



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON ANSBACH
UNIT 28614
APO AE 09177

AMIM-ANG-ZA

MEMORANDUM FOR RECORD

SUBJECT: United States Army Garrison (USAG) Ansbach Non-Federal Entities (NFEs) / Private Organizations (POs) Standard Operating Procedure (SOP)

1. References:

- a. Joint Ethics Regulation DoD 5500.07-R (Joint Ethics Regulation (JER))
- b. AR 1-10 (Fundraising Within the Department of the Army), 16 January 2023
- c. AR 210-22 (Support for Non-Federal Entities Authorized to Operate on Department of the Army Installations), 12 May 2022
- d. AEAR 210-22 (Private Organizations and Fundraising Policy), 4 April 2022.
- e. AEAR 550-175 (U.S. Forces Customs Controls in Germany), 14 April 2022
- f. AER 600-700 (Identification Cards and Individual Logistic Support), 9 December 2018
- g. Installation Management Command-Europe Policy (SUBJECT: IMCOM-Europe Policy Letter #9, Facility Support to Private Organizations), 3 January 2022

2. Purpose. This document explains policies applicable to PO operations in USAG Ansbach including, but not limited to requests to operate, remaining in good standing, fundraising and events, and requests for United States Army logistical support. This policy does not constitute an endorsement of any particular (PO). This policy does not constitute legal advice to POs and should not be relied upon as such. In the event a provision of this memorandum conflicts or is inconsistent with law or regulation, law or regulation prevails.

3. Background. NFEs and POs are self-sustaining organizations, incorporated or unincorporated, that are not an agency or instrumentality of the Federal Government, as explained in Army Regulation (AR) 210-22, Glossary.

- a. NFEs/POs play a critical role in improving morale, well-being, and quality of life in USAG Ansbach.

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- b. NFEs/POs provide additional opportunities for social interaction, educational pursuits, and professional development.
- c. NFEs/POs provide important financial and volunteer support to many community programs and activities.
- d. The USAG Ansbach leadership recognizes the importance of POs, and will make appropriate resources and opportunities available to POs, subject to law, regulation, and policy.
- e. US government employees and PO members will maintain professionalism at all times, and contribute to a culture of collaboration and mutual respect.
- f. PO members shall become familiar with the references in this memorandum.
- g. An NFE is a self-sustaining organization, incorporated or unincorporated, that is not an agency or instrumentality of the Federal Government.
- h. A PO is a self-sustaining NFE, incorporated or unincorporated, which is operated on Army and/or DoD installations with the written consent of the Garrison Commander (GC) or higher authority, by individuals acting exclusively outside the scope of any official capacity as officers.
- i. The terms NFE or PO are commonly interchangeable.

4. On-Post Operation. To operate as an approved PO in USAG Ansbach, NFEs must first contact the PO Coordinator, or the PO Manager, listed as the points of contact (POCs) for this memorandum to obtain an application checklist.

- a. NFEs will submit all required application documents described in the checklist provided to them within the timeframes established to the PO Coordinator.
- b. The PO Coordinator will submit completed application packets to the Ansbach Law Center for review. Upon receipt of legal review, the PO Coordinator will forward the packet according to the Staff Action Sheet through to the Directorate of Human Resources Director, to the GC for action, or return of applications to the submitter for edits and/or changes.
- c. After the GC has approved the PO application, the PO Coordinator will advise the POs. POs are then authorized to operate within USAG Ansbach for two years, open a bank account, and hold activities as explained in this policy.

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5. PO Membership Requirements.

a. At the time of application for approval to operate, a PO membership must be more than 50% NATO Status of Forces Agreement (SOFA) status per reference (c), paragraph 4. SOFA status may include members of the U.S. Forces, DA Civilian employees, Family members (dependents / members of the household of sponsors stationed in IMCOM-EUROPE), U.S. Forces contract employees, employees of organizations granted status under Art. 71, 72, or 73 of the Supplementary Agreement to the NATO SOFA.

(1) Three PO membership categories are defined as follows: active, honorary, and associate. POs operating on an installation must always have an active membership category and should not allow their approvals to lapse.

(2) The number of active members serves as the basis for determining whether a PO meets or exceeds the “50% members with SOFA status” threshold.

b. POs 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, gender identity, status as a parent, or other impermissible basis. See reference (b) for specific guidance.

