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Private Organizations

Private Organizations and Fundraising Policy

*This regulation supersedes AE Regulation 210-22, 15 June 2009.

For the Director:

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Summary. This regulation provides private organization (PO) and fundraising policy for the Army in Europe.

Summary of Change. This revision updates—

- Policy on approval to operate on U.S. Forces installations (para 4b).
- Policy on German-American clubs (para 6).
- Policy on informal funds (para 15a).

Applicability. This regulation applies to—

- POs operating on U.S. Forces installations in the European theater, except for POs listed in AR 210-22, paragraph 1-1b(2).
- Informal funds and non-Family and morale, welfare, and recreation (FMWR) nonappropriated fund instrumentalities (NAFIs) operating on U.S. Forces installations in the European theater.
- Other organizations and entities that want to conduct fundraising activities on U.S. Forces installations or use military banking facilities or other logistic support in the European theater.

Supplementation. Organizations will not supplement this regulation without IMCOM-Europe (IMEU-MWD) approval.

Forms. AE and higher level forms are available through the Army in Europe Library & Publishing System (AEPUBS) at <https://aepubs.army.mil/>.

Suggested Improvements. The proponent of this regulation is IMCOM-Europe (IMEU-MWD, DSN 379-7859). Users may send suggested improvements to this regulation to IMCOM-Europe (IMEU-MWD), Unit 29055, APO AE 09081-9055.

Distribution. C (AEPUBS).

CONTENTS

SECTION I GENERAL

1. Purpose
2. References
3. Explanation of Abbreviations

SECTION II PRIVATE ORGANIZATIONS

4. Private Organization Approval Authorities
5. Membership
6. German-American Clubs
7. Recreational and Educational Private Organizations
8. Resale Activities
9. Compliance With HN Requirements
10. Support of Private Organizations

SECTION III FUNDRAISING

11. General
12. Youth and School Groups
13. Religious Fundraising
14. Organizations Exempted From the Provisions of AR 210-22
15. Fundraising Approval

Appendix

- A. References

Glossary

SECTION I GENERAL

1. PURPOSE

This regulation provides—

a. Policy and procedures for operating private organizations (POs) and conducting fundraising activities on U.S. Forces installations in the European theater.

b. Guidance to help ensure that POs and organizations that conduct fundraising activities on U.S. Forces installations comply with host-nation (HN) law, the NATO Status of Forces Agreement (SOFA), the NATO SOFA Supplementary Agreement (SA), and other international agreements.

2. REFERENCES

Appendix A lists references.

3. EXPLANATION OF ABBREVIATIONS

The glossary defines abbreviations.

SECTION II PRIVATE ORGANIZATIONS

4. PRIVATE ORGANIZATION APPROVAL AUTHORITIES

a. General.

(1) To qualify for approval as a PO in the European theater, at least 51 percent of the PO members must have “SOFA status.” Individuals with SOFA status include U.S. and Sending States’ military and civilian personnel, their accompanying dependent Family members, and employees with status under Article 71, 72, or 73 of the NATO SOFA SA.

(2) POs may not use or be provided the Army services prohibited by AR 210-22, paragraph 5-3c, unless specifically authorized by law or regulation. U.S. Government employees providing these services in a personal capacity must obtain written guidance from their servicing ethics counselor to ensure they comply with applicable laws and regulations.

b. Approval to Operate on U.S. Forces Installations.

(1) Approved POs that want to operate on a U.S. Forces installation in the European theater must obtain written approval from the United States Army garrison (USAG) commander responsible for the installation. POs that want to operate in more than one USAG must request approval from the commander of each USAG concerned.

(2) Each request to operate on a U.S. Forces installation must receive a legal review before the request is approved and each time the PO is revalidated (e below).

c. Applications. Requests for approval to operate on a U.S. Forces installation in the European theater must be submitted in writing according to AR 210-22 and this regulation. Requests must include all the information required by AR 210-22 and the following:

(1) Two copies of the PO constitution and bylaws or other chartering documentation. AR 210-22, figure 2-1, provides the format for a constitution and bylaws.

(2) A list of the PO's officers with their addresses, telephone numbers, and e-mail addresses. This list may be submitted after approval to operate is granted if the officers have not yet been elected officially.

(3) The location and types of on-post bank accounts and the account numbers. This information may be provided after approval to operate is granted if the accounts have not yet been established.

(4) Proof of insurance and bonding.

