



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON RHEINLAND-PFALZ
UNIT 23152
APO AE 09067-3152

AMIM-RPW-N

1 October 2021

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Family and Morale, Welfare and Recreation (Family and MWR) Private Organization (PO) Procedures and Fundraising within U. S. Army Garrison Rheinland-Pfalz (USAG RP) (SOP NSD #30-22)

1. PURPOSE: This SOP establishes procedural guidance for authorized Private Organizations (POs) within USAG-RP. Family and Morale, Welfare and Recreation (Family and MWR), NAF Support Division (NSD), shall be responsible for all policy matters and will administer oversight on all POs within USAG RP.
2. REFERENCES:
 - a. Department of Defense (DoD) 5500.7-R, Joint Ethics Regulation (JER), 29 Nov 2007.
 - b. Army Regulation (AR 210-22, Private Organizations on Department of the Army Installations, 22 Oct 2001.
 - c. Army in Europe Regulation (AER) 210-22, Private Organization and Fundraising Policy, 13 Aug 2010.
 - d. AR 215-1, Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities, 24 Sep 2010.
 - e. DoD Instruction 1000.15, Private Organizations on DoD Installations, 24 Oct 2008.
 - f. AR 600-20, Army Command Policy, 06 Nov 2014.
 - g. AR 600-29, Fund-Raising within the Department of the Army, 07 Jun 2010.
4. DEFINITION: POs are self-sustaining and non-federal entities, incorporated or unincorporated and operated on DoD installations 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. POs are not entitled to sovereign immunity and privileges accorded to federal entities and instrumentalities.

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5. ESTABLISHMENT: Request for approval to operate on a U.S. Forces installation in the European theater must be submitted in writing according to AER 210-22 and AR 210-22. Please allow at least 4 weeks for processing.

a. To qualify for approval as a PO in the European theater, at least 51 percent of the PO's members must have Status of Forces Agreement (SOFA) status in accordance with AER 210-22, paragraph 4a. Individuals 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 Status of Forces Agreement (SA).

b. To establish a PO in the USAG-RP community, the organization must submit the following items to usarmy.rheinland-pfalz.id-europe.mbx.dfmwr-unit-funds@mail.mil:

(1) Completed and Signed Private Organization Application. (Enclosure 1)

(2) Charter / Articles of Agreement / Constitution / Bylaws – include parent organization's documents if local organization is affiliated. Specific statements from AR210-22, AER 210-22, and DODI 1000.15 are required to be included in these documents. These statements are outlined on the Constitution and Bylaws checklist. This completed checklist should be submitted with the establishment packet. (Enclosure 2)

(3) List of POs officers with SOFA status, addresses, telephone numbers, and e-mail addresses. (Enclosure 3)

(4) List of members annotating type of SOFA status and memo stating the percentage of members with SOFA status (Enclosure 4 and 5)

(5) Proof of adequate insurance. Private organizations will obtain adequate insurance as protection against public liability, claims, property damage claims, or other legal actions arising from PO activities on post.

(6) PO's must prevent the appearance of an official sanction or support by DOD. A PO will not include the following items listed in AR 210-22, 3-1 in its title or Letter Head.

(7) Request to Establish Bank Account memo including IRS Form SS-4. (Enclosures 6 and 7)

6. REPORTING REQUIREMENTS: Private Organizations are required to report on a quarterly and annual basis or upon request by the approving authority or designee. PO's will provide the following information to usarmy.rheinland-pfalz.id-europe.mbx.dfmwr-unit-funds@mail.mil:

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a. Copy of audit reports. Audits are to be conducted by an independent auditor bi-annually or when the PO fund custodian or treasurer changes regardless of time elapsed since last audit.

b. Newly signed Briefing Memo is due at the beginning of each new election year or upon change of the Treasurer or President. This time frame is decided by the PO, as outlined in their Constitution and Bylaws.

c. A valid copy of insurance needs to be on file for the PO at all times. Proof of insurance should be submitted at least once a year based on the policy coverage dates. A lapse in insurance will lead to the PO being prohibited from conducting on base activities, such as meetings or community events.

d. Updated Officer Listing, at the beginning of each new election year or upon change of any elected positions.

e. On a quarterly basis the PO will submit meeting minutes, bank statements and treasurer reports. These reports are to be submitted NLT 10 days following the end of each quarter.

