

Army Regulation 210–22

Installations

**Support for
Non-Federal
Entities
Authorized to
Operate on
Department of
the Army
Installations**

**Headquarters
Department of the Army
Washington, DC
12 May 2022**

UNCLASSIFIED

SUMMARY of CHANGE

AR 210–22

Support for Non-Federal Entities Authorized to Operate on Department of the Army Installations

This major revision, dated 12 May 2022—

- o Changes the title of the regulation from Private Organizations on Department of the Army Installations to Support for Non-Federal Entities Authorized to Operate on Department of the Army Installations (cover).
- o Clarifies that the regulation does not cancel any specific agreements in place with the U.S. Government and the regulation does not apply to certain organizations (para 1–6).
- o Includes policy on home-based businesses (para 2–3).
- o Establishes policy on support to veterans service organizations and military service organizations (para 2–5).
- o Adds an internal control evaluation (app B).
- o Updates policy in accordance with DoDI 1000.15 (throughout).
- o Incorporates Army Directive 2018–29, Non-Federal Entity Competition with Appropriated and Nonappropriated Fund Activities on Army Installations (throughout).
- o Incorporates Department of the Army General Order 2019–23, Redesignation of the Assistant Chief of Staff for Installation Management as the Deputy Chief of Staff, G–9 (throughout).
- o Supersedes AR 930–1, dated 16 July 2004.
- o Supersedes AR 930–5, dated 1 February 2005.

Installations

Support for Non-Federal Entities Authorized to Operate on Department of the Army Installations

By Order of the Secretary of the Army:

JAMES C. MCCONVILLE
General, United States Army
Chief of Staff

Official:



MARK F. AVERILL
Administrative Assistant to the
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History. This publication is a major revision.

Summary. This regulation implements DoDI 1000.15, which provides procedures and support for Non-Federal Entities authorized to operate on DoD installations.

Applicability. This regulation applies to the Regular Army, the U.S. Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated.

Proponent and exception authority.

The proponent of this regulation is the Deputy Chief of Staff, G–9. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific requirements.

Army internal control process.

This regulation contains internal control provisions in accordance with AR 11–2

and identifies key internal controls that must be evaluated (see appendix B).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Deputy Chief of Staff, G–9 (DAIN–ISS), 600 Army Pentagon, Washington, DC 20310–0600.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Deputy Chief of Staff, G–9 (DAIN–ISS), 600 Army Pentagon, Washington, DC 20310–0600.

Distribution. This regulation is available in electronic media only and is intended for the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

Contents (Listed by paragraph and page number)

Chapter 1

General, page 1

Purpose • 1–1, *page 1*

References and forms • 1–2, *page 1*

Explanation of abbreviations and terms • 1–3, *page 1*

Responsibilities • 1–4, *page 1*

Records management (recordkeeping) requirements • 1–5, *page 2*

Restrictions • 1–6, *page 2*

General principles • 1–7, *page 2*

Prohibitions • 1–8, *page 2*

Chapter 2

Requirements for On-Post Operation, page 3

Commander's approval • 2–1, *page 3*

Non-Federal Entity application requests, required documentation, and reviews • 2–2, *page 3*

Home-based businesses • 2–3, *page 4*

Installation recreational and educational Non-Federal Entities • 2–4, *page 5*

*This regulation supersedes AR 210–22, dated 22 October 2001, AR 930–1, dated 16 July 2004, and AR 930–5, dated 1 February 2005.

Contents—Continued

Veterans Affairs-recognized veterans service organizations and military service organizations providing Veterans Affairs-accredited representation services • 2–5, *page 5*

Chapter 3

Support of Non-Federal Entities, *page 6*

Support to off-installation organizations • 3–1, *page 6*

Funding • 3–2, *page 6*

Authorized space and support services for approved on-base Non-Federal Entities • 3–3, *page 6*

Chapter 4

Participation by Army Military or Civilian Personnel in Non-Federal Entities' Operations or Activities that Operate on Army Installations, *page 6*

Scope • 4–1, *page 6*

Limitations on support to Non-Federal Entities • 4–2, *page 7*

Limitations on Army personnel support • 4–3, *page 7*

Chapter 5

Restrictions on Non-Federal Entities Approved to Operate on Army Installations, *page 8*

General restrictions on approved organizations • 5–1, *page 8*

Insurance • 5–2, *page 8*

Audit • 5–3, *page 8*

Compliance with Federal, State, and local laws • 5–4, *page 8*

Membership and employment practices • 5–5, *page 9*

Visitor vetting and installation access • 5–6, *page 9*

Chapter 6

American National Red Cross, *page 9*

Mission and support • 6–1, *page 9*

Coordination and functions • 6–2, *page 9*

Audit • 6–3, *page 9*

Chapter 7

United Service Organizations, *page 10*

Mission and support • 7–1, *page 10*

Coordination and functions • 7–2, *page 10*

Professional entertainment • 7–3, *page 10*

Appendixes

A. References, *page 11*

B. Internal Control Evaluation, *page 14*

Glossary

Chapter 1

General

1–1. Purpose

This regulation establishes policy and responsibilities for the operation of Non-Federal Entities (NFEs) on Army installations. The membership of these organizations consists of individuals acting exclusively outside the scope of an official capacity as officers, employees, or agents of the Federal Government. NFEs include State, interstate, Indian tribal, or local government, as well as private organizations and home-based businesses (HBBs). This regulation addresses only NFEs that operate on Army installations with the express consent of the senior commander (SC) or designated authority.

1–2. References and forms

See appendix A.

1–3. Explanation of abbreviations and terms

See glossary.

