

TAKE PRIDE[®] IN AMERICA

It's Your Land, Lend A Hand



FUNDRAISING, DONATIONS, AND USE OF THE TAKE PRIDE IN AMERICA[®] LOGO

Questions and Answers

A. What is the policy for accepting donations of money, products or services?

TPIA may accept gifts for purposes consistent with the statutory authority of the TPIA Program and applicable laws and regulations, unless acceptance of the donation might create the appearance of preferential treatment, or when acceptance of the gift would reflect unfavorably on the TPIA Program or the Department. If there is any question as to whether a proposed donation would cause the appearance of preferential treatment or would reflect unfavorably on the TPIA Program or the Department, it may be accepted only upon approval of the Executive Director.

B. Who may make a donation and what may be donated?

Anyone (individual, group, corporation, association, etc.) may make a contribution to the TPIA Program, either by direct contribution or by bequest, subject to the limitations discussed below. The donations can be in the form of securities (common stocks, preferred stocks, bonds), other personal property, products or money. Donations to TPIA are donations to the United States Government in accordance with the Internal Revenue Code.

Potential donors with questions about how to make a donation should contact the TPIA Executive Director.

C. Can donors place conditions on use of their donations?

Yes. TPIA may accept a donation with conditions, known as a "restricted purpose" donation, provided such donation is valued at \$5,000 or more. The Department will use a restricted purpose donation as nearly as practicable in accordance with the terms of the donation. All donations without conditions are general donations will be used to support general TPIA purposes.

D. What Standards of Conduct apply to TPIA donations activity?

The TPIA statute authorizes Department employees, in their official capacity, to acquire personal property and to raise funds by soliciting, accepting, and receiving gifts and bequests for TPIA purposes.

No donation may be solicited or accepted from persons or entities with business before the Department if such gift might create the appearance of preferential treatment.

Department employees must ensure that their TPIA activities adhere to the Standards of Ethical Conduct for Employees of the Executive Branch and the Department of the Interior standards of conduct.

E. When does a donation raise the appearance of preferential treatment?

A donation raises the appearance of preferential treatment when the Department solicits or accepts the donation from a donor who has a significant interest that could be substantially affected by a pending Departmental decision or action.

In determining whether there is a significant risk of the appearance of preferential treatment, the Department will consider, on a case by case basis, the amount of the donation, the relationship between the donation and the donor's interest, and the circumstances of the donor's other associations with the Department.

F. How does the TPIA determine whether to accept a gift?

1. If the donation is a restricted purpose gift less than \$5,000, the Department will decline the gift by letter stating that the threshold for restricted gifts is \$5,000. The letter will encourage the donor to resubmit the gift as a general purpose donation.
2. Donations valued less than \$10,000. Donations valued less than \$10,000 will be accepted. If unusual circumstances raise questions of preferential treatment the donation may not be accepted without approval of the Executive Director.
3. Donations valued over \$10,000. All donations valued over \$10,000 will be handled by the Executive Director on a case by case basis.

The Executive Director may consult with the affected bureau, the Solicitor's office and the Department's Ethics office regarding whether a gift should be accepted. Upon a request by the Executive Director, the Department's Ethics office and the Solicitor's Office will advise the Executive Director jointly in writing of their view of whether the appearance of preferential treatment or risk that acceptance of the donation would reflect unfavorably on the TPIA Program or the Department is significant enough to require the Department to refuse the proposed donation.

G. Who can determine whether to accept a donation?

The Secretary of the Interior has delegated authority to accept donations to the Executive Director of Take Pride in America.

H. Are there any special considerations for gifts of travel to attend meetings or similar functions?

TPIA must follow the rules for gift acceptance authority for Federal employees accepting gifts of travel, subsistence, and related expenses to attend meetings and similar functions relating to their official duties. Acceptance of gifts of such travel by Federal employees is governed by 31 U.S.C. § 1353 and 41 CFR parts 301 and 304. Gifts of travel to TPIA for travel of Department employees to meetings and similar functions are subject both to those authorities.

