

**Comparison of Current and Proposed  
National Park Service Rules on  
Donations and Fundraising  
(Director’s Order #21)**

<b>Current Rule</b>	<b>Proposed Rule</b>
<p><b><i>May Accept but Not Ask §3.1</i></b>            16 U.S.C. §6 expressly authorizes NPS to accept donations for purposes of the National Park System. In addition, the Museum Act of 1955 (16 U.S.C. 18f) authorizes the NPS to accept donations and bequests of money or other personal property and hold, use, expend, and administer same for the purposes of that Act...</p> <p>However, it should be emphasized that neither the NPS nor its employees has authority to solicit donations. For the purpose of this order, "solicit" or "solicitation" means any action that the party approached may construe as a serious request for money or in-kind services or goods. While this does not prevent an NPS employee from responding to a question on how to donate, it does prevent that employee from distributing unsolicited donor envelopes to visitors.</p>	<p><b><i>May Solicit §2.2</i></b>            The Department of Justice has determined that statutory language, similar to 16 U.S.C. § 6 authorizing acceptance of donations, also implicitly authorizes the solicitation of donations. The term “solicitation” means 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.</p> <p>§2.3 Employee Representations.            Employees who solicit, encourage, or support fundraising activities may not portray Congress, the Department, or their bureau as having failed to meet their responsibilities.</p>
<p><b><i>No Soliciting Visitors §4.41</i></b>            It is appropriate to assist park visitors who seek information on how to make a donation to the park or the NPS, but visitors who have expressed no interest in such information must not be asked for donations by anyone.</p>	<p><b><i>Solicitation of Visitors §6.3</i></b>            The NPS may provide opportunities for visitors to choose to receive information about authorized NPS fundraising partners and their activities through displays containing written information about the partnerships, visitor comment books, commonly used NPS forms such as permit applications, or backcountry or campground registrations, and through park newspapers. However, direct personal solicitation of park visitors is not permitted unless specifically authorized by the Director.</p>

	<p><b>§6.3.2</b></p> <p>Park managers may allow the non-intrusive display or distribution of materials in parks to educate visitors about an authorized fundraising partnership or activity. The material must identify the NPS fundraising partner and inform visitors how they may receive additional information. Donor envelopes may be included with these informational materials as well as architectural drawings, models, graphics or other information.</p> <p>It is permissible to authorize links from park websites to partner websites that provide opportunities to make electronic donations provided that such linkages conform to Departmental information technology management and security policies, including those pertaining to web sites and are permissible under the written agreement.</p>
<p><b><i>Prohibited Sources §4.5.2</i></b></p> <p>The NPS will not accept a direct donation from persons or entities:</p> <p>(a) that have litigation pending with the NPS;</p> <p>(b) that have or are seeking to obtain a contract, lease, grant or other business, benefit or assistance from the NPS. This prohibition includes concessioners, but not cooperating associations which have limited concession permits to sell visitor convenience items. Additionally, notwithstanding these prohibitions, a donation involving land or interest in land otherwise made as a part of a land transaction may be accepted but must be specifically reviewed and approved by the Solicitors' Office to assure that such donation is consistent with the purposes of this policy;</p> <p>(c) that conduct commercial operations or activities that are regulated by the NPS;</p>	<p><b><i>Totality of Circumstances §6.1.1</i></b></p> <p>Before accepting, utilizing, recognizing or soliciting donations, an employee authorized to accept or solicit donations must determine that the totality of the circumstances surrounding the potential donation:</p> <p>(a) Maintains the integrity of NPS and the Department of the Interior's programs and operations:</p> <ul style="list-style-type: none"> <li>• The donation is not, or does not appear (such as by its size or circumstances) to be, an attempt to influence the exercise of any regulatory or other authority of NPS or the Department with respect to the donor.</li> <li>• The donation meets an actual need of the NPS and</li> </ul>

