

1. Non-Federal Entities (NFEs) will supply the following on a routine basis to the Support Services Division, Directorate of Family and Morale, Welfare and Recreation (ATTN: Ms. Dunn), in accordance with AR 210-22 to remain in good standing:

- a. Minutes or summaries of NFE meetings due no later than the 10th of the following month. If the 10th falls on the weekend it is due the following Monday. If no meetings, please state in writing.
- b. Financial statements due no later than the 10th of the following month. If the 10th falls on the weekend it is due the following Monday.
- c. Bank statements due no later than the 10th of the following month. If the 10th falls on the weekend it is due the following Monday. You can obtain a statement by signing into your bank account, choosing the specific dates requested, and print via PDF.
- d. Any major changes in NFE activities, membership requirements, officers, objectives, organization, constitution, bylaws, use of funds, and management functions.
- e. Names, physical addresses, email addresses, and phone numbers of recent elected officers.
- f. A copy of audit reports (due no later than 45 days after NFEs fiscal year end). NFEs with annual gross revenue of \$1,000 or more will be audited at least once every two years or upon change of treasurers. Whichever occurs first.
- g. A copy of annual activities report (due no later than 30 days of NFEs fiscal year end).
- h. A copy of any correspondence about applicability of Federal, State, or local laws or non-profit status.
- i. A copy of fidelity bonding/liability insurance policies upon expiration or annual renewal.
- j. Proof of annual attendance of club officials mandatory SJA NFE Ethics training. NFE coordinator will coordinate and notify club officials of training dates. There will only be one training per quarter.

Revalidation.

- a. NFEs having approval to operate may operate for 2 years, unless cancelled by either party.
- b. Approval automatically expires 2 years from the date of last approval, unless revalidated.
- c. Private organizations must submit revalidation requests to Financial Management Division, Directorate of Morale, Welfare and Recreation no less than 90 days before expiration of the 2-year approval.
- d. Requests will include:
 - (1) Letter of request for continued operation.
 - (2) List of current officers with duty and home telephone numbers, physical address, and email address.
 - (3) Annual audits.
 - (4) Annual activities report.
 - (5) Proof of liability insurance and/or fidelity bonding coverage.
 - (6) A copy of any correspondence about applicability of Federal, State, or local laws or non-profit status.
 - (7) Constitution/by-laws to include amendments.
 - (8) National's constitution and bylaws (if applicable).

INFORMATION ON NON FEDERAL ENTITIES CAN BE FOUND AT: <https://eisenhower.armymwr.com/po>



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT EISENHOWER
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FORT EISENHOWER, GEORGIA 30905-5730

JUL 29 2024

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MEMORANDUM FOR All Non-Federal Entity Personnel Operating on the Fort Eisenhower Installation

SUBJECT: Standard Operating Procedures – Directorate of Family and Morale, Welfare, and Recreation, Support Services Division

1. The Garrison Commander has been delegated as the approving authority by the Senior Mission Commander on all matters concerning Non-Federal Entities (NFEs). The following guidance augments provisions of Army Regulation (AR) 210-22 (Support for Non-Federal Entities Authorized to Operate on Department of the Army Installations).

2. Establishment.

a. Any NFE wishing to be established and officially sanctioned to operate on Fort Eisenhower will submit a request packet to the Garrison Commander, thru: Support Services Division (SSD), Directorate of Family and Morale, Welfare, and Recreation (DFMWR). The following documents must be provided to the NFE coordinator, a Non-Appropriated Fund (NAF) SSD employee, to include in the establishment action summary:

(1) Letter of Request. Letter of request must be signed by the responsible party for the NFE.

(2) NFEs must have a governing document whether it be a local charter, Constitution, and/or Bylaws. Every NFE must have the required clauses in their governing documents. Governing documents will, at a minimum outline the following:

(a) Define membership eligibility. The majority of membership will be composed of the Department of Defense employees or Family members. NFEs will not unlawfully deny employment or membership, unlawfully exclude from participation, or otherwise subject to unlawful discrimination, any person because of sex (including sexual orientation and gender identity), race, color, age, disability, or national origin, religion, creed, and genetic information.

(b) Set forth responsibilities for all management functions. These functions include accountability of assets, coverage and limitation of insurance, and disposition of remaining assets upon dissolution of the NFE.

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(c) Include a statement of the NFEs liabilities if assets are not enough to cover all NFE liabilities. The statement of liability will meet all State and jurisdictional laws. It will also address the extent of NFE members' personal liability for debts of, or claims against, the NFE. State laws governing the liability of national headquarters of NFEs generally apply to all local chapters unless specifically superseded by laws of States where local chapters are established.

(3) National Constitution and Bylaws and/or Articles of Incorporation (if affiliated with national organization as a sub-chapter).

(4) List of organization officials' or officers' names, physical addresses, email addresses, cell and work phone numbers.

(5) Statement of Federal Tax Status (income tax not sales tax). Requirement may be satisfied by providing Federal Tax- Exempt Statement or application for same (Federal Form 1024). If not tax exempt, NFEs will be required to show proof of filing annual tax returns.

