



DEPARTMENT OF THE NAVY

NAVAL AIR WEAPONS STATION

1 ADMINISTRATION CIRCLE

CHINA LAKE, CA 93555-6100

NAWSINST 1710.1

N05N

3 JUL 12

NAWS INSTRUCTION 1710.1

From: Commanding Officer, Naval Air Weapons Station, China Lake

Subj: FUNDRAISING AND PROMOTIONAL ACTIVITY ONBOARD NAVAL AIR
WEAPONS STATION CHINA LAKE

Ref: (a) DODI 1000.15
(b) NAVCOMPT Vol III 075261
(c) DODD 5410.18
(d) DODD 5035.01
(e) DODD 5500.7-R
(f) BUPERSINST 1710.11C
(g) OPNAVINST 1700.7E
(h) OPNAVINST 4060.4C

Encl: (1) Application to Operate Onboard NAWSCCL
(2) Audit Report
(3) Sample By-laws
(4) Request for Fundraiser Approval

1. Purpose. To establish the Installation Commanding Officer's (ICO) policy governing the recognition of authorized non-federal entities (NFE) and execution of fundraising activities onboard Naval Air Weapons Station China Lake (NAWSCL).

2. Background. Subject to limited exceptions, employees of the Department of the Navy are prohibited from fundraising in the federal workplace, and all fundraising activity onboard NAWSCCL requires prior review and approval by the Installation Commanding Officer (ICO). Under certain circumstances NAWSCCL will authorize and support the fundraising activities of appropriate NFEs on base. References (a) through (e) require the establishment of procedures and policies to govern the appropriate activities of NFEs onboard NAWSCCL. References (f) and (g) limit the frequency of NFE fundraising and establish guidelines for de-conflicting and appropriate interactions between NFEs and official Morale, Welfare, and Recreation (MWR) assets and activities.

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3. Scope and Applicability.

a. This instruction applies to private organizations that seek recognition, approval and support for fundraising activities onboard NAWSCL. This includes all local unit-oriented groups (CPO Selectees, Fallen Shipmates Memorials, First Class Petty Officers Association, etc.) and groups seeking to conduct unofficial fundraising for annual events such as the Navy, Marine Corps and Seabee Birthday Balls.

b. This instruction does not apply to:

(1) By Our Own, For Our Own (BOOFO) Fundraisers. Organizations composed primarily of DoD employees, such as squadron Officers or Chiefs Messes, may conduct fundraisers in their own work spaces so long as the fundraising activity is conducted solely among their own members, and all proceeds benefit the activity's unit morale, welfare, and recreation fund. Advertising for BOOFO events is permissible, but must be confined to the common areas of the activity conducting the BOOFO event, and activities may not solicit the participation of personnel from other organizations.

(2) Activities of the Combined Federal Campaign, the Navy and Marine Corps Relief Society, or other NFE activity authorized to receive official support under reference (c) or as periodically approved by the Office of Personnel Management (OPM).

(3) Charitable solicitation of non-monetary "gifts-in-kind," such as toys, canned food, or winter clothing.

4. Definitions.

a. Non-Federal Entity. A NFE is a self-sustaining, private organization that may be incorporated, but is not necessarily so. Individual members of NFEs act exclusively outside the scope of any official capacity as officers, employees, or agents of the federal government. NFEs are not afforded the legal status of a federal entity. There is no official relationship between the activities of such NFE and NAWSCL. NFEs may only operate on DoD installations with the written authorization of the ICO or higher authority.

(1) Directly-Affiliated NFE. Directly-affiliated NFEs are authorized to operate on a DoD installation upon the written approval of the ICO, and are directly associated with a command

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that operates onboard NAWCL. Examples of directly-affiliated organizations include wardrooms, unit spouse clubs, unit CPO messes, unit First Class associations, and other unit specific organizations. Directly-Affiliated NFEs have a tangible, traditional link with the federal government in membership, purpose, and activities, and are distinguished from independent NFEs on that basis. Directly affiliated NFEs do not require ICO approval to conduct activities off federal property.

