

**DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY GARRISON
FORT MONMOUTH, NEW JERSEY 07703-5000**

FORT MONMOUTH REGULATION
No. 210-1

1 April 1999

Installations

PRIVATE ORGANIZATIONS ON FORT MONMOUTH

Issue of changes to this regulation is prohibited unless specifically approved by Commander, USAGFM, ATTN: SELFM-CO.

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Chapter 1 Introduction

1-1. Scope

a. *Purpose.* This regulation sets forth policy, procedures, and responsibilities for the authorization and operation of private organizations on Fort Monmouth.

b. *Applicability.* This regulation governs private organizations that maintain office space on the installation or that conduct day-to-day business functions on the installation. This regulation also governs the Armed Forces Communications and Electronics Association (AFCEA) and the Association of the United States Army (AUSA). This regulation does not apply to:

(1) Private organizations operating outside of Fort Monmouth that request use of space or facilities. These organizations must obtain permission from the Commander, U.S. Army Garrison, Fort Monmouth, ATTN: SELFM-CO.

(2) American National Red Cross (DOD Directive 1330.5).

(3) United Service Organizations, Inc. (DOD Directive 1330.12).

(4) United Seaman's Service (DOD Directive 1330.16).

(5) Financial Institutions on DOD Installations (DOD Directive 1000.11).

1-2. Policy

DOD policy prohibits the official sanction, endorsement, or support of private organizations by DOD Components except as authorized in the Joint Ethics Regulation, DOD 5500.7-R (JER). Private organizations are not entitled to sovereign immunity and privileges accorded to Federal entities and instrumentalities. Private organizations are not Federal entities and are not to be treated as such in order to avoid conflicts of interest and unauthorized expenditures of appropriated, commissary surcharge, or non-appropriated funds.

Chapter 2

Private Organizations

2-1. Private Organizations

A private organization is any self-sustaining and non-Federal entity — incorporated or unincorporated — which is operated on a Department of Defense (DOD) installation, with the written consent of the installation commander or higher authority, by individuals acting exclusively outside the scope of any official capacity as officers, employees, or agents of the Federal Government.

2-2. Restrictions

a. To prevent the appearance of any official sanction or support by the DOD, a private organization covered by this regulation shall not utilize the following in its title or letterhead:

(1) The name or seal of the Department of Defense or the acronym "DOD."

(2) The name, abbreviation, or seal of any DOD component or instrumentality.

(3) The seal, insignia, or other identifying device of Fort Monmouth, CECOM, or C4IEWS.

(4) Any other name, abbreviation, seal, logo, insignia or the like, used by any DOD component to identify any of its programs, locations, or activities.

b. Activities of private organizations covered by this regulation shall not in any way prejudice or discredit DOD, any DOD component, or other agency of the Federal Government.

2-3. Requirements and Procedures

a. *Operating permit.* All private organizations that operate on Fort Monmouth must obtain an operating permit. All private organizations must have their operating permits revalidated every 2 years. Requests for revalidation of operating permits will be submitted to the Garrison Commander 90 days before the current permit expires. Private organizations seeking a permit to operate on Fort Monmouth or a revalidation must apply in writing to the Garrison Commander and must provide the following documentation.

b. *Documentation.* The nature, function, and objectives of a private organization covered by this regulation shall be delineated in a written constitution, by-laws, charter, articles of agreement, or other authorization documents approved by the Garrison Commander. That documentation shall also include:

(1) Description of membership eligibility in the private organization.

(2) Designation of management responsibilities, to include the accountability for assets, satisfaction of liabilities, disposition of any residual assets on dissolution, and other matters that show responsible financial management.

(3) Documentation indicating an understanding by all members as to whether they are personally liable if the assets are insufficient to discharge all liabilities.

c. *Additional documentation.* Private organizations will also supply the following documentation at the Garrison Commander's written request:

- (1) Minutes or summaries of private organization meetings.
- (2) Financial statements.
- (3) Audit reports.
- (4) Tax status.
- (5) Correspondence concerning applicability of State or local laws.

d. *Auditing.* Private organizations with gross annual revenue of \$1000 or more will be audited at least once every 2 years. The following provisions apply:

(1) Private organizations using a double-entry accounting system, regardless of source of income over \$1000, will be audited by a qualified auditor. A qualified auditor is one that holds a grade UA/GS-9 (or local national equivalent grades) or above in civilian job series 510 or 511, or who is a public accountant or certified public accountant licensed by a State or other recognized licensing jurisdiction.

