

Quarter 1 TIDBITS: Jan-March 2019

(11 Jan 19) Welcome 2019!

With the arrival of 2019 comes change in private organization operation as both AFI 34-223 and 36-3101 have recently been updated. Both are attached.

We are currently in the process of updating the JBSA PO Handbook and the fundraising request form and will provide update versions and break down of revised AFIs in future Tidbits. Until then,

Noteworthy for authorized formal private organizations:

-- Occasional fundraising is defined as not more than three per calendar quarter. The length of a fundraising event is fact dependent. For example, a community theatre performance might only last a single evening; whereas, cookie and candy sales might last three days over a holiday weekend.

-- Private organizations may conduct fundraising events off the installation so long as it is clear to members of the public that the organization is not representing the installation or the Air Force. Private organizations and unofficial activities should consult with their local Force Support POC and the local installation Judge Advocate before engaging in fund raising off the installation.

Noteworthy for authorized unofficial activities:

-- Occasional fundraising is defined as not more than three per calendar quarter. The length of a fundraising event is fact dependent. For example, a community theatre performance might only last a single evening; whereas, cookie and candy sales might last three days over a holiday weekend.

-- Fundraisers conducted by unit unofficial activities off the installation are not appropriate.

(18 Jan 19) Know Your AFI, 34-223, Private Organization Program, 13 December 2018

AFI34-223 13 DECEMBER 2018, Chapter 1

1. Private Organizations. Private Organizations are self-sustaining special interest groups, set up by individuals acting exclusively outside the scope of any official capacity as members of the Air Force or Federal Government, to include civilians, contractors, Air Reserve and Air National Guard members. They operate on Air Force installations with the written consent of the Installation Commander.

Note: The installation commander (502d Air Base Wing Commander) has delegated this authority to the 502d Force Support Group Commander. Written consent is obtained by submitting application for JBSA private organization status to the Coordinator, JBSA Private Organizations. Please contact the Coordinator, JBSA Private Organizations for detailed information.

1.1. Private Organizations are non-Federal entities and are to be treated as such. Accordingly, they are not nonappropriated fund instrumentalities as defined in AFMAN 34-201, Use of Nonappropriated Funds, nor are they entitled to the sovereign immunities and privileges given to nonappropriated fund instrumentalities or the Air Force.

1.2. Personal and professional participation in Private Organizations is governed by DoD 5500.07-R, Joint Ethics Regulation [hereinafter JER].

1.3. Private Organizations, regardless of unit affiliation, are non-federal entities with greater latitude in fundraising. See paragraph 10 for limitations.

1.3.1. Private Organizations may consist of service members and/or their families; however, they are not considered “for us, by us” fundraising entities within the meaning of JER Section 3-210(a)(6).

1.3.2. Service members may not perform activities for Private Organizations while in an official duty status. (T-1)

1.3.3. A Private Organization’s official communication support will be limited.

2. Applicability.

2.1. The following organizations are not considered Private Organizations covered by this AFI; they are governed by their own Department of Defense Directives and Instructions as referenced:

2.1.1. Scouting organizations operating overseas on USAF military installations, DoDI 1015.9, (e), Professional U.S Scouting Organization Operations at U.S. Military Installations Located Overseas.

2.1.2. Military relief societies (Department of Defense Instruction 1000.15, Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations).

2.1.3. Banks or credit unions (DoDI 1000.11, Financial Institutions on DoD).

2.1.4. Support provided under Innovative Readiness Training (DoDD 1100.20, Support and Services for Eligible Organizations and Activities Outside the Department of Defense).

2.1.5. American National Red Cross (DoDD 1330.5, American National Red Cross).

2.1.6. United Seaman’s Service (DoDD 1330.16, United Seaman’s Service (USS)).

2.1.7. United Service Organizations, Inc. (DoDD 1330.12, United Service Organizations, Inc.).

2.2. Unofficial unit-affiliated activities (e.g., coffee funds, water funds, sunshine funds) are not considered Private Organizations, unless current assets (cash, receivables and investments) exceed a monthly average of \$1,000 over a three (3)-month period. On-hand inventory is not included in current asset calculations. Activities which exceed the asset limit (\$1,000) must become a recognized Private Organization, discontinue operations, or reduce its current assets below the \$1,000 threshold. (T-1)

2.2.1. Unofficial unit activities may temporarily exceed the asset limit (\$1,000) for a time period not to exceed six (6)-months; if the substantial majority (more than 75%) of assets will be expended on an upcoming large unit event such as a holiday party, military ball, etc. (T-3)

2.2.2. The \$1,000 average monthly limit may be increased by \$100 for every 50 unit members over 300 members, to a maximum of \$5,000 monthly average. (T-3)

2.2.3. Unofficial unit activities, although encouraged to do so, but are not required to implement financial management tools (budgets/financial statements/audits), similar to those described in paragraph 10.6. and. At a minimum, unit unofficial activities will implement the following financial controls:

2.2.3.1. Maintain a two (2)-person accountability system for all cash transactions. (T-3)

2.2.3.2. Submit a basic annual financial report to unit commander detailing income and expenditures throughout the year. (T-3) See paragraph 10.6.2.

Note: Due to the recent changes to the instruction, 'For us, by us' (FUBU) activities such as unofficial activities and Army FRG informal funds are no longer required to go through the Coordinator, JBSA Private Organizations for authorization to operate on JBSA. These are Commanders' programs. Each unit's Commander (or Civilian Leader) now decides whether to allow a FUBU to be established and whether it can continue operating and under what conditions. Each unit Commanders is also now the approval authority for FUBU fundraising requests.

