



DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON – DETROIT ARSENAL
6501 E. ELEVEN MILE ROAD
WARREN, MI 48397-5000

IMMI-MWR

MEMORANDUM FOR ALL Detroit Arsenal Assigned or Attached Personnel

SUBJECT: Installation Policy 210-22, Non Federal Entities and Private Organizations

1. REFERENCES:

- a. Department of Defense (DoD) 5500.7R, Joint Ethics Regulation (JER), updated 17 November 2011.
- b. Department of Defense Instruction (DoDI), 1000.15, Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations, dated 24 October 2008.
- c. Army Regulation 210-22, Private Organizations on Department of the Army Installations, dated 22 October 2001.
- d. Army Regulation 215-1, Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities, 24 September 2010.
- e. U.S. Code, 10 USC 1033, Participation in Management of Specified non-Federal entities, 3 January 2012.

2. PURPOSE: To establish policy, procedures, producers and responsibilities for operation of Non Federal Entities (NFE) and Private Organizations (PO) operating on USAG-DTA properties (Detroit).

- a. For the purpose of the policy, NFE and PO are self-sustaining and not considered part of the Federal Government (incorporated or unincorporated), which are operated on DoD installation with the written consent of Garrison Manager or higher authority, by individuals acting exclusively outside the scope of any official capacity as officers, employees or agents of the Federal Governments (see DoDI 1000.15).
- b. In the event of a conflict of interpretation between this policy and the Joint Ethics Regulation, the JER governs.
- c. This policy does not apply to the following:
 - (1) Off-post organizations. Off-post organizations are groups that have not received permission to operate on Detroit Arsenal; AR-210-22 and the Joint

Ethics Regulation define support available for community relations and public affairs interest.

- (2) Organizations operating outside of Army installations that request use of Army facilities or other resources.
- (3) Appropriated fund (APF) and Non-Appropriated Fund (NAF) contractor and subcontractor organization and funds on Army installations.
- (4) Army gift funds (see AR 1-100).
- (5) Religious organization operating as extensions of the Army Chapel program.
- (6) Financial Institutions (credit union, bank, etc) (see DoDI 1000.11).
- (7) American National Red Cross (see AR 930-5).
- (8) Labors organizations subject to 5 USC 71.
- (9) Army Emergency Relief (see AR 930-4).

3. APPLICABILITY.

a. This memorandum applies to all organization, activities and personnel located on USAG-DTA properties, to include (but not limited to) the U.S. Army Tank – Automotive and Armaments Command (TACOM), Program Executive Office, Ground Combat Systems (PEO-GCS), Program Executive Office, Combat Support & Combat Service Support (PEO-CS&CSS), Program Manager, Future Combat Systems (PM-FCS), 308th Military Intelligence Battalion, 902nd Military Intelligence Group, Army Audit Agency (AAA), Army Contracting Command – Warren (ACC-WRN), Army Corps of Engineers, Great Lakes District (USACE), Civilian Personnel Advisory Center (CPAC), Military Medical Readiness & Occupational Health Center (MMROHC), Army National Guard, Logistics Readiness Center (LRC), Network Enterprise Center- Detroit Arsenal (NEC-DA, System of System Electronic & Integration (SoSE&I), Test, Measured, and Diagnostic Equipment (TMDE) the Tank Automotive Research, Department, Defense Acquisition University (DAU), Defense Contract Audit Agency (DCAA), Defense Contract Management Agency (DCMA), Defense Logistics Agency (DLA), Defense Automated Printing Services (DAPS), Marine Corp Liaison Officer, Tank Automotive Research Development & Engineering Center (TARDEC), and the U.S. Army Garrison – Detroit Arsenal (USAG-DTA).

4. POLICY.

a. Subject to 10 USC 1033 and the JER there is no official relationship between NFE and PO activities and official duties and responsibilities of Army personnel who are NFE and PO members or participants; neither Soldiers nor civilian employees will be assigned to work for NFE or PO as an official duty.

b. NFE and PO are not entitled to, and will not receive, , DoD, Army, or Detroit Arsenal endorsement by virtue of their contributions to the military community or installation, their promotion or support of Army goals and objectives or for any other reason.

c. NFE and PO are not part of the military, so they will receive only limited Government supervision. The loan of government resources does not create a government obligation or liability for NFE and PO activities.

d. Only the NFE or PO can choose its specific function and expenditures. DoD personnel action in an official capacity will not influence these choices; likewise, DoD personnel are not authorized to participate in day to day management for a NFE or PO, nor authorized to act as a fiduciary for the NFE or PO.

e. NFE and PO operate on a financially and operationally self-sustaining basis.

f. NFE and PO are private, not a Federal entity, and are not Non-Appropriated Fund Instrumentalities (NAFIs), so they are not entitled to the immunities and privileges given NAFIs, to include commercial sponsorship.

g. Neither the Federal Government, nor its NAFIs have any vested interest in the assets of a NFE or PO. Neither the Government nor its NAFIs will make any claim to NFE or PO assets or incur or assume any obligation of a PO.