7. COORDINATING FUNDRAISERS OR COMMUNITY EVENTS: When a PO wishes to conduct a fundraiser or participate in a community event, they must submit a formal application signed by the President or designee to usarmy.rheinland-pfalz.id-europe.mbx.dfmwr-unit-funds@mail.mil which includes the following: (Enclosure 12)

a. Who will be conducting the fundraiser?

b. When will the fundraiser take place (date, time)?

c. How will the fundraiser be conducted?

d. What is the purpose of the fundraiser?

e. What goods will be sold at the fundraiser?

f. Where will the fundraiser take place (location)? Application must be signed by the Facility Manager to prove the coordination of Facility use for the proposed time and date of this event.

g. The event details must be very specific to allow for a proper review. Please note that this process can take between 4-6 weeks. Request may require concurrence from other installation entities. All fundraiser requests require approval by the JAG office.

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h. Requests must be submitted NLT 30 days before the PO wishes to advertise the event to allow for the required processing.

i. The PO will be notified in writing by the PO Liaison of the approval/disapproval of the request. The approval letter must be on hand at all times while the fundraiser is taking place.

j. Fundraising activities must comply with the requirements set forth in Army Regulations and Army in Europe Regulations. All fundraisers must be restricted to permissible fundraising areas designated by the USAG RP Commander or designee Director, Family and MWR.

k. All PO events must have the USAG RP Commander's approval or designee Director, Family and MWR representative before the event can be advertised and executed.

l. Major fundraising events require a tremendous effort in coordination. Support from the Directorate of Public Works and Logistics, or traffic control by the Military Police, is often needed. Because post organizations involved with the fundraiser will review the request, it is recommended that the PO coordinate all requirements with appropriate post organizations well in advance of the event to ensure that preparations and arrangements are fulfilled.

m. POs conducting fundraisers selling food products must have a member with a valid food handler card, obtained from Preventative Medicine, who is present at all times during the fundraiser. The card must be readily available for inspection at the site, and will be submitted with the original request, in preparation of an on-site inspection of the event. More information on how to obtain a valid food handlers card can be found here: <https://rhce.amedd.army.mil/landstuhl/fhcc.cfm>

n. Fundraising for approved POs is limited to individuals who have SOFA status. Money will not be solicited or accepted from HN citizens or other individuals not authorized SOFA status.

o. Prohibited fundraising activities include, but are not limited to, the following:

(1) Fundraisers cannot include the resale or transfer to unauthorized recipients of AAFES or DeCA merchandise. Use of the Army Post Office to import items for fundraising purposes is strictly prohibited as is the resale of any purchases using Tax Relief (VAT) Forms.

(2) Private organizations will not engage in the distribution or sale of alcoholic beverages at any time.

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(3) Private organizations will not conduct activities that duplicate and/or compete with authorized Army or NAFI activities. This includes events such as; bus trips, Bazaars, mini Bazaars, or food sales of like items in close proximity to Family and MWR facilities or concessionaires.

p. The USAG RP Commander or designee, Director, Family and MWR, will resolve disputes concerning operation of fundraisers and/or cost assessments in connection with fundraising events.

q. Membership drives are not considered a fundraising event. The PO must still receive approval to set-up. The coordination of these events should be requested through the Private Organization Liaison at usarmy.rheinland-pfalz.id-europe.mbx.dfmwr-unit-funds@mail.mil.

8. SOLICITATION ON ARMY INSTALLATIONS: Only MWR programs and those programs authorized in paragraph 11-7 (AR 215-1) may benefit from commercial sponsorship. Other command groups, units, private organizations, or unofficial activities or organizations are not authorized to use commercial sponsorship to offset program or activity expenses while operating on Government property.