This information has received legal review.

(25 Jan 19) Know Your AFI, 34-223, Private Organization Program, 13 December 2018

AFI34-223 13 DECEMBER 2018, Chapter 9

9. Setting up a Private Organization. A Private Organization must submit a written constitution, bylaws, or other similar documents, outlined by the Air Force Services Activity operational guidance and procedures through the Force Support Resource Management/Resource Management Flight Chief, Force Support Squadron Commander/Director and Staff Judge Advocate for consideration by the Installation Commander. (T-1) Department of Defense personnel may not be on official duty time when developing constitutions, bylaws, or similar documents in support of Private Organization activities. (T-1)

*9.1. Unit commanders must weigh the pros and cons of transitioning their unofficial activity into a Private Organization. As a general rule, unofficial activities' fundraising efforts are considered "for us, by us" fundraising within the meaning of JER Section 3-210. As such, commanders may advertise and support their fundraising efforts through the use of official communication systems (to unit members) and by allowing unit personnel to support such efforts while in a duty (but not to interfere with mission) status. On the other hand, unofficial activities are still Federal entities and may not solicit gifts from outside sources or engage in off base fundraising.

9.2. The constitution, bylaws, or similar documents submitted by the Private Organization must:

9.2.1. Address the nature, function, objectives, membership eligibility, and sources of income of the Private Organization. (T-0)

9.2.2. Include certification that Private Organization members were notified and understand their personal financial liability for obligations of the Private Organization, as provided by law. (T-1)

9.2.3. Describe the responsibilities of Private Organization officers and their role in asset accountability, and financial and operational management. (T-1)

9.2.4. Provide specific guidance on disposition of residual assets and liabilities upon dissolution. (T-1) Note: A Private Organization may dispose of its assets only in the manner outlined in its constitution, bylaws, or similar documentation. If the proper provisions exist, a Private Organization may give residual assets to the Air Force or a Nonappropriated Fund Instrumentality in accordance with Air Force Instructions 51-601, Gifts to the Department of the Air Force, and AFMAN 34-201. Neither Appropriated Fund activities nor Nonappropriated Fund Instrumentalities may claim the assets of, or make or assume any obligation for, a Private Organization except those that may arise from a valid contract between them.

9.3. The organization's request for certification must be resubmitted for review and approval every two years or when there is a change in the purpose, function, or membership eligibility of the Private Organization, whichever comes first and must be reviewed by the installation Staff Judge Advocate. (T-1)

9.4. Provide the contact information for a primary and alternate local representative for the organization, since Private Organizations are local in nature (most often their membership is formed by Airmen and family members attached to the installation) and they must remain accountable to the Installation Commander. (T-2)

Note: The JBSA private organization coordinator is responsible for forwarding appropriate private organization documents to the Force Support Resource Management/Resource Management Flight Chief, Force Support Squadron Commander/Director and Staff Judge Advocate for consideration by the Installation Commander.

*Applies to "for us, by us" organizations, not formal private organizations.

(1 Feb 19) Know Your AFI, 34-223, Private Organization Program, 13 December 2018

AFI34-223 13 DECEMBER 2018, Chapter 8

10. Operating a Private Organization. Installation Commanders provide limited supervision over Private Organizations. Their control lies in the power to authorize and withdraw authorization for these organizations to operate on the installation. They ensure compliance with the requirements of this instruction, but do not control or dictate internal activities or structure of Private Organizations.

10.1. Private Organizations must prevent the appearance of an official sanction or support by the Department of Defense. (T-0)

10.1.1. Private Organizations may not use the seals, logos, or insignia of the Department of Defense or any Department of Defense Component, Air Force or Department of Defense organizational unit, or Air Force and Department of Defense installation on organization letterhead, correspondence, titles, or in association with organization programs, locations, or activities. (T-1)

10.1.2. Private Organizations operating on Air Force installations may use the name or abbreviation of the Department of Defense, an Air Force organizational unit, or installation in the Private Organization name provided that the status as a Private Organization is apparent and unambiguous and there is no appearance of official sanction or support by the Department of Defense. The following applies:

10.1.2.1. Private Organizations must have written approval from the Installation Commander before using the name or abbreviation of the installation or organizational unit. Requests for use of the Department of Defense or Air Force name or abbreviation must be routed to the Air Force Services Activity, AFSVA/SVI, for action. (T-1)

10.1.2.2. Any use of the name or abbreviation of an Air Force organizational unit, or installation must not mislead members of the public to assume a Private Organization is an organizational unit of the Air Force. (T-1)

10.1.2.3. Private Organizations must prominently display the following disclaimer on all print and electronic media mentioning the Private Organization's name confirming that the Private Organization is not part of the Department of Defense: "THIS IS A PRIVATE ORGANIZATION. IT IS NOT A PART

OF THE DEPARTMENT OF DEFENSE OR ANY OF ITS COMPONENTS AND IT HAS NO GOVERNMENTAL STATUS.” (T-0)

10.2. Private Organizations may not discriminate in hiring practices or membership policies on the basis of age (over 40 years), race, religion, color, national origin, disability, ethnic group, or gender (including pregnancy, gender identity and sexual orientation). Anyone who suspects unlawful discrimination by Private Organizations should contact the local Equal Opportunity Counselor and follow the procedures in Air Force Instruction 36-2706, Equal Opportunity Program Military and Civilian. (T-0)

10.2.1. Private Organizations may organize around a cultural, ethnic, religious or sexual orientation focus as long as they do not restrict their membership on the basis of culture, ethnicity, religion or sexual orientation.

