



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

MCO 5760.4C
MRJ
18 Mar 2010

MARINE CORPS ORDER 5760.4C

From: Commandant of the Marine Corps
To: Distribution List

Subj: PROCEDURES AND SUPPORT FOR NON-FEDERAL ENTITIES AUTHORIZED TO OPERATE
ON MARINE CORPS INSTALLATIONS AND INFORMAL FUNDS

Ref: (a) DOD Instruction 1000.15, "Procedures and Support for Non-Federal
Entities Authorized to Operate on DOD Installations," October 24,
2008
(b) DOD Directive 1000.26E, "Support for Non-Federal Entities
Authorized to Operate on DOD Installations," February 2, 2007
(c) 10 U.S.C. § 2554
(d) 10 U.S.C. § 2606
(e) DOD Instruction 1000.11, "Financial Institutions on DOD
Installations," January 16, 2009
(f) DOD 3025.1-M, "DOD Manual for Civil Emergencies," June 2, 1994
(g) MCO P1700.27B
(h) DOD Instruction 1015.10, "Military Morale, Welfare, and Recreation
(MWR) Programs," July 6, 2009
(i) DOD 5500.7-R, "Joint Ethics Regulation (JER)," March 23, 2006
(j) MCO P11000.22
(k) MCO P10110.14M
(l) MCO P11240.106B
(m) MCO P1000.6G
(n) MCO P1100.72C

Encl: (1) Non-Federal Entities Having Statutory Authorization for Particular
Support

1. Situation. To establish policy and procedural guidance for support for non-Federal entities authorized to operate on Marine Corps installations and to establish policy and procedures for the operation of informal funds within the Marine Corps.

2. Cancellation. MCO 5760.4B and MCO 5000.20.

3. Mission. This Order provides policy, guidance, information, and procedures concerning support for non-Federal entities authorized to operate on Marine Corps installations and informal funds. It is DOD policy that procedures be established for the operation of non-Federal entities on DOD installations to prevent official sanction, endorsement, or support except as authorized by reference (i), the Joint Ethics Regulation, and applicable law. The Marine Corps recognizes that non-Federal entity support of Marines and their families can be important to their welfare. Unauthorized expenditures of appropriated funds or nonappropriated funds in support of these organizations are prohibited.

DISTRIBUTION STATEMENT A: Approved for public release; distribution is unlimited.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. References (a) and (b) provide policies and instructions for non-Federal entities (also referred to as private organizations) operating on DOD installations and provides that procedures for the operation of non-Federal entities on Marine Corps installations shall be established. They further state that certain unofficial activities may be conducted on the installation with the approval of the DOD Component. This Order provides the guidelines upon which non-Federal entities and informal activities and funds shall operate in the Marine Corps and aboard Marine Corps installations. Marine Corps support for non-Federal entities shall be in accordance with relevant statues and regulations as well as references (a) through (n), especially reference (i), the Joint Ethics Regulation. Care should be taken to avoid preferential treatment and to prevent official sanction or endorsement or the appearance of official sanction or endorsement of non-Federal entities. It is advisable to seek advice from your staff judge advocate or counsel's office prior to providing support to a non-Federal entity.

(2) Concept of Operations

(a) Non-Federal Entities

1. A non-Federal entity is a self-sustaining organization, incorporated or unincorporated, that is not an agency of the Federal government. They are 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. Membership in these organizations consists of individuals acting exclusively outside the scope of any official capacity as officers, employees, or agents of the Federal Government. This order addresses only those non-Federal entities that operate on Marine Corps installations with the express consent of the installation commander or higher authority. Included are such organizations as spouse organizations, youth organizations, community service organizations and recreation organizations other than those operated by Marine Corps Community Services (MCCS). MCCS concessionaires and military relief societies are excluded from this Order. Certain non-Federal entities are also controlled by specific laws, or separate DOD/Marine Corps memorandums of understanding (MOUs) with these organizations. The enclosure contains a list of those non-Federal entities having statutory authorization for particular support. A Marine Corps installation also includes any leased facility or other activity under the control of the Marine Corps.

2. Installation commanders shall determine which non-Federal entities may or may not operate aboard their installation. Private organizations shall operate on a Marine Corps installation only with the express written consent of the installation commander. Any support provided to a non-Federal entity authorized to operate aboard an installation shall be in accordance with the policies and guidance contained herein and in accordance with the references. Support for youth and other private organizations which support the quality of life requirements of Marines and their families is encouraged but only to the extent which commanders are able to provide it without mission interference and only in accordance with the limitations of reference (j) and applicable law.