(2) Private organizations using a single-entry accounting system will be audited by a member of the private organization who holds no office and is at least 21 years of age, or a qualified auditor.

e. *Noncompetition.* A private organization covered by this regulation that offers

programs or services similar to either appropriated or nonappropriated fund activities on Fort Monmouth shall not compete with, but may, when specifically authorized by the Garrison Commander, supplement those activities.

f. *Financial support.* Private organizations covered by this regulation shall be self-sustaining, primarily through dues, contributions, service charges, fees, or special assessment of members. There shall be no financial assistance to a private organization from a nonappropriated fund instrumentality in the form of contributions, repairs, services, dividends, or other donations of money or other assets. Fundraising and membership drives are governed by the JER.

g. *Logistical support.* In conformance with DOD Directive 1015.1, nonappropriated fund instrumentalities' funds or assets shall not be directly or indirectly transferred to private organizations. Fort Monmouth may provide DOD employees in their official capacities to express DOD policies as speakers, panel members, or other participants, or, on a limited basis, the use of DOD facilities and equipment (and the services of DOD employees necessary to make proper use of the equipment), as logistical support for an event sponsored by a private organization covered by this regulation — except for fundraising and membership drive events — when the Commanding General or Garrison Commander, as appropriate, determines all of the following:

(1) The support does not interfere with the performance of official duties and would in no way detract from readiness.

(2) DOD community relations with the immediate community and/or other

legitimate DOD public affairs or military training interests are served by the support.

(3) It is appropriate to associate DOD, including the concerned Military Department, with the event.

(4) The event is of interest and benefit to the local civilian community, Fort Monmouth, or any other part of DOD.

(5) Fort Monmouth is able and willing to provide the same support to comparable events that meet these criteria and are sponsored by other similar private organizations.

(6) The use is not restricted by other statutes or regulations.

(7) No admission fee (beyond what will cover the reasonable costs of sponsoring the event) is charged for the event, no admission fee (beyond what will cover the reasonable costs of sponsoring the event) is charged for the portion of the event supported by Fort Monmouth, or Fort Monmouth support to the event is incidental to the entire event in accordance with public affairs guidance.

h. *Assets and property.* Neither appropriated fund activities nor nonappropriated fund instrumentalities may assert any claim to the assets, or incur or assume any obligation of any private organization covered by this regulation except as may arise out of contractual relationships. Property abandoned by a private organization on its disestablishment or departure from the installation, or donated by it to the installation, may be acquired by Fort Monmouth under the terms of the applicable agreements, statutes, and DOD policy.

i. *Insurance.* Insurance, as required by the Garrison Commander, shall be secured by the organization to protect against public liability and property damage claims or other legal actions that may arise as a result of activities of the organization or one or more of its members acting in its behalf, or the operation of any equipment/apparatus or device under the control and responsibility of the private organization.

j. *Statutes, regulations, and other laws.* Private organizations shall be responsible for ensuring applicable fire and safety regulations; environmental laws; local, state, and Federal tax codes; and any other applicable statutes and regulations which are complied with within the operation of the private organization.

k. *Income.* Income shall not accrue to individual members except through wages and salaries as employees of the private organization or as award recognition for service rendered to the private organization or military community. The Garrison Commander may approve the operation of private organizations, such as investment clubs, in which the investment of members' personal funds result in a return on investment directly and solely to the individual members.

l. *Nondiscrimination.* No person because of race, color, creed, sex, age, disability, or national origin shall be unlawfully denied membership, unlawfully excluded from participation, or otherwise subjected to unlawful discrimination by any private organization on Fort Monmouth covered by this regulation. There are no exceptions to this requirement for any private organization covered by this regulation. Fort Monmouth will publicly disseminate information on procedures for individuals to follow at Fort

Monmouth when unlawful discrimination by private organizations is suspected.

m. *Labor laws.* Applicable laws on labor standards for employment shall be observed.

n. *Termination.* A private organization may be discontinued by the membership. The Garrison Commander may withdraw permission for any private organization to operate on Fort Monmouth at any time.

Chapter 3 Informal Funds

3-1. Informal funds

Informal funds are certain unofficial funds that may operate on DA installations provided that they do not exceed a net worth of \$1000 (examples: office coffee cup and flower fund and annual picnic fund).

3-2. Procedures

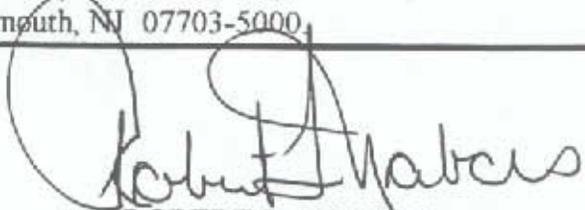
Informal funds are subject to the following:

a. Only one individual is to be responsible for fund custody, accounting, and documentation. The fund custodian will administer fund business during off-duty time. This individual will report annually to his or her military rater or civilian supervisor, as appropriate, concerning the fund's existence and purpose, financial status, or upon occurrence or suspicion of irregularities associated with the fund.

b. Use is limited to expenses consistent with the purpose and function of the fund and is not to be expended in any way that is, or appears to be, improper or contrary to Army interests.

c. Compliance with the JER is required when participating in an informal fund and when expending informal funds.

The proponent of this publication is the U.S. Army Garrison Fort Monmouth. Users are invited to send comments on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to Commander, CECOM, ATTN: AMSEL-LG-JA, Fort Monmouth, NJ 07703-5000.



ROBERT L. NABORS
Major General, USA
Installation Commander

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