

**Memorandum of Understanding  
Between the  
Department of Defense (DoD)  
And the  
Armed Services Young Men's Christian Association of the USA, Inc. (ASYMCA)**

This memorandum of understanding (MOU) is between the United States Department of Defense (DoD), and the Armed Services Young Men's Christian Association of the USA, Inc. (ASYMCA), a not-for-profit 501(c)(3) organization. The ASYMCA is incorporated under the laws of the State of Illinois and chartered by the National Council of Young Men's Christian Association of the United States of America. Pursuant to Section 220101 of Title 36, United States Code, the ASYMCA is one of the organizations that may use the United Service Organizations, Inc. to execute its service to members of the Armed Services.

DoD recognizes the longstanding and mutually beneficial relationship that has existed, and continues to exist, between DoD and the ASYMCA. Since 1861, the purpose of the ASYMCA has been to provide programs and services that supplement and complement the morale, welfare, and recreational activities and the family programs provided by the Armed Forces. The ASYMCA serves the U.S. Armed Forces, primarily outside military installations, through its ASYMCA centers established in the civilian community, satellite or outreach programs, and other appropriate activities.

The ASYMCA is an important channel through which the public can support the U.S. Armed Forces. Consequently, ASYMCA plays an active role in coordinating local civilian community resources for the U.S. Armed Forces, and in fostering a general civilian interest in the welfare of members of the U.S. Armed Forces and their families.

DoD and ASYMCA recognize there is a continuing need to develop public interest in the welfare of members of the U.S. Armed Forces and their families.

1. It is the intention of DoD, to the extent compatible with the primary mission of the Department and DoD 5500.7-R, Joint Ethics Regulation, to make resources (other than direct expenditure or distribution of funds) and logistical support available to the ASYMCA to assist it to carry out its support of the Armed Forces. Such resources shall be provided in accordance with written agreements between the supported installation, or equivalent, and the ASYMCA. Support that may be authorized pursuant to the terms of this memorandum is outlined in the enclosure to this MOU. In the case of real property and facilities, such resources shall be provided pursuant to Section 2667 of Title 10, United States Code.

2. The Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R)) will designate the Deputy Under Secretary of Defense for Military Community and Family Support (DUSD(MC&FP)) as the DoD liaison to coordinate all policy questions related to DoD support to the ASYMCA. The commanders of the regional Combatant Commands shall appoint liaison officers to coordinate invitational travel orders, identification cards, and other related issues when ASYMCA is authorized to operate within the geographic areas of responsibility of the Combatant Commands and such support is authorized. The commanders of the regional Combatant Commands and the ASYMCA shall provide the names of liaison officers and subsequent changes to the DUSD(MC&FP).

3. Installation commanders shall periodically review ASYMCA activities when operated on their installations. This review shall include programming, adequacy of facilities and services, and competency of staff, and address whether these programs improperly compete with or duplicate services provided by the installation or its nonappropriated fund instrumentalities (NAFIs), particularly revenue producing activities.

4. While the ASYMCA provides support services that may supplement DoD appropriated and nonappropriated fund (NAF) programs, it may not compete with them. Installation commanders will determine whether ASYMCA services conflict with, or detract from, local DoD programs. Installation commanders have discretionary authority over ASYMCA operations on DoD installations and are authorized to eliminate duplication of services, particularly when these services are found to be in competition with the installations revenue-generating activities.

5. DoD recognizes that the ASYMCA National Headquarters is the official contact for ASYMCA Boards of Directors, Branch Boards of Management, cooperating YMCA agencies, and all ASYMCA activities, branches, and facilities; and that the ASYMCA is responsible for the coordination of the work of ASYMCA affiliates in any program for military personnel financed by the ASYMCA.

6. DoD recognizes that the ASYMCA, as a private corporation, may negotiate with corporations and organizations to co-sponsor initiatives, programs, or facilities for the benefit of members of the U.S. Armed Forces and their families. To the extent compatible with the primary mission of DoD and DoD 5500.7-R, Joint Ethics Regulation, DoD agrees that facilities may be made available to ASYMCA on a no-cost basis for such co-sponsored initiatives, programs, or facilities, when doing so does not interfere with mission accomplishment.