(5) A copy of any insurance policy covering the PO's activities or a statement from a parent organization indicating that its policy covers the local organization.

(6) A copy of the approval document if approval to operate was granted previously.

d. Reporting Requirements. On a routine basis (not less than once a year) and on request by the USAG commander or designee, POs will provide the following information in addition to the information required in subparagraph c above and AR 210-22, paragraph 2-1c(1):

(1) E-mail addresses of PO officers.

(2) A copy of any correspondence on the applicability of HN laws.

(3) The percentage of PO members with SOFA status. A current list of the members and their SOFA status meets this requirement.

e. Revalidation. POs that have approval to operate on U.S. Forces installations in the European theater may do so for 2 years unless the approval is withdrawn by the USAG commander; the Director, IMCOM-Europe; or the CG, USAREUR. The approval to operate will expire in 2 years unless it is revalidated. In addition to the information required by AR 210-22, paragraph 2-1d, POs will provide current information for items listed in subparagraphs c and d above and a copy of their most recent audit report or financial review.

NOTE: POs must keep audit reports or financial reviews and financial records for at least 4 years after their completion.

f. Termination. The PO members; the USAG commander; the Director, IMCOM-Europe; or the CG, USAREUR, may discontinue the operation of a PO on U.S. Forces installations in the European theater according to AR 210-22, paragraph 2-1e.

5. MEMBERSHIP

In addition to the requirements of AR 210-22, paragraph 3-7, at least 51 percent of PO members must have SOFA status as described in paragraph 4a(1). POs, however, may establish a higher percentage for their membership.

a. In their constitution and bylaws or other chartering documentation, POs may specify membership qualification requirements, application methods, and procedures for joining, ending, and being removed from the membership. The constitution and bylaws, however, must comply with DOD Instruction (DODI) 1000.15 and AR 210-22.

b. The three membership categories are active, honorary, and associate. POs must always have an active membership category.

c. POs must have a treasurer who is an elected officer or who serves as a member of its governing board. The treasurer must be an active member and must have SOFA status if the PO has an account with a military banking facility. The president or the vice president of the PO also must have SOFA status.

6. GERMAN-AMERICAN CLUBS

Clubs affiliated with the Federation of German-American Clubs must be registered German nonprofit charitable organizations (*eingetragene Vereine (e.V.)*). USAG commanders may allow these clubs to operate as POs when the clubs' objective is to promote German-American understanding and friendship. Membership and officers should consist of approximately the same number of German and U.S. personnel.

7. RECREATIONAL AND EDUCATIONAL PRIVATE ORGANIZATIONS

a. According to AR 210-22, paragraph 2-2a(2), POs operating as bona fide extensions of appropriated fund or nonappropriated fund recreational or educational activities are not required to seek or receive written approval to operate. They are, however, subject to the other provisions of AR 210-22 and this regulation. The following are examples of such groups:

(1) Organizations formed and operated in conjunction with the Department of Defense Dependents Schools (DODDS) that operate on U.S. Forces installations under the administrative supervision of a DODDS faculty or staff member, and participate in DODDS events and activities (for example, sporting events, plays, fairs, Key Clubs, honor societies).

(2) Bowling leagues, little league organizations, and other recreational POs that operate in coordination with Family and morale, welfare, and recreation (FMWR) staffs.

b. The groups in subparagraph a above may engage in fundraising activities only if the USAG commander approves the formation of an informal fund (IF) for these organizations according to AR 600-20, paragraph 4-21, and the fundraising is done according to AR 600-29 and section III of this regulation.

8. RESALE ACTIVITIES

a. Nonprofit Resale. According to AR 210-22, paragraph 5-2d, USAG commanders (in consultation with servicing ethics counselors and after coordination with the local Army and Air Force Exchange Service (AAFES) general manager) may approve nonprofit resale when the sales do not compete with AAFES or installation nonappropriated fund instrumentalities (NAFIs). Such resale may be made only to individuals with SOFA status on U.S. Forces-controlled installations.

b. Thrift Shops and Other Community or Welfare-Oriented Resale Activities. In Germany, USAG commanders may authorize thrift shops and handcraft shops to operate on military installations only if the shop is operated by an established PO that has status under Article 71 of the NATO SOFA SA. POs may not exist for the sole purpose of operating a thrift shop or handcraft shop, or for providing income to PO members.