(2) Independent NFE. Independent NFEs serve members that are not exclusively associated with a command or activity onboard NAWCL. Examples of these organizations include: Rotary, CPOA, Lions Club, Ducks Unlimited, Society of American Military Engineers, and sports leagues not affiliated with MWR. Local chapters of national organizations are responsible for ensuring compliance with this instruction.

b. Command Fund Activities.

(1) Self-sustaining, non-fundraising sales activities may be conducted onboard NAWCL in tenant command spaces without installation approval. These activities, such as traditional coffee or water mess, must be restricted to beverages and associated pastry or snack items. These activities may not produce profit. Income from such sales must be limited to offset the costs of stocking and operating the mess. Expanded coffee mess activity may conflict with Navy Exchange (NEX) operations and requires prior approval and additional command scrutiny.

(2) Continuous sales of prepared food and drink or emblematic merchandise that raise money for the organization's recreation fund are considered auxiliary resale outlet (ARO) activities governed by reference (f). Operation of ARO requires separate approval not covered by this instruction.

c. Fundraising.

(1) Any organized activity engaged in the collection or generation of money for the benefit of a particular organization or cause.

(2) Official fundraising is any activity conducted with the formal endorsement of the federal government. Official fundraising is the only fundraising activity that may be conducted in the federal workplace, and is extremely limited,

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mainly consisting of the Combined Federal Campaign and certain other activities approved by OPM.

(3) Unofficial fundraising is all other fundraising activity, regardless of the affiliation of the organization or individual conducting it. Unofficial fundraising is not entitled to federal endorsement, and may not be conducted in the federal workplace.

d. Federal Workplace.

(1) The federal workplace technically includes all property onboard NAWSCL. Unofficial fundraising is prohibited in the federal workplace.

(2) The ICO may limit the federal workplace and declare certain common areas and spaces not dedicated to an official mission function to be outside the federal workplace. Tenant commands may declare certain spaces internal to their activities as outside the federal workplace for the purpose of conducting BOOFOO fundraisers and other unofficial activities.

5. Procedure.

a. Initial Certification.

(1) Prior to engaging in any activities onboard NAWSCL, NFEs must achieve initial certification and approval from the ICO. NFEs must complete and submit an application including, but not limited to, enclosures (1) and (2) completed with all requested information, and a copy of the NFE's current bylaws, or comparable documentation of legitimate charitable purpose and internal accountability structure.

(2) NFEs without current bylaws may use enclosure (3) as a template and draft bylaws as appropriate. Regardless of format, NFEs without acceptable bylaws or alternate documentation will not be authorized to operate onboard NAWSCL.

(3) The ICO will issue an official letter of recognition to approved NFEs. Approval to operate will expire three years from the date of the approval letter. NAWSCL retains the right at the ICO's discretion to require NFEs to provide proof of compliance with all relevant regulations, regardless of prior recognition, and the ICO may revoke an NFE's recognition for any reason, at any time. NFEs not approved for operation onboard NAWSCL will receive a letter documenting the reasons for denial.

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(4) Region Legal Service Office Southwest (RLSO SW) Branch Office China Lake will provide limited technical assistance in initial certification upon a NFE's request. NFEs are not entitled to legal advice from RLSO SW or any federal attorney, and are advised to seek independent legal counsel for any questions requiring legal interpretation or advice.

b. Individual Event Requests.

(1) Approved NFEs may request ICO approval for individual events onboard NAWSCL by completing and submitting enclosure (4) no less than THIRTY (30) DAYS prior to the requested event date. Applications submitted less than 30 days from the event date may be summarily denied at the ICO's discretion.

(2) Requests must include all promotional material (flyers, posters, etc.) intended to publicize the event on or off federal property. If promotional material is not in compliance with paragraph 7 of this instruction, the ICO may require modification of the material. Failure to modify non-compliant materials may result in denial of a request and further action at the ICO's discretion.

(3) The ICO or the ICO's representative will issue written notice of approval or denial. Approved events may receive further support as outlined in paragraph 6 of this instruction.

6. Support. Support for private organizations may, but will not necessarily include:

a. Publicity through NAWSCL Public Affairs Office.

b. Logistical support consisting of access to non-workplace common areas and minimal use of utilities.

c. Use of athletic fields and other facilities.

