will not appear to be an attempt to influence the litigation. For example, a donor may propose a donation to the NPS that is unrelated to litigation with another bureau, or the amount of the donation does not suggest any intent to influence the handling of the litigation. See RM-21 for review and approval procedures for such donations.

## **6. Philanthropic Partnership Agreements**

The NPS will consider entering into a philanthropic partnership agreement with an interested entity, including nonprofit organizations, public sector agencies with tax-exempt status, for-profit corporations, and individuals. (See section 3.2 for an overview of philanthropic partnerships.)

Philanthropic partners are required to have a written philanthropic agreement with the NPS when they will undertake fundraising activities (excluding cause marketing) that are expected to exceed \$25,000 in donations. The agreement establishes a formal relationship and authorizes the partner to fundraise on behalf of the NPS in pursuit of shared goals.

The agreement will clearly outline the goals and objectives of the relationship, and the expectations and responsibilities of all parties in areas such as communications, risk mitigation, sharing intellectual property, co-branding efforts, accountability, accessibility, and recordkeeping. (See section 6.4 for a discussion about some of these considerations). Philanthropic agreement templates, with required and recommended contents and instructions, are included in RM-21. The Office of Partnerships and Philanthropy and the Office of the Solicitor can provide additional advice and guidance on philanthropic agreements.

Small-scale fundraising events that raise funds for the NPS do not require written philanthropic agreements. These include local or community-based activities, or events that are locally publicized and are not expected to exceed \$25,000 in donations. An authorized employee must still consider the totality of circumstances in accepting donations from a small-scale event.

This Order consolidates philanthropic agreements into three basic types, based on the intent of the relationship.

### **6.1 Philanthropic Partnership Agreement**

This agreement is used to establish a long-term relationship between the NPS and its philanthropic partner and authorize the partner to solicit funds on behalf of the NPS. It is most

commonly used with friends groups and similar organizations that intend to have a sustained philanthropic relationship with the NPS. Cooperating associations and other organizations that have a cooperative agreement or general agreement with the NPS may also enter into a philanthropic partnership agreement if they wish to develop a sustained philanthropic relationship with the NPS.

The authorized employee (see section 3.1.3) will establish the term of a philanthropic partnership agreement based on general guidelines found in RM-21, such as a partner's years of service to the NPS, level of experience, level of volunteer support, expertise, and demonstrated philanthropic success. The term of a philanthropic partnership agreement may range from five to 20 years.

The NPS and the partner must approve an annual work plan for each year the agreement is active.

## **6.2 Partner Design & Construction Agreement**

This agreement template is used exclusively for partnership design and construction projects based on the NPS Development Advisory Board processes. See Section 7 of this Order for more information.

## **6.3 Philanthropic Support Agreement**

This agreement type is used to authorize:

- One-time fundraising for a specific project or program;
- Cause marketing efforts;
- Corporate social responsibility and pro bono relationships; and
- Sponsorships.

A philanthropic support agreement does not authorize a sustained relationship with the NPS.

The authorized employee will negotiate the terms of the agreement. The terms should reflect the length of the expected project or effort, but may not exceed 10 years. See RM-21 for specific guidance on negotiating the terms for these types of agreements.

If an authorized employee does not have the necessary delegated authority level (refer to the Delegations of Authority table in section 3.1.3), he or she may seek approval by the appropriate authorized employee.

## **6.4 Considerations in Agreements**

### **6.4.1 Annual Work Plan**

The NPS and the partner must approve an annual work plan for each year their agreement is active. The annual work plan lays out the projects and programs that a park or program and an authorized philanthropic partner agree to work on in a specific year. The plan is a collaborative work that aligns the identified needs of a park or program area with the authorized philanthropic partner's assessment of philanthropic or sponsorship interest in those needs. The annual work plan may manifest itself in a variety of ways and come from other documents or processes. For example, in some areas an authorized philanthropic partner or park management will issue a call for projects or an annual funding call. The subsequent review process may set up the annual work plan for that year or several years out.

In addition to projects and programs, annual work plans should address such things as fundraising or donor cultivation events, expectations for NPS subject matter expert participation in events, special events to solicit or accept donations in the park, donation box placement (NPS and/or partner owned and managed), NPS.gov online donations, and the checkout counter donation program.