10.2.2. Spouses clubs will be open and inviting to spouses of both genders and any sexual orientation. (T-0)

10.3. Private Organizations may not haze or harass (either physically or mentally) as part of their initiation rites. (T-0)

10.4. Religiously oriented Private Organizations may be authorized to operate on installations if:

10.4.1. Requests by similar organizations are also approved.

10.4.2. Authorization is for non-exclusive use of government facilities.

10.4.3. No sign or insignia or other organizational identification is placed on or inside government facilities except when the organization's activities are in progress.

10.4.4. Membership is not restricted to members of the religion involved. (T-1)

10.4.5. The installation staff chaplain coordinates on the request.

10.5. Private Organizations must be self-sustaining, primarily through dues, contributions, service charges, fees, or special assessments of their members. (T-1) There will be no financial assistance to a Private Organization or unit unofficial activity from a Nonappropriated Fund Instrumentality in the form of contributions, repairs, services, dividends, or donations of money or other assets. (T-1)

10.5.1. Private Organizations must properly plan and adequately control the money aspects of their goals and objectives, including cash and other assets. (T-1)

10.5.2. Income must not accrue to individual members except through wages and salaries for Private Organization employees or other payment for services rendered to the Private Organization or military community. (T-1) Any income will be derived primarily for offsetting expenses of operation, which may include competitive awards or charitable contributions. As an exception, Installation Commanders may authorize investment-oriented Private Organizations if they comply with all other provisions of this Instruction.

10.6. Private Organizations must use budgets and financial statements as financial management tools. (T-2) Additional financial requirements are provided in the Air Force Services Activity Private Organization Guide.

10.6.1. The budget details financial plans for annual operations. It includes projected activities (income and expense) and capital purchases (equipment and property). The budget establishes financial objectives to generate sufficient income to offset planned expenses. Comparing actual results with the budget helps indicate management performance.

10.6.2. Private Organizations must prepare an income-and-expense statement, either on an accrual or cash basis. (T-2) The income and expense statement reflects monetary events that have occurred during a given period.

10.6.3. Private Organizations must also prepare a balance sheet that accounts for total assets, liabilities and net worth (equity) of the Private Organization's financial condition on a given date. (T-2)

10.7. Private Organizations with certain levels of gross annual revenue must undergo audits and financial reviews at the Private Organization's own expense: (T-2)

10.7.1. Certified Public Accountants perform annual audits of Private Organizations with gross annual revenues of \$250,000 or more. Use of a Certified Government Financial Manager is permitted in overseas locations when the Resource Management Flight Chief documents that a Certified Public Accountant is not available.

10.7.2. Accountants (Certified Public Accountant not required) perform annual financial reviews of Private Organizations with gross annual revenues of \$100,000, but less than \$250,000. Accountants conduct these reviews and provide written verification of the accounting data and other relevant information.

10.7.3. Private Organizations that have gross annual revenues of less than \$100,000, but more than \$5,000, normally are not required to conduct an independent audit or financial review. However, such Private Organizations must provide an annual financial statement to the Force Support Resource Manager/Resource Manager Flight Chief no later than 20 days following the end of the Private Organization's fiscal year. (T-2)

10.7.4. If there are signs of fraud or other improprieties, regardless of the amount of revenue, the Force Support Squadron Commander/Director advises the Installation Commander. The Installation Commander should request an audit from the Air Force Audit Agency, which may schedule the review within available resources.

10.7.5. The audit (which generally provides more detailed information) and the financial review must verify the Private Organization has:

10.7.5.1. A uniform system of accounting. (T-2)

10.7.5.2. Consolidated reports of the accounting system into meaningful summaries. (T-2)

10.7.5.3. Identified areas of weakness and plan(s) for corrective action. (T-2)

10.7.6. Private Organizations must implement internal control procedures that ensure:

10.7.6.1. Adequate segregation of duties. (T-2)

10.7.6.2. Proper procedures for authorizations. (T-2)

10.7.6.3. Adequate documents and records. (T-2)

10.7.6.4. Physical control over assets and records. (T-2)

10.7.6.5. Independent checks on performance. (T-2)

10.8. Private Organizations and unofficial activities/organizations must not engage in activities that duplicate or compete with activities of the Army and Air Force Exchange Services or Force Support Squadron Nonappropriated Fund Instrumentalities. (T-0)

10.9. Private Organizations and unofficial activities/organizations will not operate amusement machines, slot machines, lotteries, raffles, games of chance, or other gambling-type activities, (except as authorized in paragraph 10.20, below); nor will they engage in frequent or continuous resale activities either directly or indirectly through third parties. (T-1)

10.9.1. The prohibition against frequent or continuous resale activities does not preclude collective purchasing and sharing of purchased items by members of Private Organizations or unofficial activities so long as there is no actual resale.

10.10. The Installation Commander or designee, per paragraph 5.4., approves Private Organization continuous thrift shop sales operations and occasional on-installation events for fundraising purposes (e.g., bake sales, dances, carnivals, car washes, or similar functions) which the Private Organization conducts directly or indirectly through a third party.

10.10.1. Unit commanders may approve unit unofficial activity fundraisers on the installation within the unit, and only for the unit's personnel. Fundraising outside the unit requires Installation Commander or designee approval.