1–4. Responsibilities

a. The Secretary of the Army (SECARMY) is the DoD Executive Agent (EA) for supporting scouting organizations and the American National Red Cross (ANRC) (see DoDD 1000.26E). The SECARMY has delegated this authority to the Assistant Secretary of the Army Manpower and Reserve Affairs (ASA M&RA). The ASA (M&RA) will—

(1) Perform the audit of ANRC accounts and prepare and submit the annual report, see Title 36, United States Code, Chapter 3001 (36 USC 300110) and DoDI 1000.15.

(2) Coordinate support to the Boy Scouts of America and Girl Scouts of the United States of America in accordance with DoDI 1015.09 and DoDD 1000.26E.

(3) Provide necessary deployment support to ANRC according to an approved DoD and ANRC memorandum of agreement (MOA) (available at www.militaryonesource.mil). Initially, the Army will cover costs, except those paid by the ANRC, and be reimbursed by the entity directly benefiting from the ANRC support.

(4) Designate a point of contact to coordinate matters regarding the DoD EA responsibilities, functions, and authorities.

b. The Deputy Chief of Staff (DCS), G–9 is responsible for general staff supervision and policy determinations concerning relationships between the Army and the NFE.

c. Commanding General (CG), U.S. Army Materiel Command (AMC) will—

(1) Establish operating procedures for implementing DoDI 1000.15 for all installations managed by AMC.

(2) Serve as Army coordination official with ANRC headquarters to provide deployment support to ANRC personnel.

(3) Publish implementing guidance for HBBs to use when applying for approval to operate an HBB on Army installations.

(4) Provide DCS, G–9, results of the Internal Control Evaluation, including DA Form 11–2 (Internal Control Evaluation Certification), evaluation results, and corrective actions, at least once every 5 years.

d. Commanders of Army commands (ACOMs), Army service component commands (ASCCs), and direct reporting units (DRUs) will establish operating procedures for implementing DoDI 1000.15 for all installations not managed by AMC.

e. SCs of installations will—

(1) Incorporate inspections of local procedures and practices as part of the organization inspection program.

(2) Ensure that Army personnel and NFEs operating on their installations comply with this regulation (see app B).

(3) Terminate NFE operations on the installation when an NFE does not adhere to Army policies and procedures.

(4) Ensure that military and civilian personnel working on the installation are informed of restrictions concerning relationships with NFEs.

(5) Ensure that NFE requests for access, support, and fundraising opportunities receive legal review.

(6) Respond in writing with a decision to all requests from NFEs for installation access or support.

(7) Appoint an installation representative to maintain a list of NFEs authorized installation access and serve as a liaison to these organizations.

(8) Review written HBB requests to operate on an Army installation, or delegate this authority to the garrison commander, but retain appellate authority.

(9) Use official command communication channels to inform the installation community about the availability of services and support provided by NFEs on the installation.

1–5. Records management (recordkeeping) requirements

The records management requirement for all record numbers, associated forms, and reports required by this regulation are addressed in the Records Retention Schedule–Army (RRS–A). Detailed information for all related record numbers, forms, and reports are located in Army Records Information Management System (ARIMS)/RRS–A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS–A, see DA Pam 25–403 for guidance.

1–6. Restrictions

a. This regulation does not cancel any specific agreements between an organization and the U.S. Government, DoD, or Department of the Army (DA). DoD policies contained in DoDD 1000.26E, DoDI 1000.15, and the Joint Ethics Regulation (JER) are implemented in this regulation and binding on all Army installations.

b. This regulation does not apply to the following:

(1) Off-post organizations (see AR 360–1 for support to off-post nonappropriated fund instrumentalities (NAFIs) and AR 165–1 for chapel organizations operating as extensions of the Army Chapel Program).

(2) Banks or credit unions addressed in DoDI 1000.11.

(3) The Civil Air Patrol (see 10 USC 9491 and 36 USC Chapter 403).

1–7. General principles

a. This regulation will not revise, modify, or rescind any existing memorandums of understanding (MOU(s)) between an NFE and the U.S. Government or the DoD, or their implementing arrangements.

b. Consistent with mission requirements and security constraints, and within existing resources, SCs are strongly encouraged to permit NFEs to function on installations under commander’s jurisdiction for the purpose of providing services to Soldiers, Families, retirees, and DA Civilians (DACs). Such support may be provided only when it can be offered within the capability of the SC without detriment to the commander’s ability to fulfill the military mission.

c. SCs should consider the nature of the services provided by an NFE and the needs of the installation when determining whether to permit an NFE to function on an installation and whether to authorize the use of available space or logistical support.

d. Overseas SCs may not allow support or apply access control approval procedures that violate restrictions contained in applicable status of forces agreements, treaties, or laws.

e. DoD support for NFEs will be in accordance with relevant statutes, as well as the JER (DoD 5500.7–R).

f. SCs should recognize that NFE support of Service members and their Families can be important to their welfare.

g. The NFE’s mission must be compatible with the primary mission of the installation (and DA) and provide for congressionally authorized support to NFE on DoD installations.

h. Preferential treatment is prohibited.

i. Official sanction, endorsement, or support by any DoD personnel, except as authorized by the JER and applicable laws, is prohibited.

j. SCs may authorize in writing the logistical support for events, to include fundraising, sponsored by NFEs covered by this regulation and DoDD 1000.26E.