I. How will TPIA engage in solicitations and fundraising?

Major solicitations for donations of funds, property and services (hereinafter referred to as "fundraising") may be undertaken by the TPIA Program, other Federal employees, TPIA Program volunteers, or outside entities only in accordance with a Fundraising Plan or MOU approved by the Executive Director, or a designee. The TPIA Program will not engage in any fundraising that may reflect adversely on the TPIA Program or the Department. Fundraising will be conducted, to the extent practical, cooperatively with affiliated nonprofit organization(s) supporting the Department's bureaus.

J. Must a group have a fundraising plan or MOU to carry out local events to raise funds to be donated to TPIA?

No. Local civic, faith-based, or community service groups, such as the Girl Scouts, 4H clubs, Jaycees, and similar local organizations, may wish to conduct small-scale local events to raise funds to donate for TPIA purposes. Small-scale local events do not require either a Fundraising Plan or an MOU. A "small-scale local event" is an activity conducted on a community basis, is locally publicized, and is not expected to exceed \$10,000 in donations or more than 250 participants. Bake sales, car washes, and benefit breakfasts are examples of such events. Local groups may use the TPIA Service Marks (see Question N) for small-scale local events without further authorization from the Department.

K. Are there additional requirements for fundraising by outside entities?

Except for small-scale local events (see Question J) an outside entity may engage in TPIA fundraising only after a memorandum of understanding (MOU) has been executed between the TPIA Executive Director, or designee, and the entity. The TPIA Executive Director must ensure that the MOU includes, at a minimum:

1. Identify projects or objects for which funds may be raised;
2. Provide that the entity will operate under TPIA and Department standards;
3. Provide that all printed and other informational and fundraising materials to be distributed or communicated to the public will be subject to the advance approval of the Executive Director or designee;

4. Describe internal controls providing accountability for all funds raised;
5. Contain a clause that allows TPIA to terminate the MOU at its discretion and without cost;
6. Provide that the fundraiser's TPIA records are subject to Departmental audit;
7. Provide that the fundraiser must maintain accountability for all donations prior to transfer to TPIA and that it make a report (annually if appropriate) of its TPIA fundraising efforts available to the public; and
8. Prohibits anything that implies that the TPIA Program or the Department endorses the products or services of the fundraiser.

All fundraising MOUs must receive Solicitor and Executive Director review and written concurrence before commitment or execution. The MOU may authorize a single fundraising activity (i.e., function as a Fundraising Plan), or it may be an umbrella agreement under which specific fundraising efforts may be conducted in accordance with approved Fundraising Plans.

L. How may TPIA or outside entities conduct fundraising?

1. The following are acceptable means of fundraising and may be included in any TPIA Fundraising Plan:
 - (a) Direct personal solicitation of contributions from individuals, foundations, and corporations, unless the solicitation raises the appearance of preferential treatment.
 - (b) Direct mail, but no "prize" or "reward" may be offered for a donation;
 - (c) Sale of products containing the TPIA logo and/or slogan, with or without additional commercial or nonprofit sponsor logos as provided below.
 - (d) Public service announcements in the media to publicize TPIA, its volunteers, and related activities;
 - (e) Lotteries, raffles, and sweepstakes, if conducted in accordance with local law; and
 - (f) Benefit events - breakfasts, lunches, dinners, receptions, etc.
2. The following are unacceptable means of fundraising and may not be included in any TPIA fundraising plan:
 - (a) Telemarketing (phone banks, computer cold calls, etc);
 - (b) Use of the TPIA logo and/or slogan in connection with a commercial, "for profit" business in exchange for a fee, unless specifically authorized by TPIA.
 - (c) Mass emails.

M. How may the work of TPIA participants or outside entities be recognized?

A TPIA Program participant, as well as a participating outside entity, is entitled to appropriate recognition for efforts on behalf of TPIA. Such recognition should generally express the Department's thanks and appreciation for the participant's or outside entity's efforts; it may be expressed in letters, press releases, public events, and the like. No recognition, however, may rise to the level of a commercial advertisement or endorsement.