(a) NFEs will comply with all Federal, State, and local tax laws and codes, to include employment laws. NFEs will obtain adequate insurance as protection against public liability claims, property damage claims, or other legal actions arising from NFE activities.

(b) NFEs are not exempt from State or local laws because they operate on Federal property. NFEs will obtain licensing, certification, or registration of NFE activities if required by State, local, or foreign authorities where the installation is located.

(6) Request to incorporate installation name if use is desired. NFEs must take effective steps to ensure their status as an NFE is apparent and unambiguous. To prevent the appearance of an official sanction or support by Department of Defense (DOD), an NFE will not include the name, abbreviation, logo or seal, or the acronym of any DOD component or instrumentality. This includes the seal, insignia, or other identifying device of the local installation.

(7) Fidelity bonding will be purchased by an organization for member's handling monthly cash flow exceeding \$500. If an NFEs monthly cash flow fluctuates, they will take the overall total of income for the entire year and divide that number by 12. If the amount is over \$500, the NFE will be required to purchase a fidelity bond (bonding will be equal to the normal maximum amount of cash handled).

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b. Office of the Staff Judge Advocate (OSJA) will provide legal review for all request for NFE establishment and revalidation within 15 business days. After 10 business days have passed, DFMWR will send a memo (see sample enclosed) indicating what day the packet will be sent forward to the Garrison without OSJA review if it is not received.

c. Official sanction will be given in the form of a letter and must be maintained in a permanent file, available for viewing by officials during revalidations and/or inspections.

3. The NFE coordinator must be notified each time there is a change of officers. The notification must happen after the certified election results, but before the officers officially take over, and must be dated either when the election occurred or when the results were certified.

4. NFEs will be revalidated every two years by the Garrison Commander and are subject to random inspections by the NFE coordinator and/or Inspector General.

5. Monthly Reporting.

a. Monthly reporting to the NFE coordinator is required to continue operation on the installation. NFEs will designate in writing whether they will hold monthly or quarterly meetings.

b. Minutes of all meetings will be provided to the NFE coordinator within 10 calendar days of the following month and will include financial statements. If the 10th falls on the weekend the documents are due the following Monday.

c. NFEs will state in writing if there is no meeting for the month. NFEs must still include the monthly financial statement. Minutes will include the President's wet signature or Vice President's signature in the absence of the President. The financial statement will include the Treasurer's wet signature as well as the President's wet signature or Vice President's signature in the absence of the President.

d. It is the responsibility of the NFE officials to maintain the mandatory records, document the required reports and provide the records to new officials as new officials are appointed. This will ensure reports are rendered during times of transitions.

e. New board of officials serving at the time when reports become due will not excuse the NFE from filing reports, or dealing with prior year matters such as financial audits, activity reports, etc. Failure to report may result in a request for NFE suspension and/or dissolution on the installation.

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6. Annual Reporting.

a. At the beginning of every calendar year the NFE coordinator will conduct a yearly review for each organization. This review will include:

- (1) Organization Marks
- (2) Last Revalidation Date
- (3) Next Revalidation Date
- (4) Liability Insurance Expiration
- (5) Fidelity Bond Expiration Date
- (6) Late Monthly Submissions
- (7) Extension Request
- (8) Ethics Training
- (9) Annual Activity Reports
- (10) Annual Audit Reports.

b. An annual activity report for the preceding year is due to the NFE coordinator within 30 days of the start of the new calendar year (EOM January).

c. NFEs with gross annual revenue of \$1,000 or more will arrange for an audit at least once every two 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:

(1) NFEs using a double-entry accounting system will have audits done by a qualified auditor.

(2) NFEs using a single-entry accounting system, can be audited by an auditor or audit committee of three NFE members in good standing who held no office title during

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the audit period. NFEs will include financial and/or bank statements with the audit conducted.

(3) 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.

(4) 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.

d. Once the required timeframe (as identified in 6c) has been reached, audits are due to the NFE coordinator NLT 45 days from that date. If a change of Treasurer is identified, audits are due 45 days from the date of notification of the change. Audits must cover all time periods the organization is operational since the last audit.

e. NFEs under \$ 1,000 income may be required to complete audits at any time. This is important because of multiple streams of income and expenses, ensuring we encourage all NFEs to regularly review financials and to assist in a formal audit process if needed.

f. If anything is suspected by the NFE POC or Garrison Command an audit will be required at any time, regardless of the NFEs status.

7. Any NFE whose financial activities raise concerns will have fourteen days to answer and correct the issue. There must be documented proof of where the error occurred, how it was fixed, and plans to ensure the error does not occur again. Failure to provide these documents by the suspense date given will be recorded and sent up to the Garrison Commander for review for suspension or dissolution.

8. NFEs affiliated with a national organization must have the authority to amend/change local constitution and bylaws to meet local command requirements.