<p>(d) that appear to be offering a gift with the expectation of obtaining advantage or preference in dealing with the Department of the Interior or any of its agencies;</p> <p>(e) that are directly associated with any product, service, or enterprise that would reflect adversely on the NPS mission and image, such as alcohol or tobacco products;</p> <p>(f) where acceptance would create a conflict of interest or the appearance of a conflict of interest for the NPS or the Department of the Interior;</p> <p>(g) where the conditions placed on a donation are inconsistent with the authorized purposes, policies, and planning documents of the NPS, the park or the program or where the NPS cannot adequately maintain donated real or personal property;</p> <p>(h) where the donation is inconsistent with or otherwise seeks to circumvent laws, regulations or policies;</p> <p>(i) where the donation is to an employee in the form of a "reward", salary, or honorarium for his or her personal use. This does not preclude an employee from re-directing any such donation to the NPS or an NPS partner; or</p> <p>(j) when the acceptance of the donation will be used by the donor to state or imply the endorsement of the NPS of any product, service or entity.</p> <p>Procedures to determine if a potential donor falls into any of these categories are included in the Reference Guide to Donations and Fundraising.</p>	<p>would not require NPS to assume funding commitments it is unprepared or unable to accept.</p> <ul style="list-style-type: none"> <li>• The donation and any conditions thereto are consistent with, and do not otherwise circumvent, law, regulation, NPS policy, park planning documents and authorized park purposes.</li> <li>• The NPS is able to properly utilize or manage any donated real or personal property within policy, programmatic, and management goals.</li> <li>• The donation will not be used by the donor to state or imply NPS endorsement of the donor or the donor's product or services.</li> <li>• The donation involves personnel or provides funding to hire personnel, provided that the donated or funded personnel do not make or inappropriately influence the merits of a NPS decision.</li> </ul> <p>(b) Maintains the impartiality, and appearance of impartiality, of NPS and the Department of the Interior, and of NPS and Departmental employees:</p> <ul style="list-style-type: none"> <li>• The proposed donation is made to a program or made in an amount that would not influence or appear to influence any significant pending NPS or Department decision or action involving the donor's interests.</li> </ul>
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- There is neither an actual nor an implied commitment to take an action favorable to the donor in exchange for the donation.
- The donor will not obtain or appear to obtain special treatment in dealing with the NPS, the Department, or any of its other bureaus.

(c) Maintains public confidence in the NPS, the Department and their programs and employees.

- Acceptance would not likely result in public controversy.
- The donation comes only with conditions that are consistent with the NPS' program and policy goals.
- The donation consists of only appropriate goods or services.
- The proposed donor has no known significant recent history of violations, whether criminal or civil in nature (revealed by the evaluation process described in Section 6.1.3. Vetting Potential Donors).

§ 6.1.2. In many instances, a donor provides a donation directly to a non-profit entity or partner of the NPS, with the non-profit entity or partner subsequently making the donation to NPS. The manner in which these donations are accomplished is among the totality of the circumstances to be considered when deciding whether to accept a donation. Specifically, the nature of the relationships between the original donor, the non-profit entity and the NPS should be considered in the NPS's decision to accept the donation. For example, where a nonprofit arranges a donation without any

	<p>involvement from the NPS, acceptance of the donation might or might not give rise to an appearance of a loss of integrity or impartiality, or otherwise reduce public confidence in the NPS or the Department. However, in instances where appearance concerns persist, the NPS reserves the right to decline the specific donation.</p>
<p><b><i>Donor Recognition §7</i></b>  When a physical form of in-park recognition is deemed appropriate by the NPS, only tasteful, temporary, and non-obtrusive displays, signs, or plaques may be used. The duration of this form of recognition may vary depending on the project, gift, and location.</p>	<p><b><i>Donor Recognition §10.1</i></b>  A Donor Recognition Plan sets out the basic philosophy to guide donor recognition activities. It provides a framework for donor recognition in a park or by a program, while allowing a measure of flexibility to meet the needs of individual donors.</p> <p><b><i>§10.6</i></b> When in-park displays are deemed appropriate, tasteful and unobtrusive signs, plaques or other treatments may be used. The duration of this form of recognition may vary depending on the project, donation and location.</p> <p>Donor recognition through benches, bricks or paving materials, plaques or other features may be allowed as part of a Donor Recognition Plan. Their use must be consistent with a park’s cultural and natural resource management plan. To the extent the use of such elements falls within the scope of 36 CFR 2.62 referring to memorial tablet or other commemorative installation, this Order constitutes approval for such use.</p> <p>Donor recognition memorials, tablets, plaques, or other commemorative installations should not be proposed in park areas if they would compete for attention with, or attract attention away from, the purpose for which the park was created to commemorate.</p> <p>Temporary plaques are not to be affixed to the “historic fabric” of structures nor should they, or any other donor recognition treatment, be placed in natural zones or cultural zones where they would intrude on</p>