1–8. Prohibitions

a. SCs may coordinate with NFEs in order to support appropriated fund (APF) or nonappropriated fund (NAF) activities on DoD installations so long as the support provided by NFEs does not compete with APF or NAF activities in accordance with AR 215–8 and AR 215–1. The sales or services generated by an HBB generally do not compete with an installation’s officially sanctioned commerce. When they appear to compete, the SC may consider HBBs an acceptable ‘supplement’ to military exchanges and morale, welfare, and recreation (MWR) programs, or resale activities, as appropriate in the SC’s discretion.

b. An NFE is not entitled to sovereign immunity and the privileges given to Federal entities and instrumentalities.

c. NFEs 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.

d. To prevent the appearance of official sanction or support by the DoD, NFEs may not use the seals, logos, or insignia of the DoD, or any DoD component, organizational unit, or installation on organization letterhead, correspondence, titles, or in association with organization programs, locations, or activities in accordance with AR 210–7.

e. NFEs operating on DoD installations may use the name or abbreviation of the DoD, a DoD component, organizational unit, or installation in its name provided that its status as a NFE is apparent, unambiguous, and there is no appearance of official sanction or support by the DoD. The following applies:

(1) The NFE must have written approval from the appropriate DoD organization whose name or abbreviation is to be used before using the name or abbreviation.

(2) Any use of the name or abbreviation of a DoD component, organizational unit, or installation must not mislead members of the public to assume an NFE is an organizational unit of the DoD.

(3) An NFE must prominently display the following disclaimer on all print and electronic media mentioning the entity's name, confirming that the entity is not a part of the DoD: "THIS IS A NON-FEDERAL ENTITY. IT IS NOT A PART OF THE DEPARTMENT OF DEFENSE OR ANY OF ITS COMPONENTS AND IT HAS NO GOVERNMENTAL STATUS." This disclaimer must also be provided in appropriate oral communications and public announcements when the name of the entity is used.

f. Subject to 10 USC 1033 and the JER, there is no official relationship between NFE activities and the official duties and responsibilities of Army personnel who are NFE members or participants in their personal capacities.

g. NFEs are not part of the military and only receive limited government supervision. The loan of government resources does not create a government obligation or liability for NFE activities.

h. Only the NFE can choose its specific functions and expenditures. DoD personnel acting in an official capacity will not influence these choices. Likewise, DoD personnel are not authorized to participate in daily management for an NFE, or authorized to act as a fiduciary for an NFE.

i. NFEs operate on a financially and operationally self-sustaining basis.

j. The Federal Government and its NAFIs do not have any vested interest in the assets of an NFE, will not make any claim to NFE assets, or incur or assume any obligation of an NFE.

k. Soldiers and DA Civilian employees will not be assigned to work for NFEs as an official duty.

l. Prohibited Use. Army personnel will not be used in the following roles:

- (1) Ushers.
- (2) Bag handlers.
- (3) Guards.
- (4) Escorts at beauty pageants or similar events.
- (5) Messengers.
- (6) Attendants for parking lots.

Chapter 2

Requirements for On-Post Operation

2–1. Commander's approval

a. NFEs must request and receive written permission from the SC before operating on Army installations. Each Army installation will designate an office for all NFE applications. Installations must process applications as consistently and expeditiously as possible, but the process should not exceed 60 days.

b. Persons who reside in Family housing on an Army installation and work remotely out of their residence (such as consultant, freelance artist, or teleworker), or who operate their own business exclusively through online means are not considered HBBs and do not require approval to operate.

2–2. Non-Federal Entity application requests, required documentation, and reviews

a. *Request requirements.* NFEs requesting access to the installation must submit a written request to the SC that includes the following:

(1) A statement that indicates that neither the installation, nor the Government, will have any liability for the NFE's actions or debts.

(2) A statement that acknowledges the SC may revoke permission to operate at any time.

(3) A statement that acknowledges an approval to operate expires in 2 years and may be renewed biennially upon an NFE's request, subject to the SC's approval.

(4) A statement that confirms current and future NFE personnel and volunteers who have regular contact with children under 18 years of age on the installation have undergone appropriate background checks.

(5) NFEs may request support for multiple or recurring events in a single letter.

b. Application. The NFE written application will include the following:

- (1) A charter, articles of agreement, constitution, bylaws, or other authorization documentation acceptable to the SC (if affiliated with a national, regional, or state organization, the NFE will include evidence of affiliation).
- (2) The NFE's purpose, functions, objectives (including planned use of funds), and activities.
- (3) An explanation of membership eligibility and responsibilities for all management functions (including accountability of assets, coverage, and limitation of insurance, and disposition of remaining assets on breakup of the NFE).
- (4) A statement of the NFE's liability, if assets are not enough to cover all NFE liabilities. The statement of liability will include a provision that all State and jurisdictional laws are met. Also, it will address the extent of the NFE members' personal liability for debts of, or claims against, the NFE.
- (5) Agreement to reimburse the Army for utility expenses, unless use is incidental (would cost more to bill and collect than it costs to provide the utility).
- (6) A statement that the NFE will neither propagate extremist activities, nor advocate violence against others, or the violent overthrow of the Government.
- (7) A statement that NFE activities will not seek to deprive individuals of their civil rights.
- (8) NFEs must provide a statement that they will not engage in any form of partisan political activity as defined by DoDD 1344.10.

c. Evaluation. Evaluating requests for access to military installations and use of facilities is at the discretion of the SC and based on public law, executive order, DoD directives, DoD instructions, MOUs, and ARs.

d. Conditions.

- (1) All initial requests and revalidations will be reviewed by the primary installation legal advisor.
- (2) Approval is granted or denied based on local conditions, demonstrated need for the NFE's services, compatibility with the Army's interest and policies, and legal review.
- (3) Requests will include documentation identifying the NFE's organization, charter, constitution, or by-laws and membership, objectives, and activities.
- (4) Approvals are for 2 years, unless cancelled by either party.
- (5) Revalidation requests to the SC must be no less than 90 days before expiration of current approval (commanders may establish longer suspense times).
- (6) Requests will include documentation of any changes from its current approval.
- (7) Notification of termination by either party will be in writing. On termination, commanders may require written agreements that any abandoned NFE's assets will be considered abandoned to the installation. The SC has final approval over their disposition.
- (8) Reviews ensure that individual members do not personally profit from NFE income, except through—
 - (a) Salaries and wages as NFE employees.
 - (b) Award recognition for services rendered to the organization or community.
 - (c) Membership in an investment club, as defined in the glossary.
- (9) See paragraph 2–3 for the application process for HBBs.

