UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE
PSC BOX 20005
CAMP LEJEUNE NC 28542-0005

MCIEAST-MCB CAMLEJO 5760.1A
SJA

19 OCT 2014

MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE CAMP LEJEUNE ORDER 5760.1A

From: Commanding General
To: Distribution List

Subj: PRIVATE ORGANIZATIONS OPERATING ABOARD MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE CAMP LEJEUNE INSTALLATIONS

Ref: (a) MCO 5760.4C
(b) DoD 5500.07-R, "Joint Ethics Regulations (JER)," November 17, 2011
(c) DoDI 1000.15, "Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations," October 24, 2008

Encl: (1) Non-Federal Entities Having Statutory Authorization for Particular Support
(2) Sample Constitution and/or By-Laws
(3) Checklist for Private Organizations and Informal Fund Activities (MCIEAST-MCB CAMLEJ/SJA/5760.1/2)
(4) Interview of Private Organizations (MCIEAST-MCB CAMLEJ/SJA/5760.1/3)

1. Situation. To establish policy and procedural guidance for supporting private organizations (POs) authorized to operate aboard Marine Corps Installations East-Marine Corps Base Camp Lejeune (MCIEAST-MCB CAMLEJ) installations. According to reference (a), Department of Defense (DoD) policy requires that procedures be established for the operation of POs on DoD installations to prevent official sanction, endorsement, or support except as authorized by reference (b). Unauthorized expenditures of appropriated funds or non-appropriated funds in support of these organizations are prohibited.

2. Cancellation. MCIEAST-MCB CAMLEJO 5760.1.

3. Mission. This Order provides policy, guidance, information, and procedures concerning support for POs authorized to operate aboard MCIEAST-MCB CAMLEJ installations.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. Reference (a) provides policies and instructions for POs, unofficial activities, and informal funds operating on Marine Corps installations. This Order provides the guidelines upon which POs shall operate aboard MCIEAST-MCB CAMLEJ installations. Pursuant to reference (b), care should be taken to avoid preferential treatment, or the appearance thereof, as well as unauthorized official sanction or endorsement of POs.

(2) Concept of Operations. A Non-Federal Entity (NFE) is a self-sustaining organization, incorporated or unincorporated, that is not an agency of the Federal government. They are established, operated, and controlled by

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any individual(s) acting outside the scope of any official capacity as officers, employees, or agents of the Federal government. Membership in these organizations consists of individuals acting exclusively outside the scope of any official capacity as officers, employees, or agents of the Federal government. NFEs include elements of state, interstate, Indian tribal and local government, as well as POs. This Order addresses only those POs that operate on MCIEAST-MCB CAMLEJ installations with the express consent of the installation commander or higher authority. A MCIEAST-MCB CAMLEJ installation also includes any leased facility or other activity under the control of MCIEAST-MCB CAMLEJ command. Marine Corps Community Services (MCCS) concessionaires and military relief societies are excluded from this Order. Certain NFEs are also controlled by specific laws, regulations, or separate DoD/Marine Corps Memoranda of Understanding (MOU) with these organizations. Enclosure (1) contains a list of those NFEs having statutory authorization for particular support.

(a) As indicated in the preceding paragraph, POs are a subset of NFEs. A PO is any entity which is not a Federal governmental entity and is inclusive of both for-profit and non-profit organizations. Included are organizations such as spouse organizations, youth organizations, community service organizations, and recreation organizations other than those operated by MCCS. As stated, POs must obtain authorization to operate aboard MCIEAST-MCB CAMLEJ installations from the Commanding Officer of the respective installation. This authority is non-delegable. After the initial authorization to operate is granted by the installation commander, the installation MCCS director shall be delegated authority to manage all matters related to authorized POs aboard the installation. However, the initial request to become a PO must be forwarded to the local Staff Judge Advocate's (SJA) office for review.

(b) Installation commanders shall determine which POs may or may not operate aboard their installation. POs shall operate on a MCIEAST-MCB CAMLEJ installation only with the express written consent of the installation commander. Any support provided to a PO authorized to operate aboard an installation shall be in accordance with the policies and guidance contained herein and in accordance with the references. Support for youth organizations and other POs which support the quality of life requirements of Marines and their families is encouraged, but only to the extent which commanders are able to provide it without mission interference and only in accordance with the limitations of the references and applicable law.

