



SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1000

DEC 23 2014

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARY OF DEFENSE FOR PERSONNEL
AND READINESS
CHIEFS OF THE MILITARY SERVICES
CHIEF OF THE NATIONAL GUARD BUREAU
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
ASSISTANT TO THE SECRETARY OF DEFENSE FOR
PUBLIC AFFAIRS

SUBJECT: Installation Access and Support Services for Nonprofit Non-Federal Entities

As you all know, the Department of Defense (DoD) has long recognized that events and support provided by nonprofit non-federal entities (NFEs) that assist Service members and families can be critically important to their welfare throughout their military service. Within the bounds of law and regulation, it is in the Department's interest to maintain strong and positive relationships with nonprofit NFEs and, as appropriate, to facilitate their delivery of services to our personnel who need them.

This memo serves to (1) reemphasize the authorities and flexibilities already provided to installation commanders to establish relationships with nonprofit NFEs that assist Service members and families, (2) direct immediate implementation of additional measures to facilitate their consistent delivery across DoD installations and, (3) provide clarity to installation commanders on adjudicating requests:

(1) Authorities and flexibilities under existing DoD policy:

- **Access to DoD Installations:** Installation commanders already retain broad discretion to provide event/support-driven access, support, collaboration, available space, and certain logistical support to these organizations under criteria set forth in DoD Directive 5410.18, *Public Affairs Community Relations Policy*, DoD Instruction 5410.19, *Public Affairs Community Relations Policy Implementation*, DoD Directive 1000.26E, *Support for Non-Federal Entities Authorized to Operate on DoD Installations*, and DoD Instruction 1000.15, *Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations*. The installation commander is the final adjudicating authority for management of available space.
- **Space and Support Services:** Consistent with mission requirements and security constraints, and within existing resources, installation commanders are strongly encouraged to permit nonprofit NFEs to function on military installations under a commander's jurisdiction for the purpose of providing services to Service members and families. Installation commanders should consider the nature of the services



provided by an NFE, the needs of the installation, and the needs of Service members and their families in determining whether to permit an NFE to function on the installation and whether to authorize the use of available installation space and the provision of logistical support. Existing policy, as reflected in DoDD 5410.18 and DoDI 1000.15, Enclosure 2 provides:

- From DoDD 5410.18: Community relations activities implemented by DoD Component commands and organizations shall support the objective of “fostering and sustaining good relations on mutually acceptable terms with the many elements of the public, at home and abroad, on which the Military Services depend for support and cooperation.”
- From DoDI 1000.15, Enclosure 2: “Non-Federal entities are not entitled to DoD support. However, support may be provided when it is consistent with and supportive of the military mission of the DoD Component concerned. Such support may be provided only when it can be offered within the capability of the installation commander without detriment to the commander’s ability to fulfill the military mission.”

(2) Additional measures to facilitate consistent delivery across DoD installations:

- **Requests and Determinations in Writing:** The Secretaries of the Military Departments will issue guidance that requires installation commanders to consider written requests from nonprofit NFEs requesting installation access, use of available space, or logistical support, and to respond to those requests in writing.
 - Nonprofit NFEs may request support for multiple or recurring events in a single letter.
 - After receiving the initial request, the installation commander will request and review the nonprofit NFE’s most recent Internal Revenue Service determination letter and their Form 990 in addition to documentation requirements set out in DoDI 1000.15, Enclosure 2, paragraph 3. That documentation is to be supplemented only as necessary for additional requests during that same fiscal year.
 - After reviewing the documentation, the installation commander will respond in writing with a decision on whether or not to allow access for the requested event.
- **Training and Education:** Incorporate in your regular pre-command courses, and Judge Advocate and Public Affairs officer training programs, information about the authorities and flexibilities associated with procedures and support for nonprofit NFEs authorized to function on DoD installations. The Office of the Under Secretary of Defense for Personnel and Readiness, the Office of the DoD General Counsel, and the Office of the Assistant to the Secretary of Defense for DoD Public Affairs will collaborate to develop material for use by the Military Departments in their training.

- Ensure that commanders at all levels maintain strong collaborative relationships with nonprofit NFEs in the interests of helping Service members and their families. These relationships also maintain connections throughout the greater military community that are vital to sustaining the all-volunteer force and bridging the civilian-military divide.
- Ensure installations have designated a representative to maintain a list of nonprofit NFEs that have been authorized access and to serve as a liaison to those groups.

