



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON WIESBADEN
UNIT 29623 BOX 51
APO AE 09005-9623

AMIM-WBG-ZA

9 December 2024

MEMORANDUM FOR All Private Organizations within the United States Army Garrison (USAG) Wiesbaden Area of Responsibility

SUBJECT: USAG Wiesbaden Command Policy Letter #54, Private Organizations

1. References:

- a. Department of Defense (DoD) 5500.07-R, Joint Ethics Regulation (JER), 15 May 2024.
- b. Army in Europe and Africa Regulation (AEA Reg) 210-22, Private Organizations and Fundraising Policy, 4 April 2022.
- c. Army Regulation (AR) 1-10, Fundraising Within the Department of the Army, 16 January 2023.
- d. AR 210-22, Support for Non-Federal Entities Authorized to Operate on Department of the Army Installation, 12 May 2022.
- e. AER 215-1, Family and Morale, Welfare, and Recreation Programs in Europe, 17 June 2019.
- f. USAG Wiesbaden Command Policy Letter #13, On-Post Private Organization Fundraising and Other Fundraising Activities, 20 August 2024.
- g. USAG Wiesbaden Private Organizations, Policies and Procedural Handbook, 2024 Edition, 19 November 2024.

2. Purpose: To offer guidance for authorized Private Organizations (POs) on USAG Wiesbaden.

3. Definition: Private Organizations are self-sustaining Non-Federal Entities (NFEs), incorporated or unincorporated, which operate on Army and/or DoD installations with the written consent of the Senior Commander (SC) or higher authority, by individuals acting exclusively outside the scope of any official capacity as officers, employees, or agents of the Federal Government or its instrumentalities.

4. Applicability: All approved Private Organizations that operate within USAG Wiesbaden. This memorandum does not apply to Soldier and Family Readiness Groups or Unit Informal Funds.

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5. **Approval Authority:** The Approval Authority for Private Organizations operating within USAG Wiesbaden is the Garrison Commander. The approval authority for the biennial renewal of Private Organizations had been delegated to the Programs Director, Family and Morale, Welfare, and Recreation (FMWR). The approval authority for fundraiser requests has been delegated to the Chief, Nonappropriated Funds (NAF) Support Services. The Private Organizations Liaison will oversee policy matters and administer oversight of all POs approved to operate within USAG Wiesbaden.

6. **Private Organizations Liaison:** The PO Liaison is the FMWR NAF Support Services Administrative Management Specialist and can be reached at DSN: 314-548-9124, CIV: 0611-143-548-9124, or e-mail at usarmy.wiesbaden.id-europe.mbx.private-org@army.mil.

7. **Operations:** A request for approval to operate on USAG Wiesbaden must be submitted in writing in accordance with AR 210-22 and AEA Reg 210-22 to the PO Liaison. It is the responsibility of each PO to ensure its request to operate on USAG Wiesbaden complies with current policy in AR 210-22 and AEA Reg 210-22. Please allow up to 8 weeks for processing once received by the PO Liaison.

a. To qualify for approval as a PO, at least 51% of the PO's members must have Status of Forces Agreement (SOFA) status in accordance with AEA Reg 210-22, paragraph 4a. The three PO membership categories are defined as follows: active, honorary, and associate. POs operating on an installation must always have an active membership category. The number of active members serves as the basis for determining whether a PO meets or exceeds the "50% members with SOFA status" threshold. The Affidavit for SOFA Status must be completed and returned notarized from an authorized notary.

b. To operate as a Private Organization with USAG Wiesbaden, the following must be submitted to the Private Organizations Liaison at usarmy.wiesbaden.id-europe.mbx.private-org@army.mil or in person at North Clay, Building 3340, 3rd Floor, Quad D:

(1) Initial Approval to Operate Request.

(2) A copy of the PO's authorizing documents. Authorizing documents include, but are not limited to, constitution, bylaws, charter, and articles of agreement. If the PO is affiliated with national, state, or regional organization, it must provide evidence of the affiliation. Mandatory statements outlined in AR 210-22 and AEA Reg 210-22 are required to be included in these documents.

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(3) A list of the officers of the PO to include their SOFA status, addresses, private phone numbers, and private email addresses. Please note that the use of official military email accounts (ex: ...@army.mil) is strictly prohibited.