### **6.4.2 Insurance and Risk**

Understanding exposure to risk and taking steps to manage that exposure is essential for the NPS's nonprofit and for-profit partners. Nonprofit organizations, in particular, face exposure to a wide array of legal risks. Some risks are unique to nonprofits—they may arise from an organization's tax-exempt status, fundraising and fiduciary activities of the staff and board, or even the use of volunteers. As a best practice, nonprofit organizations should develop a risk management plan that protects its board members, the organization, and its clients from potential liability.

Maintaining proper levels of insurance helps an organization protect itself and maintain its reputation when a financial or human capital loss occurs. This is a best practice in organizational management. Partner organizations should contact an insurance professional to discuss their insurance needs. Many state nonprofit associations sponsor insurance programs for their members or referrals to experienced agents and brokers.

The NPS will generally require a philanthropic partner to carry commercial general liability insurance to hold activities and events in a park under a special park use permit. Depending on the permitted activity, additional insurance or other kinds of financial security may be required. See Director's Order #53, section 8 (Permit Provisions).

### **6.4.3 Feasibility Studies**

Feasibility studies are a tool used by fundraising professionals to assess the likelihood that a fundraising effort or campaign will be successful. The NPS requires feasibility studies for philanthropic agreements at or above the \$1 million threshold, and for projects that require the Director's approval. A philanthropic partner or a park, region, or program may request an exemption to this requirement, which will be evaluated based on their experience and success in

fundraising efforts of the proposed size. Exemption requests should be submitted to the appropriate authorized employee (refer to Delegations of Authority table in section 3.1.3) for approval up to the \$5 million threshold.

RM-21 contains more information on feasibility studies and waiver request procedures.

#### **6.4.4 Intellectual Property**

Intellectual property (IP) is an “umbrella term” that describes certain categories of intangible property, including trademarks, copyright, and patents, that have specific legal protections. “Background IP” refers to IP already in existence before the start of a particular agreement or project. When the NPS and another organization enter into a partnership, the products (typically trademark and copyright) created from that relationship are known as “developed IP.” NPS agreements will generally indicate that each party will retain its background IP. Based on the nature of the agreement and project, the NPS and a partner can negotiate the appropriate ownership of, and rights to, developed IP for the duration of the relationship and after the termination of the partnership.

The NPS must responsibly manage its identity, goodwill, and other IP for both background IP and developed IP. The NPS will require that agreements include language to address IP upon termination of a partnership and agreement, such as:

- Reserving a “government use” license for developed IP when the partner primarily developed that IP (for example, a partner may retain copyrights, subject to the government use license mentioned above); and/or
- Transferring ownership of trademarks developed that identify the NPS as the source of, or primary entity associated with, materials, programs, or services:
  - Where the partner organization intends to continue using developed IP after the partnership has terminated, the material must be rebranded unless arrangements are made to license the trademark to the partner. The NPS may provide text that explains the material was developed during a partnership with the (now former) partner; and
  - Where the partner organization ceases to exist, NPS agreements will include language indicating that developed IP will be transferred to the NPS upon dissolution of the partnership. The IP does not go into the public domain upon transfer.

RM-21 will include examples and scenarios.

### **6.5 NPS Brand Management and Logo Licensing**

The NPS brand is highly recognizable in the commercial marketplace. NPS marks and logos have value and their use must be controlled to ensure mission alignment, quality, and strategic co-branding.

NPS marks and logos include, but are not limited to:

- The arrowhead mark
- The secondary marks
- Park-specific logos
- Program-specific logos (for example, Volunteers-in-Parks, Junior Ranger, and Rivers, Trails, and Conservation Assistance Programs)
- Specialty logos (for example, Centennial)
- Interagency shared logos (for example, National Trails System, Federal Recreation Council on Outdoor Recreation, Land and Water Conservation Fund)

The use of the NPS arrowhead mark is governed by [Special Directive 93-7](#) and the Director's Order #52 series. The NPS must approve requests to use NPS marks and logos for marketing campaigns, branding, sponsorship, and commercial/retail purposes. The Office of Partnerships and Philanthropy will be responsible for approving these requests.