5. PROCEDURES.

a. Funding.

(1) Approved NFE and PO are self-sustaining, primarily through dues, contributions, service charges, fees, or special assessment of members.

(2) Neither NAFIs nor APF activities may incur or assume any obligation of any NFE or PO, except as may arise out of contractual relationships.

(3) Fundraising on Army property is governed by DoD 5500.7-R (JER) and AR 600-29. NFE and PO composed primarily of DOD employees and/or their dependents may fundraise among their own members, for the benefit of its members and/or their dependents, when approved by the Garrison Manager (after obtaining legal advice, per JER 3-210).

b. Use of Army Resources.

(1) NFE and PO will not use DoD services; this includes legal, audit, transportation, postal, printing, information management activities, clerical, financial, copying, management, and procurement services.

(2) Army authorities may allow organizations to use Army real estate (including

utilities and in-place equipment) under license or lease agreements, per AR 405-80 and DOD 5500.7-R, when in the best interest of the Army, as defined below.

(a) License. Use may be granted by means of a revocable-at-will license when a NFE or PO use is occasional, non-regular, regular part-time, or full-time. The license may permit storage of equipment and supplies if it does not interfere with, nor restrict, the normal use of the facility by other users.

(b) Lease. Use may be granted by lease when a NFE or PO is guaranteed sole use on a full-time basis, is guaranteed use for a specific period, or stores in-place equipment or supplies that impair or restrict normal use of the facility by other users (rent in the continental U.S. is determined by the U.S. Army Corps of Engineer, District Office).

(3) A NFE or PO will not receive financial assistance from a NAFI in the form of contributions, repairs, services, dividends, or other donations of money or other assets. NAFI funds and other assets will not be transferred to a NFE or PO, directly or indirectly, unless there is legislative authority.

(4) The AMC Legal Center - Warren will review all NFE and PO requests for any support for legal sufficiency before permission is granted by the Garrison Manager.

(5) The Joint Ethics Regulation sets out the criteria and requirements that are met before participating in NFE or PO events providing limited logistical support, including speakers, and, co-sponsoring an event with a NFE or PO. A legal review is required before logistical support is provided to a NFE or PO.

b. Chief, NAF Support Service Division (NSSD):

(1) The initial request to establish a NFE or PO is addressed to: Garrison Manager, 6501. E. Eleven Mile Road, IMMI-ZA, MS 502, Warren, Michigan, 48397, or email to detroit.imcom-central.mbx.fundraiser@mail.mil.

(2) The NAF Service Support Division Chief will coordinate with the AMC Legal Center - Warren prior to submitting a recommendation to the Garrison Manager for final approval/disapproval. Upon approval/disapproval from Garrison Manager, the NSSD will notify the NFE or PO representative of approval/disapproval.

c. AMC Legal Center - Warren. The General Law Division (AMSTA-LCB – F) will review, for legal sufficiency, all submissions by the NFE or PO, including but not limited to the constitution/by-laws and requests for support. Following legal review, the request (and supporting documentation) will be returned to the NFE or PO for further action.

d. Requirements for On-Post Operations.

(1) General Restrictions:

(a) To prevent the appearance of an official sanction or support by DoD, a NFE or PO will not include the following in its title or letterhead:

1. The name or seal of DoD or the acronym "DoD".
2. The name, abbreviation or seal of any DoD component or instrumentality.
3. The seal, insignia, or other identifying device of Detroit Arsenal.
4. Any other name, abbreviation, seal, logo, insignia, or the like used by any DoD Component to identify any of its programs, locations, or activities.

(2) A NFE or PO will not conduct activities that:

- (a) May discredit the Army, DoD, or the Federal Government.
- (b) Impose a financial obligation on the Army or any NAFI.
- (c) Duplicate and/or compete with authorized Army or NAFI activities.

(3) Except for investment clubs, a NFE or PO is not created, operated or administered for a commercial or monetary purpose.