7. Guidance.

a. NFEs may not use the seals, logos, or insignia of the DoD component, organizational unit, or installation on the organization's letterhead, correspondence, or in its title.

(1) If the NFE's name includes the name or abbreviation of a DoD component, organizational unit, or installation, the

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organization must verbally communicate the following disclaimer in all promotional activity and prominently display it in all written publications: "THIS IS A NON-FEDERAL ENTITY. IT IS NOT A PART OF THE DEPARTMENT OF DEFENSE OR ANY OF ITS COMPONENTS AND IT HAS NO GOVERNMENTAL STATUS."

(2) NFEs operating onboard a DoD installation may use the name or abbreviation of the Department of Defense, a DoD Component, organizational unit, or installation in its name provided that its status as a NFE is apparent and unambiguous, and there is no appearance of official sanction or support by the Department of Defense. The following applies:

(a) The NFE must have approval from the appropriate DoD organization whose name or abbreviation is to be used before using the name or abbreviation.

(b) Any use of the name or abbreviation of a DoD Component, organizational unit, or installation must not mislead members of the public to assume a NFE is an organizational unit of the Department of Defense.

b. Activities of private organizations may not in any way prejudice good order and discipline or discredit the Navy or other agencies of the U.S. government. Such activity will result in administrative action against the violating NFE, and may result in administrative or punitive action against involved individuals as appropriate.

c. A private organization may not engage in activities that compete with those of any non-appropriated fund (NAF) activity, such as MWR, unless prior written approval has been granted by such activity and the ICO. Where a conflict exists between a MWR-sponsored or other official event and a private event, the MWR-sponsored or official event will receive preference.

(1) NFEs are advised that requests for events during the Combined Federal Campaign season or other OPM-approved fundraising drives are likely to be denied due to inherent conflict with official fundraising activities.

d. NAWSCL maintains an interest in preserving the financial viability of all approved fundraisers on base, especially those that support MWR. Overuse of NAWSCL facilities and resources for similar events will diminish the effectiveness of all events and may permanently decrease community interest and participation. Accordingly, NAWSCL will normally not approve

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more than two similar events (golf tournaments, bake sales, car washes, etc.) in any given month, and may enforce more restrictive scheduling requirements based on the totality of the circumstances. All such decisions are at the discretion of the ICO for the purpose of preserving the ability of all approved groups to effectively utilize NAWSCS resources.

e. NAWSCS will make every effort to treat all similarly situated NFEs equally, and not act in any way that provides an undue selective benefit to any particular NFE not entitled by law or regulation to special access or support. Approval of any NFE request for support requires that NAWSCS be willing and able to provide similar support to other organizations, and this consideration may affect the ICO's ultimate decision.

f. Membership discrimination by NFEs on the basis of race, gender, marital status, age, creed, national origin, lawful political affiliation, labor organization membership, physical handicap or other distinguishing characteristic will not be tolerated. Applicable laws with respect to labor standards for employment will be observed.

(1) This will not prohibit the recognition of cultural, ethnic, or religious NFEs, provided membership is not unduly restricted or discriminatory on the above basis.

g. NFEs may bring approved property onboard NAWSCS to facilitate execution of an authorized event. No appropriated fund or NAF activity will assert any claim to the assets of an NFE, or incur or assume any obligation of any NFE, except as may possibly arise out of contractual relationships. Notwithstanding the foregoing, property abandoned by NFEs may be acquired under the terms of existing DoD policy and consistent with the laws applicable to the command.

h. Nothing in this instruction limits the right of the federal government or private citizens to pursue claims for damages against NFEs. NFEs are not entitled to sovereign immunity or other legal privileges afforded to the federal government. NFEs are fully liable for their activities onboard NAWSCS and are advised to secure adequate insurance for protection against public liability and property damage claims or other legal actions that may arise due to their operations onboard NAWSCS.

i. NFEs are advised to review all references to this instruction in their entirety for further guidance on

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membership, financial, and operational guidelines not explicitly stated in this instruction. NFEs are responsible for maintaining awareness of all regulations affecting their operations, and will be held accountable for violation of any applicable regulation.

j. Violations of this instruction or any applicable references or other regulation may result in administrative action against the violating NFE, to include disqualification from operating onboard NAWSCCL.