2–3. Home-based businesses

a. HBBs are NFEs that authorized residents own or operate to offer sales or services from within their residence on an Army installation in accordance with AR 420–1.

b. SCs should approve HBB requests that meet all local licensure and legal requirements and those that operated at a previous duty station that meet all current requirements. In no case should the SC approve an HBB at the expense of the safety, community tranquility, or good order and discipline of an Army installation.

c. Local government licensing requirements, host nation requirements, status of forces agreements, military postal service restrictions, and installation advertising practices must be considered when deciding whether to approve HBB applications. HBB owners are responsible for obtaining and maintaining necessary licenses.

d. Procedures for establishing a HBB are:

- (1) The prospective HBB owner must request permission to establish and operate an HBB on an Army installation in writing to the senior commander or designee.
- (2) Each installation will designate a point of entry for all HBB applications. Spouse employment is paramount to financial readiness. Installations must process HBB applications as consistently and expeditiously as possible but the process should take no more than 60 days.
- (3) The HBB owner is responsible for obtaining the necessary permissions, licenses (if applicable), and liability insurance. The HBB owner also is responsible for any damages to third parties arising from the conduct of the business.

(4) Personnel desiring to provide childcare in on-post housing must register with the installation Child, Youth, and School Services office as part of the Family Child Care (FCC) provider system. FCC providers contribute directly to unit readiness. Accordingly, the installation should expedite FCC applications whenever possible.

(5) HBB owners residing in privatized on-post housing must obtain approval to operate in writing from the community manager before submitting a request to the senior commander.

(6) HBB owners may request minor modifications to their housing unit to facilitate successful operation of their business. The HBB owner will bear the costs of such modifications except when the requested modifications match upgrades required for meeting current safety or building codes. If required, the HBB owner also will bear the cost for restoring the housing unit to its original configuration.

(7) In Government-owned housing, the HBB owner will reimburse the Army for the cost of utilities at a rate jointly established by a command representative and the HBB owner. The installation may waive utility charges when they are minimal and do not warrant reimbursement.

(8) HBB owners must comply with the advertising restrictions outlined in AR 210–7, as well as any installation policy letters and community guidelines addressing the same.

2–4. Installation recreational and educational Non-Federal Entities

a. NFEs operating as bona fide extensions of APF or NAF recreational or educational activities need not fulfill the procedural requirements of paragraph 2–2, although they are subject to all other provisions of this regulation, such as:

(1) Bowling leagues, little league organizations, and other recreational NFEs that operate in coordination with the MWR staff and child and youth school services (see AR 215–1 for recreational clubs that are MWR activities and not NFEs).

(2) Organizations formed and operated in conjunction with schools on an installation that operate under the administrative supervision of a school faculty/staff member (examples include, but are not limited to, school drama clubs, language clubs, National Honor Societies, and Key Clubs.)

(3) Organizations formed and operated in conjunction with Family services on an installation that operate under the administrative supervision of an Army Community Service staff member.

b. The SC will approve and prescribe local guidance for such operations.

2–5. Veterans Affairs-recognized veterans service organizations and military service organizations providing Veterans Affairs-accredited representation services

a. Pursuant to 10 USC 2670, SCs will allow accredited, paid, full-time representatives of qualifying veterans service organizations (VSOs) and military service organizations (MSOs), or other Secretary of Veterans Affairs (SVA)-recognized organizations to function on Army installations under the commander's jurisdiction to assist in the preparation, presentation, and prosecution of claims under laws administered by the SVA. Voluntary or part-time accredited representatives that are VSO and MSO-approved, and recognized by the VA, are to be treated in the same manner.

b. Consistent with the law, SCs will allow qualifying VSO and MSO representatives to use space and associated services on an "as available" basis within existing resources, mission and regulatory requirements, and security constraints.

(1) Installation services provided without charge may include existing lighting, heating, cooling, electric, office furniture, office machines and equipment, local telephone service, internet service, and other information technology services (including installation of lines and equipment, connectivity, and other associated services), and security systems (including installation and other associated expenses).

(2) Use of available space and services for the purpose of preparing, presenting, and prosecuting claims under laws administered by the Department of Veterans Affairs (DVA) need not be authorized on an exclusive and continuous basis. Space and service may be rotated among qualifying and approved VSO/MSO representatives using a "business center" or other appropriate model.

(3) VSO/MSO access, available space, and services may not be used for VSO/MSO fundraising or recruitment, the performance of VSO/MSO internal, administrative, or back-office functions of the VSO/MSO, or for provision of any service for which the VSO/MSO charges a fee, admission fee, or other charge.

c. Soldiers will not be compelled to participate in VSO or MSO presentations or events.

d. VSO and MSO activities other than providing VA representation services will be treated as any other nonprofit NFE.

Chapter 3

Support of Non-Federal Entities

3–1. Support to off–installation organizations

Support to NFEs off the installation is governed by AR 360–1 and the JER.

3–2. Funding

a. NFEs approved to operate on the installation must be self-sustaining and will not receive any APF or NAF financial assistance in the form of contributions, repairs, services, dividends, or other donations of money or other assets. APF and NAF funds and other assets will not be transferred to any NFE, directly or indirectly, unless there is legislative authority.

b. APF and NAF activities may not incur or assume any obligation of any NFE, except those obligations that arise out of contractual relationships.

c. Fundraising on Army property is governed by the JER and AR 600–29. SCs are responsible for developing local procedures for approving NFE fundraising.

d. NFEs affiliated with the Combined Federal Campaign (CFC) are limited to fundraising within the context of the CFC.

e. Fundraising among an NFE’s own members, for the benefit of its members and/or their dependents, and when approved by the SC, is permissible.