(4) The NFE or PO will not engage in the distribution/sale of alcoholic beverages at any time.

(5) The NFE or PO are responsible for complying with fire and safety regulations, environmental laws, tax codes, and other applicable statutes and regulations.

(6) Insurance:

(a) The NFE and PO will obtain adequate insurance as protection against public liability, claims, property damage claims, or other legal actions arising from NFE or PO activities, one or more of the NFE or PO members acting on its behalf, or the operation of any equipment, apparatus, or device under the control and responsibility of the NFE or PO.

(b) Fidelity bonding will be purchased by an organization for members or employees handling monthly cash flow exceeding \$500 (bonding will be equal to the normal maximum amount of cash handled).

(c) Audit: Organizations with gross annual revenue of \$5,000 or more will

arrange for an audit at least once every two years, at their own expense (on change of NFE or PO treasurer, an audit will be conducted, regardless of the time elapsed since the last audit). Organizations with financial statements audited annually by their national headquarters may submit a copy of such an audit rather than applying the following provisions:

1. A NFE or PO using a double-entry accounting system will have audits done by qualified auditor.

2. Any NFE or PO using a single-entry accounting system are audited as follows:

a. With income only from contributions, dues, and assessments, audits may be conducted by either a NFE or PO member who holds no office and is at least 18 years of age or by a qualified auditor.

b. When a NFE or PO engages in resale or other fundraising activities, the audit is performed by either an appointed committee of three NFE or PO members who hold no office, or by a qualified auditor.

(7) Taxes: The NFE or PO will comply with all federal, state, and local tax laws and codes (the PO will contact the proper tax officials to ensure compliance with all tax laws and will obtain private counsel when such assistance is needed).

(a) Federal Income Tax.

1. Certain types of NFE and PO (such as religious, educational, or scientific) may qualify for exemption for local chapters; the local NFE or PO will furnish a statement to this effect, signed by an official of the parent organization's headquarters. Other NFE or PO will obtain a statement of their tax status from their Internal Revenue Service (IRS) district office.

2. The NFE or PO will obtain and comply with guidance from the IRS on withholding for employees and reporting requirements for same.

(b) Local law will be referred to for state and local sales, income, occupation, and employer taxes (determines whether NFE or PO are exempt from state and local taxes).

(c) NOTE: Generally, a NFE or PO are not exempt from state or local laws because they operate on federal property. The NFE or PO will obtain licensing, certification, or registration of activities if required by Michigan or local, or foreign authorities where the installation is located.

(8) Employment Practices: The NFE or PO will comply with applicable laws that apply to private sector employment. The NFE or PO are not permitted to operate on Army installations if their employment practices discriminate based on:

- (a) Sex, age, religion, race, color, national origin, marital status.
- (b) Lawful political affiliation.
- (c) Labor organization membership.

(9) Membership Practices:

(a) The NFE or PO will not unlawfully deny membership, unlawfully exclude from participation, or otherwise subject to unlawful discrimination, any person because of race, color, creed, sex, disability, or national origin (when unlawful discrimination by a NFE or PO is suspected, information about procedures for individuals to follow will be publicly disseminated).

(b) The above paragraph does not preclude the following:

1. The existence of religious, cultural or ethnic NFE or PO when membership is not restricted or discretionary; similar religious, cultural or ethnic POs are approved without preference.

2. Approval by the Garrison manager for the operation of certain NFE or PO that restrict membership to one sex, when one or more of the following below apply (example include women's/men's civic associations, and boy/girl scouting organizations);

(a) The NFE's or PO's purpose is philanthropic and, by tradition, its membership has been of one sex.

(b) The NFE's or PO's purpose is to benefits one sex and its membership is composed of that sex.

(c) The NFE or PO has a specific purpose and function that restricts membership of one sex, but also has a counterpart organization with the same purpose and function.

(d) DoD 5500.7-R governs membership drives.

e. Procedures for On-Post Operation.

(1) Approval.

(a) Before operating on an Army installation, the NFE and PO must submit a written minimum to operate to the CRD; items listed in Annex A will be included in the request, as a minimum. The FMWR will then coordinate the request with the Legal Office and the Directorate of Plans, Training, Mobilization, and Security (DPTMS) prior to obtaining approval/disapproval from the Garrison

Manger.

(2) Reporting requirements.

(a) In addition, approved NFE or PO will supply the following information on a routine basis (but not less than bi-annually) to the Chief, Recreation Division for the Garrison Manager.