8. Contact the NAWSCCL MWR Director at (760) 939-3006 or RLSO SW BROFF China Lake at (760) 939-5630 for further assistance.


D. A. LAZAR

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APPLICATION TO OPERATE ONBOARD NAWSCL

From: (Elected Head of Organization/Name of Organization)
To: Commanding Officer, Naval Air Weapons Station, China Lake
Subj: REQUEST TO OPERATE ONBOARD NAVAL AIR WEAPONS STATION CHINA LAKE
Ref: (a) NAWSCLINST 1710
Encl: (1) By-Laws of (Name of Organization)
(2) Audit Report

1. Per reference (a), permission is requested to operate onboard NAWSCL. In addition to enclosure (1), the following information is provided:

a. Name and address of private organization:

b. Brief description of activities:

c. Type of organization (Check One)

Directly-Affiliated Private Organization

Independent Private Organization

d. Name and composition of officers of governing board (active duty and/or dependents, retirees and DOD civilians and/or contractors).

e. _____ percent of the governing board are and will be active duty and/or their dependents.

f. Meeting times/locations:

Enclosure (1)

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g. Status: (nonprofit corporation, business corporation, private association, limited partnership, etc.)

h. Affiliations with regional, national, or other organization, if applicable:

i. Membership: Composition of the membership (active duty and/or dependents retirees and DOD civilians and/or contractors).

j. _____ percent of the membership are and will be active duty and/or their dependents.

k. _____ percent of membership already have base access.

l. Description of facilities, equipment or resources used by the organization (specify whether on a full-time or part-time basis.)

If use of the facility or space is requested on an exclusive basis, has a lease been obtained through NAWSCS Public Works?

Yes

No

m. An Audit Report is attached indicating the: (1) name of financial institution where account is held; (2) source of income; (3) annual income; (4) annual expenses incurred; and (5) current balance.

2. It is understood that written approval to operate onboard NAWSCS is issued by the Installation Commanding Officer (ICO). It is further understood that renewal of approval to operate onboard NAWSCS must be requested by submitting enclosure (3) to the installation Staff Judge Advocate (JAG) office by 30 JANUARY of each calendar year to ensure authority does not lapse.

3. Certification is made that this organization does not engage in any ultra hazardous activities as defined by BUPERSINST 5890.1 (e.g. rental of SCUBA equipment and sale of air for SCUBA tanks, use of flames, use of fireworks; rodeo shows; reloading of weapons) or other unsafe activities.

(Name of Submitter)

(Name of Organization)

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AUDIT REPORT

From: (Name of Organization)

To: Commanding Officer, Naval Air Weapons Station, China Lake

Subj: (Name of Organization) AUDIT REPORT

DATE OF AUDIT: _____

REASON FOR AUDIT: INITIAL/ANNUAL/DISSOLUTION (circle one)

AUDIT REPORT**Balance sheet****ASSETS:****LIABILITIES:**

Cash on hand \$ _____

Bills owed \$ _____

Savings Account \$ _____

Others (list by category)

Checking Account \$ _____

_____ \$ _____

Club Property \$ _____

_____ \$ _____

Others (list by category)

_____ \$ _____

_____ \$ _____

TOTAL Assets (TA) \$ _____**TOTAL Liabilities (TL)** \$ _____

(NW=TA-TL)

NET WORTH (NW) \$ _____**INCOME STATEMENT****INCOME:****EXPENSES:**

Sales \$ _____

Materials/

Donations \$ _____

Supplies \$ _____

Dues \$ _____

Equipment \$ _____

Interest \$ _____

Goodwill Activities \$ _____

Others (list by category)

Donations \$ _____

_____ \$ _____

Service Charges \$ _____

_____ \$ _____

Others (list by category) \$ _____

_____ \$ _____

TOTAL INCOME (TI) \$ _____**TOTAL EXPENSES (TE)** \$ _____

(YI=TI-TE)

YEARLY INCOME (YI) \$ _____

Enclosure (2)

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The above categories for assets, liabilities, income, and expenses are only examples. Other categories may be used that are more applicable to the organization. Your forwarding letter should list any discrepancies found during the audit, proposed schedule of events, the name, address and telephone number of all elected officers, and designate a single point of contact.