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

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

e. Boy Scouts and Girl Scouts (BSGS). BSGS organizations are approved to operate in the United States European Command (USEUCOM) area of responsibility (AOR) via authorities granted to them by DOD and USEUCOM. However, scouting organizations are encouraged to provide a current list of authorized scouting POCs to the PO Coordinator to facilitate communication between the garrison and the scouting organization.

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6. PO Obligations. In order to remain in good standing, POs must adhere to the following procedures:

a. POs shall conduct a financial audit every two years or upon change of treasurer.

b. At least annually, POs will provide the documentation required by reference (c), paragraph 4d.

c. POs must keep a record of the following: original approval letter not to exceed two years; an audit report/financial review for the last 4 years; a copy of the organization's insurance if applicable; a copy of the organization's license to use Army real property (acquired through USAG Ansbach Department of Public Works); a copy of the bank authorization letter; and a current list of officers with contact information.

d. Insurance and Bonding.

(1) POs will obtain adequate and current insurance as protection against public liability, claims, property damage claims, or other legal actions arising from PO activities with insurance naming and covering one or more of the PO's members acting on its behalf, or the operation of any equipment, apparatus, or device under the control and responsibility of the PO. Neither the installation, nor the government, will have any liability for the NFE/PO actions or debts.

(2) 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.

e. Audits.

(1) POs 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 PO Coordinator. On change of PO treasurer, an audit will be conducted, regardless of the time elapsed since the last audit. POs with financial statements audited annually by their national headquarters may submit a copy of such an audit rather than applying the following provisions:

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

(3) POs using a single-entry accounting system are audited as follows:

(a) Audits of income from contributions, dues, and assessments may only be conducted by either a PO member who holds no office and is at least 18 years of age, or by a qualified auditor.

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(b) When a PO engages in resale or other fundraising activities, the audit will be performed by either an appointed committee of three PO members who hold no office, or by a qualified auditor.

f. Good Standing.

(1) Failure to renew authorization to operate prior to expiration (every two years) will result in denial of all PO activity and fundraising until renewal request approval. This may include revocation of prior approved activities and fundraisers that may have been scheduled to occur after the original authorization expiration date. A lapse in status may also result in revocation of on-post banking privileges and/or use of designated facilities. The GC retains the right to revoke permission to operate at any time.

(2) No PO/NFE will propagate extremist activities, not advocate violence against others, nor participate in activities intended to overthrow the Government.

(3) NFEs/POs must provide a statement that they will not engage in any form of partisan political activity as defined by DoDD 1344.10.

(4) The PO shall confirm that current and future NFE/PO personnel and volunteers who have regular contact with children under 18 years of age on the installation have undergone appropriate background checks.

7. Request to Re-validate Authority to Operate.

a. There is a 90-day window for renewal applications. POs should ensure renewal materials are submitted to the PO Coordinator early enough to prevent lapse in status. POs shall note that authorizations to operate expire automatically upon expiration date. The PO Coordinator will endeavor to alert any potentially expiring organizations of their deadlines. Nevertheless, lack of notification to POs of upcoming lapses does not create any additional rights.

b. POs shall, at minimum, submit a revalidation application (commonly called a "renewal application") 90 days prior to expiration of authorization to continue to operate on post.

c. When renewals are due, POs must submit application materials including audits (or financial review), with a summary of any changes to the bylaws, constitution, or operations. POs must keep the PO Coordinator updated with changes in officers, CMR addresses, private phone numbers, and private, non-DoD email addresses.

d. The PO Coordinator regularly communicates via e-mail to POs relative to events, opportunities, and other information sharing. The elected officials of a PO should be sure to review email regularly.