The NPS must approve all uses and licensing of its marks and logos by philanthropic partners through agreements. The joint use of NPS and partner marks and logos can raise awareness of both organizations and create momentum when launching a philanthropic campaign. Joint use can also increase goodwill between the NPS and partner organizations, and promote brand awareness.

Care must be taken not to overuse NPS marks and logos, or to use them in ways that would compromise the reputation and integrity of the NPS or devalue the NPS brand. National Park Service logos cannot be used in conjunction with images, language, or behaviors that promote stereotypes or negatively portray individuals or groups based on age, gender or sexual orientation, race or color, disability, or ethnicity or national origin.

The NPS will license its marks and logos through logo-licensing agreements. Logo-licensing agreements will typically grant a partner revocable and non-exclusive rights to use specified NPS marks and logos for non-commercial purposes and described commercial purposes. Licensing agreements must clearly specify the logos and marks subject to the license and the scope and limitations on use. If necessary to achieve partnership objectives, the license may also grant a right to sub-license the use of the logos. A sub-license must clearly specify the scope and limitations of use, be non-exclusive, revocable, and not allow further sub-licensing.

See RM-21 for guidance on brand management and logo-licensing procedures.

## **7. Partnership Design and Construction Projects**

The NPS traditionally uses appropriated funds to design and build facilities, structures, exhibits, and trails in the national parks; awards the design and construction contracts; and provides project management oversight. Increasingly, design and construction projects in national parks are being funded, in whole or in part, with private money. Many of these funding partners would like to take part in the design and construction process and, in some cases, in long-term operation of the resulting asset. Design and construction projects involving partners require the use of the Partner Design and Construction Agreement. The NPS Development Advisory Board (DAB) must approve all partnership design and construction projects over \$500,000; these thresholds apply to all fundraising for partnership design and construction projects. This threshold level may change over time; refer to RM-21 for current thresholds.

The NPS welcomes the interest and involvement of philanthropic partners and donors in all phases of partnership design and construction projects. The NPS will work with partners to identify opportunities for involvement in the planning, design, and construction, and in associated project events, tours, or community forums.

There are three ways in which a partner may participate in designing and constructing facilities and improvements in national parks:

1. A partner raises 100% of the needed project funding, donates the funds to the NPS, and the NPS carries out the design and construction.
2. A partner raises 100% of the needed project funding, manages the design and construction contracts, and donates the resulting asset to the NPS.
3. The NPS and partner both provide funds to the project. Either the partner donates funds to the NPS and the NPS manages the design and construction, or each party manages independent portions of the project with its own funds. A partner may not manage a project or a portion of a project funded by the NPS unless they have been awarded a contract in accordance with Federal Acquisition Regulation procedures.<sup>8[8]</sup>

Regardless of how a partnership construction project is funded, the resulting asset is owned by the United States.

In all three scenarios, the NPS defines these as “Partnership Design and Construction Projects” and follows the Partnership Design and Construction Process. The intent of this process is to create common expectations between the NPS and its partner and ensure that projects are scoped properly, meet critical mission needs, can be operationally sustainable, and meet NPS accessibility requirements.

The DAB evaluates proposed Partnership Design and Construction Projects using the same criteria as those that use appropriated funds. Projects must be:

- Identified previously as a priority, consistent with park planning documents;

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<sup>8[8]</sup> Cost-Share Funding Programs may require the transfer of partner funds to the NPS.

- Included in the NPS five-year capital plan if any appropriated funds are to be used for the project;
- Sustainable over time in terms of maintenance, operations, and sustainability; and
- Compliant with accessibility standards.

Occasionally, opportunities for NPS construction funding and donations become available outside of the set timelines and programs of the NPS. In these instances, special guidance will be communicated to partners for participation in these opportunities.

The Partnership Design and Construction Process guides all Partnership Design and Construction Projects irrespective of their dollar value. The process is mandatory for all projects with an estimated net cost of \$500,000 or more. This dollar threshold aligns with the DAB's policy for all NPS construction projects. See RM-21 for guidance on all partnership projects, including those below \$500,000.