(c) The nature, function, and objectives of a PO covered by this Order shall be delineated in articles of incorporation, a written constitution, by-laws, charters, articles of agreement, or other authorization documents before receiving approval from the installation commander to operate on the installation. Enclosure (2) is a sample of by-laws. That document shall include a description of eligible membership and state that no person shall be discriminated against because of race, color, creed, sex, age, disability, national origin, sexual orientation, or otherwise subjected to unlawful discrimination. That document shall designate management responsibilities, including accountability for assets, satisfaction of liabilities, disposition of any residual assets upon dissolution, and any other documentation that shows responsible financial management and shall state that members understand they are personally liable, as provided by law, if the assets of the PO are insufficient to discharge liabilities.

(d) Installation commanders shall maintain a continuing review of facilities, programs, and services operated or provided by POs operating on MCIEAST-MCB CAMLEJ installations and ensure that membership provisions and purposes forming the basis for approval of each organization still apply and justify continuance. Substantial changes to those original conditions shall necessitate further review, documentation, and approval by the installation commander for continued permission to operate on the installation.

(e) Installation commanders will take the necessary action to withdraw consent for any PO operating on the military installation that is contrary to the provisions of the references, this Order, or for any reason deemed sufficient.

(f) POs operating on MCIEAST-MCB CAMLEJ installations may use the name or abbreviation of the DoD, a DoD Component, organizational unit, or installation in its name, provided that its status as a PO is apparent and unambiguous and there is no appearance of official sanction or support by the DoD or the Marine Corps. The PO must have approval from the appropriate DoD organization whose name is being used before using the name or abbreviation. Any use of the words "Marine Corps," "USMC," and unit or installation names or abbreviations, or any derivation thereof must be coordinated with the Marine Corps Trademark and Licensing Office located within Headquarters, U.S. Marine Corps Public Affairs (703-614-7678) for approval or disapproval. 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 PO is an organization of the DoD. A PO must display the following disclaimer on all print and electronic media mentioning the PO's name confirming that it is not part of the DoD: "THIS IS A PRIVATE ORGANIZATION. IT IS NOT PART OF THE DEPARTMENT OF DEFENSE OR ANY OF ITS COMPONENTS, AND IT HAS NO GOVERNMENTAL STATUS." This disclaimer must also be provided in appropriate oral communications and public announcements when the name of the PO is used.

(g) POs will not compete with MCCS revenue generating businesses or engage in retail activity except with the express written consent of the installation commander following consultation with the installation MCCS director and SJA. Installation commanders are authorized to eliminate duplication of services, particularly when these services are found to be in competition with the installation's revenue generating activities.

(h) POs are prohibited from selling alcoholic beverages on any MCIEAST-MCB CAMLEJ installation. Those POs permitted to use government facilities will not distribute or possess alcoholic beverages on any MCIEAST-MCB CAMLEJ installation unless authorized to do so.

(i) Fundraising and membership drives are governed by reference (b), any applicable installation policy, and any applicable MCCS standing operating procedures pertaining to the administrative oversight of POs.

(j) POs will also remain in compliance with this Order at all times. If a PO is found to be in violation of this Order, the installation commander will review the facts and circumstances in consultation with the installation MCCS director and the SJA, and decide the appropriate course of action. Such actions may range from the issuance of a warning to immediate revocation of all base privileges.

(k) Requests by adult-led POs associated with schools (e.g. Parent Teacher Organizations, Parent Teacher Associations) to operate aboard the installation must be routed through the school Superintendent for review and recommendation prior to approval by the installation commander. Student groups that operate under the administrative supervision of a school faculty/staff member (examples include, but are not limited to, school drama clubs, language clubs, National Honor Societies, and Key Clubs) are exempt from the procedural requirements of this Order. However, such student groups must route all requests for fundraising activities occurring aboard the installation and off school property through the installation commander for approval.

b. Subordinate Element Missions

(1) Installation commanders shall:

(a) Serve as approval authority for requests by POs to operate aboard the installation. All requests must be in writing. Only the installation commander is authorized to approve requests from POs to operate aboard the installation. The PO must primarily benefit service members and their families. Installation commanders may revoke a PO's authorization to operate aboard the installation at any time. The installation commander cannot delegate these authorizations and must document his/her decisions in writing.