THE AUDIT MUST BE SIGNED BY THE THREE ACTIVE MEMBERS OF THE ORGANIZATION CONDUCTING THE AUDIT, THE TREASURER AND THE PRESIDENT (five total).

AUDIT MEMBER

AUDIT MEMBER

AUDIT MEMBER

TREASURER

PRESIDENT

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(NAME OF ORGANIZATION) BY-LAWS

ARTICLE I: NAME

The name of this organization is _____.

ARTICLE II: PURPOSE

The purpose of the (Name of Organization) is to _____
_____.

ARTICLE III: MEMBERSHIP

"Active members" must be _____ (i.e., spouses of _____; first class; E-7 or above, etc.).

ARTICLE IV: OFFICERS

A. Only active members may vote, chair a committee or hold office.

B. The elected positions of (Name of Organization) shall be: President, Vice-President, Secretary, and Treasurer.

C. A Board member who misses two consecutive board meetings, or two consecutive member meetings, or is derelict in the performance of their duties, may show cause, by a preponderance of evidence, why they should not be removed from office. A two-thirds vote of the remaining three (3) Board members is required to prevent removal from office. A vote preventing removal by the Board may be overturned by a two-thirds vote of active members present at a meeting called for such a purpose and publicized 30 days in advance of such meeting.

D. The term of office shall expire on the date of the next installation of officers, or no later than thirty (30) days after the annual election.

ARTICLE V: ELECTIONS

A. Elections shall be held annually during the month of _____. The date of the election meeting shall be publicized forty-five (45) days in advance.

B. An election committee of at least three (3) active members shall be appointed by the President sixty (60) days prior to the

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annual election. The committee shall select its own Chairperson by majority vote. The committee is responsible for publicizing the date of the election meeting, conducting the nominating and election meeting, and counting the ballots.

C. A nomination meeting shall be held thirty (30) days prior to the election. Nominations shall be made from the floor by active members and must receive a "second" from another active member.

D. Votes shall be made by secret written ballot.

E. All active members who have attended the two meetings prior to the election are eligible to vote. Exceptions for good cause may be approved by a two-thirds vote of the Board.

F. A Special Election may be called by two-thirds vote of the Board, or by a two-thirds vote of active members present at a meeting, to fill a vacant office mid-term. The Special Election shall be held no earlier than fifteen (15) days after active members at the Special Election Meeting and must receive a "second" from another active member. Voting will occur once all nominations are made, and the new officer shall be installed by the end of the Special Election meeting.

G. Newly elected officers shall assume their duties within thirty (30) days of the election or upon completion of an installation ceremony conducted by the outgoing board.

ARTICLE VI: DUTIES OF OFFICERS

A. The President shall schedule, arrange and preside at all meetings, appoint committee chairperson as required to carry out business, and shall maintain a complete inventory and custody of all property. The President shall not vote in any committee meeting, unless a tiebreaker is required. The President may appoint a Parliamentarian to act as an advisor on proceedings following Robert's Rules of Order (Revised) and/or the Handbook of Parliamentary Procedure (Davidson's) to the extent they do not conflict with these By-laws (and amendments) or other regulations. The President (or Parliamentarian) shall decide whether a quorum is present at each meeting and shall have copies of the By-laws at each meeting. The President shall be an ex-officio member of all committees, but shall not vote unless required to break a tie.

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B. The Vice-President shall assist the President and shall perform all duties of the President in their absence or incapacity. The Vice-President shall act as Program Chairperson and schedule speakers and programs. The Vice-President shall be a standing member of all committees.

C. The Secretary shall keep separate minutes of meetings, keep accurate attendance records in a membership log, handle all correspondence and paperwork, and submit advance notice of meetings to the NAWSCL newspaper (Rocketeer II) and local radio/television venues as desired.