7. DoD recognizes that the ASYMCA may accept the cooperation of other civilian agencies, corporations, organizations, and individual citizens in accomplishing its

purposes. DoD shall not be responsible for such funding and shall not participate in ASYMCA fund raising activities.

8. The Enclosure to this MOU is incorporated herein by reference. References in the MOU shall be deemed to incorporate such Enclosure.

9. DoD and the ASYMCA shall periodically review this MOU and make changes to it, in writing, as may be mutually agreed upon.

10. Nothing in this MOU shall affect relationships between DoD and any other entities that may provide supplemental services.

11. This MOU supersedes the MOU between DoD and the ASYMCA entered into on April 11, 1984.

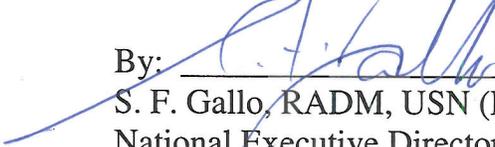
12. This MOU becomes effective on the date of the last signature below. Either ASYMCA or DoD may terminate this MOU upon advance notification of no less than 14 (fourteen) days to the other party in writing.

Department of Defense

By:   
Charles S. Abell  
Principal Deputy  
Under Secretary of Defense  
(Personnel and Readiness)

Date: December 7, 2004

Armed Services YMCA of the USA, Inc.

By:   
S. F. Gallo, RADM, USN (Ret.)  
National Executive Director

Date: December 7, 2004

**Enclosure to  
Memorandum of Understanding  
Between the  
Department of Defense (DoD)  
and the  
Armed Services Young Men's Christian Association of the USA, Inc. (ASYMCA)**

This enclosure outlines support that may be provided pursuant to the terms of the Memorandum of Understanding between the Department of Defense (DoD) and the Armed Services Young Men's Christian Association of the USA, Inc. (ASYMCA), dated December 7, 2004.

It is understood and agreed that ASYMCA activities shall be carried forward under the following terms:

**E1. The ASYMCA:**

E1.1. Is responsible for the operation and coordination of its branches and special programs for military personnel sponsored by the ASYMCA. Further, the ASYMCA is responsible for the quality of work performed and the competency of its personnel. ASYMCA employees are not employees of the United States or of an instrumentality of the United States.

E1.2. Shall serve the U.S. Armed Forces on or off military installations, primarily through its ASYMCA centers, satellite or outreach programs, and other activities conducted as follows:

E1.2.1. In the United States, its territories and possessions, the ASYMCA may operate branches that it determines necessary off military installations. ASYMCA shall consult with the commander responsible for the installation and/or geographic area concerning the establishing or closing of these centers, whether on or off military installations.

E1.2.2. In areas overseas, the ASYMCA may operate ASYMCA branches and outreach programs as are mutually agreed upon by the commander responsible for the installation and/or geographic area and the ASYMCA.

E1.2.2.1. Commanders must request approval from DUSD(MC&FP) through the concerned Military Department before the opening or closing of any ASYMCA branch or outreach program under this subparagraph. However, the final decision regarding opening or closing an off installation branch or outreach program rests with the ASYMCA.

E1.2.3. When initiating or commenting upon requests to open a ASYMCA facility, the concerned commander shall state what logistic support may be expected or afforded under appropriate directives and local capabilities. In the case of a requested closure, impact to the local military community shall be addressed.

E1.3. Shall not offer programs or services that duplicate or compete with military programs, particularly revenue producing activities.

## E2. General Provisions:

### E2.1. The ASYMCA:

E2.1.1. May not use the seals, logos, or insignia of any DoD component, organizational unit, or installation on ASYMCA letterhead, correspondence, or in the titles of ASYMCA personnel.