(4) SOFA Status Affidavit stating the percentage of members with SOFA status and verification of SOFA status of the Treasurer and either the President or Vice President.

(5) Proof of liability insurance, or a statement from a parent organization indicating that its policy includes coverage for both liability and fidelity bonding covering the local organization.

(6) Fidelity bonding for members or employees handling monthly cash flow exceeding \$500 (*if applicable*).

(6) A copy of the Youth Protection Training certificates for all adult leadership and members who supervise youth for all Youth-Oriented Private Organizations, including Parent-Teacher Associations (*if applicable*).

(7) A clause stating that the PO is aware of the DoD and IMCOM-E policies on equal opportunity and will adhere to and enforce these policies.

(8) IAW AEA Reg 210-22, para. 4c(2), a memorandum requesting support to open an account with an on-post bank. The PO will also provide form SS-4, Application for Employer Identification Number.

(9) A clause stating that upon approval, the location and types of on-post bank accounts and account numbers will be submitted to the approval authority (*if applicable*).

(10) The Point of Contact (POC) information for the PO.

(11) A signature from the President of the PO.

(12) Requirements set forth in AR 210-22, para. 2-2a (1)-(4).

8. Annual Reporting Requirements: In accordance with (IAW) AEA Reg 210-22, POs must submit the documents listed below annually to the PO Liaison in addition to information required when approval is requested.

a. To reduce the possibility of missing any document updates, the following information will be sent to the PO Liaison from each PO during the month of October each year:

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(1) A current list of the PO's officers with their complete APO addresses, private telephone numbers, and private, non-DoD e-mail addresses.

(2) A signed affidavit, notarized by an authorized notary, stating the percentage of PO members with SOFA status (Scouting Organizations are exempt).

(3) An updated copy of proof of insurance coverage.

b. The final due date for all documents is 31 October. Any PO that does not submit the documents required annually by 31 October will have its operations terminated on USAG Wiesbaden.

9. Youth Organizations: In addition to the documents required by AR 210-22, AER 210-22 and the Wiesbaden PO Policies and Procedural Handbook, all Youth-Oriented Private Organizations, including Parent-Teacher Associations (if minors participate in their fundraisers) must ensure that all of their adult leadership and members who supervise youth complete the Youth Protection training. The Boy Scouts of America online Youth Protection training, which can be found at <http://www.scouting.org/Training/YouthProtection.aspx> can be taken by persons who are not a registered member of the Boy Scouts of America. The training certificates are valid for two (2) years. All Youth-Oriented Private Organizations are required to maintain the current training certificates and submit them to the PO Liaison. All new PO officers must complete the training immediately after elections.

10. On-Post Fundraising: Private Organizations will comply with all of the procedures outlined in USAG Wiesbaden Policy Letter #13.

14. Audits and Records: Private Organizations with gross annual revenue of \$1,000 or more will comply with the audit procedures outlined in AR 210-22, para. 5-3.

15. Solicitation on Army Installations: Private organizations are not authorized to use commercial sponsorship to offset program or activity expenses while operating on Government property.

16. Facility Rental and Use of Space: Any questions or concerns pertaining to the renting of installation space can be directed to the Chief of Master Planning at CIV: 0611-143-548-4300 or DSN: 548-4300.

17. Use of Postal Services: POs generally cannot use postal services, but exceptions exist in DOD 4525.6-M, AP1.3.18. These exceptions, subject to local authorities and regulations, allow approved POs to send correspondence and parcels. However, as DOD 4525.6-M, AP1.3.18 was repealed, we refer to it for context. These exceptions do not apply in Germany due to adequate civil postal support. Additionally, NFE

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organizations, including POs, cannot use installation services such as legal, audit, transportation, postal, printing, and others per AR 210.22, para 3-3d.

17. Renewal: Private Organizations with approval to operate on Army installations within the jurisdiction of USAG Wiesbaden may do so for 2 years, unless the approval is withdrawn by the USAG Wiesbaden Commander, IMCOM-E Director, or CG, USAREUR-AF. The approval to operate will expire after 2 years unless it is renewed. Renewal requests must be submitted at least 90 days before the approval to operate expiration date. Renewal requests will include documentation of any changes from current approval to the PO Liaison at usarmy.wiesbaden.id-europe.mbx.private-org@army.mil. The following are the required documents:

a. A signed memorandum requesting renewal to operate as a PO.

b. A copy of the PO's authorizing documents. Authorizing documents include, but are not limited to, constitution, bylaws, charter, and articles of agreement. If no changes have occurred, the PO must state this fact in the letter of request for renewal. If changes were made to the PO's constitution and bylaws, a memo detailing those changes must be included.