10.10.2. Occasional fundraising is defined as not more than three per calendar quarter. The length of a fundraising event is fact dependent. For example, a community theatre performance might only last a single evening; whereas, cookie and candy sales might last three days over a holiday weekend.

10.10.2.1. The occasional sales limitation for funding does not apply to unit unofficial activity or Private Organization sales of Air Force School or unit souvenirs, memorabilia to members of the school or unit involved. This is contingent on the Army and Air Force Exchange Services or Force Support Squadron resale activities electing not to provide this service and the Private Organization chartering documentation authorizing resale under these circumstances. Nor does it apply to Private Organizations sales conducted pursuant to a concessionaire contract with the installation Force Support Squadrons/Morale Welfare Recreation programs at Open Houses and similar events.

10.11. Fundraisers conducted by unit unofficial activities off the installation are not appropriate. (T-2). Private organizations may conduct fundraising events off the installation so long as it is clear to members of the public that the organization is not representing the installation or the Air Force. Private organizations and unofficial activities should consult with their local Force Support POC and the local installation Judge Advocate before engaging in fund raising off the installation.

10.12. Private Organizations may not make direct solicitations for donations from non-members on base. (T-2)

10.13. Private Organizations and unit unofficial activities operating on an Air Force installation are prohibited from engaging in any conduct that has the effect of advertising for, making referrals to, or

encouraging use of any commercial business concerns. (T-0) The only exception to this policy is when a Private Organization or unofficial activity/organization conducts an approved fundraising event through a third-party (e.g., the spouses club conducts an art sale as an approved fundraiser and contracts with an art dealer (third party) to provide the artwork to be sold).

10.14. Private organizations will not sell or serve alcoholic beverages on Air Force installations. (T-1).
EXCEPTION: At the discretion of the installation commander, Nonappropriated Fund Instrumentalities-operated Morale Welfare and Recreation programs may secure the aid of volunteers or persons providing gratuitous services to assist in the sale of Morale, Welfare and Recreation-procured alcoholic beverages. Nonappropriated Fund Instrumentality operated Morale Welfare and Recreation programs may also enter into contractual agreements with unit unofficial activities or installation Private Organizations, under which the military unit unofficial activity (such as a booster club) or Private Organization provides qualified personnel to assist the Nonappropriated Fund Instrumentality in selling alcoholic beverages at Morale, Welfare and Recreation events in exchange for a fee. Fees paid to military unit booster clubs or Private Organizations are deposited into the appropriate accounts; units will not require Airmen to participate in the event. (T-1). This may also apply to events, such as open houses or other special installation events. All personnel assisting the Nonappropriated Fund Instrumentality Morale Welfare and Recreation program to sell alcoholic beverages at such events receive appropriate "Dram Shop" training as outlined within AFI 34-219, Alcohol Beverage Program.

10.14.1. Alcoholic beverages may be consumed and shared among members of legal drinking age of the Private Organization and their guests of legal drinking age in a potluck fashion at Private Organization social (non-business) events.

Note: Dram Shop theory - A theory of legal liability under which servers of alcoholic beverages (facility owner, operator or employee) can be held liable for damages when they continue to serve alcoholic beverages to a customer who reaches or appears to be nearing the point of intoxication and the customer then brings harm to property, the customer or others.

10.15. Private Organizations must have liability insurance unless the Installation Commander waives the requirement. (T-1) This waiver authority may be delegated to the Mission Support Group Commander. No further delegations are authorized. (T-1) Insurance should be required unless the activities of the Private Organization are such that the risk of liability is negligible. Private Organization members must be made aware that they are jointly and severally liable for the obligations of the Private Organization. The absence of liability insurance places their personal assets immediately at risk in the event of Private Organization liability. Forward all waiver requests through the servicing legal office prior to approval. The commander or delegates may waive the requirement for continuous liability coverage; however, the approval document must advise the Private Organization that the commander may still require liability insurance for specific events that involve a greater risk of injury or damage. Insurance waivers must be reevaluated annually. (T-2)

10.16. The Private Organization should consider bonding for its treasurer. The treasurer is in a sensitive position, especially if handling and controlling large amounts of cash. Private Organizations may make a bonding determination by weighing the cost of commercial fidelity insurance protection from a qualified underwriter against the potential dollar risk.

10.17. Private Organizations and unit unofficial activities must comply with all applicable federal, state, local, and foreign laws governing like civilian activities. (T-0) Some Private Organizations may qualify for tax-exempt status. It is the responsibility of the Private Organization to obtain proper tax-exempt information and forms through the regional Internal Revenue Service office and the state taxing authority. (T-0)

10.18. Private Organization officers and members must report any signs of fraud or other improprieties to the Force Support Squadron Commander/Director. (T-1)

10.19. Private Organization officer and member and unofficial activities actions must not prejudice or discredit the United States Government or conflict with governmental activities. (T-0)

10.19.1. Private Organizations and unit unofficial activities may not directly solicit cash donations for their organization on base. Private Organizations and unit unofficial activities may raise funds through approved on base fundraising events as described in paragraphs 10.10 and 10.11 (T-2)

10.19.1.1. Force Support Squadrons may not co-sponsor events with Private Organizations or unofficial activities/organizations for the purpose of obtaining commercial sponsorship, contributions, donations, gifts, advertising or generating revenue for them. (T-1)

10.19.1.2. In accordance with AFI 34-108, Commercial Sponsorship and Sale of Advertising, commercial sponsorship is not authorized to support Private Organizations or unit unofficial activities (such as social funds). (T-0) These entities are not authorized to partner with a Morale, Welfare and Recreation program to gain access to sponsorship benefits. (T-0)

