

## INFORMATION PAPER

IMHW-MW  
28 March 2016

SUBJECT: Private Organizations

1. Purpose. To provide information on requirements to operate a Private Organization (PO) on U.S. Army Garrison, Hawaii installation.

2. References.

a. Department of Defense Instruction (DoDi) Number 1000.15, Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations, 24 Oct 08.

b. DoDi Number 5500.7-R, Joint Ethics Regulation (JER), 17 Nov 11.

c. Army Regulation (AR) 210-22, Private Organizations on Department of the Army Installations, 22 Oct 01.

d. AR 210-7, Personal Commercial Solicitation on Army Installations, 18 Oct 07.

e. AR 210-22, Private Organizations on Department of the Army Installations, 22 Oct 01.

f. AR 600-29, Fund-Raising Within the Department of the Army, 7 Jun 10.

3. Facts.

a. General Restrictions:

(1) POs are considered self-sustaining, non-Federal entities.

(2) POs cannot conduct activities that: May discredit the Army, DoD, or the Federal government; Impose a financial obligation on the Army or Nonappropriated Fund Instrumentality (NAFI); or Duplicate and/or compete with authorized Army or NAFI activities.

(3) POs must comply with all fire and safety regulations, environmental laws, tax codes, and other applicable statutes and regulations.

(4) POs are not part of the military, so they will receive only limited Government supervision. DoD personnel are not authorized to participate in day-to-day management for a PO nor authorized to act as a fiduciary for a PO. Neither Soldiers nor civilian employees will be assigned to work for POs as an official duty.

(5) POs cannot use Army services such as: legal, audit, transportation, postal, printing, information management activities, clerical, financial, copying, management, and procurement services.

(6) POs cannot receive financial assistance from a NAFI in the form of contributions, repairs, services, dividends, or other donations of money or other assets.

(8) Neither the installation nor the Government will have any liability for the PO's actions or debts.

(9) The Installation Commander may revoke permission to operate on the installation at any time.

(10) DoD employees cannot endorse or appear to endorse membership drives or fundraising for any non-Federal entity except as allowed by other regulations (Combined Federal Campaign, Army Emergency Relief Fund, Informal Fund, etc.).

(11) POs are not entitled to, and will not receive, Army endorsement by virtue of their contributions

b. Real Estate. POs may be allowed to use Army real estate under license or lease agreements.

c. Approval Authority. POs must have written consent to operate on the installation by the Installation Commander. The U.S. Army Garrison, Hawaii (USAG-HI) Garrison Commander has designated the approval authority and management of the PO program to the Directorate of Family, Morale, Welfare and Recreation (DFMWR). Permission to operate on the installation is granted for a period of 2 years, unless cancelled by either party. Approval automatically expires 2 years from the date of the last approval unless revalidated. POs must request revalidation no less than 90 days prior to the expiration of their current permit.

3. Application Requirements. New POs and those requesting revalidation, must request and receive written permission from the DFMWR by submitting the following requirements:

a. A charter, articles of agreement, constitution, bylaws, or other authorization documentation pertinent to the function of the PO.

b. All POs affiliated with a national, regional, or State organization must include documentation from their parent organization.

c. Statement or documentation identifying the PO's nature, functions, objectives, planned use of funds, and activities.

d. An explanation of membership eligibility and responsibilities for all management functions to include: accountability of assets, coverage and limitation of insurance, disposition of assets upon breakup of the PO.

e. Agreement to reimburse the Army for utility expenses, unless use is incidental and collection of funds would cost more than the cost to provide the utility.

f. Statement indicating that the PO will neither propagate extremist activity nor advocate violence against others the violent overthrow of the government.

g. Statement indicating that the PO will not seek to deprive individuals of their civilian rights.

h. Proof of adequate insurance as protection against public liability claims and property damage claims, or other legal actions arising from PO activity. Proof of fidelity bonding for members or employees handling monthly cash flow exceeding \$500 equal to the normal maximum amount of cash handled.

#### 4. Application Review:

a. The DFMWR completes all initial permission and revalidation requests to ensure that all required application and regular reporting requirements are fulfilled.

b. POs are reviewed to ensure that individual members of the POs do not personally profit from PO income except for the following: Salaries and wages paid to employees; Award recognition for services rendered to the organization or community; or Membership in an investment club.

c. POs are reviewed to ensure that they do not duplicate and/or compete with authorized Army or NAFI activities.

d. The DFMWR initiates a legal review on all applications and supporting documentation and processes approval based on submission of all required documents and positive legal review.

5. Regular Reporting Requirements. The following documentation must be submitted by the PO on a routine basis but no less than annually:

a. Signed meeting minutes or summary of PO meetings

b. Financial Statements

c. Major changes in PO activities, membership requirements, officers, objectives, organization, constitution, bylaws, use of funds, and management functions.

d. Names, addresses, phone numbers and e-mail addresses of officers

e. Copy of audit report.

(1) POs must ensure that an audits is conducted and documented at least every two years and / or when a new president and / or treasurer is appointed.

(2) POs using a double-entry accounting system must have audits completed by a qualified auditor.

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(3) POs using a single-entry accounting system must have audits completed as follows: With income from only from contributions, dues, and assessments, audits will be conducted by either a PO member who holds no office and is at least 18 years of age or by a qualified auditor; or POs who engage in resale or other fundraising activities, the audit is performed by either an appointed committed of three PO members who hold no office, or by a qualified auditor.

f. Correspondence about applicability of Federal, State, or local laws

6. Fund-Raising by POs. All fund-raisers must be requested and approved by the DFMWR.

7. Installation Advertising by POs. All advertisement on the installation must be requested and approved by DFMWR Marketing.

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