N. What is the TPIA Program “service mark” (logo/slogan)?

The TPIA Program asserts trademark rights in its logo, a stylized United States flag above the phrase “Take Pride in America - It’s Your Land, Lend a Hand” or above the phrase “Take Pride in America”. It also asserts trademark rights for the phrases “Take Pride in America”, “Take Pride”, and “It’s Your Land, Lend a Hand”, either used separately or together, but without the stylized flag. All of these marks collectively are termed the “TPIA service marks.”

O. How may the TPIA service marks be used?

Use of TPIA service marks is encouraged, but must be consistent with the statutory purpose of the program and the following.

1. The TPIA service marks may be used by bureaus of the Department of the Interior without further request and by other entities as provide in MOUs or other written authorizations.
2. Any other use of the TPIA service marks by Federal, State, local, or tribal government entities and private organizations requires a certification available via email, TPIA website, fax or mail that the proposed use will be in accordance with TPIA requirements.
3. Any variation of the TPIA service marks or the use of TPIA service marks in connection with additional logos or designs must have written approval of the TPIA Executive Director or designee.
4. See the logo use guidelines for additional information.

P. Can the logo be transmitted electronically or “camera ready”?

Yes. Upon certification that the logo will be used according to TPIA requirements for non-commercial uses, or upon execution of an agreement for commercial uses, the logo will be transmitted electronically in “camera ready” format. Various sizes are available. Contact the TPIA office for more information.

Q. May the TPIA service marks be placed on commercial products?

Yes. Either the Department or an outside entity may propose the sale for profit of a particular product or line of products bearing TPIA service marks. The Department may enter into an agreement to allow the use of service marks on commercial products, such as T-shirts and caps, offered for sale for a profit, in accordance with the following:

1. A notice in the Commerce Business Daily (“Notice”) must be published inviting bids on a particular product or line of products to be due no sooner than 30 days after the publication of the Notice.
2. Any conditions on the proposed product or line of products, such as originality of design, logo placement, or the like, must be stated in the Notice or the Notice must describe how a potential bidder may access the conditions.
3. All such agreements must be of fixed duration and not more than two years.

4. All such agreements must be reviewed by the Solicitor’s office and the Departmental Ethics office.

5. These agreements will not be subject to the Federal Acquisition Regulations or other contracting authorities.

6. Since such agreements will essentially be a license of the TPIA service marks to be used to raise funds, the bidder with the highest projected monetary return to TPIA will receive great weight in deliberations for award.

7. Sale of commercial products or services using the TPIA service mark along with other commercial or nonprofit message(s) must be reviewed for consistency with the TPIA Program and to ensure the proposed use of the service marks does not amount to an endorsement of such products or services.

8. The agreements must contain a clause by which TPIA may terminate the agreement with reasonable notice, without cause, and without cost.

R. How may someone make a donation to TPIA?

Cash donations should be in the form of checks or money orders made payable to “U.S. Treasury”, with the notation “TPIA Special Fund” written on the memo line. Donations should be mailed to Department of the Interior, National Business Center, Division of Financial Management, 1849 C Street, NW, Mailstop 1313, Washington, D.C. 20240.

Persons wishing to donate personal property or services should contact the TPIA Program for information on how to do so.

S. What is the statutory authority for fundraising

The statutory authority for TPIA is Public Law 101-628 (16 U.S.C. 4601 4608), which defines the purposes of the TPIA Program:

Specifically relating to donations and fundraising, Title 16 U.S.C. 4602(a) provides the Secretary the authority to both solicit and accept donations for the TPIA Program: “[t]he Secretary may solicit, accept, hold, administer, invest in government securities, and use gifts and bequests of money and other personal property to aid or facilitate the purposes of the TPIA Program.” In accordance with this statutory authority, TPIA may engage in fundraising as a means of soliciting money or personal property “to aid or facilitate the purposes of the TPIA Program.” TPIA may not solicit or accept donations that do not fit TPIA’s statutory purposes.