D. The Treasurer shall maintain custody of all funds, manage the checking account, pay all bills promptly, keep receipts of all transactions, make a monthly report at meetings, and conduct an annual audit. The Audit shall be conducted by the President, Treasurer and three (3) active members. Checks and withdrawals require the signature of the Treasurer and either the President or Vice-President.

ARTICLE VIII: MEETINGS

A. A regular meeting shall be held on the first (day of week) of each month, unless otherwise approved by a two-thirds vote of the Board and fifteen (15) days notice is given. Notice of all meetings shall be given to all active members by email.

B. Board meetings shall be held one week prior to regular meetings. A quorum Board meeting shall be held between the annual election and installation of new officers.

C. Voting on general issues and events shall be decided by a majority vote of active members at a meeting at a meeting having a quorum of active members present. The President shall not vote unless required to break a tie.

D. Voting on general issues and events at regular meetings shall be conducted by a show of hands by active members.

ARTICLE VIII: FUNDRAISING

A. Fundraising on federal installation is permitted only for the benefit and support of the organization's own members when approved by the Commanding Officer. Therefore, no funds raised by (Name of Organization) shall be donated to charities other than CFC or NMCRS.

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B. Proposals for fundraising activities shall be submitted to the Installation Commanding Officer (ICO) as soon as the date is known, or at least one month prior to the event for approval, whichever is earlier. No expenditures for any fundraising event shall be made until appropriate approval is obtained from the ICO.

C. Gambling (including raffles) is prohibited.

ARTICLE IX: USE OF FUNDS

A. Expenditures under \$_____ may be approved by a two-thirds vote of the Board. Otherwise, expenditures must be proposed at a regular meeting with a quorum present and approved by a majority vote of the active members.

B. Funds shall not be allocated for a specific purpose unless the Treasurer certifies that there are sufficient funds currently in the account to cover the amount of the obligation.

ARTICLE X: AMENDING THE BY-LAWS

A. The By-laws may be amended by a two-thirds vote of the participating active members during a regularly scheduled meeting, provided notice of the proposed amendment is given 30 days prior to the meeting, and two-thirds of the elected officers are present.

B. No amendment shall take effect until the written approval of the Installation Staff Judge Advocate (JAG) is obtained. This provision is to ensure that fundamental changes to the By-laws will not violate law or regulation.

ARTICLE XI: DISSOLUTION

A. Upon dissolution of the group, the Treasurer shall ensure the payment of all outstanding debts is completed and shall make a final written accounting to the Board.

B. Any remaining property and/or funds shall be given to the Morale, Welfare and Recreation Program as a gift to the U.S. Navy. None of the assets shall be distributed to any member of the (Name of Organization), or to any other charity.

ARTICLE XII: EFFECTIVE DATE

These By-laws were approved by the (Name of Organization) on
(Date of majority vote or organization) and shall take effect as
of (Date of written approval by Installation JAG).

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REQUEST FOR FUNDRAISER APPROVAL

From: _____ (Name of Organization)

To: Commanding Officer, Naval Air Weapons Station China Lake

Subj: REQUEST FOR FUNDRAISER APPROVAL ONBOARD NAWSCCL

The _____ (name of organization)

respectfully requests permission to conduct a(n)

_____ (type of fundraiser)

from _____ to _____ (date/time)

at the following location:

_____.

Enclosed for your review are detailed descriptions of our organization, the desired fundraiser, specific support requirements and alternate contingency plans, if any, and any items intended to be used to publicize the event.

The point of contact for this fundraiser activity is:

Name: _____

Command and address: _____

Phone Number: _____

(Signature and Date)

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Date: _____

AUTHORIZATION FOR _____ FUNDRAISER

1. The above named organization is **GRANTED/NOT GRANTED** permission to conduct the fundraiser described above onboard Naval Air Weapons Station China Lake on the times and dates indicated.
2. The Navy is NOT responsible or liable in any way for the fundraiser.
3. The organization should consider purchasing private insurance for the requested fundraiser.
4. The organization is responsible for set up and clean up associated with the requested fundraising activity.

D. A. LAZAR
Captain, U.S. Navy
Commanding Officer

Enclosure (4)