10.19.1.3. Private Organizations and unit unofficial activities may accept gifts and donations from outside sources. Unit unofficial activities will not solicit gifts. (T-1) Private Organizations will not solicit direct monetary gifts or donations (as distinguished from the sale of items of value) on base. (T-2) Off-base solicitations must clearly indicate that they are for a Private Organization and not for the base or any official part of the Air Force. Donor/gift recognition may not be made publicly. (T-1) Oral recognition of the gift or donation can only be made to members of the Private Organization or those present at an event benefiting from the donation/gift. (T-1)

10.19.1.3.1. Private Organizations and unit unofficial activities are prohibited from actions which might make it appear that the installation is endorsing or giving special treatment to the donors involved. (T-0)

10.20. Fundraising raffles may be conducted on an Air Force installation by those Private Organizations that are composed primarily of Department of Defense personnel or their family members. (T-1) Such raffles provide a means of extending needed services or other assistance to members of the Department of Defense family, but failure to strictly follow the provisions below could result in the raffles violating JER Section 2-302. Unit unofficial activities are not authorized to conduct raffles. (T-1)

10.20.1. Raffles must be authorized in advance by the Installation Commander or designee. (T-1)

10.20.2. All requests to conduct raffles must be reviewed by the servicing Staff Judge Advocate's office and a raffle counts towards the overall Private Organization's limit to hold not more than three fundraisers per calendar quarter. (T-1) See paragraph 9.10.2.

10.20.3. Raffles must comply with State and local laws of the jurisdiction in which the installation is located and comply with any applicable requirements of such laws, (e.g., securing required licenses or permits). (T-0) In locations outside the U.S., raffles must be held in accordance with host nation laws and applicable Status of Forces Agreements. (T-0)

10.20.4. Raffles must be held to support the Private Organization's routine operations or for the direct benefit of Department of Defense personnel or their family members. (T-1) Raffles may not be authorized to raise money for an outside cause local or national group, such as local regional or national charities

(including the Combined Federal Campaign). Raffles may be utilized for the benefit of the Air Force Assistance Fund if 100% of the proceeds are donated to the Fund. See AFI 36-3101, section C. (T-1)

10.20.4.1. Requests for approval to conduct raffles must identify the purpose for which funds are being raised and the intended use of the proceeds. (T-3)

10.20.4.2. Raffles conducted strictly for a monetary prize are not authorized on the installation. (T-1) Monetary raffles conducted of the installation by the Private Organization must comply with the guidance in paragraph 10.20.3.

10.20.5. Raffles must not be officially endorsed or supported except as permitted by JER Sections 3-210 and 3-211. (T-0)

10.20.6. Raffles must not be conducted in the workplace. Unlike Private Organization fundraisers involving the sale of goods and consumables, which may be conducted at public entrances and in community support facilities such as the lobby of the Base Exchange, raffles must be carefully planned so as not to spill over beyond the members of the Private Organization and any affiliated unit. (T-2) Raffles on the Pentagon reservation are prohibited. (T-0)

10.20.7. Raffles must not be conducted by military members or civilian employees during their duty time. (T-1) Military members may not conduct raffles while in uniform at any time. (T-1) Air Force personnel may participate in Private Organization fundraising raffles only in a purely personal, unofficial, volunteer capacity at authorized locations and in ways that do not imply official endorsement. (T-1)

(8 Feb 19) Know Your AFI, 34-223, Private Organizations Program, 13 December 2018

AFI34-223 13 DECEMBER 2018, Chapter 11

11. Logistical Support. Private Organizations must furnish their own equipment, supplies, and other materials. (T-1) Newly elected Private Organization officers must consult Force Support Squadron Resource Manager for guidance and training on local installation requirements and procedures because Private Organizations generally do not get either appropriated funds or Nonappropriated funds support except where specifically identified in this instruction. (T-1)

Note: Please contact the JBSA private organization coordinator for installation guidance and training.

11.1. Private Organizations may be provided venues to conduct meetings of reasonable duration and frequency.

11.1.1. A Private Organization must reimburse for services (to include utilities) when it uses a facility or space on a non-exclusive, other-than-occasional basis unless a separate directive or instruction authorizes non-reimbursable support. Thrift shops are exempted from the requirement to pay utilities under such circumstances. (T-1) A Private Organization must reimburse for any additional costs incurred by the Air Force resulting from such uses (e.g., incremental increases in maintenance and janitorial expenses). (T-1)

11.1.2. The Air Force mandates an approved out-grant (i.e., lease or license) when a Private Organization has exclusive use of a facility, space, or land area. Any reimbursement for utilities will be determined in accordance with Air Force Instruction 32-1061, Providing Utilities to United States Air Force Installations. Any fair market value reimbursement ("rent") for space occupied, maintenance, and other support will be determined in accordance with Air Force Instruction 32-9003, Granting Temporary Use of

Air Force Real Property. Private Organization activities that provide a benefit to the entire installation (e.g., a used uniform shop within a thrift store) may make all or part of their rental payment in-kind.

11.1.3. The use of Government equipment and systems for other than official purposes is extremely limited. Government communication systems (e.g., weekly upcoming events email from the installation Public Affairs Office) may be used to inform Airmen of Private Organization events of possible interest to the unit and its families (e.g., regular meeting of the unit-affiliated spouses' club). Official communication systems should not be used to advertise Private Organization fundraiser (and membership) events unless the primary purpose of the communication is for other than support of the Private Organization's efforts, but rather to notify unit Airmen of a local event of possible interest (e.g., lunchtime sale of food in a public area adjacent to the unit's geographic footprint). (T-2)

11.1.4. Installations are encouraged to hold information fairs to educate Private Organizations on the requirements of this instruction and resources available to them on the installation.