## **7.1 Design Competitions**

Design competitions are held periodically to generate creative ideas and community and donor interest in proposed park improvements. Competitions are typically funded by park partners, and may be managed by either the NPS or the partner. In either case, the NPS needs to be fully engaged in design competitions and is responsible for reviewing and approving decisions and media associated with the competitions. Design competitions may be used for the design of new memorials and associated facilities at national parks in the District of Columbia and its environs; however, the design process must comply with the requirements of the Commemorative Works Act ([40 USC 8901-8909](#)).

Since design competitions often lead to the construction of new or expanded NPS facilities (or structures, exhibits, trails, landscapes), proposed competitions must be presented to the DAB in advance of any competition activities. DAB review is intended to ensure that:

- The competition will be for a project that addresses a critical park need;
- The roles and responsibilities of the NPS and the partner are clear during and after the competition;
- There are clear design competition guidelines and criteria in place;
- Intellectual property rights are addressed; and
- Participating designers know what their role, if any, will be in carrying out post-competition design-development.

Refer to RM-21 for the DAB's 2014 policy memorandum, a Memorandum of Intent template for design competitions, and the design competition process. That process flows into and coordinates with the Partnership Design and Construction Process described earlier in this section. The Associate Director, Park Planning, Facilities, and Lands, will develop design guidelines, with specific provisions on NPS and Federal design and construction standards, and requirements for matters such as climate change, sustainability, and accessibility. In the interim, the NPS will use the General Services Administration's Design Guidelines, and modify as needed.

## 8. Donor Recognition

It is important for the NPS and our authorized philanthropic partners to acknowledge and recognize donor contributions and for a park or program and its philanthropic partner to have a donor recognition plan. Decisions about donor recognition should consider:

- The legal requirements and policy guidance in this Order;
- The appropriateness of the recognition and the unique purposes, resources, or requirements of individual parks and programs;
- The interests of donors, including privacy and confidentiality of donor information;
- Public perception of a particular donation;
- The integrity of the NPS brand; and
- Whether the cost of recognition is a proper expenditure of appropriated funds.

RM-21 contains the special requirements from the Commemorative Works Act (40 USC 8901-8909) for donor recognition at national parks in the District of Columbia and its environs.

Before the NPS accepts a donation, the NPS and the donor(s) should agree, in writing, to the form of recognition and any associated expenses. All decisions about donor recognition must follow Department of the Interior legal authorities and ethical guidelines.

Public donor recognition is one way to thank donors, but it is not the only way. Some donors wish to avoid public attention. The NPS, to the extent the law allows, will respect the wishes of donors who do not want public acknowledgment or attention.

### 8.1 Restrictions

Per [section 3054\(b\) of Public Law 113-291](#) (National Park System Donor Acknowledgment), a donor acknowledgment will not be used to state or imply:

- Recognition of the donor or any product or service of the donor as an official sponsor, or any similar form of recognition, of the NPS or the National Park System;
- An NPS endorsement of the donor or any product or service of the donor; or
- Naming rights to any unit of the National Park System or a National Park System facility, historic structure, trail, or feature, including a visitor center.

Public Law 113-291 also prohibits donor recognition that uses:

- An advertising or marketing slogan;
- A tagline; or
- A statement or credit promoting or opposing a political candidate or issue.

## **8.2 NPS Donor Recognition Plan**

A donor recognition plan defines the criteria and procedures for thanking donors, and describes the form and duration of recognition for different types and levels of donations. All parks and programs that receive, or expect to receive, donations must have a donor recognition plan. A superintendent or program manager should develop the plan in collaboration with their philanthropic partners. The plan will help donors and philanthropic partners understand the methods and levels of recognition the NPS can give. Donor recognition plan templates and examples are found in RM-21.

### **8.2.1 Development and Approval**

Park superintendents and program managers will work with their philanthropic partner to:

- Develop and approve donor recognition plans for their respective areas; and
- Obtain the approval of their regional, associate, or assistant director.

Regional, associate, and assistant directors will approve donor recognition plans. Regional, associate, and assistant directors may establish common recognition standards for multiple parks in a region, or for multiple programs in a directorate. The Office of Partnerships and Philanthropy will review any donor recognition plans that deviate from the template.