3–3. Authorized space and support services for approved on-base Non-Federal Entities

a. The JER sets out the criteria and requirements that are met before—

(1) Participating in NFE events.

(2) Providing limited logistical support, including speakers.

b. SCs may allow organizations to use Army real estate (including utilities and in-place equipment) under license or lease agreements, in accordance with AR 405–80 and the JER, when in the best interest of the Army.

c. *Authorized support services.* SCs may provide available office furniture, machines, and equipment, as well as, lighting, heating, cooling, electricity, internet services, and local telephone service.

d. *Prohibited services.* NFE organizations will not use installation legal, audit, transportation, postal, printing, information management activities, clerical, financial, copying, management, or procurement services.

e. *General.* Decisions will be based on available space with existing resources and avoid any detriment to the military mission or security. SCs may allocate underutilized space, but shall not create new space, make renovations to existing space, or allocate space in decommissioned facilities, or those scheduled for demolition.

(1) *License.* Use may be granted by means of a revocable-at-will license when NFE 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, or restrict, the normal use of the facility by other users.

(2) *Lease.* Use may be granted by lease when the NFE 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 is determined by the U.S. Army Corps of Engineers’ district engineer).

f. Fiscal and logistical support for U. S. scouting organizations (the Girl Scouts of the United States of America and the Boy Scouts of America) operating on overseas U.S. military installations is outlined in DoDI 1015.09.

g. All requests to the SC must receive a legal review before any support is granted to an NFE.

Chapter 4

Participation by Army Military or Civilian Personnel in Non-Federal Entities’ Operations or Activities that Operate on Army Installations

4–1. Scope

This chapter does not apply to Army military or civilian personnel participating in organizations as individuals, acting outside their official capacities as employees of the Federal Government. Such membership or participation is permissible as long as it complies with laws (including the Hatch Act and the Anti-Lobbying Act) and regulations that prohibit Soldiers and Civilian employees from engaging in activities inconsistent with their Government employment. In accordance with the JER, Army personnel will consult with their ethics advisor prior to NFE participation, in either

a personal or official capacity, to include serving on an NFE Board, as an advisor to the NFE, and/or as an official liaison to the NFE.

4–2. Limitations on support to Non-Federal Entities

a. Official capacities. Army personnel may not endorse an NFE or provide preferential treatment to one NFE over another.

b. Preferential treatment. Officials may describe various organizations and their goals, objectives, and activities; however, they will not favor or advocate one NFE over another.

c. Accommodations. The accommodation of one organization over another will be avoided, and there will be no preferential treatment or the appearance of favoritism.

(1) What the Army permits one organization to do, it must be ready to permit other similar types of NFEs to do. A SC's selection among the various requests received should reflect the commander's determination on the most pressing needs of Soldiers, Families, and DACs in which NFEs are best positioned to meet those needs. It may be necessary for a commander to limit approvals for access to those who can be supported within the capabilities of the installation. In these cases, the SC must employ a rational, nondiscriminatory means for approving requests. Methods may include first-come/ first-served, random drawing, or other nondiscriminatory means.

d. APF and NAF may not be expended, transferred, or other assets given to an NFE, except as authorized by law.

e. SCs may acquire property and other NFE assets for the installation when NFE property is—

(1) Abandoned by an NFE due to its disestablishment or departure from the installation.

(2) Given to the installation by the NFE. Bona fide, unsolicited gifts may be accepted from an NFE as a donation to the government (see AR 1–100) or a gift to a NAFI (see AR 215–1).

4–3. Limitations on Army personnel support

a. Army employees will not use their titles, offices, or positions in connection with their personal participation in an NFE, or officially endorse an organization and its activities.

b. Army employees will not endorse or appear to endorse membership drives or fundraising for any NFE except for the CFC, Army Emergency Relief, Navy-Marine Corps Relief Society, Air Force Assistance Fund and Office of Personnel Management-approved emergency and disaster appeals.

c. Giving the appearance that membership in certain organizations is officially sanctioned by the Government will be avoided.

d. Officer professional development, noncommissioned officer professional development, or other official settings will not be used as occasions for promoting any specific NFE or its products. (One example of implied Army endorsement is allowing certain NFEs to conduct briefings, routinely, at official functions, or mandatory training.)

e. Army personnel will not create, operate, or administer an NFE in an official capacity, or on behalf of an official purpose.

f. Army officials perform oversight of organizations allowed to meet on Army property only to the extent necessary to ensure compliance with DoD and Army policy.

g. If an individual has questions about the ethical, legal, or regulatory constraints on participation in an NFE, that individual will consult with the appropriate ethics counselor or legal advisor.

h. Employees will not coerce, influence, or compel other employees to join NFEs. Participation is a personal decision.

(1) Subordinates will not be appointed as points of contact for an NFE membership drive, nor may privileges be awarded, or taken away, for the participation or membership in an NFE.

(2) Subordinates will not be encouraged to participate in a particular NFE either in a formation, on Army letterhead, or by any other official action.

(3) Subordinates will not be asked to explain a decision not to join or participate in NFE activities.

(4) Subordinate will not be required to attend meetings to learn about and/or join an NFE.

(5) Membership or non-membership lists will not be maintained at any command or staff level.

i. Employees may participate in their official capacities as speakers and panel members at conferences, seminars, or similar events sponsored by NFEs subject to limitations in 31 USC 1345, JER, and applicable public affairs regulations (speeches are not precluded when an official DoD position is expressed in a public forum).

j. An officer or civilian employee who is an NFE officer or director will not participate in official Army matters affecting the financial interests of that NFE, even though someone else makes the final decision (see 18 USC 208).

(1) If an Army employee is an NFE officer, director, or employee, the employee will not participate as an Army official in such matters as—

(a) Permitting the organization to use space on an installation.