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8. Fundraising and Events.

a. The USAG Ansbach GC may permit POs limited, occasional fundraising (defined as one (1) event per month, or up to twelve (12) per calendar year) in Army facilities. "Limited Occasional Fundraising" shall be in support of on-post POs and other limited fundraising activities to assist those in need as authorized by the GC or head of the organization with authority over the location of the fundraising, in coordination with the supporting legal office, and comply with the regulations outlined in the references. Please note, POs may not operate as a "commercial enterprise".

b. A "Fundraiser" is defined as "any activity conducted for the purpose of collecting money, goods, or a non-Federal fund support for the benefit of others." see reference (d), glossary.

c. "Fundraising" also includes soliciting members where members do or may pay dues as a condition of PO membership. In the event of community showcases, information about an organization may be shared, but actively seeking to gain (sign up or enlist) new members requires submission of a fundraiser request. Please note- a PO's flier for a fundraising event may not contain sponsorship verbiage/logos. For various exceptions to this policy, POs may submit inquiries to the PO Coordinator, in advance of the event fundraising request form.

e. Additionally, the GC may permit limited use of certain government logistical support in support of NFE/PO events when done in compliance with law and regulation. An "Event" is defined as any gathering of PO members to carry out PO business by the exclusive use of the following:

(1) USAG Ansbach real property facility or resources (such as utilities), for use where a license has not already been granted by the GC. This means, for example, that setting up a table in the PX foyer does not require GC logistical support approval. However, the request still requires PX Facility Manager concurrence to ensure the table will not interfere with official operations. If a PO is unsure of the identity of a particular facility manager, the PO can contact this memorandum's POC. For the example given, if fundraising does not take place, the PO will send the Fundraising/Event Form (with facility manager concurrence) to PO Coordinator for garrison situational awareness. If fundraising will take place, DHR approval is required. See paragraph 9 for more information on the use of real property. POs planning on having an event or fundraising at a location that is not their primary designation property shall obtain, through the PO Coordinator, the facility manager's concurrence/approval.

(2) As an exception, POs paying for facility support to hold an event during non-duty hours at the Von Steuben, where no fundraising will take place, need not submit a fundraising or event request form, nor inform DHR. Otherwise, POs may use the Von Steuben facility during business hours for non-fundraiser purposes, on a non-

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interference and non-reimbursable basis, subject to facility manager concurrence on the event request form. POs will merely forward the event request to the PO Coordinator for situational awareness.

(3) The locations where a fundraiser or event will take place must be outlined on the Fundraiser/Event Form and processed according to the circumstances of the fundraiser/event. The location must be restricted to the applicable U.S. Forces-controlled installation and may not take place in any Federal workplace. However, POs are not restricted to conduct fundraising or events on-post; where activities are to occur off-post, these functions do not require any installation paperwork processing.

f. DHR/Administrative Services Division (ASD) is the entry point for all PO communications and requests. POs can obtain the fundraiser and event request form from the POC Coordinator. POs seeking, or that intend to seek, garrison logistical support or other Garrison Operations/S-3 event coordination shall indicate the request on this form. POs shall coordinate through the PO Coordinator any forms assistance or approval process; a PO shall not reach out to other installation offices as this action may conflict with the services the installation can legally provide.

g. PO requests should be submitted not less than thirty (30) calendar days prior to the fundraiser or event date. Untimely requests may not be actioned within the PO's desired timeline due to the levels of processing each request requires. Nevertheless, DHR will endeavor to action late requests, specifically in the event of garrison-wide events for which PO attendance is encouraged. POs must receive written approval prior to undertaking any fundraiser or event preparations, such as, but not limited to, advertising and ticket sales, or logistical support requests to the Garrison Operations section or another tenant unit. POs should not advertise events on social media until formal approval.

h. In addition to the guidance in reference (d), fundraising for approved POs is limited to individuals who have SOFA status. Money will not be solicited or accepted from Host Nation (HN) citizens or other individuals not authorized SOFA status or individual logistic support under reference (f). Requests for exception to policy are found in paragraph 10 of this policy.

i. Fundraising methods may not include the resale or other transfer to unauthorized recipients of AAFES merchandise, Defense Commissary Agency merchandise, items imported through an Armed Forces Postal Office (APO) or the Military Postal Service (MPS), or items purchased through the Individual Tax-Relief System, unless authorized by other regulatory provision.

j. POs are prohibited from engaging in the distribution or sale of alcoholic beverages at any time.

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k. Food safety is the responsibility of the PO. POs will ensure any member engaging in food service/handling, will have a food handler's training certificate/card on hand/on-site. A food handler's training certificate can be obtained by contacting the Veterinary Food Inspection Team which, at the time of publication, is below. USAG Ansbach will endeavor to facilitate the availability of additional Food Handling Training to aide the POs in meeting this requirement and/or will attempt to assist POs in locating suitable online training where available.