	<p>the character of the area.</p> <p>The naming of features or park facilities will not be used to recognize monetary contributions or other donations to a park or the NPS. The naming of rooms in a park facility is allowed as part of an approved Donor Recognition Plan. Specific policies and regulations pertaining to commemorative naming and memorialization in parks are also set forth at 36 CFR §2.62 (Memorialization) and <i>NPS Management Policies</i> 9.6.</p>
<p><b><i>Credits and Logos §7.1</i></b>  Only a short, discrete, unobtrusive donor credit line, including name script or a logo, may be allowed on printed or electronic material, audio/video products, temporary construction/restoration signs, or as recognition for a special event. On other donated or donor-funded items (e.g., waysides, computer kiosks), only a short, discrete, unobtrusive credit line using the donor's name (but not logo or name script) may be used. No recognition will be allowed on motor vehicles. Advertising slogans may not appear under any circumstances.</p>	<p><b><i>Credits and Logos §10.2</i></b>  Recognition for contributions and donated items may be allowed as appropriate on printed or electronic material, audio/video/film products and temporary construction/restoration signs. Donor name script and corporate logos may be included as part of the recognition provided it amounts to a short, discrete, unobtrusive donor credit line at the end of the material. For example, the credit line on a park brochure may state: “This brochure was made possible through the contribution of _____”. In the case of computerized information kiosks or other electronic displays to be placed in visitor service areas, the donor name script and logo may be placed within the electronic screen and on associated printed information but may not be on the kiosk casing itself. All recognition should be agreed to in writing in advance of the acceptance of the donation.</p>
<p><b><i>Naming of Facilities §7.4</i></b>  Naming of features or facilities, or other forms of permanent recognition will not be used to recognize monetary contributions or other donations to a park or the NPS; exceptions must be approved by the Director.</p>	<p><b><i>Naming of Facilities §10.6</i></b>  When in-park displays are deemed appropriate, tasteful and unobtrusive signs, plaques or other treatments may be used. The duration of this form of recognition may vary depending on the project, donation and location.</p> <p>Donor recognition through benches, bricks or paving materials, plaques or other features may be allowed as part of a Donor</p>

	<p>Recognition Plan. Their use must be consistent with a park’s cultural and natural resource management plan. To the extent the use of such elements falls within the scope of 36 CFR 2.62 referring to memorial tablet or other commemorative installation, this Order constitutes approval for such use.</p> <p>Donor recognition memorials, tablets, plaques, or other commemorative installations should not be proposed in park areas if they would compete for attention with, or attract attention away from, the purpose for which the park was created to commemorate.</p> <p>Temporary plaques are not to be affixed to the “historic fabric” of structures nor should they, or any other donor recognition treatment, be placed in natural zones or cultural zones where they would intrude on the character of the area.</p> <p>The naming of features or park facilities will not be used to recognize monetary contributions or other donations to a park or the NPS. The naming of rooms in a park facility is allowed as part of an approved Donor Recognition Plan. Specific policies and regulations pertaining to commemorative naming and memorialization in parks are also set forth at 36 CFR §2.62 (Memorialization) and <i>NPS Management Policies</i> 9.6.</p>
<p><b><i>Corporate Recognition</i></b></p>	<p><b><i>Corporate Recognition §10.4</i></b> NPS may, however, recognize a corporate donor’s support for NPS’ mission.</p>
<p><b><i>Corporate Advertising §5.1</i></b> The following policies apply to the acceptance of all donations from businesses and corporations:</p> <p>(a) The fact of the NPS's acceptance of their donation and, in the case of in-kind contributions, the NPS's acceptance of their</p>	<p><b><i>Corporate Advertising §7.1</i></b> With the approval of the Director, the National Park Foundation has created a program authorizing a limited number of corporate partners who provide a significant level of support to NPS to be identified as “Proud Partners of America’s National Parks.” The Proud Partner</p>

donated products may be noted in their advertisements and other public materials.

(b) The NPS will not approve an advertisement or other public material that implies that NPS has "selected" a corporation's or business' products or services, prefers a corporation's or business' products or services over competitors' products or services, or otherwise suggests or implies an endorsement of a corporation's or business' products or services.

(c) The NPS will not allow the Arrowhead symbol or an NPS employee or any part of the uniform to be featured in any commercial advertisement.

(d) The NPS will not approve an advertisement or other public material which depicts illegal or irresponsible activities or those incompatible with NPS policies.

(e) The NPS will encourage corporations and businesses to use their advertising and promotions for communicating positive messages about what citizens can do to help protect and preserve natural, cultural, and recreational resource values.

(f) The NPS will not be party to a cause related marketing relationship through an NPS partner with any person or entity identified in Section 4.5 Declining Donations.

