

INFORMATION ON BLM DONATION GUIDELINE FUNDRAISING AGREEMENTS

1.13 When is a fundraising agreement needed?

A written fundraising agreement must be executed prior to any fundraising on behalf of the BLM or any of its programs, unless one of the exceptions described in Section 1.15 applies. For example, a fundraising agreement would be needed prior to a fundraising organization sending out a solicitation letter stating that it is raising funds to be donated for a new trail on BLM land. Absent such an agreement, the Bureau will not be able to accept donations raised on its behalf, unless the BLM Senior Manager were to determine that acceptance is appropriate based on the totality of the circumstances. Acceptance of donations without formally executed fundraising agreements shall be the rare exception, and not the rule, and unusual circumstances must exist.

When fundraising activities are designed to support specific projects, e.g., the planning and implementation of a new program, the construction of trails or exhibits, or rehabilitation of a landscape, fundraising must be addressed in a fundraising agreement. A fundraising agreement may be for a particular short-term effort or may broadly cover a long-term project encompassing numerous specific fundraising activities.

A memorandum of understanding (MOU) may be used to describe the overall goals and objectives between the BLM and a partner. In instances when an MOU already exists, fundraising agreements may “tier off” the MOU as frequently as is needed. Regardless of the scope or form, the fundraising agreement must provide that fundraising for the BLM be conducted in a manner that ensures the integrity and impartiality of and public confidence in the Department and BLM and their programs.

A fundraising agreement contains the information specified in Section 1.14; a model fundraising agreement will be included in the forthcoming Handbook. Fundraising activities are not to be authorized in other forms of BLM agreements, e.g., cooperating association agreements, cooperative agreements, or grant agreements.

1.14 What information must be included in a fundraising agreement?

Fundraising agreements may vary in format and substance, but should enable the BLM, as necessary, to evaluate fundraising objectives, plans, and schedules, minimize overlap with other fundraising efforts, and ensure compliance of the fundraising effort with this BLM policy. The agreement must require fundraising on behalf of the BLM to be conducted in a manner that ensures the integrity and impartiality of the BLM and public confidence in the BLM and the Department, their programs and personnel.

The complexity of a fundraising agreement is generally a product of the scope, size, and length of the fundraising effort, including whether it is for a single instance or a long-term campaign encompassing numerous specific fundraising activities. The fundraising agreement must contain at a minimum appropriate provisions that:

- A. Explicitly state that the partner is seeking financial or other resources on behalf of the BLM;
- B. Identify projects or objects for which funds may be raised;
- C. Detail the fundraising objectives and timeframes;
- D. Identify the processes used by the partner for reviewing prospective donors;
- E. Require that all printed and other informational and fundraising materials be approved by the authorized employee in advance of distribution or communication to the public;

- F. Identify on-site permits and the clearances that may be required for on-site fundraising activities;
- G. Provide for accountability of all funds raised and, when appropriate, for the security of funds invested by the partner;
- H. Describe how donors will be recognized;
- I. Prohibit actions that are not consistent with this policy and BLM donations procedures;
- J. Prohibit actions that imply that the BLM endorses the businesses, products, or services of donors;
- K. Specify the role, if any, that BLM employees may have in the campaign;
- L. Identify the means for addressing various contingencies including cost overruns, dissolution of the assets if necessary, and frequency of reporting; and
- M. Allow the BLM to terminate the agreement at its discretion and without cost.

1.15 Are there situations when a fundraising agreement is not needed?

The following exceptions apply to the requirements for fundraising agreements:

A. Fundraising agreements are not required for small-scale events that raise funds to support the BLM. A small-scale event is one that is local or community based, is locally publicized, and is not expected to raise funds exceeding \$25,000. Authorized employees, however, must evaluate donations from such events in the same manner as any other donations, such as those addressed in Section 1.11 and Appendices B and C.

B. A Memorandum of Understanding (MOU) between the BLM and a partner creates a platform for a clear understanding of each party's commitments/purpose and expectations. An accompanying fundraising agreement will address the organization's fundraising activities to support BLM projects and programs, e.g., special events or individual donor giving campaigns. See Sections 1.13 and 1.14 for details.