3. The nature, function, and objectives of a non-Federal entity covered by this Order shall be delineated in articles of incorporation, a written constitution, by-laws, charters, articles of agreement, or other authorization documents before receiving approval from the installation commander to operate on the installation. That document shall include a description of eligible membership and state that no person shall be discriminated against because of race, color, creed, sex, age, disability, or national origin or otherwise subjected to unlawful discrimination. That document shall designate management responsibilities, including accountability for assets, satisfaction of liabilities, disposition of any residual assets on dissolution, and any other documentation that shows responsible financial management, and shall state that members understand they are personally liable, as provided by law, if the assets of the non-Federal entity are insufficient to discharge liabilities.

4. Installation commanders shall maintain a continuing review of facilities, programs, and services operated or provided by non-Federal entities operating on Marine Corps installations and ensure that membership provisions and purposes on the basis of which each organization was approved still apply and justify continuance. Substantial changes to those original conditions shall necessitate further review, documentation, and approval for continued permission to operate on the installation.

5. Non-Federal entities shall have adequate insurance to protect against public liability and property damage claims or other legal actions that may arise as a result of activities of the organization or one or more of its members acting in behalf, or the operation of any equipment/apparatus or device under the control and responsibility of the private organization. The installation commander shall determine what is adequate insurance.

6. Non-Federal entities will not compete with MCCS revenue generating businesses or engage in retail activity except with the written consent of the installation commander. Installation commanders are authorized to eliminate duplication of services, particularly when these services are found to be in competition with the installation's revenue generating activities.

7. To prevent the appearance of official sanction or support by the Department of Defense or the Marine Corps:

a. Non-Federal entities may not use the seals, logos, or insignia of the Department of Defense or any DOD Component, DOD organizational unit, or DOD installation on organization letterhead, correspondence, titles, or in association with organization programs, locations, or activities. This includes the Marine Corps Emblem (consisting of the eagle, globe, and anchor).

b. Non-Federal entities operating on a Marine Corps installation may use the name or abbreviation of the Department of Defense, a DOD Component, organizational unit, or installation in its name provided that its status as a non-Federal entity is apparent and unambiguous and there is no appearance of official sanction or support by the Department of Defense or the Marine Corps. The non-Federal entity must have approval from the appropriate DOD organization whose name is being used before using the name or abbreviation. Any use of the words "Marine Corps," "USMC," and unit or installation names or abbreviations, or any derivation thereof must be

coordinated with the Marine Corps Trademark and Licensing Office located within HQMC Public Affairs for approval or disapproval. Any use of the name or abbreviation of a DOD Component, organizational unit, or installation must not mislead members of the public to assume a non-Federal entity is an organization of the Department of Defense. A non-Federal entity must display the following disclaimer on all print and electronic media mentioning the entities name confirming that it is not part of the Department of Defense: "THIS IS A NON-FEDERAL ENTITY. IT IS NOT PART OF THE DEPARTMENT OF DEFENSE OR ANY OF ITS COMPONENTS AND IT HAS NO GOVERNMENTAL STATUS." This disclaimer must also be provided in appropriate oral communications and public announcements when the name of the entity is used.

8. For those private organizations authorized to use a facility or space on a regular basis, an "out grant document" is required.

9. Financial assistance to a non-Federal entity from a nonappropriated fund instrumentality in any form is prohibited.

10. Installation commanders will take the necessary action to withdraw consent for any entity operating on the military installation that is contrary to the provisions of this Order or for any reason deemed sufficient.

11. Support to Youth Organizations. Non-Federal entities serving youth populations (e.g. Boy Scouts of America, Girl Scouts of the United States of America) Young Marines and Marine Cadets outlined in reference (h) may be provided logistical support to include on a limited basis, the use of Marine Corps facilities, equipment and the services of Marine Corps personnel necessary to make proper use of the equipment, to the extent allowed by the references and applicable law as approved by the cognizant installation commander. This support shall be consistent with the guidance provided in paragraph 3-211 of reference (i). Marine Corps personnel may voluntarily participate in youth organizations and activities as individuals in their personal capacities, provided they act exclusively outside the scope of their official positions. DOD employees may be appointed as DOD liaisons to non-Federal entities per paragraph 3-201 of reference (i).

a. Meeting Space. Facilities for meetings and special events may be provided per reference (i).

b. Billeting. While policy does not specifically authorize accommodations in the BOQ/BEQ, installation billeting managers have the authority to provide private youth organizations and adult staff and personnel billeting, on a space available basis per reference (i).

c. Mess Hall. Reference (k) authorizes nonprofit youth groups to use mess halls paying the food charge only. Chaperones/Escorts are not considered youth group members and will pay the standard meal rate.

d. Transportation. Reference (l) authorizes ground transportation support when such mass transportation is available without detriment to the installation's mission. Youth programs and other private organizations may receive transportation on a reimbursable basis covering all operations and maintenance costs of providing the service.

