DEPARTMENT OF THE NAVY
U.S. NAVAL SUPPORT ACTIVITY
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NAVSUPPACT NAPLES INST 1710.11C
N01J

11 APR 2011

NAVSUPPACT NAPLES INSTRUCTION 1710.11C

From: Commanding Officer, U.S. Naval Support Activity, Naples, Italy

Subj: GUIDELINES FOR THE OPERATION OF PRIVATE ORGANIZATIONS

Ref: (a) DoD Instruction 1000.15 of 24 Oct 08
(b) DoD 5500.7-R of 20 Aug 93
(c) DoDEA Regulation 7240.1 of 28 Oct 99
(d) BUPERSINST 1710.11C
(e) BUPERSINST 1710.21
(f) NAVSUPPACT NAPLES INST 1710.10 (Series)
(g) NAVSUPPACT NAPLES INST 1710.15

Encl: (1) Command Recognition Request Packet

1. Purpose. To provide guidelines concerning the operation of private organizations onboard U.S. Naval Support Activity, Naples, Italy (NAVSUPPACT Naples).

2. Cancellation. NAVSUPPACT NAPLES INST 1710.11B.

3. Background. Reference (a) requires procedures be established for the operation of private organizations on DoD installations to prevent the actual or perceived official sanction, endorsement, or support by any DoD component except as authorized in reference (b).

4. Scope.

a. This instruction applies to all private organizations seeking to operate or fundraise onboard NAVSUPPACT Naples or otherwise seeking logistical support from NAVSUPPACT Naples.

b. This instruction does not apply to:

(1) Student Activity Funds operating onboard NAVSUPPACT Naples in accordance with reference (c);

(2) Tenant command unit recreation committees operating onboard NAVSUPPACT Naples in accordance with reference (d);

(3) Youth Activity Programs operating onboard NAVSUPPACT Naples under the cognizance of the Director of the NAVSUPPACT Naples Morale, Welfare and Recreation Department (MWR) in accordance with references (e) and (f);

(4) Department of Defense Dependents Schools-Europe (DoDDS-E) student body activities that are conducted during the academic day as an adjunct of an academic program;

(5) MWR Special Interest Groups operating onboard NAVSUPPACT Naples under the cognizance of the Director of the NAVSUPPACT Naples MWR;

(6) Any other non-Federal entities and/or activity which seeks to operate or fundraise onboard NAVSUPPACT Naples in accordance with appropriate higher authority.

5. Definitions.

a. A private organization is defined in reference (a) as a self-sustaining and non-Federal entity, incorporated or unincorporated, which operates on a 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. Private organizations may be Boy Scout troops, Chiefs messes, religious groups, enlisted associations, or sports teams.

b. A non-Federal entity is generally a self-sustaining, non-Federal person or organization, established, operated, and controlled by an individual(s) acting outside the scope of any official capacity as officers, employees, or agents of the Federal Government. This Directive addresses only those entities that may operate on DoD installations with the express consent of the installation commander or higher authority under applicable regulations. Non-Federal entities may include elements of state, interstate, Indian tribal, and local government, as well as private organizations.

6. Policy.

a. Private organizations as non-Federal entities. Private organizations are not entitled to the sovereign immunity and/or privileges afforded 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.

NAVSUPPACT Naples's support of private organizations is limited by references (a) and (b). Members of private organizations who are Government employees shall comply with reference (b).

b. Command authorization for private organizations to operate onboard the installation. Private organizations shall not conduct meetings, activities, or fundraisers onboard NAVSUPPACT Naples without first obtaining command recognition from NAVSUPPACT Naples. Procedures for obtaining command recognition are outlined in paragraph 8 below. Approval to operate onboard NAVSUPPACT Naples does not constitute approval of logistical support for meetings, fundraisers or other events or programs. All fundraising shall be in accordance with reference (g). Fundraisers shall not be conducted onboard NAVSUPPACT Naples without prior written approval from the Commanding Officer, NAVSUPPACT Naples. Command recognition does not bestow any official sanction, endorsement, or guarantee of support by the U.S. Government. The NAVSUPPACT Naples Office of the Staff Judge Advocate (SJA) is designated by the Commanding Officer to manage the private organization program. The extent of SJA management is always subject to the discretion of the Commanding Officer.

c. Private organizations at an overseas installation. The North Atlantic Treaty Organization (NATO) Status of Forces Agreement (SOFA) protections and tax exemptions are limited to certain individuals acting in their official capacity. These protections, to include tax exemptions, do not apply to private organizations. In addition to complying with all relevant U.S. laws, private organizations are responsible for complying with all applicable Italian laws to include fire and safety regulations, environmental laws, tax laws, and labor standards.