E2.1.2. Programs incorporating names or abbreviations of DoD components, organizational units, or installations must receive prior approval for such use by the head of the appropriate DoD organization. Further, that the ASYMCA's use of the name or abbreviation of a DoD component or installation must not mislead members of the public to assume ASYMCA is an organizational unit of DoD.

E2.1.3. Shall use a prominent disclaimer on all print and electronic media confirming that the ASYMCA is not a part of DoD.

E2.2. The ASYMCA and its facilities and programs shall be open to all military personnel and their dependents, regardless of race, color, religion, creed, sex, age, disability or national origin, and no such person shall be unlawfully denied membership, unlawfully excluded from participation, or otherwise subjected to unlawful discrimination by ASYMCA. Commanders will publicly disseminate information on procedures for individuals to follow if unlawful discrimination by ASYMCA is suspected.

E2.3. DoD appropriated fund activities and nonappropriated fund (NAF) instrumentalities may not assert any claim to the assets, or incur or assume any obligation of ASYMCA, except as may arise out of contractual relationships. Property abandoned by ASYMCA on its disestablishment or departure from the installation, or donated by it to the installation, may be acquired by the DoD installation under the terms of applicable agreements, statutes, and DoD policy.

E2.4. The ASYMCA shall comply with applicable fire and safety regulations; environmental laws; local, state, and Federal tax codes; and any other applicable statutes and regulations.

E2.5. The ASYMCA shall secure adequate insurance (as defined by the Service concerned) to protect against public liability and property damage claims or other legal action that may arise as a result of ASYMCA activities or one or more of its members acting on its behalf. DoD Components will not assume liability for any ASYMCA activities or for the protection of assets belonging to the ASYMCA through insurance or other means.

E2.6. ASYMCA employees and volunteers who have regular contact with children under the age of 18 in DoD operated, contracted, or community-based programs that are used to supplement or expand child care or youth services for the Armed Services shall comply with background check requirements per DoD Instruction 1402.5, "Criminal History Background Checks on Individuals in Child Care Services," (current version).

### E3. Support:

E3.1. DoD, upon request of ASYMCA executive and professional staff (who are U.S. citizens) and within the requirements of its primary mission, and subject to existing International and Status of Forces Agreements in overseas areas, may make available to the ASYMCA the following support, which must be documented by written agreement.

E3.1.1. Use of DoD real property by the ASYMCA, which shall be in accordance with Section 2667 of Title 10, United States Code.

E3.1.2. Pursuant to the provisions of 32 U.S.C. §508:

E3.1.2.1. Members and units of the National Guard may provide the services described below in conjunction with training required under title 32, United States Code, in any case in which:

E3.1.2.1.1. The provision of such services does not adversely affect the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

E3.1.2.1.2. The services to be provided are not commercially available, or any commercial entity that would otherwise provide such services has approved, in writing, the provision of such services by the National Guard;

E3.1.2.1.3. National Guard personnel will enhance their military skills as a result of providing such services; and

E3.1.2.1.4. The provision of the services will not result in a significant increase in the cost of training.

E3.1.2.2. Authorized Services. – The services authorized to be provided under subsection 3.1.2.1. are as follows:

E3.1.2.2.1. Ground transportation.

E3.1.2.2.2. Administrative support services.

E3.1.2.2.3. Technical training services.

E3.1.2.2.4. Emergency medical assistance and services.

E3.1.2.2.5. Communications services.

E3.1.2.3. Other Authorized Assistance. Facilities and equipment of the National Guard, including military property of the United States issued to the National Guard and General Services Administration vehicles leased to the National Guard, and the General Services Administration vehicles leased to DoD, may be used in connection with providing services under this section.

E3.2. When an on-installation ASYMCA center has been appropriately approved, utilities and common support service (communication resources, fire protection, and similar support provided from existing resources for maintenance of those facilities) may be provided, without reimbursement, when a determination has been made that such support is to the benefit of the Armed Services.