If the PO is affiliated with another organization, either a statement that no changes have been made to the authorizing documents of the affiliated organization OR a memorandum that identifies the changes is required.

c. A current list of the PO's officers with their complete APO addresses, private telephone numbers, and private, non-DoD e-mail addresses.

d. Proof of liability insurance, or a statement from a parent organization indicating that its policy includes coverage for both liability and fidelity bonding covering the local organization.

e. Fidelity bonding for members or employees handling monthly cash flow exceeding \$500 (*if applicable*).

h. A copy of the latest audit report, either last 2 years or last change of treasurer and financial statements (bank statements) covering that entire period.

i. A signed affidavit, notarized by an approved notary reflecting the SOFA Status of membership. (AEA Reg 210-22, Sect II, Chap 4, a (1)).

j. The location and types of on-post bank accounts. If the PO is part of another charter organization, it must maintain its own separate bank account; there should be no co-mingling of accounts or monies.

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k. A copy of the Youth Protection Training certificates for all adult leadership and members who supervise youth for all Youth-Oriented Private Organizations, including Parent-Teacher Associations *(if applicable)*.

18. Dissolution of Operation:

a. IAW AR 210-22 and AEA Reg 210-22, paragraph, the PO members, the Garrison Commander, the Director, IMCOM-Europe, or the Commanding General, USAREUR, may discontinue the operation of a PO.

b. Notification by either party will be in writing. When a PO is terminated and the PO abandons its assets, a written agreement will be required that states the assets are abandoned to USAG Wiesbaden and the USAG Wiesbaden Garrison Commander has final approval over their disposition.

c. It should be clearly understood that the Garrison Commander has the absolute discretion to determine whether the PO's continued operation is compatible with the Army's interest. The Garrison Commander may withdraw PO's permission to operate on the Army installation at any time.

d. If the organization is dissolved, all funds in the treasury at the time will be used to meet any outstanding debts, liabilities, or obligations.

e. The Garrison PO Liaison will be notified of the dissolution. Notice will include:

(1) A statement of dissolution dated and signed by the PO president.

(2) A copy of the bank statement showing a zero balance.

e. If a PO fails to submit dissolution documents or a renewal request by their expiration date, the PO Liaison will inform the Garrison Commander. The Garrison Commander may then terminate space authorizations and dispose of PO property. Written termination notices are required. Commanders may request written agreements for abandoned NFE assets, with the Commander having final disposition authority.

19. Taxes and Other Legalities:

a. POs are not considered instrumentalities of the federal government. Consequently, their purchases, sales, and income may be subject to taxation. There are no agreements between Family and MWR and POs to prevent taxes on PO transactions or to authorize Appropriated Fund or Non-Appropriated Fund Instrumentality (NAFI) support beyond what is permitted by statute.

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b. POs will not receive any special treatment for promoting Army goals or supporting the military community. Army employees, both military and civilian, must remain neutral when dealing with POs in an official capacity. Favoring one organization over another will be avoided to ensure there is no preferential treatment or even the appearance of favoritism.

c. No person because of race, color, sex, age, disability, or national origin shall be unlawfully excluded from participation, or otherwise subjected to unlawful discrimination by any PO on USAG Wiesbaden covered by this policy.

d. POs covered by this policy are responsible for complying with applicable host nation and U.S. laws, regulations, and codes, and DoD and Army policies, including labor laws, environmental laws, federal tax codes, and fire and safety regulations. POs will contact the proper tax officials to ensure compliance with all tax laws and will obtain private counsel when such assistance is needed.

20. Failure to comply with this memorandum may result in revocation of approval to operate within USAG Wiesbaden.

21. Point of contact for this memorandum is Ms. Rachel J. Bianculli at DSN 314-548-9124, CIV: 0611-143-548-9124, or email: rachel.j.bianculli.naf@army.mil.



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