



FEMA FACILITY DIRECTIVE

| Number | Date | Organization |
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| FFD 119-2 | Sept. 11, 2009 | FA |

Fire Administration's Acceptance and Use of Gifts and Bequests

I. Purpose

This directive provides policy and procedures for the United States Fire Administration (USFA) acceptance and use of gifts and voluntary and uncompensated services that are donated to the Federal Emergency Management Agency (FEMA). This directive also provides procedures for use of funds, processing obligations for, and disbursement of funds from the U.S. Fire Administration Gifts and Bequests (FAGAB) account.

II. Scope

This directive applies to all FEMA personnel who receive offers to donate monetary gifts or non-monetary gifts or offers of voluntary and uncompensated services that are under 15 U.S.C. § 2218. FEMA personnel must ensure that such offers are promptly forwarded to USFA.

III. Supersession

The provisions of this directive supersede FEMA Instruction 2200.2, Fire Administration's Acceptance and Use of Gifts and Bequests, dated August 24, 1999.

IV. Authority

- A. The Federal Fire Prevention and Control Act of 1974 (Fire Act), codified at 15 U.S.C. § 2201 et seq.

The Fire Act at 15 U.S.C. § 2201, authorizes the U.S. Fire Administrator to accept monetary gifts, non-monetary gifts, and voluntary and uncompensated services for activities authorized by the Act.

- B. FEMA Reorganization Plan No. 3 of 1978. (The Plan provides for transfer of the authority contained in the Fire Act to the FEMA Administrator. The Administrator, in turn, hereby delegates to the Deputy Assistant Administrator, USFA, the authority to accept and use monetary and non-monetary gifts, and to accept voluntary and uncompensated services for FEMA.)

C. DHS Delegation No. 9001

V. Responsibilities

A. The Deputy Assistant Administrator, USFA, is responsible for approval of offers of donations and expenditure of funds from the FAGAB that are made in accordance with the Fire Act. The Deputy Assistant Administrator, USFA, may re-delegate the authority for approving and accepting donations to the Director, Management, Operations, and Support Services Division (MOSS).

B. Directors, Administrators, Regional Directors, Office Directors, and Heads of Field Establishments are responsible for ensuring the following:

1. That offers of donations citing the provisions of the Fire Act are forwarded to the Director, MOSS, USFA; and
2. That requests for disbursement of FAGAB funds and invoices are submitted through the appropriate Program or Project Officer to the Deputy Assistant Administrator, USFA, for approval.

C. Director, MOSS, USFA is responsible for:

1. Ensuring that the Deputy Assistant Administrator, USFA, timely receives the offer of the gift to USFA and associated documentation with a recommendation to approve or disapprove acceptance of the donation;
2. Ensuring compliance with Standard of Conduct regulations set forth in 5 C.F.R. Part 2635 and FEMA Office of Chief Counsel guidelines regarding conflict of interest and other issues relating to gifts;
3. Ensuring appropriate documentation is created and maintained for all offers and acceptances of donations;
4. Ensuring that all donations are properly accounted for;
5. Ensuring appropriate disposition is made of donations which no longer serve a useful purpose;
6. Ensuring that would-be donors are not involved in contractual, grant or other relationships with USFA such as would subject Agency action to challenge on grounds of conflict of interest or appearances of impropriety;
7. Ensuring that the gifts and donations of money, goods or services are used for the purposes set forth in 15 U.S.C. § 2201 et seq.;
8. Certifying availability of FAGAB funds for expenditures;

9. Forwarding donations of money to the bank for deposit in a special account for FAGAB funds maintained by the Department of the Treasury;
 10. Ensuring deposits to the FAGAB are accurately recorded in the Agency's accounting system and accurately reflected in the accounting systems financial reports;
 11. Processing obligations based on commitments authorized by the Deputy Assistant Administrator, USFA;
 12. Processing payment vouchers as authorized by the Deputy Assistant Administrator, USFA;
 13. Providing the FEMA Office of Chief Counsel with information on NETC Foreign Gifts and Donations for inclusion in FEMA/DHS reports to the General Services Administration or the U.S. State Department in accordance with 41 CFR Part 102-42 and applicable DHS Directives and Instructions; and
 14. Providing the FEMA Office of Chief Counsel with information on any offered Gifts of Travel and requests for consideration under 31 U.S.C § 1353 and with Gift of Travel information for inclusion in FEMA/DHS reports to the U.S. Office of Government Ethics as required under 41 C.F.R. § 304-3.15 and DHS and FEMA guidance.
- D. Project or Program Officer is responsible for authorizing payment for obligations approved by the Deputy Assistant Administrator, USFA.

