



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

AMIM-MIG-ZA

19 MARCH 2021

MEMORANDUM FOR All U.S. Army Garrison-Detroit Arsenal (USAG-DTA) Assigned or Attached Personnel

SUBJECT: Installation Policy #36, Private Organizations (POs)

1. References:

- a. Department of Defense (DoD) 5500.7-R, Joint Ethics Regulation (JER), 29 November 2007.
- b. Department of Defense Instruction (DoDI), 1000.15, Private Organization on DoD Installation, 24 October 2008.
- c. Army Regulation (AR) 210-22, Private Organizations Department of the Army Installations, 22 October 2001.
- d. AR 1-100, The Army Gift Program, 7 February 2019.
- e. AR 930-5, American National Red Cross Service Program and Army Utilization, 01 February 2005.
- f. AR 930-4, Army Emergency Relief, 05 May 2019.
- g. AR 600-20, Army Command Policy, 24 July 2020.

2. Purpose: To establish policy, procedures, producers and responsibilities for operation of Private Organizations (POs) operating on USAG-DTA properties.

- a. For the purpose of the policy, POs are self-sustaining and non-federal entities (incorporated or unincorporated), which are operated on DoD installation with the written consent of Garrison Manager (GM) 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 DoD 5500.7-R (Joint Ethics Regulation), the latter 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 an installation; DoD 5500.7-R defines 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 organizations and funds on Army installations.

(4) Army gift funds (See AR 1-100).

(5) Religious organizations operating as extensions of the Army Chapel Program.

(6) American National Red Cross (See AR 930-5).

(7) Labor organizations subject to 5 USC 71.

(8) Army Emergency Relief (See AR 930-4).

(9) Informal funds (See AR 600-20).

3. Applicability.

a. This memorandum applies to all organizations, 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), the Ground Vehicle Systems Center (GVSC), and the Garrison.

4. Policy.

a. Subject to 10 USC 1033 and the Joint Ethics Regulation (JER) there is no official relationship between PO activities and official duties and responsibilities of Army

personnel who are PO members or participants; neither Soldiers nor Civilian employees will be assigned to work for POs as an official duty.

b. POs are not entitled to, and will not receive, Army 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. POs 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 PO activities.

d. Only the 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 PO, nor authorized to act as a fiduciary for PO.

e. POs operate on a financial and operational self-sustaining basis.

f. POs are not Non-Appropriated Fund Instrumentalities (NAFIs), so they are not entitled to the immunities and privileges given to NAFIs, to include commercial sponsorship.

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

5. Procedures.

a. Funding.

(1) Approved POs 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 PO, except as may arise out of contractual relationships.

(3) Fundraising on Army property is governed by DoD 5500.7-R and AR 600-29. POs 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 GM (after obtaining legal advice, per JER 3-210 in DoD 5500.07-R).

(4) At the discretion of the GM, in consultation with the Legal Office, POs may conduct nonprofit resale.

b. Use of Army Resources.

(1) POs will not use Army 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 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 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 United States Army (CONUS) is determined by the U.S. Army Corps of Engineer, District Office).

(3) POs 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 POs, directly or indirectly, unless there is legislative authority (See DoDI 1015.9, Scouting Organizations Operating at U.S. Military Installations Located Overseas (OCONUS)).

(4) The Legal Office will prompt the revalidation of, and review all PO requests for any support for legal sufficiency before permission is granted.

(5) The JER sets out the criteria and requirements that are met before participating in PO events (Also, See AR 1-211 in DoD 5500.07-R); providing limited logistical support, including speakers; and, co-sponsoring an event with a PO.

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

(1) The initial request to establish a PO is addressed to: Garrison Manager, 6501. E. Eleven Mile Road, AMIM-MIW-NF, MS 603, Detroit Arsenal, Michigan, 48397-5000, or email to detroit.imcom-central.mbx.fundraiser@mail.mil.

(2) The NSSD will coordinate with the Legal Office prior to submitting a recommendation to the GM for final approval/disapproval. Upon approval/disapproval from GM, the NSSD will notify the PO representative of approval/disapproval.

c. Legal Office. The General Law Division (AMSTA-LCB – F) will review, for legal sufficiency, all submissions by the 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 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 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 the local installation.
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) POs 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 PO is not created, operated or administered for a commercial or monetary purpose.

(4) POs will not engage in the distribution/sale of alcoholic beverages at any time.