9. REVALIDATION: POs that have approval to operate on U.S. Forces installation in the European theater may do so for 2 years unless approval is withdrawn by the USAG Commander or Director, Family and MWR. The approval to operate will expire in 2 years unless it is revalidated. Revalidation request will be submitted NLT 90 days prior to the PO expiration date.

a. POs will provide the following items to usarmy.rheinland-pfalz.id-europe.mbx.dfmwr-unit-funds@mail.mil:

(1) Completed and Signed Private Organization Application (Enclosure 1)

(2) Copy of constitution & bylaws with any changes to PO activities, membership requirements, officers, objectives, organization, utilization of funds and management function, with current approval date by members, signed and dated by the PO President, Secretary and at least one other officer.

(3) Current Officer Listing at the time of revalidation.

(4) Memorandum of SOFA status. This states that at least 51% of the PO members hold SOFA status.

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(5) Copy of the last quarter's minutes or summaries of PO meeting, financial and bank statements.

(6) Copy of last financial audit and proof of insurance/bonding.

(7) Request to Maintain Bank Account memorandum and copy of IRS Form SS-4 Employer Identification Number if not already on file. (Enclosure 8 and 9)

10. TERMINATION OF PO OPERATION:

a. The membership or the installation commander, who may withdraw permission to operate on the Army installation at any time, may discontinue an organization. Notification by either party will be in writing. On termination, commands may require written agreements that any abandoned PO assets will be considered a donation to the installation. The installation commander has final approval over their disposition. It should be clearly understood that the installation commander has the absolute discretion to determine whether the PO's continued operation is compatible with the Army's interest.

b. POs may be discontinued by the membership at any time. This should be documented in the minutes of the final meeting and forwarded to usarmy.rheinland-pfalz.id-europe.mbx.dfmwr-unit-funds@mail.mil. The letter or memo should address disposing of assets, outstanding liabilities, and include an ending balance statement. The PO Liaison will provide a memo confirming the termination of the PO to be used by the PO to terminate bank accounts, insurance policies, and other PO account closures.

c. POs that do not request revalidation at the end of the two year operating period will be canceled. Bank accounts and on-post operations will be suspended until the PO is officially revalidated.

11. TAXES AND OTHER LEGALITIES:

a. POs are not instrumentalities of the federal government. PO purchases, sales, and income may be subject to taxation. There are no arrangements between Family and MWR and POs to avoid the imposition of taxes on PO transactions or to authorize NAFI support beyond that authorized by statute.

b. In an official capacity, Army employees (military or civilian) will remain neutral in dealing with POs. The accommodation of one organization over another will be avoided, and there will be no preferential treatment or even the appearance of favoritism.

c. Private organizations will receive no special treatment because they promote Army goals or support the military community.

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d. No person because of race, color, creed, sex, age, disability or national origin shall be unlawfully excluded from participation, or otherwise subjected to unlawful discrimination by any PO on a DoD installation covered by this SOP. Allegations of unlawful discrimination by a PO will be reported to the Equal Employee Opportunity (EEO).

e. POs covered by the SOP are responsible for complying with applicable host nation, U.S., and DoD statutes and regulations, including labor laws, environmental laws, federal tax codes and fire and safety regulations. Private organizations will comply with all Federal, State, and local tax laws and codes. (The PO will contact the proper tax officials to ensure compliance with all tax laws and will obtain private counsel when such assistance is needed.)

12. The point of contact is the PO Liaison at DSN 541-9079, CIV 0611-143-541-9079 or Email: usarmy.rheinland-pfalz.id-europe.mbx.dfmwr-unit-funds@mail.mil.



JANNA V. HENDERSON
Chief, NAF Support Division

- 10 Encls
1. Sample PO Application
 2. Sample Constitution & Bylaws Checklist
 3. Sample Officer Listing
 4. Sample Membership Listing
 5. Sample SOFA Status Memo
 6. Sample Bank Account Establishment Memo
 7. Sample IRS Form SS-4
 8. Sample Renewal Bank Account Memo
 9. Sample Change Funds Custodian Memo
 10. Sample Fundraiser Application