- (b) Engaging in cooperative efforts with the organization.
 - (c) Approving or recommending approval of other employees' temporary duty (TDY) or permissive TDY to attend a training seminar sponsored by the organization.
 - (d) Determining agency interest for an employee to attend a "widely attended gathering" sponsored by the organization.
 - (e) Approving an employee's acceptance of travel benefits under 31 USC 1353.
- (2) Generally, officers and civilians will not personally seek official action on behalf of NFEs (see 18 USC 205). However, when the organization is composed primarily of Federal employees and their dependents, they may represent such organizations before Army representatives in some instances (though the advice of their ethics counselor should be sought before they engage in any such representational activities).
- k. Under the limited circumstances discussed in the JER, employees may be given time off without being charged leave and may use some Government resources in their personal participation with NFEs (such as writing a paper for a professional association) (see JER, para 3–300b).
- l. DoD employees, in their personal capacity, may join and participate in organizations. When efforts do not imply Army endorsement and when no official time or resources are used, unofficial efforts to support fundraising outside the workplace and off of Army installations is permissible.

Chapter 5

Restrictions on Non-Federal Entities Approved to Operate on Army Installations

5–1. General restrictions on approved organizations

- a. NFEs will not conduct activities that—
 - (1) Prejudice or discredit the Army, DoD, or the Federal Government in any way.
 - (2) Impose a financial obligation on the Army or any NAFI.
 - (3) Duplicate and/or compete with authorized Army or NAFI activities.
- b. NFEs will not be created, operated, or administered for commercial or monetary purposes (except for investment clubs).
- c. NFEs will not engage in the distribution or sale of alcoholic beverages at any time on the installation.
- d. NFEs will comply with fire and safety regulations, environmental laws, tax codes, and other applicable statutes and regulations.

5–2. Insurance

- a. NFEs will obtain adequate insurance as protection against public liability, claims, property damage claims, or other legal actions arising from NFE activities, one or more of the NFE's members acting on its behalf, or the operation of any equipment, apparatus, or device under the control and responsibility of the NFE. The HBB owner is responsible for obtaining the necessary permissions, applicable licenses, liability insurance, and any damages to third parties arising from the conduct of the business.
- 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.

5–3. Audit

- a. NFEs with gross annual revenue of \$1,000 or more will arrange for an audit at least once every 2 years, at their own expense, and will provide the audit to the Army installation NFE point of contact (on change of NFE treasurer, an audit will be conducted, regardless of the time elapsed since the last audit). NFEs with financial statements audited annually by their national headquarters may submit a copy of such an audit rather than applying the following provisions:
- b. NFEs using a double-entry accounting system will have audits done by a qualified auditor.
- c. NFEs using a single-entry accounting system are audited as follows:
 - (1) Audits of income from contributions, dues, and assessments may only be conducted by either an NFE member who holds no office and is at least 18 years of age, or by a qualified auditor.
 - (2) When an NFE engages in resale or other fundraising activities, the audit will be performed by either an appointed committee of three NFE members who hold no office, or by a qualified auditor.

5–4. Compliance with Federal, State, and local laws

- a. NFEs are not exempt from State or local laws because they operate on Federal property.

b. NFEs will obtain licensing, certification, or registration of NFE activities if required by State, local, or foreign authorities where the installation is located. The HBB owner is required to comply with, and is subject to, inspection by the appropriate city, county, State, or Federal agency, office, or department for compliance with applicable laws, codes, regulations, and requirements.

c. NFEs will comply with all Federal, State, and local tax laws and codes.

5–5. Membership and employment practices

NFEs will not unlawfully deny membership, unlawfully exclude from participation, or otherwise subject to unlawful discrimination, any person because of race, color, religion, sex, national origin, reprisal, disability, age, sexual orientation, gender identity, status as a parent, or other impermissible basis.

a. The above paragraph does not preclude the following:

(1) The existence of religious, cultural, or ethnic NFEs when—

(a) Membership is not restricted or discriminatory; and

(b) Similar religious, cultural, or ethnic NFEs are approved without preference.

(2) Approval by the SC for the operation of certain NFEs that restrict membership to one sex, when one or more of apply (examples include women's and/or men's sport clubs, women's and/or men's civic associations, and boy/girl scouting organizations).

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

(b) The NFE's purpose is to benefit one sex, and its membership is composed of that sex.

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

b. NFE membership campaigns and recruitment practices must not involve, or give the appearance of involving compulsion, coercion, reprisal, or influence.

c. NFEs will comply with applicable laws that apply to private sector employment.

5–6. Visitor vetting and installation access

a. In order to receive visitors' badges and installation access, NFE members, employees, and volunteers are subject to visitor vetting and fitness determinations in accordance with AR 190–13.

b. Approved access privileges (visitor badges) do not extend to the use of installation services, such as commissary, exchanges, or MWR activities by individuals who are not otherwise authorized patrons.

Chapter 6

American National Red Cross

6–1. Mission and support

DoD's support of ANRC's mission is outlined in the DoD and ANRC MOA available at <https://www.military-onesource.mil>. The statutory authorizations that allow the ANRC to operate on an Army installation are 10 U.S.C. 2552 and 10 U.S.C. 2602.

6–2. Coordination and functions

a. All requests for ANRC personnel to accompany U.S. Forces into theater operations will be forwarded to AMC for coordination with the ANRC National Headquarters.

b. AMC will manage and monitor military support, fund ANRC personnel travel to and from the area of operations, and coordinate and prepare ANRC personnel for their deployment and return.

c. ANRC National Headquarters is responsible for providing staff and managing and monitoring ANRC operations in the field.

d. The Army Area Support Command, G–1/AG provides logistical and life support to the ANRC personnel.