(1) Thrift-shop and handcraft-shop operations may support only the resale of used items or personally handmade items that are donated or consigned to the shop. Thrift shops may not sell items supplied by commercial vendors. Consignors may not sell goods made with components obtained duty-free through an Army post office (APO) or within 6 months after purchase from an AAFES facility. Consignors may not sell items to any non-SOFA status individual or firm. The PO that operates the thrift shop or the USAG commander may suspend sales privileges for individual or group consignors who do not comply with this policy. Thrift shops, however, may purchase used electrical transformers from consignors or customers for resale. In addition, thrift shops may purchase new electric fuses for used transformers for resale.

(2) Thrift-shop personnel are primarily volunteers. The USAG commander, however, may approve positions for paid employees (for example, the thrift shop manager, accountant, and bookkeeper). The sponsoring PO will determine the appropriate salary and make all other internal-management decisions for these positions, including hiring and firing decisions.

(a) POs are responsible for obtaining private counsel to provide assistance in determining whether they are complying with the appropriate HN requirements. U.S. Forces legal offices and other U.S. Forces organizations will not provide advice to POs on their obligations under HN law.

(b) The total wages of paid positions will not exceed 20 percent of the thrift-shop gross income. Income and revenue may be measured monthly or yearly for the purpose of this limitation.

(c) Paid employees of the thrift shop or any continual resale facility (for example, handcraft shops) will not hold voting positions on the board of the PO that determines employee salaries, contracts, or bonus pay unless the paid employee abstains from voting on any agenda items relating to the facility at which he or she is employed.

(3) Thrift shops are authorized to use installation facilities and free space if the USAG commander determines that the facility or space is excess. Facility use will be on a no-fee, revocable-at-will basis and must be documented in a written license or lease agreement with the USAG commander. The USAG commander may terminate the use of the facility immediately if the facility is needed for official use.

(4) The Consumer Product Safety Improvement Act of 2008 (CPSIA) (Public Law 110–314, 122 Stat. 3016) applies to resellers of children’s items, including installation thrift shops. The Consumer Product Safety Commission (CPSC) guidance for resellers lists items that may contain levels of lead or phthalates now prohibited by the Act. Thrift shops should visually inspect their inventory to keep the unsafe items listed in the guide off the sales floor (for example, children’s jewelry, items with metal snaps or attachments, and T-shirts with appliqués or paint that may contain lead). Thrift shops should also check the CPSC website for dangerous recalled products:

(a) Guide to the CPSIA: <http://www.cpsc.gov/about/cpsia/smbus/cpsiasbguide.html>.

(b) Recalls and Product Safety News: <http://www.cpsc.gov/cpscpub/prerel/prerel.html>.

(c) CPSC guidance for thrift shops: <http://www.cpsc.gov/cpscpub/prerel/prhtml09/09086.html>.

9. COMPLIANCE WITH HN REQUIREMENTS

a. POs must comply with the tax laws of the country where they are located or operate (AR 210-22, para 3-4).

b. POs must license, certify, or register PO activities if they are required to do so by HN authorities (AR 210-22, para 3-5).

c. POs are responsible for obtaining private counsel to provide assistance in determining whether they are complying with the appropriate HN requirements. U.S. Forces legal offices and other U.S. Forces organizations will not provide advice to POs on their obligations under HN law.

d. The wages of paid employees of POs may be subject to both U.S. and HN tax laws. Individual paid employees with SOFA status may obtain legal advice from U.S. Forces legal assistance offices concerning personal tax liability and applicable tax laws.

10. SUPPORT OF PRIVATE ORGANIZATIONS

a. Logistic Support to POs. Logistic support to POs will be conducted according to the Joint Ethics Regulation (JER) (DOD 5500.7-R), chapter 3; and AR 210-22. The servicing staff judge advocate will review all PO requests for legal sufficiency before any support is granted to a PO (AR 210-22, para 5-3f).

b. Use of Space and Facilities.

(1) Army authorities may permit POs to use installation facilities (including utilities and in-place equipment) and free space under license or lease agreements when it is in the best interest of the Army. All agreements must comply with international agreements, treaties, and other administrative agreements with HN governments under which the Army controls such real property (AR 210-22, para 5-3d; and AR 405-80, para 4-20).

(2) USAG commanders may grant the use of space and facilities for PO meetings without charge on an occasional, part-time, or full-time basis. The no-fee, revocable-at-will license or lease agreement may permit the storage of equipment and supplies only if this storage does not interfere with or restrict the normal use of the facility by other authorized users. USAG commanders should coordinate these approvals with the local directorate of public works.