VI. Policies and Procedures

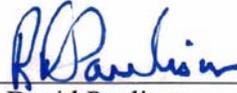
- A. FEMA's policy is to ensure that donations offered under the Fire Act are considered, accepted, accounted for, and utilized in accordance with this Directive and any other applicable FEMA and DHS statutes, regulations, policies and guidance.
- B. DHS Management Directive 112-02, concerning Gift Acceptance, dated February 11, 2008, includes a number of considerations that are helpful in dealing with any gifts. The guidance indicates in general, among other things, that:
 1. A gift should not be solicited;
 2. The acceptance authority may decline a gift even if it would not be precluded;
 3. A gift should not be accepted if it requires the expenditure of appropriated funds;
 4. A gift should not be accepted if it requires adherence to particular requirements on depositing, investing, or management of donated funds;
 5. Gifts in the form of cash should not be accepted;

6. A gift should not require FEMA to engage in activities unrelated to the USFA mission, program or stated authority, and
 7. A gift that could be perceived to reflect unfavorably on the USFA or FEMA may not be accepted.
- C. Procedures for Accepting Monetary Donations, Non-Monetary Donations, and Using FAGAB:
1. Donations by Cash or Check:
 - a. Refer all donors to the Deputy Assistant Administrator, USFA, who is responsible for accepting gifts and use of it. Upon receipt of the gift, the Deputy Assistant Administrator, USFA must do the following:
 - i. Provide a receipt for any cash donations (cash donations should be discouraged generally and suggestion made to the donor to donate amounts in the form of a check, money order or similar financial instrument);
 - ii. Provide sufficient information on the receipt to identify the gift and the donors intended use of the gift to the FAGAB;
 - iii. Ensure that checks, money orders, or other instruments are made payable to the “United States Fire Administration Gifts and Bequests”; and
 - iv. Deposit the funds to the appropriate account if accepted.
 - b. Process requests to incur obligations and expend funds from the FAGAB account:
 - i. Submit requests to the Deputy Assistant Administrator, USFA, for approval on FEMA Form 40-1, Requisition and Commitment for Services and Supplies; and
 - ii. Forward an approved FEMA Form 40-1 to the Budget Office for certification and financial processing.
 - c. Process payments of approved obligations:
 - i. Submit payment request to designated billing office;
 - ii. Billing office forwards payment request to Project or Program Officer for approval; and
 - iii. Project or Program Officer returns the approved payment request to the designated billing office.
 2. Donations of Monetary or Non-Monetary Gifts or Voluntary and Uncompensated Services.

- a. The offer of a donation of a monetary or non-monetary gift or of voluntary and uncompensated services must be made in writing addressed to a senior USFA management official (Division Chief or higher) and should contain the following information:
 - i. A specific description of what is being offered;
 - ii. Identification of the individual, activity, organization, company or group that is making the offer;
 - iii. A statement that the offer is being made to FEMA (not a specific part or organizational element of FEMA);
 - iv. A statement that no individual, activity, organization, company or group, has in the past, or will in the future, claim the value or any part of the value of the donation for tax purposes;
 - v. A statement of the exact or estimated value of the donation(s) stated in terms of U.S. currency and whether the stated value is exact, approximate, or an estimate;
 - vi. The intended purpose of the donation(s); and
 - vii. A statement of understanding by the offeror that if the offer is accepted, the donation becomes the property of FEMA and the donation will be utilized and/or disposed of, as determined appropriate, by officials of FEMA.
 - b. All offers of gifts under 15 U.S.C. § 2218 and requests for use of such gifts are to be forwarded to the Director, NETC MOSS, for coordination with the FEMA Office of Chief Counsel and other Agency officials as appropriate. The Director, NETC MOSS, will coordinate the offer with appropriate Agency staff and prepare and coordinate a written response regarding acceptance or use for signature by the Deputy Assistant Administrator, USFA. The response will indicate either acceptance or non-acceptance of the offer for FEMA. If the offer is declined, the reason(s) for the declination will be stated in the letter.
 - c. If the offer of the donation is accepted, and the donation consists of items which are, by Agency policy, property for which the Agency is accountable within the Agency Property Management System, the Director, MOSS, will ensure the property is appropriately accounted for and entered and maintained in the Agency Property Management System.
3. Use of Donations, Bequests, Gifts or Voluntary and Uncompensated Services. Donations, bequests, gifts or gifts of voluntary and uncompensated services may be used in support of the furtherance of the activities and responsibility described and/or intended by the provisions of the Fire Act, 15 U.S.C. § 2201 et seq.

VII. Questions

Questions concerning this FEMA Directive should be addressed to the Director, NETC MOSS, at (301) 447-1223.

A handwritten signature in blue ink, appearing to read "R. David Paulison", is positioned above a horizontal line.

R. David Paulison
Administrator
Federal Emergency Management Agency