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Private Organizations

Private Organization and Fundraising Policy

For the Region Director, IMA-Europe:

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

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-morale, welfare, and recreation (MWR) 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. Commanders will not supplement this regulation without United States Army Installation Management Agency, Europe Region Office (IMA-Europe) (SFIM-EU-MWR), approval.

Forms. AE and higher-level forms are available through the Army in Europe Publishing System (AEPUBS).

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System website at <https://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is IMA-Europe (SFIM-EU-MWR, DSN 370-8953). Users may suggest improvements to this regulation by sending DA Form 2028 to IMA-Europe (SFIM-EU-MWR), Unit 29323, Box 200, APO AE 09014-0200.

Distribution. C (AEPUBS).

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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 Revised NATO Supplementary Agreement regarding the status of forces stationed in the Federal Republic of Germany (German 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." People with SOFA status include U.S. and Sending States' military and civilian personnel, their accompanying family members ("dependents"), and employees with status under Article 71, 72, or 73 of the German 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 command ethics counselor to ensure compliance 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 area support group (ASG) or delegated base support battalion (BSB) commander responsible for the installation. POs that want to operate in more than one ASG must request approval from the commander of each ASG concerned and from the Region Director, United States Army Installation Management Agency, Europe Region Office (IMA-Europe), Unit 29353, Box 200, APO AE 09014-0200. The Region Director, IMA-Europe, will approve or disapprove requests for IMA-Europe and on behalf of the CG, USAREUR/7A.

(2) A legal review will be made of each request to operate on a U.S. Forces installation before the request is first approved and on revalidation.

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 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 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 approval authority 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 ASG or delegated BSB commander; the Region Director, IMA-Europe; or the CG, USAREUR/7A. 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 as listed in subparagraphs c and d above and a copy of their yearly audit report or financial review.

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

f. Termination. PO members; the ASG or delegated BSB commander; the Region Director, IMA-Europe; and the CG, USAREUR/7A, 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 by-laws 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 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.)*). ASG commanders, delegated BSB commanders, and their authorized representatives may allow these clubs to operate as POs when the club's 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. IMA-Europe will address questions concerning banking privileges for these clubs on a case-by-case basis.

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 remaining provisions of AR 210-22 and this regulation. Examples of such groups are as follows:

(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 morale, welfare, and recreation (MWR) staffs.

b. The groups in subparagraph a above may engage in fundraising activities only if the ASG or delegated BSB 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 Resales. According to AR 210-22, paragraph 5-2d, ASG and delegated BSB commanders, in consultation with their ethics counselors and after coordination with the local Army and Air Force Exchange Service (AAFES) general manager, may approve nonprofit resales when the sales do not compete with AAFES or installation nonappropriated fund instrumentalities (NAFIs). Such resales 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, ASG and delegated BSB 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 German 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 ASG or delegated BSB 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 ASG or delegated BSB 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) The PO is responsible for obtaining legal advice from HN attorneys on HN law, including advice on labor law, taxation, and other issues affecting its operation. U.S. Forces legal assistance offices and other U.S. Forces legal offices are not authorized to provide legal advice to POs.

(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 ASG or delegated BSB 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 ASG or delegated BSB commander. The ASG or delegated BSB commander may terminate the use of the facility immediately if the facility is needed for official use.

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 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) (DODD 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) ASG and delegated BSB 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, provided this storage does not interfere with or restrict the normal use of the facility by other authorized users. ASG and delegated BSB 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 non-interference basis. Government vehicles will 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) Intratheater 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/7A, 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 ASG or delegated BSB commander may authorize occasional fundraising for approved POs, approved IFs (AR 600-20), and non-MWR NAFIs. Proposed fundraising is limited by the following:

a. Location. All 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 ASG or delegated BSB commander and may include areas near public entrances, in community-support facilities, or in personal quarters. ASG or delegated BSB 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 with 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 USAREUR Regulation 600-700. Any request for an exception to this policy must be sent through the ASG commander and the Region Director, IMA-Europe, for approval by the DCG/CofS, USAREUR/7A, after consultation with the CG USAREUR Customs Executive Agency (AEAPM-CEA-NS) 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 USAREUR individual tax-relief system unless authorized under AE Regulation 215-6 (DOD 1330.17-R, para 4-201; DOD 4525.6-M, para 1.3.18.4; and AR 60-20, para 2-15(b)).

d. Volunteers. POs providing volunteers to operate MWR booths at MWR events are not engaged in fundraising. POs, however, may not place their identity on the booth and may not sell non-MWR items. AR 210-22, paragraph 3-1d, prohibits POs from engaging in the distribution or sale of alcoholic beverages at any time.