NOTE: The use of space or facilities grants no additional rights to the PO.

c. Transportation. Bus service for POs will be provided according to AR 58-1, paragraph 5-5, which permits reimbursable transportation on a noninterference basis. Government vehicles must remain under the control of a Government employee if used to support a PO. This support must meet the requirements of the JER and AR 58-1. Transportation support may not be provided to the detriment of the mission and may not be used to generate or support requirements for additional vehicles.

d. Postal Support.

(1) Intra-theater Delivery Service (IDS). The IDS is a service of the Armed Forces and not a service of the United States Postal Service (USPS).

(a) According to DOD 4525.6-M, paragraphs AP1.3.18 and AP1.3.18.4; and USEUCOM Directive 10-4, paragraph 7b, approved POs may use the IDS if all of the following apply:

1. The CG, USAREUR, with the concurrence of the Military Postal Service Agency, determines that local civil postal service is inadequate.

2. Existing military postal service (MPS) facilities and personnel are able to support such use.

3. The HN does not object.

(b) The IDS authorization includes no-cost delivery of correspondence weighing 13 ounces or less and parcels weighing 70 pounds or less when the item is sent from one APO address to another within USEUCOM. It does not extend to items originating from or terminating in the continental United States. The IDS may not be used for business or commercial purposes or for transactions involving items for resale.

(c) POs will print, type, or stamp “PO” in the upper-right corner on correspondence and parcels.

(d) POs are not authorized to use official Government mail items or services.

(2) USPS. POs may not use the USPS (APO).

e. Tax-Free Purchasing. Tax-free purchasing is governed by AE Regulation 215-6.

**SECTION III
FUNDRAISING**

11. GENERAL

The USAG commander may authorize occasional fundraising for approved POs and non-FMWR NAFIs. The following restrictions will apply:

a. Location. All garrison commander-approved fundraising must be restricted to the U.S. Forces-controlled installation and may not take place in the Federal workplace. The Federal workplace includes areas in the immediate area of Federal employees performing official duties. Permissible fundraising areas will be designated by the USAG commander and may include areas near public entrances, in community-support facilities, or in personal quarters. USAG commanders will specify the designated location for each fundraising event in the written approval of the event.

b. Soliciting Money. Fundraising for approved POs and approved IFs is limited to individuals who have SOFA status. Money will not be solicited or accepted from HN citizens or other individuals not authorized SOFA status or individual logistic support (ILS) under AE Regulation 600-700. Any request for an exception to this policy must be sent through the USAG commander for approval by the Director, IMCOM-Europe, after consultation with the NATO SOFA Office, Office of the Provost Marshal, HQ USAREUR, and any required coordination with the HN.

c. Fundraising Methods. Fundraising methods may not include the resale or other transfer to unauthorized recipients of AAFES merchandise, Defense Commissary Agency merchandise, items imported through an APO or the MPS, or items purchased through the Individual Tax-Relief System unless authorized by AE Regulation 215-6 (DODI 1330.17; DOD 4525.6-M, para AP1.3.18.4; and AR 215-8).

d. Volunteers. PO volunteers operating FMWR booths at FMWR events may not engage in additional fundraising, may not place their identity on the booth, and may not sell non-FMWR items. AR 210-22, paragraph 3-1d, prohibits POs from engaging in the distribution or sale of alcoholic beverages at any time. POs providing volunteers to operate FMWR booths selling or transferring FMWR-provided alcoholic beverages, however, are not violating this prohibition.

e. JER. DOD personnel may not endorse PO fundraising activities, personally solicit subordinates or prohibited sources, or require subordinates to participate in fundraising activities. The use of official time is limited to that which may be provided under the JER. Military personnel will not engage in fundraising activities in a personal capacity while in military uniform. The JER and AR 210-22 provide additional specific limitations. DOD personnel should consult with their servicing ethics counselor to ensure they comply with applicable laws and regulations before they engage in any fundraising activity.

f. Legal Review. USAG commanders will ensure that PO requests for support and fundraising opportunities are reviewed by their servicing legal office (AR 210-22, para 1-4d(4)).

12. YOUTH AND SCHOOL GROUPS

As an exception to policy, organizations formed and operated in conjunction with DODDS that operate under the administrative supervision of a school faculty or staff member may conduct fundraising events on school grounds or during school activities with the approval of the school principal. The school principal must ensure that the funds raised are adequately controlled and used for the purposes stated for the fundraising event.