### **8.2.2 Plan Requirements and Contents**

Donor recognition plans must:

- Follow applicable laws, regulations, and policies, including those found in [section 3054 of Public Law 113-291](#) (National Park System Donor Acknowledgment); [36 CFR 5.1](#); Departmental guidance in 374 DM 6; *Management Policies*; and this Order; and
- Be reviewed and updated, as necessary, to reflect any changes in park or program needs, law, regulation, or NPS policy.

Donor recognition plan templates, with required and recommended contents, and examples are in RM-21.

## 8.3 Partner Donor Recognition Plan

Donor recognition plans are a best practice for organizations involved in fundraising. The partner's donor recognition plan should be consistent with the park's or program's approved donor recognition plan, particularly with respect to in-park recognition or other NPS-provided recognition. Partners may have donor recognition plans that go beyond the donations that support the park.

## 8.4 Off-site Donor Recognition

Off-site donor recognition has two components: the first applies to park-based philanthropy; the second applies to program-based<sup>9[9]</sup> philanthropy.

### 8.4.1 Park-Based

Off-site recognition allows donors to be recognized in their communities or in a manner that may be important to them, without placing additional demands on a park or on park visitors. RM-21 offers examples of approved off-site donor recognition, which includes awards, publicity, park newspapers or newsletters, events, mementos, and digital media.

### 8.4.2 Program-Based

NPS employees—whether they work in parks or in central office programs—may hold or take part in community activities or events. When donors support these activities, the associated materials may recognize their support in a similar manner to that used for materials in parks. They may be recognized by a credit line or statement of appreciation on program materials distributed at an event to which a donation was made. For example, event T-shirts may list

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<sup>9[9]</sup> National Park Service programs, like the parks and themes represented in the National Park System, are diverse in their purpose, scope, and history. Some programs, such as the Historic American Buildings Survey and the Historic American Engineering Record, have long histories as part of the Federal historic preservation movement. Others, like the Land and Water Conservation Fund Program, enhance the quality of life in America's communities. Still others, such as the Rivers, Trails, and Conservation Assistance Program, offer technical assistance to communities developing local recreation assets.

donors on the back of the shirt; and other items, such as T-shirts, key chains, water bottles, hats, or first aid kits may acknowledge donors, along with program or event messaging.

## 8.5 In-park Donor Recognition

Park superintendents have a variety of in-park donor recognition options. Superintendents should determine the most suitable form, location, and duration of in-park recognition consistent with this Order. In-park recognition should normally occur at a visitor center or in another developed area, and not be spread throughout a park.

Donor recognition is not the same as commemoration or memorialization.<sup>10[10]</sup> To be permanently commemorated in a national park is a high honor, affording a degree of recognition that implies national importance. Commemorative works will not be established unless authorized by Congress or approved by the Director. See [36 CFR 2.62](#) and *Management Policies*, [section 9.6 \(Commemorative Works and Plaques\)](#), for more information.

### 8.5.1 Considerations

The manner of recognition should not compete for attention with, or draw attention away from, the park's purpose or natural and cultural resources. In-park donor recognition is always tied directly to the donation, its purpose, and how the purpose is met.

Donor recognition for historic structures should be freestanding. It must not be affixed to any "historic fabric," either interior or exterior. Donor recognition should not be placed in natural or cultural zones where it would intrude on the character of the area or obstruct a view.

Superintendents should carefully consider the cost of maintenance and replacement of fixed recognition. Superintendents and their partners must identify a dedicated funding source for this purpose.

### 8.5.2 Suggestions for In-park Recognition

Examples of approved in-park recognition options include events; printed materials, temporary signage, and other temporary items; recognition in interpretive programs; interpretive and digital media (exhibits, waysides, and audiovisual productions); donor recognition boards and walls; plaques or nameplates; donor books; paving stones and park furnishings; on or inside a park visitor center or administrative facility; outside a visitor or administrative facility (including bench or other park furnishings, brick, pathway, area of landscaping, or plaza); near a park construction or restoration project (when related to the project); and limited opportunities for naming interior spaces, and NPS positions, programs, endowments. See RM-21 for implementation guidance.

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<sup>10[10]</sup> For example, "donated by <Name>" may be permissible, but "donated in memory (honor, etc.) of <Name>" is not.