NOTE: POs providing manpower for the operation of MWR booths selling or transferring MWR-provided alcoholic beverages are not violating the prohibition against POs distributing or selling alcohol.

e. Joint Ethics Regulation. 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 are encouraged to consult with their command ethics counselor to ensure compliance with applicable laws and regulations before they engage in any fundraising activity.

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

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, subject to the restrictions in paragraph 11. 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 will be conducted according to AR 165-1 (AR 600-29, para 1-5d).

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 and IFs must obtain written approval from the ASG commander, delegated BSB commander, or their authorized representative before the event. The ASG or delegated BSB commander will establish a local standing operating procedure that informs approved POs and IFs how to request approval for a fundraising event; the timeframes required for such requests by the ASG or delegated BSB commander; and any other required coordination (for example, veterinary services, preventive-medicine personnel, or both for sanitary inspections). If approved, the PO or IF 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 this regulation, section III. Examples of IFs are office coffee, cup-and-flower, and annual picnic funds.

(1) Family readiness groups that conduct fundraising activities should form an IF under the authority of AR 600-20 if approved by their unit commander.

(2) When fundraising, IFs are not entitled to official support and must comply with the fundraising-approval procedures of this regulation.

(3) In the European theater, IFs are limited to a net value of \$1,000 of uncommitted funds. Activities with IFs may temporarily maintain more than \$1,000 if the excess is specifically earmarked for an event or project and a projected date for when the fund will be reduced to its authorized limit is established.

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. 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 outlined in this regulation and must be conducted when off-duty and not in uniform.

APPENDIX A REFERENCES

NATO Status of Forces Agreement and German Supplementary Agreement

DODI 1000.15, Private Organizations on DOD Installations

DOD 1330.17-R, Armed Services Commissary Regulations

DOD 5500.7-R, Joint Ethics Regulation (JER)

DOD 4525.6-M, Department of Defense Postal Manual

AR 11-2, Management Control

AR 25-1 and AE Supplement 1, Army Information Management

AR 25-400-2, The Army Records Information Management System (ARIMS)

AR 40-657, Veterinary/Medical Food Inspection and Laboratory Service

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

AR 60-20, Army and Air Force Exchange Service Operating Policies

AR 165-1, Chaplain Activities in the United States Army

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

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

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

USEUCOM Directive 10-4, Intra-Theater Delivery Service

Army in Europe Regulation 58-1, Management, Acquisition, and Use of Nontactical Vehicles

Army in Europe Regulation 215-6, Individual Tax-Relief Program

Army in Europe Regulation 550-175, U.S. Forces Customs Controls in Germany

USAREUR Regulation 1-3, International Agreements and Third-Party Agreements

USAREUR Regulation 215-8, Professional U.S. Scouting Organization Operations at Military Installations in Europe

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

GLOSSARY

AAFES	Army and Air Force Exchange Service
APO	Army post office
ASG	area support group
BSB	base support battalion
CG, USAREUR/7A	Commanding General, United States Army, Europe, and Seventh Army
DA	Department of the Army
DCG/CofS USAREUR/7A	Deputy Commanding General/Chief of Staff, United States Army, Europe, and Seventh Army
DOD	Department of Defense
DODD	Department of Defense directive
DODDS	Department of Defense Dependents Schools
DODI	Department of Defense instruction
<i>e.V.</i>	<i>eingetragene Vereine</i>
HN	host nation
HQ USAREUR/7A	Headquarters, United States Army, Europe, and Seventh Army
IDS	Intratheater Delivery Service
IF	informal fund
ILS	individual logistic support
IMA-Europe	United States Army Installation Management Agency, Europe Region Office
JER	Joint Ethics Regulation
MPS	military postal service
MWR	morale, welfare, and recreation
NAFI	nonappropriated fund instrumentality
NATO	North Atlantic Treaty Organization
PO	private organization
SA	supplementary agreement
SOFA	Status of Forces Agreement
U.S.	United States
USAREUR	United States Army, Europe, and Seventh Army
USEUCOM	United States European Command
USPS	United States Postal Service