E3.3. When permitted under applicable International and Status of Forces Agreements, and when it is within the capability of the appropriate commander and without detriment to the ability to fulfill the mission, the following additional support may be provided in overseas areas:

E3.3.1. Commissary and exchange privileges for ASYMCA branch or unit directors and assistant directors to purchase goods and services for their personal and family needs and for use in ASYMCA programs. DoD Directive 1330.9, "Armed Services Exchange Program," November 27, 2002, and DoD Directive 1330.17-R, "Armed Services Commissary Regulations (ASCR)," April 1987 (implementing DoD Directive 1330.17, "Military Commissaries," March 13, 1987).

E3.3.2. Armed Forces postal services as provided for in DoD Directive 4525.6, "Single Manager for Military Postal Service," May 5, 1980.

E3.3.3. DoD Dependents Schools (overseas) on a space-available, tuition-paying basis, in accordance with section 5.2. of DoD Directive 1342.13, "Eligibility Requirements for Education of Minor Dependents in Overseas areas," July 8, 1982, and DoD Directive 1342.20, "Department of Defense Education Activity (DoDEA)," October 13, 1992.

E3.3.4. Use of military banking facilities operated under DoD contracts per DoDD 1000.1, "Financial Institutions on DoD Installations," June 9, 2000.

E3.3.5. In accordance with DoD 4165.63-M, "DoD Housing Management," September 1993 and Office of Management and Budget Circular A-45, Rev., "Policy Governing Charges for Rental of Quarters and Related Facilities," October 31, 1964, ASYMCA executive and professional staff may occupy DoD quarters (permanent or temporary) on a reimbursable basis. The rates charged will be equal to the housing allowance or rate charged to equivalent grade civil service employees. Under no circumstances shall ASYMCA executive or professional staff occupy DoD quarters (permanent or temporary) if such occupancy means displacing authorized active duty members or DoD civilian employees from those quarters.

E3.3.6. Whenever the Secretary of Defense considers that space is available, the Secretaries and supplies of the ASYMCA may be transported on vessels operated by the Department of Defense (10 U.S.C. §2648).

E3.3.7. Use of Morale, Welfare and Recreational facilities per DODI 1015.10 "Programs for Military Morale, Welfare and Recreation (MWR)," November 3, 1995.

E3.3.8. Invitational travel orders and identification cards will be issued in accordance with the procedures specified in DoDI 1000.13, "Identification Card (ID) for Members of the Uniformed Services, Their Dependents, and Other Eligible Individuals," December 5, 1997.

E3.4. Logistical support, including personnel, supporting the ASYMCA may only be authorized and provided when:

E3.4.1. the support in question is within the capability of the appropriate commander;

E3.4.2. it can be offered without detriment to the commander's ability to fulfill the military mission;

E3.4.3. the support is permitted under applicable International or Status of Forces Agreements (SOFAs);

E3.4.4. the support is permitted under the provisions of DoD 5500.7-R, Joint Ethics Regulation; and

E3.4.5. the support is documented in a written agreement, approved by the installation commander.

E3.5. Commanders shall review ASYMCA activities on a continuing basis. This review shall include programming, adequacy of facilities, and competence of staff personnel. Issues not resolved locally shall be forwarded through the concerned Military Department to the DoD liaison, DUSD(MC&FP).

E3.6. In areas of operations overseas or in areas considered by DoD to be potential areas of active operations, branches or units may be established by the ASYMCA when the need exists and is not otherwise being met. Combatant commanders may negotiate directly with the ASYMCA Executive Director concerning the establishment of temporary services. These commanders shall advise DUSD(MC&FP) of the establishment of temporary service.

E3.7. NAF support, either in cash or in-kind services, is not authorized.

E3.8. DoD military bands and choral groups shall not provide support for ASYMCA-sponsored fundraising events. Such support would violate 5 C.F.R. §2635.808; DoD 5410.18, "Public Affairs Community Relations Policy"; and DoD 5500.7-R, "Joint Ethics Regulation." All other requests for support will be considered in accordance with the provisions of DoD 5410.18 and DoD 5500.7-R.