9. NFEs holding special events, resale or fundraising on post MUST obtain prior approval from DFMWR and may be required to pay for utilities (water, electricity, etc.). NFEs will not compete with any Appropriated Fund (APF) or NAF activities unless authorized by DFMWR. NFEs will not engage in the resale of alcoholic beverages at any time. No fundraising may be conducted during annual Army Emergency Relief or Combined Federal Campaign period. Fundraising on the installation without proper approval could lead to a request for the dissolution of the NFE.

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10. It is mandatory for NFE officials/officers to annually attend the DFMWR scheduled ethics training on NFEs, conducted by OSJA. Any member who fails to attend will put the entire NFE in jeopardy of suspension or dissolution.

11. Proposed changes/amendments to local constitutions and bylaws must be staffed through DFMWR to the Garrison Commander for approval prior to enactment. Attached to the proposals should be a copy of NFE minutes in which the changes were approved. NFEs should not consider proposed amendments/revisions to be in effect until official written approval of the Garrison Commander is received through DFMWR. Where revisions/amendments are made to constitutions and bylaws, the governing documents will be retyped annually to incorporate changes/amendments into one document to preclude oversight in recommended actions. The retyped documents will be furnished to the NFE coordinator for inclusion in permanent file.

12. Amendments/revisions to national governing documents must be provided to the NFE coordinator for informational purposes.

13. NFEs may be allowed to use Army real estate (including utilities and in-place equipment) under a license or lease agreement, per AR 405-80 (Management of Title and Granting Use of Real Property) and DOD 5500.07-R (Joint Ethics Regulation), when in the best interest of the Army. All rental spaces on the installation are operated by the Department of Public Works on the installation. Random inspections will be conducted by the Safety Office on the installation.

a. License. Use may be granted by means of 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, nor restrict, the normal use of the facility by other users. Per AR 405-80, these grants may be without charge and may include utilities, in-place equipment, and janitorial services without charge, when the use granted is incidental to other users of the facility. Licenses may be for up to seven consecutive days or not to exceed 30 non-consecutive days in any 12-month period.

b. 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.

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14. Workers Comp. Any NFE who has employees or volunteers must submit proof of workers comp insurance. All NFEs are responsible for obtaining all insurances to include workers comp or employee-based insurances.

15. NFEs are responsible for complying with fire and safety regulations, environmental laws, tax codes, and other applicable statutes and regulations.

16. NFEs may be discontinued by the membership or the Garrison Commander, who may withdraw permission to operate on the Department of the Army installation at any time. Failure to comply with established guidelines, policies and/or reporting requirements may result in a request for dissolution (revocation of installation sanction or loss of fundraising rights), on post.

17. No NFEs will receive special treatment because they promote military goals or receive support from a military service member or community.

18. All NFE members will refrain from using their or their spouses' military ranks, titles, offices, and positions in connection with personal NFE participation. No board member or NFE member may officially endorse an organization or its activities.

19. Any NFE dissolved by direction of the Garrison Commander, this headquarters or by membership may not be considered for reestablishment for at least 12 months following date of discontinuance. At that time, a complete application must be resubmitted, and any prior incidents will be considered while reviewing the NFE to be officially sanctioned.

20. Any NFE with any deficiency will be notified by the NFE Coordinator. Continued deficiencies will be recorded and staffed timely for a request of suspension, exclusion, or dissolution with the Garrison Commander. OSJA will provide a legal sufficiency review for suspension, exclusion, or dissolution of the NFE. The notice of deficiency will contain the following:

- a. Issue(s) that makes the NFE deficient.
- b. Reasonable time afforded to the NFE to remedy the deficiency.
- c. Acceptable means to remedy the deficiency, i.e., turn in meeting minutes, bank statements, etc.

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d. Notice that this continued deficiency may result in a request to suspend, exclude (from event), or dissolve the NFE.

21. Any NFE that lacks and/or loses confidence or trust of the Garrison Commander (ex: egregious violation, fraud, theft, illegal activity, etc.) will be dissolved immediately by the decision of the Garrison Commander. This can happen at any time, without warning.

22. The point of contact for this SOP is Lindsay Dunn, Financial Management Technician, at 706-791-2611 and lindsay.m.dunn.naf@army.mil

Encl
1. OSJA Memorandum



ANTHONY J. KAZOR
COL, CM
Commanding

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

- (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.

ENCLOSURE 2

PROCEDURES

1. To prevent the appearance of official sanction or support by the Department of Defense:
 - a. Non-Federal entities may not use the seals, logos, or insignia of the Department of Defense or any DoD Component, DoD organizational unit, or DoD installation on organization letterhead, correspondence, titles, or in association with organization programs, locations, or activities.
 - b. Non-Federal entities operating on DoD installations may use the name or abbreviation of the Department of Defense, a DoD Component, organizational unit, or installation in its name provided that its status as a non-Federal entity is apparent and unambiguous and there is no appearance of official sanction or support by the Department of Defense. The following applies:
 - (1) The non-Federal entity must have 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 a non-Federal entity is an organizational unit of the Department of Defense.
 - (3) A non-Federal entity 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 Department of Defense: "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.