(3) Guidance to installation commanders on adjudicating requests for space:

- **Tools and Templates:** The appropriate DoD Instructions will be revised and reissued as needed to ensure they incorporate the intent of these policies. Installation commanders will use consistent and standard procedures to process requests for installation access. The Example Checklist at Enclosure 2 and the standardized approval/disapproval letters at Enclosure 3 are provided to aid in the consistent and fair assessment and adjudication of requests for access and space.
- **Legal and operational support:** Ensure that installation commanders across your respective Departments are aware of their authorities with regard to nonprofit NFEs and that they have access to requisite legal and operational advice to assist them in executing these authorities properly. Specifically, the Department should be welcoming and supportive of nonprofit NFEs that assist Service members and families. Such services, “when consistent with and supportive of the military mission of the DoD Component concerned,” are deserving of DoD support to the extent “within the capability of the installation commander without detriment to the commander’s ability to fulfill the military mission.”

Installation commanders retain discretion to permit access and provide space to other NFEs under criteria set forth in DoD Directive 1000.26E, *Support for Non-Federal Entities Authorized to Operate on DoD Installations*, and DoD Instruction 1000.15, *Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations*. This memorandum should not be applied to the detriment of existing agreements between installation commanders and NFEs.

Commanders are authorized to use official command communication channels to inform members and their families about the availability of services and support provided at their installations by nonprofit NFEs operating under the provisions of this memorandum. Such information distribution does not imply endorsement.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Under Secretary of Defense for Personnel and Readiness will review DoD Directive 1000.26E, *Support for Non-Federal Entities Authorized to Operate on DoD Installations*, and DoD Instruction 1000.15, *Procedures and Support for Non-Federal Entities Authorized to*

Operate on DoD Installations and update them as needed to ensure they incorporate the intent of this memorandum during the next revisions of those documents.

The Assistant to the Secretary of Defense for Public Affairs will review DoD Directive 5410.18, *Public Affairs Community Relations Policy*, and DoD Instruction 5410.19, *Public Affairs Community Relations Policy Implementation*, and update them as needed to ensure they incorporate the intent of this memorandum during the next revisions of those documents.

This memorandum is effective within 60 days of the signing of this document and shall remain in effect until the provisions are codified in the appropriate DoD issuances. This memo should be disseminated through the chain of command to the lowest possible level. To provide additional guidance and clarity in interpreting this memorandum, please find enclosed a set of frequently asked questions and answers. Questions regarding this memorandum should be referred to the Office of the Under Secretary of Defense for Personnel and Readiness.

Thank you.

A handwritten signature in blue ink that reads "Chuck Hagel". The signature is written in a cursive style and is underlined with a single blue line.

Attachments:

1. Questions and Answers
2. Example Checklist for Installation Commanders Reviewing Installation Access Requests from Nonprofit NFEs
3. Example Installation Commander Approval Template
4. Example Installation Commander Disapproval Template

ATTACHMENT 1

Questions and Answers

- Q. How does this memorandum differ from the memorandum, “Access to Department of Defense Installations for Qualifying National Veterans Service Organizations/Military Service Organizations?”
- A. The memorandum, “Access to Department of Defense Installations for Qualifying National Veterans Service Organizations/Military Service Organizations,” applies exclusively to Veteran Service Organizations (VSOs) and Military Service Organizations (MSOs) that are approved and recognized by the Secretary of Veterans Affairs pursuant to section 5902 of title 38, U.S. Code to provide VA-accredited representation services to transitioning Service members. This memorandum provides installation commanders guidance for considering requests from nonprofit Non-Federal Entities (NFEs), which may include VSOs/MSOs, wanting occasional access to a military facility to host events and provide a broad and varied range of support and services that can benefit Service members and their families. These nonprofit NFEs may exist locally or nationally.
- Q. Under what authority may installation commanders collaborate with nonprofit NFEs to provide support for military members and their families and strive to strengthen connections within the greater military community?
- A. DoD Directive 5410.18, “Public Affairs Community Relations Policy,” paragraph 4.1.3 and its subparagraph state:

“4.1.3. Community Relations Objectives. Community relations activities implemented by DoD Component commands and organizations shall support the following objectives:

4.1.3.1. Fostering and sustaining good relations on mutually acceptable terms with the many elements of the public, at home and abroad, on which the Military Services depend for support and cooperation.”

Nonprofit NFEs supporting the military are one of many elements of the public that can provide services for Service members that may not be readily available within the government. Maintaining connections with these organizations is vital to sustaining the all-volunteer force and bridging the civilian-military divide.

Q. There are a number of nonprofit NFEs that provide support to the military community. How is an installation commander supposed to determine which organizations should be granted access?

