

## Chapter 4

### **NON-FEDERAL ENTITY OR PRIVATE ORGANIZATIONS**

Ref: (a) DoD Directive 1000.25E of 2 February 2007  
(b) DoD 5500.7-R of November 2011  
(c) DOD Instruction 1000.15 of 24 October 2008  
(d) DoDI 1015.10 of 6 July 2009  
(e) SECNAVINST 5760.15

401. Non-Federal Entity (NFE) and Private Organizations. A NFE is generally a self-sustaining, non-Federal person or organization established, operated and controlled by an individual or group of individuals acting outside the scope of any official capacity they may or may not have as a federal employee or officer. NFEs may include state or local governments, Indian tribal governments, corporations (charitable and non-charitable) or private organizations. (See reference (a))

402. Providing Support to a NFE or Private Organization Events. Logistical support to a NFE in the form of such things as access and use of installations and facilities, equipment (including telecommunications and information technology), consumable supplies and services may be provided when such support is on an occasional basis and the REGCOM or installation CO makes the determinations required by Section 3-211 of reference (b). The authority to provide logistical support to NFE events in reference (b) does not apply to NFE events that serve as fundraising or membership drive events.

403. NFEs Authorized to Operate on DoD Installations. Reference (c) and its CNIC implementing instruction contain procedures for installation CO approval of NFE operation aboard Navy installations. While NFEs play a significant role in enhancing family readiness, installation CO are required by reference (c) to determine if the services of an NFE conflict with or detract from local MWR programs. Installation COs are authorized to eliminate duplication of services, particularly when these services compete with the installation's NAF revenue generating activities. In accordance with reference (d), MWR programs may not distribute, transfer, donate or loan NAF property or assets to a NFE unless a specific statutory or regulatory authority exists.

404. Attendance at MWR Events by Individual Civilians in the Community. Civilians from the community may be permitted to

attend specific MWR events when approved by the Installation Commanding Officer. Civilians in the community may be allowed to attend MWR events subject to the following:

- a. Attendance or use is occasional and infrequent;
- b. Attendance does not directly compete with similar entertainment in the community;
- c. Reasonable procedures are established to ensure that community participation does not interfere with participation of personnel who are primary beneficiaries of the MWR program; and
- d. Appropriate fees are paid.

405. Use of Non-MWR Facilities by a NFE or Private Organization

a. When the REGCOM/Installation CO permits non-Federal entities or private organization groups to use base facilities under the provisions of reference (b) that are not under the control or jurisdiction of MWR, these usages are not considered to be MWR events even though MWR may provide services such as food and beverage concessions. In the case of such non-MWR events, MWR has no responsibility for legal liabilities which may arise as a result of the use of these facilities, except for the specific MWR services provided.

406. Use of MWR Facilities by a NFE

a. If utilization of base facilities is permitted, it is subject to the provisions of reference (d) and compliance with rules and regulations established by the installation CO or REGCOM. Generally, these events must:

- (1) Not undermine good order and discipline;
- (2) Not interfere with the orderly accomplishment of the installation mission;
- (3) Not prejudice or discredit the Navy;
- (4) Not glamorize or encourage irresponsible alcohol use;
- (5) Not entangle Navy in political candidates, activities, causes or controversies; or

(6) Not give inference or appearance of official sponsorship, approval, or endorsement.

b. An NFE shall not offer a program or services on a Navy installation that competes with APF or NAF activities, but may, when specifically authorized, supplement those activities.

407. Rental or Exclusive Use of MWR Facilities by A NFE. MWR facilities may be rented or booked by authorized patrons for use in conjunction with an NFE event. When this usage is fee-generating or MWR costs are being reimbursed, it does not constitute the providing of logistical support under reference (b) and none of the determinations required by reference (b) are required. Also, since no logistical support is being provided, the restriction against fundraising found in paragraph 3-211 (a) of reference (b) does not apply. A NFE may raise funds in conjunction with its use of MWR facilities to cover the costs of the event or to support future events. Reference (b) prohibits employees from endorsing or appearing to endorse an NFE or the fundraising activities of an NFE. The act of renting or booking the facility itself does not constitute endorsement of the NFE or its fundraising or membership activities.

408. United Service Organizations (USO) and Armed Services Young Men's Christian Association (ASYMCA).

a. Reference (e) contains policies of DoD and Navy relative to USO and designates USO liaison officers.

b. As stated in reference (e) and the Memorandum of Understanding (MOU) between DoD and ASYMCA:

(1) There will be no direct expenditure or distribution of NAF to USO or ASYMCA.

(2) In general, USO and ASYMCA will serve the U.S. Armed Forces primarily outside of military installations.

(3) Installation CO should ensure that USO and ASYMCA do not offer programs or services that duplicate or compete with military programs, particularly revenue producing activities, without the prior concurrence of the REGCOM.

c. Questions concerning local support of or cooperation with USO and ASYMCA should be directed to CNIC N92.