7. Guidelines.

a. Private organizations as non-Federal entities.

(1) To prevent the appearance of official sanction or support by the Department of Defense or Department of the Navy, a private organization shall not use the following in its title or letterhead:

(a) The name or seal of the Department of Defense or the acronym "DoD;"

(b) The name or seal of the Department of the Navy or the acronym "DoN;"

(c) The name, abbreviation, or seal of any other DoD component or instrumentality;

(d) The seal, insignia, or other identifying device of NAVSUPPACT Naples; or

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

(2) Activities of private organizations shall not prejudice or discredit the DoD, the DoN, other DoD Components, or other Agencies of the Federal Government in any way.

(3) Private organizations and their members are responsible for complying with references (a) and (b). In particular, members of private organizations who are Government employees are reminded that the official or apparently official endorsement of events, the use of one's official title with respect to private organizations and the use of official channels to distribute information regarding events, absences to participate in events, and the use of Government resources, including E-mail, in support of events are all restricted by references (a) and (b).

b. Competing Services. When specifically authorized in writing, private organizations may offer programs, services, or products that complement either appropriated or non-appropriated fund activities on NAVSUPPACT Naples, but they shall not compete with such DoD programs. A determination of what is considered "competitive" and therefore unauthorized is solely within the discretion of the NAVSUPPACT Naples Commanding Officer.

c. Financial Independence. Private organizations shall be self-sustaining, primarily through dues, contributions, service charges, fees or other special assessments of members. There shall be no financial assistance to private organizations from a non-appropriated fund instrumentality in the form of contributions, repairs, services, dividends, or other donations of money or other assets. Non-appropriated fund instrumentalities' funds or assets shall not be directly or indirectly transferred to private organizations. Logistical support to private organizations with appropriated Federal Government resources is limited by reference (b). Logistical support to private organizations with MWR resources is limited by reference (e). Membership drives and fundraising are governed by references (b) and (g).

d. Logistical Support. Only command recognized private organizations may be provided limited logistical support for meetings, fundraisers or other events or programs. Such logistical support may include, but is not limited to, the following:

(1) Posting or distribution of informational material on base;

(2) Use of free space in the Panorama to announce or advertise organizational calendars or events;

(3) Announcement of organizational events in the Plan of the Week;

(4) Purchase or rent of services and/or materials through or from MWR; and

(5) Limited use of NAVSUPPACT Naples equipment, facilities or areas, including the Capodichino "Spine" or Carney Park.

e. Insurance. The private organization must secure adequate insurance (or obtain an authorized waiver of the requirement) 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 on its behalf, or the operation of any equipment, apparatus or device under the control and responsibility of the private organization. NAVSUPPACT Naples reserves the right to compel all command-recognized private organizations to pay insurance dues to a consolidated policy that insures all similarly situated organizations.

f. Wages and Salaries. 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 the military community. The NATO SOFA exemptions from taxation on salaries paid to members of the Force and Civilian Component from the U.S. Government do not apply to income derived from other sources. Wages and salaries paid by private organizations are subject to Italian tax. Investment clubs, in which the investment of the members' personal funds results in a return on investment directly and solely to the individual members, may be authorized to operate on the installation if such authorization is given specifically and in writing by the NAVSUPPACT Naples Commanding Officer.

g. Discrimination. 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. Unlawful discrimination shall be reported to the SJA immediately.

h. Abandoned Property. NAVSUPPACT Naples may acquire property abandoned by a private organization or donated by the organization to NAVSUPPACT Naples as prescribed in reference (b).

i. Commercial Sponsorships. Per reference (g), private organizations shall not solicit, advertise, or endorse commercial sponsorships for on-base events. Only MWR may accept commercial sponsorships.

j. Events and Fundraisers. All requests to conduct fundraisers or obtain logistical support from NAVSUPPACT Naples must be made, in writing, to the Commanding Officer, NAVSUPPACT Naples via the SJA. Additionally, major events having a significant impact on the routine operations of the installation require approval from the Executive Officer, NAVSUPPACT Naples. The determination of what level of approval is required for a certain event will be made by the NAVSUPPACT Naples SJA. In order to ensure equitable treatment of similar groups, NAVSUPPACT Naples may limit the number of meetings, events, and activities that a private organization may conduct on base. All private organization fundraising shall be in accordance with reference (g).

k. Financial Audits. The NAVSUPPACT Naples Command Evaluation and Review (CER) office shall conduct financial reviews of all private organizations under the following conditions:

(1) Upon receipt of a private organization's request for command recognition or renewal of command recognition;

(2) Upon change of a private organization's president or treasurer;

(3) Bi-annually for all organizations maintaining an account balance of $5,000 or greater. Note: private organizations that have an account balance of more than $10,000 at the time of the financial review must have excess funds above $10,000 earmarked for specific purposes. Such organizations must demonstrate that they are attempting to execute earmarked funds in order to keep their balance below the $10,000 threshold; and

(4) When recommended by CER or as directed by the Commanding Officer, NAVSUPPACT Naples.