(b) Maintain and update a list of POs authorized to operate aboard the installation no later than 1 January of each year. This list will be forwarded to the Command Inspector General (CIG), MCIEAST-MCB CAMLEJ.

(c) Ensure widest dissemination of the contents of this Order to all POs authorized to operate on the installation. Educate POs, subordinate commanders, staff, and tenant commanders on the requirements of this Order and any supplemental installation order concerning the presence of POs on the installation.

(d) Designate MCCS, in writing, as the staff section responsible for providing general administrative oversight of POs at the installation.

(e) Direct a legal review of every PO and PO's request to operate aboard the installation.

(f) For the purposes of PO logistical support requests made pursuant to section 3-211(b) of reference (b), designate non-Federal work areas in writing.

(g) Enter into a MOU with each PO authorizing their operation aboard the installation. The MOU must include all the requirements listed in this Order and any other applicable regulations.

(h) Direct all POs operating on base with gross annual revenues in excess of $2,500 to produce an independent annual audit no later than 60 days after the end of their fiscal year. MCCS shall annually review the ledgers of all POs operating on base with gross annual revenues of $2,499 or less. Annual review of financial records such as balance sheets are required from all POs authorized to operate aboard the installation. Report any PO that earns income

in excess of $1,000 per on-installation fundraising event or more than $12,000 a year to the Commanding General (CG), MCIEAST-MCB CAMLEJ.

(2) CIG shall:

(a) Include the requirements of this Order in the Commanding General's Readiness Inspection checklist.

(b) Perform compliance inspections of POs operating aboard MCIEAST-MCB CAMLEJ installations using enclosures (3) and (4).

(c) Execute investigations as may be directed by CG, MCIEAST-MCB CAMLEJ.

(3) Assistant Chief of Staff (AC/S), G-1 shall: Appropriately staff any recommendations for changes to this Order.

(4) AC/S, G-F, and Environmental shall: Coordinate with the command-designated MCCS representative and Naval Facilities Engineering Command on all real estate issues to ensure compliance with applicable references and directives. Although MCCS has the lead on maintaining files on every PO authorized to operate on the installation, G-F should maintain records of real property out-grants.

(5) AC/S, MCCS shall: Create and maintain a file on every PO authorized by the installation commander to operate aboard the installation. This file must contain the PO's authorization documents (e.g., by-laws), the local SJA's legal opinion, the PO's written request to operate aboard the installation, the installation commander's authorization to operate aboard the installation, and proof of insurance or installation commander's written waiver, together with signed hold harmless agreements from each member of the organization's executive leadership. POs shall have adequate insurance 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, including the operation of any equipment, apparatus, or device under the control and responsibility of the PO. All PO members must have a signed hold harmless agreement to be kept on file within the organization, and all required real property out-grant documents.

(6) AC/S, G-8 shall:

(a) Review audits submitted by CIG performing compliance checks on POs operating aboard MCIEAST-MCB CAMLEJ installations.

(b) Assist G-F with necessary expense determinations and other fiscal issues concerning POs.

(7) SJA shall: Conduct a written legal review of every PO's initial request to operate aboard the installation.

(8) Business Performance Office shall: Coordinate review of the MOU between the installation commander and the POs authorizing their operation aboard the installation.

5. Administration and Logistics. Recommended changes to this Order should be forwarded to the CG, MCIEAST-MCB CAMLEJ. Waivers from the policies in this Order must be authorized in writing by the Deputy Commandant, Manpower and Reserve Affairs (DC M&RA (MR)) or installation commander, when DC M&RA (MR) approval is not required. All policy waivers will be requested and issued through appropriate Marine Corps channels.

6. Command and Signal

a. Command. This Order is applicable to all MCIEAST-MCB CAMLEJ installations. This Order does not apply to the activities of MCIEAST-MCB CAMLEJ Non-Appropriated Fund Instrumentalities, billeting funds, and chaplain's religious offering funds.

b. Signal. This Order is effective the date signed.