e. Lecturers, Training Materials, and Training Aids. Installation commanders possess the authority to provide this type of support at their discretion consistent with law and regulation.

f. Permissive TAD. Active duty military personnel may be issued permissive, no cost TAD orders by their commanding officers to participate in youth organization functions per reference (m).

g. Advanced Pay Grade Enlistment (Young Marines and Marine Cadets Only). Members of the Young Marines who are designated as an E-5 and Marine Cadets who are designated as an NCO may be enlisted in the Marine Corps in an advanced pay grade of E-2 per reference (n). All will be required to complete regular Marine Corps recruit training upon enlistment.

h. Uniforms (Young Marines and Marine Cadets Only). Previously authorized but obsolete Marine Corps uniforms may be worn by Young Marines and Marine Cadets and are not subject to approval of the Uniform Board or CMC (LPC).

(b) Informal Funds

(1) Certain unofficial activities conducted on Marine Corps installations do not need formal authorization because of the limited scope of their activities. Examples are office coffee funds and plaque funds. These funds are often improperly referred to as "unit funds," however, these funds are not Government money and do not belong to a unit or the Marine Corps. The money in informal funds belongs to the members of the fund in their personal private capacity. No one may be required to donate to an informal fund.

(2) Office coffee/soda messes are authorized to be established to generate money for an informal fund. Office coffee/soda messes may sell only soda, coffee and other non-alcoholic beverages. Coffee/soda messes, or other similar activities no matter what they are called, shall not engage in the sale of food or other items.

(3) An informal fund that generates more than \$350 per month or has more than \$1000 in the fund must have written authorization from the installation commander to operate aboard the installation.

b. Subordinate Element Missions. General administrative oversight of non-Federal entities at installations shall normally be under the staff cognizance of the Director MCCA but may be placed elsewhere at the determination of the installation commander.

5. Administration and Logistics. Recommended changes to this Order should be forwarded to Deputy Commandant, Manpower and Reserve Affairs (DC M&RA (MR)). Waivers from the policies contained in this Order must be authorized in writing by DC M&RA (MR). All policy waivers will be requested and issued through appropriate Marine Corps channels.

6. Command and Signal

a. Command. This Order is applicable to the Marine Corps Total Force.

b. Signal. This Order is effective the date signed.



S. E. MURRAY

By direction

DISTRIBUTION: PCN 10209150100

Non-Federal Entities Having Statutory Authorization for Particular Support

Non-Federal Entity	Authority
Certain banks and credit unions	Chapter 1770 of 12 U.S.C., United States Code (U.S.C.)
United Service Organization	Section 220101 of 12, U.S.C. Memorandum of Understanding (MOU)
Labor organizations	Title 5, U.S.C., Chapter 71 DOD 1400.25-M, subchapter 711
Combined Federal Campaign	Executive Order 12353 Title 5, CFR part 950 DOD Instruction 5035.1 DOD Instruction 5035.5
American Registry of Pathology	Section 177 of 10 U.S.C.
Henry M. Jackson Foundation for the Advancement of Military Medicine	Section 178 of 10 U.S.C.
American National Red Cross	Section 2552 of 10 U.S.C. Section 2602 of 10 U.S.C. Memorandum for Secretary of the Army (MOU)
Boy Scouts Jamborees	Section 2554 of title 10 U.S.C.
Girl Scouts International Events (transportation)	Section 2555 of title 10 U.S.C.
Shelter for Homeless	Section 2556 of title 10 U.S.C.
National Military Associations; Assistance at National Conventions	Section 2558 of title 10 U.S.C. DOD Directive 5410.18 DOD Instruction 5410.19
National Veterans' Organizations (beds and barracks)	Section 2551 of 10 U.S.C.
United Seamen's Service Organization	Section 2604 of 10 U.S.C.
Scouting: Cooperation and Assistance in Foreign Areas	Section 2606 of 10 U.S.C. Reference (g)
Civil Air Patrol	Section 9441 of 10 U.S.C. Section 9442 of 10 U.S.C. Section 40301 of 36 U.S.C.
Assistance for Certain Youth and Charitable Organizations	Section 508 of 32 U.S.C.
Presidential Inaugural Ceremonies	Section 2553 of 10 U.S.C.
Specified Sporting Events (Olympics)	Section 2564 of 10 U.S.C. DODD 2000.15
Fire Protection Agreements	Section 1856 of 42 U.S.C. et seq.
Armed Services Young Men's Christian Association	Section 2012 of 10 U.S.C. Section 2648 of 10 U.S.C.
Support for Youth Organizations	Section 1058 of Public Law 109-163 (Note to Section 310) Section 8126 of Public Law 109-148 (Note to section 101)