A. Normally, installation commanders are familiar with nonprofit NFEs that operate in their local area. However, if an unfamiliar non-profit NFE submits a request for installation access, there are a number of reputable third party agencies that may assist installation commanders in their due diligence to verify the authenticity of an organization. While DoD does not endorse any specific third party agency, the following charity evaluator organizations may help in identifying the nonprofit NFE's mission and business practices:

- o Charity Navigator, Guidestar, Better Business Bureau Wise Giving Alliance, and certain state-operated nonprofit evaluators that post their results online provide a variety of different reviews and promote transparency for visitors seeking to learn more about community-based support for our Service members and their families
- o Although the CFC is not a charity evaluator, and does not have an organization search function on its site, it does vet charities against regulatory standards. Check your local CFC charity brochure for a list of participating organizations.

Additionally, installation commanders should consider the nature of the services provided by a nonprofit NFE supporting the military, the needs of the installation, and the needs of Service members and their families in determining whether to permit the NFE to function on the installation.

Q. Is there a list of services that an installation commander should use when determining installation access for nonprofit NFEs?

A. There is no exclusive list. However, examples of local support services by nonprofit NFEs may include (but are not limited to):

- o Camp support and services for needs of military children
- o Physical fitness and recreation activities
- o Scholarships
- o Life skills training
- o Spouse education
- o Parenting skills
- o Support services for victims of sexual assault, domestic abuse, or child abuse
- o Career opportunities for transitioning Service members
- o Troop and family member recognition
- o Emergency/financial assistance

Q. Won't decisions on access to installations be subjective?

A. The needs of the military community may be subjective in that they vary by installation and mission. Nevertheless, nonprofit NFE services should:

- Be consistent with and supportive of the military mission of the DoD Component concerned
- Enhance the morale and readiness of the force
- Help fulfill the Service's responsibilities toward its members and their families

Q. Does the following statement from the Joint Ethics Regulation (JER) DoD 5500.07-R mean that the installation commander must be willing and able to provide the same level of support in response to every request received?

The JER DoD 5500.07-R, provides that the head of a DoD Component command or organization may provide, on a limited basis, the use of DoD facilities and equipment (and the services of DoD employees necessary to make proper use of the equipment), as logistical support of an event sponsored by a non-Federal entity when he or she determines that each of the requirements listed at 3-211 are met. Among those requirements is that

“(5) The DoD Component command or organization is able and willing to provide the same support to comparable events that meet the criteria of this subsection and are sponsored by other similar non-Federal entities”

A. No. Access to installations provided to nonprofit NFEs under the provisions of this memorandum is for the sole purpose of enabling delivery of their support and services to military members and families who will benefit from them. The JER prohibitions on selective benefit and preferential treatment, while important considerations, are mitigated in these cases because military members and families are the intended beneficiaries, rather than the NFEs themselves. Therefore, commanders should ensure nonprofit NFEs that are authorized to operate on military installations are primarily benefiting Service members and any secondary benefit to the NFE is not intended as significant support for that particular NFE. The commander's selections among the various requests received should reflect the commander's determinations on the most pressing needs of the Service members and families on that installation, and which NFEs are best positioned to meet those needs. On many installations, it may be necessary for a commander to limit approvals for access to those that can be supported within the capabilities of the installation. In these cases the installation commander must employ a rational, non-discriminatory means for choosing those requests he or she will approve, and those he or she will not. The commander is free to employ such methods as first-come, first-served; a random drawing; or other non-discriminatory means.

- Q. Does each installation commander have to determine that the documentation requirements noted below have been met in evaluating each request?

Enclosure 2 of the DoDI 1000.15 provides that:

“The nature, function, and objectives of a non-Federal entity covered by this Instruction shall be delineated in articles of incorporation, a written constitution, bylaws, charters, articles of agreement, or other authorization documents before receiving approval from the installation commander to operate on the installation. That documentation shall also include [a number of other requirements set out].

- A. The documentation requirements set out in DoDI 1000.15, Enclosure 2, Par. 3 must be met in each case. In addition, installation commanders must obtain a copy of the nonprofit NFE’s most recent IRS determination letter and Form 990. If the organization is exempt from filing a Form 990, this requirement may be waived.
- Q. Does the above documentation requirement mean that each installation commander has to request these forms every time an NFE requests installation access?
- A. Documentation from a nonprofit NFE must be received and reviewed annually, updated within the fiscal year only as necessary (*i.e.*, if there has been a material change such that the previously submitted documentation is no longer accurate, new documentation should be submitted, but otherwise not). However, within a given year, once a non-profit NFE submits the required documentation, the installation commander may grant access based on each event request or a list of recurring events submitted by an NFE.

ATTACHMENT 2

Example Checklist for Installation Commanders Reviewing Installation Access Requests from Nonprofit NFEs

The following is an example that installation commanders could utilize to implement this memorandum.