(1) USAG Ansbach Veterinary Food Inspection Team NCOIC can be reached at: 314-590-3784 (DSN) / +49 06371-9464-3784, 314-590-3783 (DSN) / +49 063719464-3783.

(2) The Vilseck Preventive Medicine Team NCOIC can be reached at: 314-590-3986 (DSN) / +49 06371-9464-3986.

l. Receipts for all food purchases must be on-site, available for inspection.

m. 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 reference (a). Military personnel will not engage in fundraising activities in a personal capacity while in military uniform.

n. Fundraising privileges may only be permitted when a PO is fully authorized to operate and is not lapsing in any renewal application.

9. Use of US Army Logistical Support.

a. The GC may permit the use of Army real estate (including utilities and in-place equipment) under license or lease agreements, in accordance with AR 405–80, Management of Title and Granting Use of Real Property and reference (a), when in the best interest of the Army. The GC may provide available office furniture, machines, and equipment, as well as, lighting, heating, cooling, electricity, internet services, and local telephone service. Logistical support is based on available space with existing resources and is intended to avoid any detriment to the military mission or security.

b. Prohibited services include installation legal, audit, transportation, postal, printing, information management activities, clerical, financial, copying, management, or procurement services. See references.

c. POs seeking or planning to use Garrison real property on a continuous, or recurring basis may seek a license via request submitted to the PO Coordinator. Such license will negate the requirement to seek facility manager approval for events which take place at the location listed in the license. The PO must nevertheless, include a

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copy of the current license when submitting fundraising/event requests. The USAG Ansbach Department of Public Works (DPW) currently manages and controls all PO licenses and/or leases. The PO Coordinator will facilitate communications between the DHR and the DPW.

d. The NFE/PO shall agree to reimburse the Army for utility expenses, unless use is incidental (where it would cost more to bill and collect than it costs to provide the utility).

10. Customs Issues. Soliciting donations for transfer to non-SOFA persons is governed by AEAR 550-175, U.S. Forces Customs Controls in Germany. POs must obtain approval from the USAREUR-AF customs office prior to soliciting for such donations. POs must submit a written request via e-mail, per chapter 14 of the AEAR 550-175, to: usarmy.wiesbaden.usareur.list.nato-sofa@army.mil.

a. Requests should reflect:

(1) The requestor POC name and entity (Unit, PO,...),

(2) Explanation of what tax-and duty-free goods/items are to be collected and when, and

(3) To whom the items will be donated to (name/address).

b. Upon receipt of the information, it may have to be processed with German Customs prior to approval. Upon approval, the USACA-E office will issue an authorization memorandum. The customs authorization memorandum must be submitted with the PO fundraiser request to DHR.

c. Donations cannot contain any high value items/electronic equipment. The USACA-E Customs inspector(s) may do a visual spot check before the items are to be transferred.

11. It is the GC's intent that NFEs/POs be enabled to continue to do the great work they do in support of the installation. However, regulations require the operations of the NFEs/POs meet certain procedural requirements. The Ansbach Legal Office is utilized to review the legality and merits of questions, but they are not able to assist NFEs/POs. NFEs/POs should work in concert with the PO Coordinator to build a positive rapport and mutual trust. This foundation requires respect and professionalism on all parts to help get the NFEs/POs to "yes" within approval processes.

12. USAG Ansbach NFE/PO Office will hold at least one annual summit which POs may attend. Topics include policy, regulatory changes, and processes. Likewise, the summits will serve as an open forum for the installation to hear any suggestions or from


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the NFE/PO community. The PO Coordinator will extend invitations to all NFE/POs for these summits.

13. Enclosure 1, titled "Reference Guide", will be provided to Private Organization representatives as applicable. Enclosure 2, Establishment of Private Organization flowchart is provided as a visual overview of the process. Enclosure 3, Request to Attend Event or Fundraise is provided as a visual flowchart for both requests.

14. The POC is PO Coordinator, Directorate of Human Resources, at VoIP 314-587-1816, or commercial number at 0611-143-587-1816; the alternate POC is the DHR ASD Chief at VoIP 314-587-1803, commercial number at 0611-143-587-1803, or at email jason.j.symak.civ@army.mil.

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AARON J. SOUTHARD
COL, PO
COMMANDING

3 Encls

1. Reference Guide
2. Establishment of
Private Organization
3. Request to Attend Event
or Fundraise