Note: Personnel from the 502 FSG/JA, Admin Law Section currently hosts private organization seminars. The seminar schedule is attached as JBSA PO Tng Schedule CY2019.

11.2. Private Organizations in overseas areas can request additional logistical support such as: reimbursable transportation services; commissary; Armed Forces postal services; exchange; recreational activity privileges; reimbursable space-available hospitalization, medical, and dental care; and dependent school service. Requests must be forwarded through the Installation Commander to the Air Force Services Activity (Installation Support). (T-1) For Services support, the approval authority is the Air Force Services Activity Commander. For all other functional support, the Air Force Services Activity will coordinate with the senior Major Command owning functional(s) or Air Force Installation Mission Support Center functional(s) for their approval. As part of the forwarding recommendation, the Installation Commander must include a statement acknowledging the commander can provide the additional support requested within available resources and without degrading the installation's ability to fulfill its mission. The request must include:

11.2.1. A cost estimate for the additional support. (T-1)

11.2.2. A list of services, programs, and activities the Private Organization provides that warrant additional support. (T-1)

11.2.3. An acknowledgment by the Private Organization that additional support may be terminated if the Private Organization's services, programs, and activities change so that they no longer warrant the support. (T-1)

Note: 11.2 does not apply to private organizations operating on JBSA.

(15 Feb 19) Know Your AFI, 34-223, Private Organizations Program, 13 December 2018

AFI34-223 13 DECEMBER 2018, Chapter 12

12. Dissolution of a Private Organization. When a Private Organization decides to dissolve or shut down, it must:

12.1. Use its funds to satisfy any outstanding debts, liabilities, or obligations. (T-1)

12.2. Dispose of the residual balance as decided by the Private Organization membership. (T-1)

12.3. Notify the Force Support Squadron Commander/Director of the intent to dissolve the Private Organization and prepare a time-phased action plan to do so. (T-1)

Note: Sample dissolution statement attached. Statements of dissolution should be submitted to the 502 FSS/CL through the JBSA private organization coordinator.

(22 Feb 19) JBSA Private Organization Documents/Forms Now Available on Website

The following JBSA private organization documents are now available on <https://jbsatoday.com> <<https://jbsatoday.com/>> .

- > Access the website
- > Scroll down to the bottom of the page
- > Select the Private Organizations link
- > See Featured Links on the lower half of the page

Documents:

- AFI34-223 Private Orgs (AFI34-223 Private Organizations Program, 13 December 2018) --
- AFI36-3101 AF Fundraising (AFI36-3101, Fundraising, 9 October 2018)

Forms:

- Fundraising Request Form (v1.1 2019)
- PO Seminar Schedule (CY2019)
- Elected Officers (v1.1 2019)
- Request for Waiver of Insurance Requirement (v1.1 2019)
- Release of Contact Info (v1.1 2019)
- Dissolution Statement (v1.1 2019)
- Treasurer Acceptance Statement (v1.1 2019)
- Financials Template
- Sample Request for Donations (v1.1 2019)

Note: Please delete all copies of prior AFIs and forms/ templates.

(1 Mar 19) It's Tax Time

In general, exempt organizations are required to file annual returns, although there are exceptions. If an organization does not file a required return or files late, the IRS may assess penalties. In addition, if an organization does not file as required for three consecutive years, it automatically loses its tax-exempt status.

The IRS returns Form 990 series returns filed on paper - and rejects electronically filed returns - when they are materially incomplete or the wrong return. If they send back your organization's return, follow the instructions in the accompanying letter and on this page.

The most common errors causing the return of a Form 990 series returns are missing or incomplete schedules.

Review these pages for Form 990, 990-EZ, and 990-PF filing tips:

.990-series forms and schedules

.Filing thresholds - which 990-series return to file

.Table of due dates for exempt organizations annual returns

.Which form should I use?

.Annual electronic notice (e-Postcard) for small exempt organizations

.Filing tips

.Annual Reporting Requirements FAQs

Additional information

.Form 990 Resources and Tools

.Electronically Submit Your Form 8976, Notice of Intent to Operate Under Section 501(c)(4).

This information can be found on <https://www.irs.gov/charities-non-profits/annual-reporting-and-filing>.

Private organizations which have not obtained tax exemption are normally not required to file a return unless annual income exceeds \$4,999.99.

This information has received legal review.

(8 Mar 19) JBSA Private Organizations Points of Contact

There are currently three (3) points of contact for the JBSA private organization program. They are as follow:

- 1) Myself

- 2) Bradley W. Mitchell
Chief of Civil Law & Civilian Attorney-Advisor 502
FSG/JA, JBSA - Fort Sam Houston, TX
(210) 808-0169
bradley.w.mitchell2.civ@mail.mil <<mailto:bradley.w.mitchell2.civ@mail.mil>>

- 3) Haley M. Flanagan, NF-III, DAFC
Coordinator, JBSA Private Organizations
Accounting Office, Non-appropriated Funds
502d Force Support Squadron-Joint Base San Antonio
Phone: (210) 671-6042 or DSN 473-6042
haley.flanagan@us.af.mil <<mailto:haley.flanagan@us.af.mil>>

I will temporarily be the point of contact for Army FRG informal funds, “for us, by us” groups and unofficial activities.