8. Procedures.

a. Command Recognition. A private organization seeking to operate or renew their authorization to operate on NAVSUPPACT Naples shall apply for command recognition via the NAVSUPPACT Naples SJA. The following documentation is required:

(1) A request to operate or to continue to operate on NAVSUPPACT Naples, signed by the leader of the organization. Enclosure (1) pertains.

(2) A copy, signed by the leader of the organization, of the constitution, by-laws, charter, articles of agreement, or other authorization documents, which shall include the following provisions:

(a) A description of the nature, function and objectives of the organization;

(b) A description of the membership eligibility and a statement that 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;

(c) Designation of management responsibilities, including accountability of assets, satisfaction of liabilities, disposition of any residual assets upon dissolution and other matters showing responsible financial management;

(d) The following liability statement: "Members of the (Insert Name of the Club/Organization) agree to maintain adequate insurance to protect against public liability and property damage claims or other legal actions arising as a result of their actions or the operation of any equipment or devices under their control and responsibility. The Group and Members agree to assume liability, personally and collectively, for all debts of the Group.

(e) The following liability statement: "Members of the (Insert Name of the Club/Organization) further understand that the members are jointly and severally liable for the obligations of the organization. If the organization does not obtain adequate insurance as detailed above and cannot pay its own debts, the members' personal assets are put at risk.

(f) The following liability statement: "Members of the (Insert Name of the Club/Organization) further agree to hold harmless and indemnify the United States, Department of Defense, Department of the Navy, and any of its agents or sub-units for claims arising from any of the organization's activities."

(g) A statement that the organization is self-sustaining, primarily through dues, contributions, service charges, fees or special assignment of members; and

(h) A statement that the organization takes responsibility for complying with local law, applicable international agreements and installation instructions, and that the organization acknowledges that failure to do so may result in administrative action against the organization or its members.

(3) A copy of the current financial audit from the NAVSUPPACT Naples Command Evaluation and Review Office.

(4) A current contact list of the organization's board members, to include names, positions held, phone numbers and E-mail addresses.

(5) A list of planned events, including fundraisers, along with proposed locations.

b. Events and Fundraisers. Private organizations are directed to section 7(j) and reference (g) for guidelines on fundraising onboard NAVSUPPACT Naples installations and for instructions to request permission to conduct a fundraiser or activity. Private organizations and their members are responsible for complying with the requirements of the Preventative Medicine Department of the U.S. Naval Hospital, Naples, Italy, the NAVSUPPACT Naples Fire and Emergency Services, the NAVSUPPACT Naples Security Department and the NAVSUPPACT Naples Safety Office in the operation of all events and fundraisers onboard any NAVSUPPACT Naples installation.

R. B. RABUSE

Distribution:
NAVSUPPACT NAPLES INST 5216.4Y
Lists: I through VII
Electronic via NAVSUPPACT NAPLES web site:
https://www.cnic.navy.mil/Naples/Departments/Adminstration/Instructions/index.htm

NAVSUPPACT NAPLES INST 1710.11C
11 APR 2011

From: President, _____
To: Commanding Officer, U.S. Naval Support Activity, Naples, Italy
Via: Staff Judge Advocate, U.S. Naval Support Activity, Naples, Italy

Subj: REQUEST FOR RECOGNITION AS A PRIVATE ORGANIZATION

Ref: (a) NAVSUPPACT NAPLES INST 1710.11C

1. It is requested that authorization and Command recognition be granted to establish the _____, of Naples, Italy.

2. Pursuant to reference (a) enclosure (1) is submitted to support this request.

3. All elected and/or appointed officers and committee members of this organization shall authorize the Commanding Officer, U.S. Naval Support Activity Naples, Italy (NAVSUPPACT Naples), or his designated representatives to release the names, titles, email addresses, and telephone numbers of its officers and/or committee members.

President, _____

Enclosure (1)

Constitution and BYLAWS
With current President's signature

(Ensure that the Equal Employment Opportunity and Insurance Clauses are included in the constitution or bylaws!!)

Name and Building Number of Space Required

XXXX for meetings

Meeting Dates, Times, and Location

Meetings are conducted every **XXXX of the month** at the **XXXXXXXXX**.

Fund Raising Activities Planned

POINTS OF CONTACT (2)