The temporary naming<sup>11[11]</sup> of rooms and interior spaces in NPS facilities is permitted only to recognize donations for the renovation of that facility or construction of a new facility. This aligns NPS policies more closely with donor recognition policies and practices at schools, hospitals, and museums. This should not be confused with the selling of naming rights, as is commonly done with sports venues; this is not appropriate for national parks and is prohibited per [section 3054\(b\) of Public Law 113-291](#) (National Park System Donor Acknowledgment). The renovation or rehabilitation of structures or historic or natural features may not be acknowledged through naming; this form of recognition may only be used for interior spaces.

The Director must approve naming opportunities before an offer can be made to a potential donor. The naming opportunity value should be at a level commensurate with the park budget and fundraising campaign for renovation of the existing facility or construction of a new facility. Naming is limited to a period of ten years, but may be extended by the Director.

A philanthropic agreement will define the naming terms and contain provisions for the duration, de-naming, and demolition or renovation of named spaces. The final gift must be sufficient to cover the operational, maintenance, and lifecycle costs of the named space.

RM-21 gives specific guidance about the planning and implementation of naming options.

The location and design of fixtures and furnishings (e.g., benches) must be part of an NPS-approved visitor facility plan and be sited to avoid disturbance of natural and cultural resources and values. The placement of bricks or paving stones must be confined to a visitor center area or similar high traffic area in a park.

The threshold donation level must be commensurate with the park budget and philanthropic campaign goals. The names of corporate or business donors will appear in the same fashion as all other names; no corporate name scripts and logos will be used.

Philanthropic agreements and donor recognition plans will include provisions for donation levels, duration, and an endowment (or similarly restricted fund) to maintain, renovate, or remove fixtures or furnishings.

The Division Chief, Office of Partnerships and Philanthropy, and the Chief of Digital Strategy, Office of Communications, will develop standards for the design, development, and management of digital forms of donor recognition. This guidance will be available in RM-21.

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<sup>11[11]</sup> Any naming must comply with laws, regulations, and policies, including but not limited to Section 106 of the National Historic Preservation Act (54 USC 306108), and *Management Policies*, section 9.6 (Commemorative Works and Plaques). The Commemorative Works Act (40 USC 8901-8909) prohibits the naming of facilities within national parks in the District of Columbia and environs after a donor.

## 8.6 NPS Positions, Programs, and Endowments<sup>12[12]</sup>

NPS programs (educational, interpretive, research, recreational, youth, or other), positions, and endowments may be named to recognize a gift made to support a program or position (see section 4.2).

The Director must approve specific naming opportunities before an offer can be made to a potential donor. Any naming must comply with all Federal statutory and regulatory requirements. In addition, hiring individuals for endowed, named positions must follow all applicable employment laws and procedures.

A written agreement will outline the terms and include provisions for duration, de-naming, and renewal or termination of the position, program, or endowment. It is generally expected that the final gift would cover all position or program costs, including salaries, benefits, stipends, travel, materials, housing, program funds, and administrative overhead.

This guidance does not apply to programs managed and funded by partners. Programs jointly funded and administered by the NPS and a partner will be addressed on a case-by-case basis.

## 8.7 Logos or Name Script in Donor Recognition

The use of name scripts or logos for corporations or organizations are prohibited except as part of a credit line (and only as part of a credit line) on printed materials, temporary signage, other temporary items, and limited forms of digital media.

The donor recognition plan will address the use of name scripts or logos.

## 8.8 Recognition of Corporate Donations

Corporate donors may receive recognition on the same basis as other donors, if the recognition does not suggest official endorsement. Except when permitted by specific statutory authority, Federal ethics regulations prevent Federal employees from using their official positions, titles, or any associated authorities to endorse any products, services, or enterprises.

## 8.9 Donor Recognition at Special Events

Regulations authorizing permits for special events in most parks are found at [36 CFR 2.50](#) (Special events), with special regulations for certain parks in the National Capital Region found at [36 CFR 7.96\(g\)](#). NPS policy and guidance is found in *Management Policies*, [section 8.6.2](#), and in Director's Order #53 and RM-53. Director's Order #21 applies to NPS or partner recognition of donors and/or sponsors at such events. Donor and sponsor recognition for special

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<sup>12[12]</sup> Refer to footnote 11 about commemorative naming.

events must follow the guidance in section 8.9.1. Some areas of the National Park System may have site-specific requirements for special events.