(15 Mar 19) Know Your AFI, 36-3101, Fundraising, 9 October 2018, 5.3.4 and 5.5

AFI36-3101, Fundraising, 9 October 2018

5.3.4. “For Us, By Us” Activities. Joint Ethics Regulation Section 3-210 also permits unit-based “for us, by us” fundraising for the support of unit members and their family members. Private Organizations, even if comprised primarily of service members or their family members, may not engage in “for us, by us” fundraising. Such fundraising means that collected funds are in a particularly unique and ad hoc state; they are personal funds temporarily held by Air Force employees acting in their official capacities.

5.3.4.1. Funds collected for refreshments or meals, in advance of events (such as Air Force-hosted conferences or meetings) from attendees and in situations when appropriated funds may not be used, are a form of this temporary holding of personal funds. Often, such collections are referred to as “landing fees” or similar title. Workplace (desk-to-desk) collections are allowed in such circumstances.

5.3.4.2. Small cash collections to assist unit members with personal misfortune (e.g., flowers for a co-worker upon death of a loved one, funds to help offset lodging expenses after a house fire) are a form of “for us, by us” fundraising. However, such funds collections are best addressed through the use of the rules in 5 Code of Federal Regulations 2635 Subpart C (Gifts between Federal Employees). Regardless, such collections should be completely voluntary, anonymous (e.g., passing around collection envelope) and the nominal amount solicited from unit employees should not exceed \$10. Workplace (desk-to-desk) collections are allowed in such circumstances. If the unit member to be assisted is one’s supervisor, Airmen may not contribute more than \$10 to the collection.

5.3.4.3. The most common and best example of “for us, by us” fundraising is to collect funds for unofficial unit social events (e.g., hail & farewells, holiday parties, military balls) when funds must be collected and paid in advance to make arrangements for venues, catering, etc. Such fundraising can also help offset the per ticket price for junior members of the unit. Such funds collections are often referred to as social funds, flower funds, coffee funds, etc.

5.3.4.4. Such funds collections should be for the minimal amount of time necessary to plan and execute the social event. Per Air Force Instruction 34-223, if these unofficial activities/social funds collect and maintain a balance of more than \$1000 over a three-month period, the unofficial unit activity must apply to the Installation Commander for recognition as a Private Organization, unless all funds were collected for, and will be expended on, an upcoming (within six months after the third month that the activity/fund has had a balance of more than \$1000) unit social event.

5.3.4.5. Although Air Force Instruction 34-223 does not govern unit unofficial activities/social funds, unit commanders can look to the instruction for illustrative guidance on appropriate fiscal controls. At a minimum, unit commanders should implement two-person accountability for all funds collected (one officer, one noncommissioned officer recommended) regardless of whether or not a bank account is actually created to hold such funds.

5.3.4.6. “For us, by us” fundraising should normally be planned and executed to take place primarily where funds collected can come from unit members and their family members. A bake sale or lunchtime food sale, however, is often welcomed by other units and advertising can inform all installation Airmen who might have an interest in participating in such sales. Contractor employees should not be targeted by advertising to participate in the fundraising event, but may on an unsolicited voluntary basis, elect to purchase goods or services of value at the unit fundraiser. An event that uses an installation facility, outside the unit, such as a car wash using the installation car wash complex, may target the installation-wide community so long as all tenant units have similar opportunity to engage in similar fundraising events. No fundraising events whatsoever may take place in Federal workplaces other than in common areas. Workplace (desk-to-desk) collections are not allowed in such circumstances.

5.3.4.7. Because unit commanders may support and endorse “for us, by us” fundraising events, they may allow military unit members to set up, execute and clean up from such events during the duty day and while in uniform. Because of concerns of coercion and favoritism, supervisors should not act as sellers of goods/services during the event. As such, these events should be of a very limited duration (e.g., the lunch hour) and a time of day and location where there is acceptable impacts on mission and unit routine. Unit commanders may authorize the use of official communications systems (e.g., official email) to advertise such unit fundraising events. However, caution should be used so that the source of the email (e.g., Commander, Command Chief, Supervisors) does not go beyond official support and endorsement and make participation in the event non-voluntary or compulsory.

5.3.4.8. Unit commanders should weigh the monetary and fundraising pros and cons of converting their unofficial activities/social funds into Private Organizations. At times, the sheer amount of monies collected may dictate such a transition per Air Force Instruction 34-223. At other times, it is a tactical decision. Unit unofficial activities/social funds can be officially supported and endorsed (including through the use of on-duty personnel and official communications systems), but must confine their activities to the “for us, by us”, unit marketplace for raising funds. Private Organizations, on the other hand, cannot be officially supported and endorsed, but have much more discretion to engage in broader fundraising both on and off base.

5.3.4.9. All other fundraising activities, including unit unofficial activities/social fund fundraising, should generally be scheduled for a time of year so as to not adversely impact the Air Force Assistance Fund and

Combined Federal Campaign. Because of the timing of the Combined Federal Campaign, unit fundraising to support holiday parties may occur during the Combined Federal Campaign. Regardless, however, such ad hoc fundraising may not take place in a manner that seeks to mimic, or would substantially detract from, or cause confusion with, the Air Force Assistance Fund and Combined Federal Campaigns. Only those two official campaigns may authorize payroll deduction contributions.

