

Here are the key requirements to establishing a Private Organization:

AR 210-22, Chapter 2: Requirements and Procedures for On-Post Operation of a PO:

(1) Before operating on Army installations, POs must request and receive written permission from the commander.

The approving document includes —

(a) A statement that neither the installation nor the Government will have any liability for the PO's actions or debts.

(b) A statement that the installation commander may revoke permission to operate at any time.

(2) POs seeking permission to operate on an Army installation will furnish the following required documentation with a written application to the installation commander (note: As far as I know, the Garrison Commander has been the one authorizing operation of POs on post in the past. However, AR 600-20 states that the Senior Mission Commander assumes the duties of installation commander.)

(a) A charter, articles of agreement, constitution, bylaws, or other authorization documentation acceptable to the installation commander. (See format sample at fig 2-1.) If affiliated with a national, regional or State organization, the PO will include documentation of the parent organization.

(b) Any other documentation that states the PO's nature, functions, objectives (including planned use of funds), and activities.

(c) An explanation of membership eligibility and responsibilities for all management functions (including accountability of assets, coverage and limitation of insurance and disposition of remaining assets on breakup of the

PO).

(d) A statement of the PO's liability, if assets are not enough to cover all PO liabilities. The statement of liability will include a provision that all State and jurisdictional laws are met. Also, it will address the extent of the PO members' personal liability for debts of, or claims against, the PO.

(e) Agreement to reimburse the Army for utility expenses, unless use is incidental (would cost more to bill and collect than it costs to provide the utility).

(f) A statement that the PO will neither propagate extremist activities nor advocate violence against others or the violent overthrow of the Government.

(g) Statement that PO activities will not seek to deprive individuals of their civil rights.

In addition, there are several reporting requirements to be submitted on a routine basis:

(a) Minutes or summaries of PO meetings.

(b) Financial statements.

(c) Any major changes in PO activities, membership requirements, officers, objectives, organization, constitution, bylaws, use of funds, and management functions.

(d) Names, addresses, and phone numbers of officers.

(e) A copy of audit reports.

(f) A copy of any correspondence about applicability of Federal, State, or local laws.

- AR 210-22, Chapter 3 lists Restrictions on POs to include:

(a) POs will not include DOD in its title or letterhead, or conduct activities that discredit the Army, DOD, or Federal Govt.

(b) POs will carry adequate insurance.

(c) Comply with tax laws and codes.

(d) Audits at least every 2 years.

(e) Comply with local and state laws including employment practices and will not unlawfully discriminate.

- AR 210-22, para. 2-2 specifically provides more lenient requirements (i.e., no need to comply with para. 2-1 requirements, but other provisions of the regulation still applies) for POs operating as bona fide extension of APF or NAF recreational or educational activities. Not sure the PO that you have in mind will be considered as a recreational or educational PO. To be treated as such, it appears that the activities will have to be quite limited. See examples of such POs under this paragraph.

- As for authorizing limited logistical support goes (e.g., office space, equipment...etc.), the Commander may authorize under license or lease agreement upon determination that it won't adversely affect the mission and is in the best interest of the Army. See AR 210-22, para. 5-3d.

Any further questions please feel free to contact me.