When the NPS becomes aware of a business or corporation advertising a real or implied relationship with the NPS that violates any of these policies, that activity should be immediately brought to the attention of the NPS Manager overseeing the cause related marketing agreement or, in the case of an unauthorized advertisement, the Regional/Associate Director, or Director, who will contact the business or corporation to resolve the issue.

Program is subject to the requirements set forth in the General Agreement between NPS and the National Park Foundation, dated February 28, 2005. In addition to the Proud Partner Program, the Foundation may enter into other corporate campaigns on the same basis as other park partners.

Proud Partners have the opportunity to inform the public through national or international marketing activities that they are assisting the Foundation and the NPS in meeting the needs of the National Park System. NPF operates the Proud Partner program based on "exclusivity" in that, once a Proud Partner agreement is executed, no other nationwide corporate campaign agreements may be executed for corporate partnerships in the specified Proud Partner's business, product or service category. All Proud Partner agreements nevertheless must contain an acknowledgment that no recourse may be sought against any agency or employee of the United States, an NPS partnership organization or its contributors in the event of a failure to maintain the intended exclusivity.

Upon execution of a Proud Partner Agreement, the Director will notify all park managers of the new Proud Partner, the purposes set forth in the Proud Partner agreement, the category of corporate or business donor affected and the effective dates of the agreement.

7.2.1. The following guidance is offered to help determine when proposed corporate campaigns do not conflict with areas of exclusivity authorized for Proud Partners.

1. **Single area marketing and advertising:**

Corporate partners may inform the public about the partnership and resulting contributions to parks through paid media, e.g., marketing and advertising

	<p>activities, directed at a <b>single</b> local audience <i>whether or not</i> it involves a product or service area for which national or international exclusivity has been afforded to a Proud Partner.</p> <p>2. <u>Other marketing activities where a partner’s business <b>does not</b> include products or services that fall with the areas of exclusivity authorized for a Proud Partner:</u></p> <p>After consultation with the President of the National Park Foundation, the Director may authorize a corporate partner to inform the public about a partnership and resulting contributions to parks through paid media activities directed at a state, regional, national or international audience.</p> <p>3. <u>Other marketing activities where a partner’s business <b>does</b> include products or services that fall with the areas of exclusivity authorized for a Proud Partner:</u></p> <p>With the concurrence of the President of the National Park Foundation, the Director may authorize a corporate partner to inform the public about the partnership and resulting contributions to parks through paid media activities directed at a state or regional (but not national or international) audience .</p>
<p><b><i>National Cause Related Marketing §5.4</i></b> By written agreement, the NPS has delegated to the NPF, in recognition of its charter to support the entire NPS, management of all national cause related</p>	<p><b><i>Cause-Related Corporate Campaigns §7.0</i></b> For purposes of this Order, cause-related marketing campaigns (“corporate campaigns”) are designed to associate the interests of corporations with the mission</p>

marketing campaigns that have Service-wide benefits. With the prior written approval of the Director, the National Park Foundation may enter into a limited number (the number to be determined by the Director) of national cause related marketing agreements defining the relationship in a business, product or service category that may take precedence over a park-based cause related marketing effort involving the same business or product category.

and goals of the NPS. These marketing campaigns promote corporate goodwill while providing resources for the NPS to carry out its mission. Cause-related programs differ from philanthropic donations in their use of paid media and marketing activities. Corporate philanthropic donations are often made through their related foundations.

This section provides a framework for NPS entering into corporate campaign agreements. Corporate campaigns must be conducted with high standards that maintain the integrity of the National Park Service and its partners. A corporate campaign is the means by which support provided to the National Park Service is linked to the corporation's marketing strategies. All corporate campaigns authorized by NPS are subject to the following:

- (a) The corporate campaign is consistent with the purpose, mission and goals of the National Park Service as well as applicable laws, regulations and policies;
- (b) Marketing or advertising activities associated with a corporate campaign do not state or imply an endorsement by NPS of any business, product or service;
- (c) A written agreement between the NPS, a park support organization and a corporate partner is executed prior to initiation of corporate campaign activities;
- (d) The corporate campaign agreement conforms to the provisions relating to donations and fundraising agreements of this Order and the accompanying Reference Guide;
- (e) The criteria used to approve corporate campaign agreements are the same as those used to approve fundraising campaigns;
- (f) The corporate campaign agreement is

	<p>approved by the Director or the appropriate designee after review by the Office of the Solicitor; and</p> <p>(g) Advertising or solicitation for corporate campaigns involving the promotion of specific brands, products, services or enterprises of a corporate partner or associated entity will not be conducted within national park units in order to maintain NPS's long-standing policy that parks be free of commercialism.</p>
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