

CONSTITUTION AND BYLAWS CHECKLIST

Non-Federal Entities (NFEs) serve a very important function within the military community. They encourage, support, and entertain soldiers, family members, and others. Many NFEs also provide humanitarian services for the military and civilian communities. They enrich the quality of life for everyone.

The efficient management of NFEs is so important to the military mission that several regulations have been promulgated especially for them. For NFEs to operate effectively and legally, they must all have written constitutions and bylaws that detail their functions, ideals, procedures, and operations. These regulations occasionally change to meet new conditions, laws, or needs. Therefore, constitutions and bylaws must be reviewed every two years to ensure that they continue to comply with the applicable regulations.

Basically, a constitution outlines the ideals, functions, and structure of an organization. The bylaws refine the terms of the constitution and detail the day-to-day operation of the organization. Well-written bylaws should answer nearly every question concerning the efficient operation of the organization. Although they are usually more detailed, the bylaws are subordinate to the constitution in terms of authority. This means that any conflict between the bylaws and the constitution must be resolved in favor of the constitution.

This form is designed to make the initial and biannual legal reviews of NFEs constitutions and bylaws faster and easier for everyone involved in the process. The required provisions for all constitutions and bylaws are set forth herein, along with their appropriate regulation citation.

PLEASE NOTE: Constitution and/or bylaws lacking the required information will be returned to the organization, with deficiencies noted, for correction. The appropriate changes must be made by the organization as soon as possible.

INSTRUCTIONS (Please list NFE name below)

Space is provided beside each requirement for you to write the page number and clause (or paragraph) of your constitution or bylaws which satisfies the stated requirement. This helps the NFE to ensure that all necessary provisions are addressed and expedites the legal review and approval process.

PAGE	CLAUSE
1.	Name and location of the NFE. If affiliated with a national, or State organization, include documentation of the parent regional organization. Army Regulation (AR) 210-22, para. 2-2b(1).
2.	Include the following statement: "This organization is established according to Army Regulation (AR) 210-22, Army in Europe Regulation (AER) 210-22, and Department of Defense Instruction 1000.15."
3.	Include the following statement: "The approval authority is the Commander, US Army Garrison Rheinland-Pfalz. The approval authority may revoke permission to operate at any time." AR 210-22, paras. 2-2a(2);
4.	Include the following statement: "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." AR 210-22, 3-2; DODI 1000.15.
5.	Include the following statement: "This organization will not use army services, including legal, audit, transportation, postal (APO), printing, information management activities, clerical, financial, copying, management and procurement services." AR 210-22, 3-3(d).
6.	Include the following statement: "The United States government, the Army, USAREUR, and USAG Rheinland-Pfalz will not assume liability for any of the organization's activities or debts." AR 210-22, 2-2 (a1); DODI 1000.15.

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7. Include the following statement: “Neither NAF nor appropriated funds (APF) activities may incur or assume any obligation of the organization, except as may arise out of contractual relationships.” AR 210-22, 3-2(b).
8. Include the following statement: “The organization will comply with applicable host nation laws, fire and safety regulations, environmental laws, and any other applicable statutes or regulations. The organization is responsible for obtaining private counsel to provide assistance in determining whether the organization is in compliance with such laws.” AR 210-22, 5-1(d) and 5-4; AER 210-22, para. 9.
9. Include the following statement: “The organization shall comply with AR 600-29, AER 210-22 and DOD 5500.7-R in fundraising activities.”
10. Include the following statement: “NFEs must comply with all host nation tax laws.” AER 210-22, 9a-d
11. Include the following statement: “The organization 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. 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.” AR 210-22, 5-2.
12. Include the following statement: “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, sex identity, status as a parent, or other impermissible basis.” AR 210-22, 5-5; DODI 1000.15.
13. Include the following statement: “This organization will neither propagate extremist activities nor advocate violence against others or the violent overthrow of the Government.” AR 210-22, 2-2b(6).

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14.	Include the following statement: “This organization’s activities will not seek to deprive individuals of their civil rights.” AR 210-22, 2-2b(7).
15.	State the NFE's purpose, functions, objectives (including planned use of funds), and activities. AR 210-22, 2-2b(2).
16.	Include the following statement: “The NFE will not engage in activities that duplicate or compete with those of any APF or NAF activity.” AR 210-22, 5-1a (3); DODI 1000.15.
17.	Identify specific types of membership, qualifications for each type, application methods, procedures for withdrawal of membership, and rules about guests. AER 210-22, 5 (a) and (b); DODI 1000.15.
18.	State the percentage of the membership that may be non-U.S. Forces personnel (in no case may it exceed 49 percent). AER 210-22, para. 5.
19.	Specify the number of individuals in the governing body, their position titles, and an explanation for all management functions, including the accountability for assets, satisfaction of liabilities, disposition of any residual assets on dissolution, and other documentation that shows responsible financial management. AR 210-22, para. 2-2b; DODI 10001.15.
20.	Include the following statement: “The organization 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 NFE has an account with a military banking facility.” AER 210-22, para. 5c.
21.	Include the following statement: “The president or vice president must have SOFA status.” AER 210-22, para. 5c.

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22. Include the following statement: “Individual members of this organization will not personally profit from the organization’s income except through salaries and wages as NFE employees, award recognition for services rendered to the organization or community, or membership in an investment club as defined in AR 210-22 glossary.”
AR 210-22, 2-2d (8a-c).
23. Include the following statement: “The organization will arrange for an audit at its own expense on the change of its treasurer, regardless of the time elapsed since its last audit.”
AR 210-22, 5-3.
24. Include the following statement: “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.” AR 210-22, para. 3-3.
25. The organization will not engage in any form of partisan political activity as defined by DODD 1344.10, AR 210-22, 2-2 b (8).
26. Include the following statement: “The organization agrees 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).”
AR 210-22, 2-2a (5)
27. Include the following statement: “On a routine basis (but no less than annually), and upon request by the USAG commander, or designee, NFEs will provide information set forth in AR 210-22, 4c.
28. The organization will comply with applicable laws that apply to private sector employment. The organization does not discriminate in employment practices on the bases of sex, age, religion, race, color, national origin, marital status, lawful political affiliation, labor organization membership, or physical handicaps.
AR 210-10, 5-5 (2c).

IF APPLICABLE, include the following statements:

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29.	Employees of this organization are not employees of the United States or of an instrumentality of the United States. Applicable laws on labor standards for employment shall be observed, including worker's compensation insurance. Employees of the organization shall not participate in NAF employee benefit programs based upon their affiliation with the organization. DODI 1000.15.
30.	Background checks are required for employees and volunteers of the organization who have contact with children under the age of 18 in DoD-operated, -contracted, or community based programs that are used to supplement or expand child care or youth services, according to DoD Instruction 1402.5 (Reference (i)). AR 210-22, 2-2 (a5); DODI 1000.15.