

§ 556.19

(ii) AAFES and other installation NAFIs state in writing an inability to meet the resale requirement.

(iii) Net proceeds from sales are donated by the PO to—

(A) The installation to support its morale, welfare and recreation (MWR) and other community and family support activities, scholarship funds, or installation hospitals, schools, museums, and so forth.

(B) Local off-post hospitals, museums, libraries, and other community organizations used by, and of direct benefit to, the installation community. (Donations do not include proceeds used to cover the PO's expenses in providing such sales.)

(c) A copy of MACOM approval for such operations will be sent to Commander, CFSC, Attn: AE-P, Alexandria, VA 22331-0507.

PERSONNEL

§ 556.19 Exclusions.

Neither soldiers nor DA employees (APF or NAF) will, as an official duty, be assigned to work for POs.

§ 556.20 Permissive temporary duty (TDY).

Installation commanders may authorize permissive TDY for active duty military personnel to support national Scouting organizations per AR 630-5, paragraph 12-4(e).

§ 556.21 Special events.

Installation commanders may authorize the use of military personnel and APF or NAF civilians to support special events that may benefit POs. The use of such personnel is only to prepare installation facilities and grounds for the event. The following conditions must be met:

(a) The commander must approve the special event (such as a fair, bazaar, or picnic) to be conducted on the installation.

(b) The event must benefit or enhance the morale of the installation DOD family.

(c) The event must be open to all members of the installation DOD family.

(d) The event must not compete with resale activities of the installation's

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MWR and other community and family support programs unless authorized, on an exception basis, by the installation commander.

(e) The event must not state or imply endorsement of a PO or specific commercial goods or services.

LOGISTICAL SUPPORT AND SERVICES

§ 556.22 Overview.

The amount and type of support authorized for a PO depends on the authority under which the PO is organized.

(a) For type 1 POs governed by other directives (see § 556.5(a)(1)) support is authorized as stated in those directives.

(b) For support for all other POs, §§ 556.23 through 556.30 will be followed. (For POs on Army Reserve Centers requesting use of space and facilities, see AR 140-488.)

(c) Under the provisions of AR 37-60, paragraphs 9-6 and 9-8, installation commanders may waive or reduce charges to nonprofit POs for any of the support elements listed in paragraph 9-3 of that publication. This applies only to support provided to a PO on an occasional or nonrecurring basis.

[55 FR 27104, June 29, 1990, as amended at 55 FR 32243, Aug. 8, 1990]

§ 556.23 Use of space and facilities.

Most POs require space only for periods of time necessary to conduct regular organizational meetings or for other occasional or nonrecurring PO-sponsored events. Installation commanders may grant use of space to include utilities, in-place equipment, and janitorial supplies used without charge when it is incidental to other uses of the facility. PO use of space is governed by AR 405-80. Specific provisions are as follows:

(a) *Use of space or facilities under license agreement.* Use may be granted by means of a revocable-at-will license and will be defined as occasional, nonregular, regular part-time, or full-time use of space, and will not contain any of the terms in paragraph (b) of this section. Commanders will determine whether or not the license will be on a rent-free basis. POs have no property rights when use of space is granted

under a license agreement. Specifically, such use—

(1) Entails use of space that may be recalled at any time by the installation commander without prior notice to the PO.

(2) Involves no lease agreement between the PO and the installation.

(3) Permits storage of equipment and supplies provided that such storage does not interfere with, nor restrict, the normal use of the facility by other users.

(b) *Use of space and facilities under lease agreement.* Use of space under a lease agreement will be defined as the guaranteed *sole* use of space or a facility on a full-time basis; guaranteed use of space for a specific period of time; or storage of in-place equipment or supplies that impairs or restricts normal use of the facility by other users. POs have certain property rights when use is granted under a lease agreement. Specifically, such use—

(1) Guarantees facility use for a specific period of time. Termination of the lease agreement requires a 30-day notice except in times of national emergency.

(2) Requires a lease agreement between the PO and the U.S. Government. This lease protects the PO's use of the facility based upon other conflicting installation priorities and requirements.

(3) Requires payment for use of space and facilities under a lease agreement.

(i) Rent for use of space in CONUS will be set by the district engineer.

(ii) Rent outside the continental United States (OCONUS) will be set by installation commanders per host country Status of Forces Agreements, treaties, or other agreements under which the Army controls such real estate.

(c) *Exceptions.* At the discretion of the installation commander:

(1) Nonprofit thrift shops and museum foundation POs may be granted use of space by means of a rent-free, revocable-at-will license.

(2) On-post youth group POs (Scouts, little league, and so forth) may be granted revocable-at-will licenses for one-time, intermittent, or continuing use of available meeting facilities. (See AR 405-80.)

(d) *Use by veterans' organization.* AR 405-80 authorizes major Army commanders to lend certain real property (including unoccupied barracks) to veterans' organizations for use at—

(1) State or national conventions; or

(2) National youth athletic or recreational tournaments sponsored by veterans organizations.

§ 556.24 Equipment.

POs must furnish or procure equipment, supplies, and other materials at their own expense.

(a) Government-owned equipment may be loaned or rented to a PO; however, such equipment must be directly related to the purpose and function of the PO.

(b) APFs and NAFs will not be used to repair equipment owned by, or loaned to, tenant POs unless a request is approved by the installation commander for the PO to reimburse the installation for such repairs.

(c) Audio-visual hardware and software may be used by POs when not in use for official purposes. (See AR 108-2.)

§ 556.25 Transportation.

All transportation support provided to POs will be on a reimbursable basis per AR 58-1, per the provisions of AR 37-60 (see § 556.22) to include all operations and maintenance costs associated with providing this service. The installation commander will ensure that transportation made available to POs neither is detrimental to the command mission nor generates requirements for additional military vehicles. Specific provisions follow:

(a) In CONUS, the commander may authorize reimbursable military bus service in support of PO-sponsored or co-sponsored special events on post, if other conditions of section 556.21 (1) and (b) are met.

(b) At OCONUS locations, military buses may be authorized on a reimbursable basis to support special events conducted at non-military sites.

§ 556.26 Utilities.

All POs will reimburse the installation for utilities except when not required under § 556.22.