

Department of Defense Instruction
1000.15

ASD (FMP)

SUBJECT: Private Organizations on DOD Installations

References:

- (a) DOD Instruction 1000.15. subject as above, September 22, 1978 (hereby canceled)
- (b) DOD Directive 5124.5, "Assistant Secretary of Defense for Force Management Policy (ASD (FMP))," October 31, 1994
- (c) DoD 5500.7-R, "Joint Ethics Regulation," August 1993, authorized by DOD Directive 5500.7, August 30, 1993
- (d) DOD Directive 1015.1, "Establishment, Management, and Control of Nonappropriated Fund Instrumentalities." August 19, 1981
- (e) through (i), see enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction

- 1.1. Reissues reference (a).
- 1.2. Implements policy in reference (b).
- 1.3. Updates responsibilities and procedures to define and reestablish parameters for private organizations located on DOD installations for their authorization and support.

2. APPLICABILITY

This Instruction applies to:

2-1 The Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Defense Agencies, and DoD Field Activities (hereafter referred to collectively as the "DOD Components").

2-2. Private organizations authorized to Operate on DOD installations.

3. DEFINITIONS

3.1 DoD Installation. A location, facility, or activity owned, leased, assigned to, controlled, or occupied by a DOD Component.

3.2. Private Organizations. Self-sustaining and non-Federal entities, incorporated or 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.

4. POLICY

It is DoD policy under DoD Directive 5124.5 (reference (b)) that procedures be established for the operation of private organizations on DOD installations to prevent the official sanction,

endorsement, or support by DOD Components except as in DoD 5500.7-R (reference (c)). 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 nonappropriated funds.

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense for Force Management Policy, under the Under Secretary of Defense for Personnel and Readiness, shall be responsible for all policy matters and OSD oversight for the monitoring *of* private organizations on DoD installations.

5.2. The heads of the DOD Components shall implement this Instruction, shall be kept aware of all private organizations located on installations under their jurisdiction, and ensure that periodic reviews of private organizations are conducted to:

5.2.1. Ensure for each such private organization that the membership provisions and purposes on the basis of which the organization was permitted on the installation continue to apply. thereby justifying continuance on the installation. Substantial changes to those conditions shall necessitate further review, documentation, and approval for continued permission to remain on the installation.

5.2~2. Furnish reports to the Assistant Secretary of Defense for Force Management Policy on private organizations covered by this Instruction as required.

6. PROCEDURES

6.1. To prevent the appearance of an official sanction or support by the Department of Defense, a private organization covered by this Instruction shall not utilize the following in its title or letterhead:

6.1.1 - The name or seal of the Department of Defense or the acronym "DoD."

6.1.2. The name, abbreviation, or seal of any DoD Component or instrumentality.

6.1.3. The seal, insignia, or other identifying device of the local installation.

6.1.4. Any other name, abbreviation, seal, logo, insignia, or the like, used by any DoD Component to identify any of its programs, locations, or activities.

6.2. Activities of private organizations covered by this Instruction shall not in any way prejudice or discredit the DoD Components or the other Agencies of the Federal Government.

6.3. The nature, function, and objectives of a private organization covered by this Instruction shall be delineated in a written constitution, by-laws, charter, articles of agreement, or other authorization documents acceptable to the head of the DoD installation. That documentation shall also include:

6.3.1. Description of membership eligibility in the private organization.

6.3.2. 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.

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

6.4. A private organization covered by this Instruction that offers programs or services similar to either appropriated or nonappropriated fund *activities* on a DOD Installation shall not compete with, but may, when specifically authorized in the approval document, supplement those activities.

6.5. Private organizations covered by this Instruction 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. Fund raising and membership drives are governed by DOD 5500.7-R (reference (c)).

6.6. *The* DOD Components may provide logistical support to private organizations with appropriated Federal Government resources in accordance with reference (c). In conformance with DOD Directive 1015.1 (reference (d)), nonappropriated fund instrumentalities funds or assets shall not be directly or indirectly transferred to private organizations.

6.7. Personal and professional participation in private organizations by DoD employees is governed by reference (c).

6.8. 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 Instruction 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 the DOD installation under the terms of applicable agreements, statutes, and DOD policy.

6.9. Adequate insurance, as defined by the Service concerned, 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.

6.10. Private organizations shall be responsible for ensuring applicable fire and safety regulations, environmental Jaws, local, State, arid Federal tax codes, and any other applicable statutes and regulations are complied within the operation of the private organization.

6.11. 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 head of a DOD installation concerned 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.

6.12. 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 a DOD installation covered by this instruction. DOD installations will publicly disseminate information on procedures for individuals to follow at the local installation when unlawful discrimination by private organizations is suspected.

6.13. Applicable laws on labor standards for employment shall be observed.

6.14. This Instruction does not apply to the following organizations, which are governed by DOD Directives and Instructions as referenced:

6.14.1. Scouting organizations operating at U.S. military installations located overseas (DOD Instruction 1015.9, reference (e)).

6.14.2. American National Red Cross (DoD Directive 1330.5, reference (f)).

6.14.3. United Service Organizations) Inc. (DoD Directive 1330.12, reference (g)).

6.14.4. United Seamen's Service (DoD Directive 1330.16, reference (h)).

6.14.5. Financial Institutions on DoD Installations (DOD Directive 1000.1 1, reference (I)).

6.15. Certain unofficial activities may be conducted on DoD installations, but need not be formally authorized because of the limited scope of their activities, membership or funds. Examples are office coffee funds, flower funds, and similar small, informal activities and funds. DoD Components shall establish the basis upon which such informal activities and funds shall operate.

7. EFFECTIVE DATE

This Instruction is effective immediately.

F. Pang
Assistant Secretary of Defense
Force Management Policy

Enclosure
References

REFERENCES, continued

- (e) DoD Instruction 1015.9. "Professional United States Scouting Organization Operations at United States Military Installations Located Overseas," October 31, 1990
- (f) DoD Directive I 330.5~ "American National Red Cross," August 16, 1969
- (g) DoD Directive 1330.12, "United Service Organizations, Inc.," November 9, 1987
- (h) DOD Directive 1330.16, "United Seaman's Service (US 5)," February 23, 1983
- (i) DOD Directive 1000.11, "Financial Institutions on DoD Installations," July 26, 1989