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

(6) Insurance:

(a) POs will obtain adequate insurance as protection against public liability, claims, property damage claims, or other legal actions arising from PO activities, one or more of the POs members acting on its behalf, or the operation of any equipment, apparatus, or device under the control and responsibility of the 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 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. POs using a double-entry accounting system will have audits done by qualified auditor.

2. POs 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 PO member who holds no office and is at least 18 years of age or by a qualified auditor.

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

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

2. POs 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 POs are exempt from state and local taxes).

(c) Foreign taxes in overseas locations will be determined by the laws of the country where located.

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

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

(a) Sex, age, religion, race, color, national origin, and marital status.

(b) Lawful political affiliation.

(c) Labor organization membership.

(9) Membership Practices:

(a) POs 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 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 POs when membership is not restricted or discretionary; similar religious, cultural or ethnic POs are approved without preference.

2. Approval by the GM for the operation of certain POs 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 POs purpose is philanthropic and, by tradition, its membership has been of one sex.

b. The POs purpose is to benefits one sex and its membership is composed of that sex.

c. The 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, POs must submit a written request to operate, to the NSSD. Items listed in Annex A will be included in the request, at a minimum. The NSSD will then coordinate the request with the Legal Office and the Directorate of Operations (DoO) prior to obtaining approval/disapproval from the GM.

(2) Reporting requirements.

(a) In addition, approved POs will supply the following information on a routine basis but not less than bi-annually to the NSSD Chief for the GM.

1. Minutes or summaries of PO meetings.

2. Financial statements.

3. Any major changes in 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 GM will maintain a current file for each PO, containing the following (as a minimum):

1. The POs initial request to operate on the installation and for revalidation, and subsequent request to continue.

2. A copy of GMs letter of approval.

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

(a) POs will submit a request for approval for all events, including fundraisers, to the NSSD for the GM review/coordination/approval.

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 coordination was performed with the activities where the event will be held.

(4) Guideline for planned activities by a 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 Garrison 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 gathering and who have not paid nor been promised something of a value), the function but not the prize ticket, is authorized. For example, the ticket holder can charge entrance to the function but not the prize ticket.

(5) Revalidation.

(a) POs having approval to operate may operate for two years, unless cancelled by either party.

(b) Approval expires automatically two years from the date of the last approval, unless revalidated.

(c) POs must submit revalidation request to the GM no less than 90 days before expiration of two years approval.

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

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f. Termination of PO Operation.

(1) The membership may dissolve an organization or the GM may withdraw permission to operate on the Army Installation at any time. Notification by either party will be in writing.

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

6. Proponent. USAG-DTA NSSD of the Garrison, AMIM-MIW-NF, MS 603, 6501 E. Eleven Mile Road, Detroit Arsenal, MI 48397-5000.

7. Recision. Installation Policy #36, Private Organizations (POs), 16 May2018.

8. The point of contact is Mr. Matthew Foote, NSSD Chief, AMIM-MIW-NF, 586-282-0971, DSN: 786-0971, matthew.d.foote10.naf@mail.mil.

Encl
Annex A

CARRIE MEAD
Garrison Manger

Appendix A- Information to be submitted by Private Organizations

1. The Private Organization's (POs) request for permission to operate and/or the two year request for revalidation with all supporting documents.
2. A charter, articles of agreement, or constitution and bylaws. See AR 210-22 for sample(s).
3. A statement of the nature, function, objectives (including planned use of funds) and activities of the PO.
4. A statement that defines membership eligibility. (The majority of the membership will be composed of the Department of Defense family.).
5. A list of current officers and their functions.
6. Set forth responsibility for all management functions including accountability of assets, coverage and limitation of insurance, and disposition of remaining assets upon breakup of PO.
7. A statement of the POs liability if assets are not enough to cover all liabilities. It will also address extent of PO members' personal liability for debts of, or claims against, PO.
8. Copies of minutes of the last monthly or quarterly meeting.
9. Copies of the POs latest financial statement should be gross annual revenue of \$5,000 or more.
10. Copies of the POs last audit. POs with gross annual revenue of \$1,000 or more will be audited at least once every two years. See AR 210-22, para 2-1.
11. Valid IRS tax status determination. AR 210-22, para 2-1.
12. Copy of correspondence concerning applicability of State or local laws. AR 210-22, para 2-1.
13. 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).
14. Copies of any documents per AR 405-80 granting the PO exclusive use of Army real estate, as applicable.