6–3. Audit

Pursuant to 36 U.S.C. § 300110, ANRC shall submit a report on its activities as soon as practicable after the end of its fiscal year to the Secretary of Defense, including a complete, itemized report of all receipts and expenditures.

a. Pursuant to DoDD 1000.26E, paragraph 1.4., ANRC's annual report shall be submitted to the SECARMY as the DoD Executive Agent. The Secretary of the Army shall audit the report and submit a copy of the audited report to Congress.

b. Pursuant to 36 U.S.C. §300110(c), the ANRC reimburses the Secretary of the Army each year for auditing its accounts. The amount reimbursed shall be deposited in the Treasury of the United States as a miscellaneous receipt.

Chapter 7

United Service Organizations

7–1. Mission and support

The United Service Organizations, Inc.'s (USO) mission is to provide services to military members and their families, enhance their quality of life, and to create a partnership between the U.S. military and civilian communities worldwide. The USO's statutory authorization to operate on an Army installation is 36 USC Chapter 2201. The DoD may provide support to the USO's mission as outlined in the DoD and USO MOU available at <https://www.militaryonesource.mil>.

7–2. Coordination and functions

a. It is DA policy to make resources, other than direct expenditure of funds, available to the USO, to the maximum extent permitted by law.

b. Commanders may make their facilities available to the USO on a no-cost basis when USO programs are for the benefit of the men and women of the Armed Forces, in accordance with the DoD and USO MOU.

c. Duplication of service conflicts between the USO and the MWR program will be forwarded through command channels to ASA (M&RA), for resolution by the Office of the Secretary of Defense for Personnel and Readiness.

7–3. Professional entertainment

a. The Secretary of the Air Force is the DoD Executive Agent responsible for conducting the Armed Forces Entertainment Program (see DoDD 1000.26E; DoDI 1330.13; and Air Force Instruction 34–126).

b. The USO is recognized as the principal, but not exclusive, civilian agency for procuring celebrity entertainment for the U.S. Armed Forces.

Appendix A

References

Section I

Required Publications

Army publications are available on the Army Publishing Directorate website at (<https://armypubs.army.mil/>). DoD regulations are available at (<https://www.esd.whs.mil/dd/>). Air Force publications are available at (<https://www.e-publishing.af.mil/>).

AFI 34–126

Armed Forces Entertainment Program (Cited in para 7–3a.)

AR 1–100

The Army Gift Program (Cited in para 4–2e(2).)

AR 165–1

Army Chaplain Corps Activities (Cited in para 1–6b(1).)

AR 190–13

The Army Physical Security Program (Cited in para 5–6a.)

AR 215–1

Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities (Cited in para 1–8a.)

AR 360–1

The Army Public Affairs Program (Cited in para 1–6b(1).)

AR 405–80

Management of Title and Granting Use of Real Property (Cited in para 3–3b.)

AR 600–29

Fund-Raising Within the Department of the Army (Cited in para 3–2c.)

DoD 5500.7–R

Joint Ethics Regulation (Cited in para 1–7e.)

DoDD 1000.26E

Support for Non-Federal Entities Authorized to Operate on DoD Installations (Cited in para 1–4a).

DoDI 1000.15

Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations (Cited in title page.)

DoDI 1015.09

Professional U.S. Scouting Organization Operations at U.S. Military Installations Overseas (Cited in para 1–4a(2).)

Section II

Related Publications

A related publication is a source of additional information. The user does not have to read it to understand this regulation. Army publications are available on the Army Publishing Directorate website at (<https://armypubs.army.mil/>). DoD publications are available at (<https://www.esd.whs.mil/dd/>). Federal Acquisition Regulations are available at (<https://www.acquisition.gov/>). United States Code is available at (<https://uscode.house.gov/>).

AD 2018–29

Non-Federal Entity Competition with Appropriated and Nonappropriated Fund Activities on Army Installations

AR 11–2

Managers' Internal Control Program

AR 25–30

Army Publishing Program

AR 210–7

Personal Commercial Solicitation on Army Installations

AR 215–8

Army and Air Force Exchange Service Operations

AR 420–1

Army Facilities Management

AR 930–1

Army Use of United Service Organizations, Inc., Services

AR 930–5

American National Red Cross Service Program and Army Utilization

DA Pam 25–403

Guide to Recordkeeping in the Army

DoDI 1000.11

Financial Institutions on DoD Installations

DoDI 1330.13

Armed Forces Entertainment Program

DoDI 4000.19

Support Agreements

FAR, Part 46

Quality Assurance

10 USC 1033

Participation in management of specified Non-Federal Entities: authorized activities

10 USC 2552

Equipment for instruction and practice: American National Red Cross

10 USC 2554

Equipment and other services: Boy Scout Jamborees

10 USC 2602

American National Red Cross: cooperation and assistance

10 USC 2606

Scouting: cooperation and assistance in foreign areas

10 USC 2670

Use of facilities by private organizations; use as polling places

10 USC 9491

Status as federally chartered corporation; purposes

18 USC 205

Activities of officers and employees in claims against and other matters affecting the Government

18 USC 208

Acts affecting a personal financial interest

31 USC 1345

Expenses of meetings

31 USC 1353

Acceptance of travel and related expenses from non-Federal sources

36 USC Chapter 403

Civil Air Patrol

36 USC Chapter 2201

United Service Organizations, Incorporated

36 USC 300110

Annual report and audit

Section III

Prescribed Forms

This section contains no entries.

Section IV

Referenced Forms

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate website (<https://armypubs.army.mil>).

DA Form 11–2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Forms

Appendix B

Internal Control Evaluation

B-1. Function

The functions covered by this evaluation include the operation of NAFIs on Army installations. They include key controls for obtaining permission to operate, and maintaining proper documents for oversight and good standing. This evaluation also covers restrictions on Army personnel, checking for inappropriate or questionable operation compliance with applicable laws and regulations regarding fundraising, use of Federal property, participation and membership by Federal employees and taking prudent actions to avoid situations injurious to Army interests.