### **8.9.1 Sponsored Events**

The NPS may recognize event sponsors as long as corporate names are not used in a way that would imply or suggest NPS endorsement of a product, service, or company, or be construed as commercial solicitation or advertising. Corporate sponsors may be recognized at special events by the limited use of corporate logos and name script on event facilities, signs, and in literature. The size, scale, scope, and location of corporate logos and name script should not dominate the event facilities or area. The NPS will not permit the appearance of advertising and marketing slogans and taglines, which are prohibited by [section 3054\(b\) of Public Law 113-291](#) (National Park System Donor Acknowledgment). The purpose of recognition is simply to acknowledge the sponsor.

### **8.9.2 Authorized Philanthropic Partner Events**

An authorized philanthropic partner, with a special park use permit to hold an event in a park, may recognize donors and event sponsors at the event. The forms of recognition should:

- Be described in the partner's approved annual work and donor recognition plans; and
- Follow the standards for recognition for Sponsored Events outlined in section 8.9.1.

### **8.9.3 Non-NPS Events**

Guidance on this topic is in [Director's Order #53](#) and [RM-53](#). Temporary displays directly associated with an event may show sponsors' names, logos, or name scripts. The size, scale, scope, and location of corporate or organization logos and name script should not dominate the event facilities or area. These displays are restricted to the times and locations outlined in the permit. Distribution of coupons, or vouchers for special offers or samples to park visitors is not permitted at non-NPS events.

----- End of Director's Order -----



# Director's Order #21—Appendix

## Definitions

**Agreement**—a written arrangement between a park or program and an outside organization or another Federal agency outlining work that is to be done together.

**Authorized Employee**—an NPS employee who may accept a particular donation and who is responsible for making sure NPS and Departmental donations policies are followed when evaluating donors and donations. Authorized employees must have sufficient experience, training, and organizational responsibility to be able to consider fully all relevant factors and circumstances when accepting donations.

**Best Practice**—practices that apply the most current methods and technologies available to comply with mandatory regulations and policies and maintain a superior level of performance.

**Brand**—a trademark or distinctive name identifying a product, service, or organization.

**Cause Marketing**—a “joint funding and promotional strategy in which a firm's sales are linked (and a percentage of the sales revenue is donated) to a charity or other public cause. However, unlike philanthropy, money spent in cause related marketing is considered an expense and is expected to show a return.” (<http://www.businessdictionary.com/definition/cause-related-marketing.html>). To help employees understand this topic, it is included in the policy on donations and philanthropic partnerships.

**Cooperating Association**—a private, nonprofit corporation established under State law that supports the educational, scientific, historical, and interpretive activities of the NPS in a variety of ways, under a formal agreement with the NPS.

**Corporation**—a legal entity, either for-profit or nonprofit, established under the laws of the State in which it is incorporated. For-profit corporations are usually created to generate income for their owners and shareholders. Nonprofit corporations are usually formed to serve a public purpose and may be eligible for certain tax benefits. Any money left over after the organization has paid its bills is put back into the organization.

**Corporate Campaign**—a fundraising effort that uses advertising and marketing to promote a donation and a relationship between the business and the NPS or an NPS partner.

**Corporate Social Responsibility (CSR)**—a business practice in which a company embraces responsibility for its actions and encourages a positive impact through its activities on the environment, consumers, employees, communities, and stakeholders.

**Credit Line**—a short, discrete, unobtrusive statement expressing appreciation for a donation typically found at the end of the material or item.

**Crowdfunding**—the use of modern social networking tools, such as email, blogs, social media, and personal websites, to support or fundraise for an NPS park or program. Kickstarter.com is one example.

**Donation**—something of value (gifts, cash, or in-kind goods or services) received by the NPS, or from an outside source on behalf of the NPS, without consideration or an exchange of value. Permissible donations depend on the specific provisions of the authorizing statutes. Donations of real (land or interests in land) and personal property, services, and money are often allowed. Funds or other items received because of a competitively awarded “grant” from a foundation are also covered by the term “donation.”