1. Have you received a written request for installation access?
If yes, proceed to question 2. If no, direct the organization to submit a written request.
2. Have you determined if the requestor is a nonprofit non-federal entity?
If yes or no, proceed to question 3. If you determine the organization is not a nonprofit NFE, stop. It is not covered by this policy.
3. Have you obtained a copy of the nonprofit NFE's most recent IRS exemption determination letter?
If yes, proceed to question 4. If no, request the determination letter.
4. Have you obtained a copy of the organization's Form 990?
If yes, proceed to question 5. If no, request the Form 990.
5. Does the request include date(s), time(s), specific event(s) and purpose of event(s)?
If yes, proceed to question 6. If no, request additional information.
6. Do the services or programs provided by the nonprofit NFE provide a beneficial service for Service members and their families (identified by the installation commander)?
Is yes, proceed to question 7. If no, disapprove the request per disapproval memo template.
7. Are the organization's services or programs consistent with the installation's mission requirements and security constraints?
If yes, proceed to question 8. If no, disapprove the request per disapproval memo template.
8. As with all installation access requests, have you verified the organization's nature, function, and objectives and that the organization does not discriminate based on race, color, creed, sex, age, disability, or national origin (per DoDI 1000.15)?
If yes, proceed to question 9. If organization does discriminate, disapprove the request per disapproval memo template.

9. Have you obtained background checks for employees and volunteers if they will be interacting with military children under the age of 18 in DoD-operated, -contracted, or community-based programs (per DoDI 1000.15)?
If yes, proceed to question 10. If no, request background checks and once received, proceed to question 10.
10. Have you verified that you can support the event on the date requested?
If yes, approve the request per approval memo template. If no, proceed to question 11.
11. Have you identified alternate dates to support the organization's request?
If yes, provide dates to organization, and if acceptable, approve the request per approval memo template. If alternative dates are not available/acceptable, disapprove the request per disapproval memo.

ATTACHMENT 3

Example Installation Commander Approval Letter Template

The following is an example that installation commanders could utilize to implement this memorandum.

Dear [Requestor],

Thank you for your [date of request letter] letter requesting that [name of requesting organization] be granted access to [name of installation] for the purpose of providing support and services to the military members and families of the installation community.

I am pleased to inform you that based on the information you provided I have approved your request. Please note that this approval is granted for the specific event(s) and date(s) that you indicated in your request letter. Further approval will be required for any additional events on the installation that you wish to sponsor.

We will retain the information you provided about your organization until [date – no later than one year from when originally provided]. Requests from your organization after that date must be accompanied by updated documents.

My point of contact for this action is [name]. Please contact him/her directly at [phone number] or via email at [email address] to coordinate the details of your event.

Thank very much for your request, and for your support of our military members and their families.

[Installation Commander]

ATTACHMENT 4

Example Installation Commander Disapproval Letter Template

The following is an example that installation commanders could utilize to implement this memorandum.

Dear [Requestor],

Thank you for your [date of request letter] letter requesting that [name of requesting organization] be granted access to [name of installation] for the purpose of providing support and services to the military members and families of the installation community.

{ Option 1: Need additional Information }

In order for us to fully review your request and reach a decision, we need you to provide additional information about your organization. Please submit (1) a copy of your organization's most recent IRS Exemption Determination Letter and Form 990, and (2) a copy of current organizational documents that describe the nature, function, objectives and membership eligibility of your organization (e.g., articles of incorporation, constitution, bylaws, charters, articles of incorporation or other authorization documents).

{ Option 2: Support/Services are not needed on the Installation }

I greatly appreciate your generous offer of support and/or services. However, based on the information you provided I have determined that these services and support are not currently needed on this installation. Therefore, I regret to inform you that I am disapproving your request. If your services/support are needed in the future, I will reconsider your request.

{ Option 3: Organization is Good, Services are Needed, but requested event date cannot be supported }

I greatly appreciate your generous offer of support and/or services. Although I would like to approve your request, we are unable to accommodate the date(s) you requested for your event. I hope we can work together to identify an alternate date for your event that will work for both of our organizations.

{ Option 4: Organization is not compatible with DoD mission objectives }

I regret to inform you that I have disapproved your request. Based on the information you provided, I have determined that your organization's purpose, nature, objectives and/or

membership eligibility are not compatible with mission requirements and could discredit this installation. It is not in the best interest of the Department of Defense to facilitate your proposed event or the delivery of the support and/or services you propose to offer the military community on this installation.

My point of contact for this action is [name]. Please contact him/her directly at [phone number] or via email at [email address] if you have any questions or need further assistance.

Thank very much for your request, and for your support of our military members and their families.

[Installation Commander]