J. W. CLARK, JR.
Deputy Commander

DISTRIBUTION: A/B/C

Non-Federal Entities Having Statutory Authorization for Particular Support

Non-Federal Entity	Authority
Certain Banks and Credit Unions	Chapter 1770 of 12 U.S.C.
United Service Organization	Section 220101 of 12, U.S.C. Memorandum of Understanding (MOU)
Labor Organizations	Title 5, U.S.C., Chapter 71 DoD 1400.25-M, subchapter 711
Combined Federal Campaign	Executive Order 12353 Title 5, CFT Part 950 DoD Instruction 5035.1 DoD Instruction 5035.5
American Registry of Pathology	Section 177 of 10 U.S.C.
Henry M. Jackson Foundation for the Advancement of Military Medicine	Section 178 of 10 U.S.C.
American National Red Cross	Section 2552 of 10 U.S.C. Section 2602 of 10 U.S.C. Memorandum, for Secretary of the Army (MOU)
Boy Scouts Jamborees	Section 2554 of 10 U.S.C.
Girl Scouts International Events (Transportation)	Section 2555 of 10 U.S.C.
Shelter for Homeless	Section 2556 of 10 U.S.C.
National Military Associations; Assistance at National Conventions	Section 2558 of 10 U.S.C. DoD Directive 5410.18 DoD Instruction 5410.19
National Veterans' Organization (Beds and Barracks)	Section 2551 of 10 U.S.C.
United Seamen's Service Organization	Section 2604 of 10 U.S.C.
Scouting: Cooperation and Assistance In Foreign Areas	Section 2606 of 10 U.S.C.
Civil Air Patrol	Section 9441 of 10 U.S.C. Section 9442 of 10 U.S.C. Section 40301 of 36 U.S.C.
Assistance for Certain Youth and Charitable Organizations	Section 508 of 32 U.S.C.
Presidential Inaugural Ceremonies	Section 2553 of 10 U.S.C.
Specified Sporting Events (Olympics)	Section 2564 of 10 U.S.C. DoDD 2000.15
Fire Protection Agreements	Section 1856 of 42 U.S.C. et seq.
Armed Services Young Men's Christian Association	Section 2012 of 10 U.S.C. Section 2648 of 10 U.S.C.
Support for Youth Organizations	Section 1058 of Public Law 109-163 (Note to Section 310) Section 8126 of Public Law 109-148 (Note to Section 101)

SAMPLE CONSTITUTION AND/OR BYLAWS

BYLAWS OF THE_____
OF_____

ARTICLE I. Organization Name

The name of this organization shall be _____.

ARTICLE II. Organization Objective

The objective of this organization shall be to_____;
to_____; and to_____ ; etc.

ARTICLE III. Members

Section 1. The membership of this organization shall be limited to_____/be open to _____.

Section 2. Any_____shall be eligible for membership. (Civilian membership may not be extended beyond the general vicinity of Quantico, VA.)

Section 3. The initiation fee shall be _____ dollars, and/or the annual dues shall be_____ dollars, payable in advance on or before_____of each year. The Treasurer shall notify members _____months in arrears, and those whose dues are not paid within _____ thereafter shall be automatically dropped from membership in the organization.

Section 4. Any member desiring to resign shall submit their resignation in writing to the corresponding secretary, who shall present it to the Executive Board for action. No member's resignation shall be accepted until the member's dues are paid.

ARTICLE IV. Organization Officers

Section 1. The officers of the organization shall be a President, a First Vice-President, a Secretary, a Treasurer, and Directors (minimum). These officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the organization.

Section 2. At the regular meeting held on the __(day)_____ in _____(month), a Nominating Committee of ____ members shall be elected by the organization. It shall be the duty of this committee to nominate candidates for the offices to be filled at the annual meeting in _____.

The Nominating Committee shall report at the regular meeting in _____. Before the election at the annual meeting in _____, additional nominations from the floor shall be permitted.

Section 3. The officers shall be elected by the membership to serve for one year or until their successors are elected, and their term of office shall begin at the close of the annual meeting at which they are elected.

Section 4. No member shall hold more than one office at a time, and no member shall be eligible to serve more than two consecutive terms in the same office.