B-2. Purpose

The purpose of this evaluation is to assist installations in evaluating the key management controls outlined below. It is not intended to cover all controls.

B-3. Instructions

Answers must be based on the actual testing of management controls (such as document analysis, direct observation, sampling, and simulation). Answers that indicate deficiencies must be explained and corrective actions indicated in supporting documentation. These key management controls must be formally evaluated at least once every 5 years. Certification that this evaluation has been conducted must be accomplished on DA Form 11-2.

B-4. Test questions

- a. Do NFEs operating on the installation have permission to do so from the SC?
- b. Does the command maintain documents needed for oversight and that are necessary to attest that NFE operations are in good standing?
- c. Does the installation adhere to restrictions on the use of Army personnel, both military and civilian?
- d. Are there instances that could be construed as Soldiers or DACs working for NFEs, as part of their official duty?
- e. Are instances of inappropriate or questionable NFE activities, or government employee behavior, corrected when detected?
- f. Does NFE use of government real estate conform to AR 405-80 requirements?
 - (1) Is there a license or lease agreement for property access granted to NFEs?
 - (2) Does the Army receive income due for private use of Federal property?
- g. When NFEs conduct fundraisers and are given logistical support for activities, is there a process for approving fundraising and NFE support requests, including staff judge advocate reviews, to ensure compliance with the JER (DoD 5500.7-R)?
- h. Do NFEs comply with audit and other oversight requirements?
- i. Is there command and personnel compliance with rules governing Government employee participation in NFEs?
- j. Do local ethics classes for Army personnel include discussions about proper relationships with NFEs?
- k. Are there periodic inspections of NFE documentation maintained by the command to determine accuracy and compliance?
- l. Are there periodic inspections to determine military and civilian personnel compliance with rules of ethics?
- m. Is there comprehensive enforcement of recommendations resulting from internal controls evaluations, Inspector General inspections, and other related reports?

B-5. Supersession

Not applicable.

B-6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to the DCS, G-9 (DAIN-ISS) 600 Army Pentagon, Washington, DC 20310-0600.

Glossary

Section I

Abbreviations

ACOM

Army command

AMC

U.S. Army Materiel Command

ANRC

American National Red Cross

APF

appropriated funds

ARIMS

Army Records Information Management System

ASCC

Army service component command

CFC

Combined Federal Campaign

CG

commanding general

DA

Department of the Army

DAC

Department of the Army Civilian

DCS

Deputy Chief of Staff

DRU

direct reporting unit

DVA

Department of Veterans Affairs

EA

Executive Agent

HBB

home-based business

JER

Joint Ethics Regulation

MOA

memorandum of agreement

MOU

memorandum of understanding

MSO

military service organization

MWR

morale, welfare, and recreation

NAF

nonappropriated funds

NAFI

nonappropriated fund instrumentality

NFE

Non-Federal Entity

RRS–A

Records Retention Schedule–Army

SC

senior commander

SECARMY

Secretary of the Army

SVA

Secretary of Veterans Affairs

TDY

temporary duty

USO

United Service Organizations, Inc.

VA

Department of Veterans Affairs

VSO

veterans service organization

Section II**Terms****Army installation**

A location, facility, or activity assigned to, owned, leased, controlled, or occupied by DA.

Audit

An official examination, verification, and correction of account books that shows the financial status of a Non-Federal Entity.

Double entry accounting system

A system in which both elements of each transaction (debits and credits) are as follows:

- a. Recorded separately; and
- b. Recorded during the period of occurrence.

Home-based businesses

Non-Federal Entities that authorized residents own or operate to offer sales or services from within their residence on an Army installation.

Investment club

A membership organization that pools stated amounts of funds to invest in stock or other securities. Usually, group members pledge a regular amount to be paid into the club on a scheduled basis, such as monthly or annually. Some clubs have a committee that gathers information on securities, selects the most promising, and recommends that the club invest in them. Other clubs rotate the investigator responsibilities among all their members. Most require all members to vote for or against all investments, sales, exchanges, and other transactions.

Nonappropriated fund instrumentality

Acts in its own name to provide, or assist other DoD organizations in providing MWR and other programs for military personnel, their families, and authorized civilians. It is established and maintained individually or jointly by two or more DoD components. As a fiscal entity, it maintains custody of and control over its NAFs. It is also responsible for the exercise of reasonable care to administer, safeguard, preserve, and maintain prudently those APF resources made available to carry out its function. It contributes, with its NAFs, to the MWR programs of other authorized organizational entities, when so authorized. It is not incorporated under the laws of any State or the District of Columbia and enjoys the legal status of an instrumentality of the United States.

Nonappropriated funds

Cash and other assets received by NAFIs from sources other than Congressional appropriations. NAFs are Government funds used for the collective benefit of those who generate them. These funds are separate and apart from funds that are recorded in the books of the Treasurer of the United States.

Non-Federal Entity

Self-sustaining organizations, incorporated or unincorporated, that are not an agency or instrumentality of the Federal Government.

Private organization

A self-sustaining NFE, incorporated or unincorporated, which is operated on Army and/or DoD installations with the written consent of the SC or higher authority, by individuals acting exclusively outside the scope of any official capacity as officers, employees, or agents of the Federal Government or its instrumentalities.

Qualified auditor

A public accountant or certified public accountant licensed by a State or other recognized licensing jurisdiction.

Single entry accounting system

A simple system of recording transactions on a cash basis. No inventories or accounts receivable or payable are kept (often called a combination journal system).

Status of forces agreement

International agreement that defines the status of forces while in the territory of the host country.

Section III**Special Abbreviations and Terms**

This section contains no entities.

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