1. Minutes or summaries of NFE or PO meetings.
2. Financial statements.
3. Any major changes in NFE or PO activities, membership recruitment, officers, objective, origination, constitution, bylaws, use of funds and/or management functions.
4. Name, address and phone number of officers.
- 5 A copy of audit reports.
6. A copy of any correspondence about applicability of federal, state or local laws.

(b) The Garrison Manger will maintain a current file for each NFE and PO, containing the following (as a minimum):

1. The POs initial request to operate on the installation and for revalidation, subsequent request to continue.
2. A copy of Garrison Manager's Letter of approval.

(3) Request for Approval for On-Post Activities:

(a) The NFE or PO will submit a request for approval for all events, including fundraisers, to the CRD for the Garrison Manager review/coordination/approval of the Garrison Manger.

1. Description of event.
2. Date(s), time and location of event.
3. If the event involves the sale or distribution of food, the request shall include list of the food items and the name address of the vendor (which is a Government approved source) that will supply or donate the food items.
4. Verification that coordinates was performed with the activities where the event will be held.

(4) Guideline for planned activities by a NFE or PO:

(a) Fundraising events shall comply with the requirement of AR 600-29.

(b) Raffles (defined as a contest in which a number of persons buy chances on a prizes(s) with the winner determined in a random drawing) are NOT permitted on Detroit Arsenal properties.

(c) A door prize drawing (defined as the award of a prize(s) to one or more numbers of a group of persons who have attended an event, such as a social, or tea and who have not paid nor been promised something of a value for ticket) is authorized. For example, the ticket holder can charge entrance to the function but not the prize ticket.

(5) Revalidation.

a. A NFE or PO having approval to operate may operate for 2 years, unless cancelled by either party.

b. Approval expires automatically 2 years from the date of the last approval, unless revalidated.

c. The NFE or PO must submit revalidation request to the Garrison manager no less than 90 days before expiration of 2 years approval.

d. Request will include documents of any changes in NFE or PO activities, objective, constitution, membership and so forth.

(6) Termination of NFE or PO Operation.

a. The membership may dissolve an organization or the Garrison Manager may withdraw permission to operate on the Army Installation at any time. Notification by either party will be in writing.

b. On termination of a NFE or PO operation USAG-DTA may require written agreement that any abandoned PO assets will be considered a donation to the installation. The Garrison Manager has final approval over their disposition. It should be clearly understood that the Garrison Manager has the absolute discretion to determine whether the POs continued operation is compatible with the Army's interest.

6. PROPONENT. The proponent for this policy memorandum is the Directorate of Family, Morale, Welfare and Recreation.

IMMI-MWR

SUBJECT: Installation Policy 210-22, Non Federal Entities and Private Organizations

7. RECISION. Policy Memorandum #36, Private Organizations, dated 23 January 2012.

Encl
1 –Annex A

JOSEPH MOSCONE
Garrison Manger

Annex A

INFORMATION TO BE SUBMITTED BY PRIVATE ORGANIZATIONS

The Non-Federal Entity (NFE) or Private Organization's (PO) request for permission to operate and/or the 2 year request for revalidation with all supporting documents.

A charter, articles of agreement, or constitution and bylaws. See AR 210-22figure 2-1 for samples.

A statement of the nature, function, objectives (including planned use of funds) and activities of the NFE or PO.

A statement that defines membership eligibility.

A list of current officers and their functions.

Set forth responsibility for all management functions including accountability of assets, coverage and limitation of insurance, and disposition of remaining assets upon breakup of NFE or PO.

A statement of the NFE's or PO's liability if assets are not enough to cover all liabilities. It will also address extent of NFE or PO members' personal liability for debts of, or claims against, the NFE or PO.

Copies of minutes of the last monthly or quarterly meeting.

Copies of the NFE's or PO's latest financial statement should be gross annual revenue of \$5,000 or more.

Copies of the NFE's or PO's last audit. A NFE or PO with gross annual revenue of \$1,000 or more will be audited at least once every two years. See AR 210-22, para. 3-3.

Valid IRS tax status determination. See AR 210-22, para. 3-4.

Copy of correspondence concerning applicability of State or local laws. See AR 210-22, para 3-5.

Copies of all documents filed with Federal, State, or local government as required by law (e.g. license(s) with State for bingo or raffles).

Copies of any documents per AR 405-80 granting the NFE or PO exclusive use of Army real estate, as applicable.