5.5. Private Organization Fundraising. Installation-recognized Private Organization fundraising is also governed by Air Force Instruction 34-223. Private Organizations may petition, and Installation Commanders may approve, for the Private Organization to hold occasional on base fundraisers (e.g., car washes, commercially-packaged cookie sales) in installation common areas. The installation commander may delegate to the Mission Support Group Commander, or the Force Support Squadron Commander, this authority. "Occasional" is defined as not more than three times per quarter.

5.5.1. Air Force Instruction 34-223 governs Private Organization operations including formation, obtaining installation commander recognition, dissolution, as well as guidance on appropriate fiscal controls depending on the size of the Private Organization and its monetary holdings.

5.5.2. The fundraising activities of Private Organizations, even if they are comprised primarily of unit family members (e.g., a Spouses Club), do not constitute "for us, by us" fundraising within the meaning of Joint Ethics Regulation Section 3-210.

5.5.3. Private Organizations may also accept gifts and donations. These organizations will not directly solicit cash donations on base although they may sell items/services of value as part of a fundraiser. Off-base solicitations, sales and other fundraising events must clearly indicate that they are for a Private Organization and not for the base or any official part of the Air Force.

5.5.4. Unit commanders may not authorize the use of official communications systems (e.g., official email) to advertise such Private Organization fundraising events. However, official communications systems may be used to advertise events of possible interest to unit Airmen including (e.g., lunchtime sale of food by unit-affiliated Private Organization in a public area adjacent to the unit's geographic footprint). Such communications should be made in the same manner as other local merchant military discounts, base-affiliated professional organization meetings, etc. To avoid the appearance of endorsement, such communications should originate from the unit Public Affairs Office or through other routine channels. They should not originate with the unit leadership.

Comments/questions from private organizations association with JBSA-Lackland should be directed to your private organization coordinator, Mrs. Haley Flanagan.

(29 Mar 19) Updated Fundraising Guidance for Private Organizations

This tidbit is in regard to formal private organization fundraising. "For us, by us" (informal funds/unofficial activities) fundraising will be addressed next week.

AFI34-223, Private Organizations (PO) Program, 13 December 2018 was updated last year and is attached. Even though private organizations have been provided with a greater latitude in fundraising,

there has been a decrease in the number of fundraising requests submitted to this office. In order to fundraise on JBSA, private organizations must be authorized to operate on the installation and be in good standing (reporting compliant). Additional items to remember about fundraising follow:

-- AFI34-223, para. 10.8: Private Organizations must not engage in activities that duplicate or compete with activities of the Army and Air Force Exchange Services or Force Support Squadron non-appropriated fund Instrumentalities.

-- AFI34-223, para. 10.9: Private Organizations will not operate amusement machines, slot machines, lotteries, raffles, games of chance, or other gambling-type activities, (except as authorized in paragraph 10.20, below); nor will they engage in frequent or continuous resale activities either directly or indirectly through third parties.

-- AFI34-223, para. 10.9.1: The prohibition against frequent or continuous resale activities does not preclude collective purchasing and sharing of purchased items by members of private organizations so long as there is no actual resale.

-- AFI34-223, 10.10.2. Occasional fundraising is defined as not more than three per calendar quarter. The length of a fundraising event is fact dependent. For example, a community theatre performance might only last a single evening; whereas, cookie and candy sales might last three days over a holiday weekend.

Note: On-installation fundraising requests should be submitted on the JBSA fundraising request form. Once completed, with appropriate coordination's obtained, email the request to 502FSS.FSRR.PrivateOrgs@us.af.mil.

-- AFI34-223, para. 10.10.2.1: The occasional sales limitation for funding does not apply to private organization sales of Air Force School or unit souvenirs, memorabilia to members of the school or unit involved. This is contingent on the Army and Air Force Exchange Services or Force Support Squadron resale activities electing not to provide this service and the private organization chartering documentation authorizing resale under these circumstances. Nor does it apply to private organizations sales conducted pursuant to a concessionaire contract with the installation Force Support Squadrons/Morale Welfare Recreation programs at open houses and similar events.

-- AFI34-223, para. 10.11: Private organizations may conduct fundraising events off the installation so long as it is clear to members of the public that the organization is not representing the installation or the Air Force. Private organizations should consult with their local Force Support POC and the local installation Judge Advocate before engaging in fund raising off the installation.

Note: The 502 Force Support POC (JBSA private organization coordinator) will contact the appropriate legal office.

-- AFI34-223, para. 10.20: Fundraising raffles may be conducted on an Air Force installation by those Private Organizations that are composed primarily of Department of Defense personnel or their family members. (T-1) Such raffles provide a means of extending needed services or other assistance to members of the Department of Defense family, but failure to strictly follow the provisions below could result in the raffles violating JER Section 2-302.

Note: In order to conduct raffles in the state of Texas, private organizations are required to hold tax-exemption (501c status through the Internal Revenue Service).

Authorized Fundraising Activities on JBSA

- Bake Sales
- Basketball tournaments
- Bowling tournaments
- Burger burns (and other food sales)
- Dunk booths
- Fitness center pump-a-thons
- Fun runs
- Opportunity drawings
- Penny wars
- Pie-in-the-face
- Raffles
- Rummage sales
- Silent auctions
- Video game tournaments

Venues Not Authorized as Fundraising Activities on JBSA --

Car washes

- Civilian Clothing Days (Dress Down Days)
- Donation boxes.
- Flea Markets / Yard Sales
- For Profit Snack Bars / Coffee Funds
- Gas -n- Go Events
- Jail and Bail Events (Lock-ups)
- Sale of Government Parking Spaces