



Department of Defense

DIRECTIVE

NUMBER 1000.26E
February 2, 2007

USD(P&R)

SUBJECT: Support for Non-Federal Entities Authorized to Operate on DoD Installations

- References:**
- (a) DoD Directive 1330.5, "American National Red Cross," August 16, 1969 (hereby canceled)
 - (b) DoD Directive 1330.12, "United Service Organizations, Inc. (USO)," November 1, 2000 (hereby canceled)
 - (c) DoD Directive 1330.16, "United Seaman's Service (USS)," February 23, 1983 (hereby canceled)
 - (d) DoD Instruction 1000.15, "Private Organizations on DoD Installations," December 20, 2005
 - (e) through (l), see Enclosure 1

1. PURPOSE

This Directive:

- 1.1. Cancels References (a) through (c).
- 1.2. Authorizes the reissuance of Reference (d).
- 1.3. Establishes policy and assigns responsibilities under DoD Directive 5124.8 (Reference (e)) for standardizing support to non-Federal entities authorized to operate on DoD installations.
- 1.4. Designates the Secretary of the Army as the DoD Executive Agent (DoD EA) according to DoD Directive 5101.1 (Reference (f)):
 - 1.4.1. For DoD support to the Boy Scouts of America (BSA) and Girl Scouts of the United States of America (GSUSA) local councils and organizations in areas outside of the United States (section 2606 of title 10, United States Code (U.S.C.) (Reference (g))). DoD support will also cover the periodic national jamboree according to Reference (g).¹

¹ A Federal district judge has ruled that support to BSA under section 2554 of Reference (g) is unconstitutional, and has enjoined the Department of Defense from providing future support under that statute. The Department of Defense is appealing that order. However, unless the order is overturned on appeal, the Department of Defense cannot provide any support to BSA using this statute. Contact your local legal office for further guidance.

1.4.2. To perform the annual audit of the American Red Cross (ARC) accounts and to prepare and submit the annual report to Congress according to 36 U.S.C. subsection 300110 (Reference (h)).

1.4.3. To provide the ARC with the necessary deployment support.

1.5. Designates the Secretary of the Air Force as the DoD EA responsible for conducting the Armed Forces Entertainment (AFE) program, previously designated in Reference (b), according to Reference (f).

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the “DoD Components”) and non-Federal entities authorized to operate on DoD installations.

2.2. Shall not revise, modify, or rescind any Memorandum of Understanding (MOU) between a non-Federal entity and the U.S. Government or the Department of Defense or their implementing arrangements in existence as of the effective date of this Directive. Additionally, the Directive shall not revise, modify, or rescind any MOU between the Department of Justice (DoJ) and the Department of Defense that is in existence as of the effective date of this Directive. Any such agreements shall, as they expire, come up for renewal, or as circumstances otherwise permit, be revised to conform to this Directive and any implementing guidance.

2.3. Does not apply to banks or credit unions addressed in DoD Directive 1000.11 (Reference (i)) or the Civil Air Patrol according to Reference (g).

3. DEFINITION

Non-Federal Entities. A non-Federal entity is generally a self-sustaining, non-Federal person or organization, established, operated, and controlled by any individual(s) acting outside the scope of any official capacity as officers, employees, or agents of the Federal Government. This Directive addresses only those entities that may operate on DoD installations with the express consent of the installation commander or higher authority under applicable regulations. Non-Federal entities may include elements of state, interstate, Indian tribal, and local government, as well as private organizations.

4. POLICY

It is DoD policy that:

4.1. DoD support for non-Federal entities shall be in accordance with relevant statutes as well as DoD 5500.7-R, "Joint Ethics Regulations," (Reference (j)). In accordance with Reference (j) and to avoid preferential treatment, DoD support should be uniform, recognizing that non-Federal entity support of Service members and their families can be important to their welfare.

4.2. Under Reference (e) procedures shall be established as Instructions and agreements for the operation of non-Federal entities on DoD installations and for the prohibition of official sanction, endorsement, or support by the DoD Components and officials, except as authorized by Reference (j) and applicable law. Instructions and agreements must be compatible with the primary mission of the Department and provide for Congressionally authorized support to non-Federal entities on DoD installations.

4.3. In accordance with Reference (j), Commanders may authorize, in writing, logistical support for events, including fundraising events, sponsored by non-Federal entities covered by this Directive.

4.4. Commanders may coordinate with non-Federal entities in order to support appropriated or nonappropriated fund activities on DoD installations, so long as the support provided by the non-Federal entities does not compete with appropriated or nonappropriated fund activities.

4.5. Non-Federal entities are not entitled to sovereign immunity and the privileges given to Federal entities and instrumentalities.

5. RESPONSIBILITIES

5.1. The Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R)), under the Under Secretary of Defense for Personnel and Readiness, shall:

5.1.1. Be responsible for implementing all policy matters and Office of the Secretary of Defense oversight of non-Federal entities on DoD installations.

5.1.2. Develop procedures and execute any necessary agreements to implement policy for the operation of non-Federal entities on DoD installations.

5.1.3. Assign responsibilities to the DoD Components to accomplish specific oversight and administrative responsibilities with respect to non-Federal entities operating on DoD installations.

5.1.4. Oversee the activities of the designated DoD EA, assessing the need for continuation, currency, effectiveness, and efficiency of the DoD EA according to Reference (g). Make recommendations for establishment of additional DoD EA assignments and arrangements as necessary.

5.2. The Secretary of the Army, as the designated DoD EA, and according to Reference (g), shall:

5.2.1. Perform the audit of the annual ARC accounts and prepare and submit the annual report according to Reference (h) and this Directive.

5.2.2. Coordinate support to the BSA and GSUSA according to DoD Instruction 1015.9 (Reference (k)) and this Directive.

5.2.3. Provide necessary deployment support to ARC according to an approved DoD and ARC MOU. Initially, the Army will cover costs, except those paid by the ARC. The Army will then be reimbursed, upon its request, by the entity directly benefiting from the ARC support.

5.2.4. Designate a point of contact to coordinate matters regarding the DoD EA responsibilities, functions, and authorities.

5.3. The Secretary of the Air Force, as the designated DoD EA with responsibility for conducting the AFE program, shall administer the AFE program according to Reference (g), DoD Instruction 1330.13 (Reference (l)), and this Directive to include the following:

5.3.1. Annually determine with the other DoD Components and the PDUSD(P&R) the scope of the program.

5.3.2. Budget, fund, and maintain accountability for approved appropriated fund expenses. Develop and implement supplemental guidance to identify allowable expenses and reimbursements.

5.3.3. Provide centralized services for selecting, declining, scheduling, and processing entertainment groups for overseas.

5.3.4. Designate a point of contact to coordinate matters regarding the DoD EA responsibilities, functions, and authorities.

6. EFFECTIVE DATE

This Directive is effective immediately.



Gordon England

Enclosures – 1

E1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Directive 5124.8, "Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD (P&R))," July 16, 2003
- (f) DoD Directive 5101.1, "DoD Executive Agent," September 3, 2002
- (g) Sections 2554 and 2606 of title 10, United States Code
- (h) Subsection 300110 of title 36, United States Code
- (i) DoD 1000.11, "Financial Institutions on DoD Installations," June 9, 2000
- (j) DoD 5500.7-R, "Joint Ethics Regulations," August 1993
- (k) DoD Instruction 1015.9, "Professional United States Scouting Organizations Operations at United States Military Installations Located Overseas," October 31, 1990
- (l) DoD Instruction 1330.13, "Armed Forces Entertainment Program," March 23, 2004