ARTICLE V. Meetings

Section 1. The regular meetings shall be held on the (day) of each month/quarter unless otherwise ordered by the organization or by the Executive Board.

Section 2. The regular meeting on the (day) in (month) shall be known as the annual meeting and shall be for the purpose of electing officers, receiving reports of officers and committees, and for any other business that may arise.

Section 3. Special meetings can be called by the President or by the Executive Board and shall be called upon by the written request of 10 members of the organization. The purpose of the meeting shall be stated in the call. Except in cases of an emergency, at least three days' notice shall be given.

Section 4. _____ membership of the organization shall constitute a quorum.

ARTICLE VI. The Executive Board

Section 1. The officers of the organization, including the Directors, shall constitute the Executive Board.

Section 2. The Executive Board shall have general supervision of affairs between its business meetings, fix the hour and place of meetings, make recommendations to the organization, and shall perform such other duties as are specified in these bylaws. The Board shall be subject to the orders of the organization, and none of its acts shall conflict with action taken by the organization.

Section 3. Unless otherwise ordered by the Board, regular meetings of the Executive Board shall be held on the (day) of (month). Special meetings of the Board can be called by the President and shall be called by the President and shall be called upon by the written request of three members of the Board.

ARTICLE VII. Committees

Section 1. A _____Committee composed of the (officer) and _____other members shall be appointed by the President promptly after each annual meeting. It shall be the duty of this committee to prepare a ____ for the fiscal year beginning the first day of _____, and to submit it to the organization at its regular meeting in _____. The _____Committee can from time to time submit a supplement to the _____ for the current fiscal year.

Section 2. Such other committees, standing or special, shall be appointed by the President or the Executive Board shall from time to time deem necessary to carry on the work of the organization. The President shall be ex officio as a member of all committees except the Nominating Committee.

ARTICLE VIII. Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the organization in all cases to which they are applicable, and in which they are not inconsistent with these bylaws, and any special rules of order the organization may adopt.

ARTICLE IX. Amendment of Bylaws

These bylaws can be amended at any regular meeting of the Society by a two-thirds vote of the total membership, provided that the amendment has been submitted in writing at the previous regular meeting.

Checklist for Private Organizations and Informal Fund Activities

Item	Description	Yes	No
1.	Does the installation have a current order for overseeing the activities of PO's and the operation or informal funds?		
2.	Is the installation commander the sole person authorized to approve PO requests to operate aboard the installation?		
3.	Does the installation maintain a current roster of PO's operating aboard the installation?		
4.	Has the installation conducted at least an annual review of all PO's and informal fund activities in compliance with MCIEASTO 5760.1?		
5.	Does the installation maintain records of unannounced inspection results of the PO's operating aboard the installation?		
6.	Has the installation commander designated in writing MCCS as the staff agency responsible to administer oversight of all POs aboard their installation?		
7.	Have all POs operating aboard the installation complied with applicable auditing and financial review/reporting requirements?		
8.	Are all POs, occupying Federal facilities aboard the installation, possess required out-grant documentation from Regional Naval Facilities Command?		
9.	Are all POs, that occupy Federal facilities, reimbursing the government for utility and service cost associated with occupancy of facility (unless waived by the installation commander on the basis of nominal cost)?		
10.	Does the installation provide a legal review for all PO requests to operate aboard the installation?		
11.	Does the installation maintain a valid (within one year) Memorandum of Agreement for each authorized PO operating aboard the installation?		
12.	Are fundraising events conducted by PO's in compliance with MCIEASTO 5760.1?		

INTERVIEW OF PRIVATE ORGANIZATIONS

INSTALLATION: _____ DATE: _____

PRIVATE ORGANIZATION (PO): _____

PO PERSON(S) INTERVIEWED: _____

INTERVIEWER: _____

Item	Description	Yes	No
1	Can the representative identify the base point of contact for POs to submit required reports, requests, etc.?		
2	Can the organization's representative clearly affirm that the organization's objective is to support military members and/or their dependents?		
3	Can the representative identify who approves the PO's fundraising requests"?		
4	Are the organization's records securely stored?		
5	Do you communicate with the base point of contact for POs? If "Yes", briefly describe the quality of these communications.		
	ADDITIONAL COMMENTS:		