13. RELIGIOUS FUNDRAISING

Fundraising by religious organizations or their affiliates is authorized only in conjunction with religious services and must be conducted according to AR 165-1.

14. ORGANIZATIONS EXEMPTED FROM THE PROVISIONS OF AR 210-22

Organizations that are exempt from the provisions of AR 210-22 because they are covered by other regulations, statutes, directives, memorandums of agreement, or memorandums of understanding must comply with this regulation if they want to conduct fundraising activities on U.S. Forces installations in the European theater, unless the authority covering support to their organization specifically includes an authorization to conduct fundraising activities on DA installations.

15. FUNDRAISING APPROVAL

To hold a fundraising event, POs must obtain written approval from the USAG commander (or authorized representative) before the event. The USAG commander will establish local procedures that inform approved POs how to request approval for a fundraising event; the timeframes required for such requests; and any other required coordination (for example, veterinary services, preventive-medicine personnel, or both for sanitary inspections). If approved, the PO must post a copy of the approval at the fundraising site during any fundraising activity.

a. Informal Funds. Activities with IFs are not POs and do not need to meet the administrative requirements of AR 210-22 or section II of this regulation. These activities, however, must comply with AR 600-20, paragraph 4-21; and the JER. Examples of IFs are office coffee, cup-and-flower, and annual picnic funds.

(1) Commanders may authorize Family readiness groups (FRGs) to maintain IFs according to AR 600-20. FRG IFs must comply with AR 608-1 and the guidance provided at <http://www.armyfrg.org>.

(2) Unless otherwise specifically authorized, IFs may not exceed an annual gross receipt (income) cap of \$10,000 per calendar year from all sources.

b. Unit Funds (AR 215-1). Military units and activities are prohibited from fundraising in an official capacity. Members of units, activities, and commands who wish to raise funds to supplement their unit funds or benefit their members must comply with the fundraising requirements of this regulation and AR 210-22. The funds must be maintained in a properly approved IF established according to AR 600-20, paragraph 4-21. Fundraising will be subject to the approval process in this regulation and may be conducted only when off-duty and not in uniform.

APPENDIX A REFERENCES

NATO Status of Forces Agreement and German Supplementary Agreement

Consumer Product Safety Improvement Act of 2008 (Public Law 110–314, 122 Stat. 3016)

DODI 1000.15, Procedures and Support for Non-Federal Entities Authorized to Operate on DOD Installations

DODI 1330.17, Armed Services Commissary Operations

DOD 5500.7-R, Joint Ethics Regulation (JER)

DOD 4525.6-M, Department of Defense Postal Manual

USEUCOM Directive 10-4, Intra-Theater Delivery Service

AR 58-1, Management, Acquisition, and Use of Motor Vehicles

AR 165-1, Army Chaplain Corps Activities

AR 210-22, Private Organizations on Department of the Army Installations

AR 215-1, Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities

AR 215-8, Army and Air Force Exchange Service Operations

AR 405-80, Management of Title and Granting Use of Real Property

AR 600-20, Army Command Policy

AR 600-29, Fund-Raising Within the Department of the Army

AR 608-1, Army Community Service Center

AE Regulation 215-6, Individual Tax-Relief Program

AE Regulation 600-700, Identification Cards and Individual Logistic Support

GLOSSARY

AAFES	Army and Air Force Exchange Service
APO	Army post office
AR	Army regulation
CG, USAREUR	Commanding General, United States Army Europe
CPSC	Consumer Product Safety Commission
CPSIA	Consumer Product Safety Improvement Act
DA	Department of the Army
DOD	Department of Defense
DODDS	Department of Defense Dependents Schools
DODI	Department of Defense instruction
<i>e.V.</i>	<i>eingetragener Verein</i> (registered club)
FMWR	Family and morale, welfare, and recreation
FRG	Family readiness group
HN	host nation
HQ USAREUR	Headquarters, United States Army Europe
IDS	Intratheater Delivery Service
IF	informal fund
ILS	individual logistic support
IMCOM-Europe	United States Army Installation Management Command, Europe Region
JER	Joint Ethics Regulation
MPS	military postal service
NAFI	nonappropriated fund instrumentality
NATO	North Atlantic Treaty Organization
PO	private organization
SA	Supplementary Agreement [to the NATO Status of Forces Agreement]
SOFA	Status of Forces Agreement
U.S.	United States
USEUCOM	United States European Command
USAG	United States Army garrison
USPS	United States Postal Service