**Endowment**—the donation of money or property to the NPS (a park, NPS program, office) or a partner for ongoing support of the organization and its programs or activities.

**Ex Officio**—someone who is a member of a body (a board of directors, a committee) by virtue of his or her official position. Ex officio members can be voting or non-voting; this is usually clarified in an organization’s bylaws.

**Friends Group**—a nonprofit, 501(c)(3) tax-exempt organization established primarily to support a specific park, group of parks, or NPS program. Friends groups may be philanthropic partners if they fundraise, or may have a project-specific relationship with the NPS. The nature and purpose of the relationship will determine the type of agreement required.

**Fundraising**—the act or process of raising money to benefit the NPS or a nonprofit partner.

**Fundraising Campaign**—a campaign to raise money for a specific cause.

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

**Indemnification**—when one party assumes the liability of another in the event of a claim or loss. An indemnification clause obligates one party (or both parties) to compensate the other party for losses or damages set out in the provision. This compensation is separate and apart from other contractual obligations and damages. Most NPS partnership agreements contain an indemnification clause.

**Insurance**—insurance is a traditional risk-financing tool used to transfer the financial hazard of risk. For many nonprofits, insurance provides the funds to pay for unexpected losses of people, property, and income, while ultimately keeping the organization in operation.

**Intellectual Property**—creations of the mind, such as inventions, literary and artistic works, and symbols, names, images, computer software, and designs used in commerce.

**Mark**—trademarks, service marks, trade names, trade dress, corporate names, logos, domain names, and all other source identifiers, together with all of their translations, adaptations, derivations, and combinations, and any associated applications, registrations and renewals. See also **Brand**.

**Mobile Giving**—refers to a donation method that uses SMS texting or mobile applications.

**Name Script**—a distinctive type style that is part of an organization’s brand and identity.

**Non-Real Property Donation**—donations of property, such as money, products, services, or personal property.

**Partner**—individuals, organizations, and other entities interacting in a relationship with the NPS to achieve a common goal in support of the NPS mission.

**Partnership**—a voluntary and mutually beneficial collaborative relationship between the NPS and one or more partners, built on the contributions of each partner and formed to achieve or to assist in moving toward a common goal. Partners bring resources to the relationships that allow the NPS to accomplish objectives that, individually, neither party could achieve. Some partnerships are informal; others are covered by well-defined agreements or regulations.

**Phased Donation**—a donation that is accepted over a period of years. To obtain tax benefits, donors often spread a donation over several years.

**Philanthropy**—the giving of time, money, and expertise to advance the common good.

**Planned Giving**—any major gift made by donor during his or her lifetime or at death as part of overall financial planning, or estate planning, or both. Also known as gift planning.

**Real Property Donation**—donations of land or interests in land. Common reasons for landowners to donate land are to benefit conservation programs or receive tax benefits.

**Risk**—a measure of the possibility that the future might be surprisingly different from what we expect.

**Senior Manager**—as required by the Departmental Manual, 374 DM 6, the NPS employee responsible for overseeing donation-related activities; ensuring compliance with this Order and related procedures; and reviewing and making determinations on specific donations. The Assistant Director, Partnerships and Civic Engagement is the Senior Manager for the NPS.

**Slogan**—a brief, attention-getting phrase used in advertising or promotion; a “battle cry” for a specific campaign.

**Solicitation**—any request to a non-Federal entity, group, or individual seeking donations to be made directly or indirectly to the NPS in support of its programs.

**Sponsorship**—a form of marketing in which a corporation pays for all, or some, of the costs associated with a project or program in exchange for recognition. While in general, the sponsorship of a program or project might not be considered philanthropy, partnerships may be established that contain a measure of both. Corporate logos or brand names may be displayed with the NPS or partner marks, with specific mention that the corporation has provided funding.

**Tagline**—a short phrase used consistently associated with a company.

**Vet/Vetting**—the thorough examination or evaluation of a prospective donor or donation before acceptance in order to avoid any conflict of interest or other impropriety or any appearance of a conflict of interest or other impropriety.

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