Private Org Name

Request for Private Organization Status and Constitution/Bylaws Reviews

DAFI 34-106 dated 16 January 2026, Private Organization (PO) Program

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NOTE: *POs communicate with the FSS/Division Chief only, not the legal office. The legal office cannot advise POs, but will advise FSS/CC or FSS/Division Chief concerning PO status requests, legal sufficiency of PO's Constitution/Bylaws and other legal issues.*

A. General Principles:

1. POs are self-sustaining special interest groups, set up by people acting exclusively outside the scope of any official capacity as officers, employees, or agents of the Federal Government. (1.)
2. Commanders (or, MSG/CC delegee) authorize the establishment and operation of a PO "when he/she determines it will make a positive contribution to the quality of life of base personnel." (2.3;).
3. Authority to approve PO fundraisers can be (and usually is) delegated to MSG/CC or FSS/CC (or FSS/Division Chief). (2.3.3.1)
4. FSS/CC or FSS/Division Chief monitors and administers the PO Program. (6.)

PO status requests should be submitted to FSS/Division Chief. Assuming 2 above is met, move on and review the Constitution/Bylaws.

B. Constitution/Bylaws Review Checklist:

1. Do the Constitution/Bylaws:

a. Address the nature, function, objectives, membership eligibility, and sources of income of the PO? (4.3.1) Yes/No

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b. Members have been notified and understand their personal financial responsibility for obligations of the PO? (4.3.2) Yes/No

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c. Describe the responsibilities of PO officers for asset accountability, liability satisfaction, and sound financial and operational management? (4.3.3) Yes/No

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d. Provide specific guidance on disposition of residual assets upon dissolution? (4.3.4) Yes/No

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Any "NO" answers to 1.a. through 1.d. render the request "not legally sufficient."

2. Do the Constitution/Bylaws:

a. State they will be updated every two years or when there is a change in the purpose, function, or membership eligibility of the PO, whichever comes first? (4.4)

Yes/No

b. Explicitly state that the PO will not "discriminate in hiring practices or membership policies" on the basis of age, race, religion, color, national origin, disability, ethnic group, or gender? (5.3)

Yes/No

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3. Does the PO prevent the appearance of an official sanction or support by the DoD:

a. Are any of the documents on official DoD letterhead, use seals, logos or insignias of any DoD component, organizational unit or installation during activities? (5.2.1) Yes/No

A "YES" answer to (a) renders the request "not legally sufficient."

b. Do all documents mentioning the PO's name contain the required Disclaimer? (5.2.2.3)

Yes/No

A "NO" answer to (b) renders the request "not legally sufficient."

4. Do the Constitution/Bylaws explicitly state that income will **not** accrue to individual members of the PO? (5.6.2) Yes/No

A "NO" answer to 4 renders the request "not legally sufficient".

5a. Does the PO intend to engage in activities that duplicate or compete with activities of AAFES or Services NAFIs? (5.9) Yes/No

A "YES" answer to 5a renders the request "not legally sufficient" <u>UNLESS</u> the PO also submits a letter from AAFES and Services NAFI showing no concern for PO's competition.

5b. Does the PO intend to advertise, make referrals to or encourage use of any commercial business? (5.14) Yes/No

A "YES" answer to 5b renders the request "not legally sufficient" <u>UNLESS</u> the fundraising receives separate approval

6. Does the PO have insurance? (5.16) Yes/No

If "YES," skip to 7, otherwise, move on:

a. If not, has the PO submitted an insurance waiver request to the approval authority? (5.16) Yes/No

i. If so, does the approval document advise the PO that the approval authority may still require liability insurance for specific events that involve a greater risk of injury or damage? (10.15) Yes/No

ii. Attorney will sign the insurance waiver if the risk of liability is negligible (5.16)

b. If not, do the Constitution/Bylaws explicitly make members aware of the fact that they are jointly and severally liable for the obligations of the PO? (5.16) Yes/No

c. If not, do the Constitution/Bylaws explain how the members' understanding of their potential liability will be documented? (5.16) Yes/No

A "NO" response to 6.a through 6.c renders the request "not legally sufficient."

7. Is there any reason to believe that the PO, its officers or members, or its activities will prejudice or discredit the US Government or conflict with governmental activities? (5.20) Yes/No

A "YES" response to 7 renders the request "not legally sufficient."

8. Does the PO plan to solicit donations or hold fundraising events on base without separate authorization? (5.20.1) Yes/No

A "YES" response to 8 renders the request "not legally sufficient."

9. Is the PO self-sustaining, primarily through dues, contributions, service charges, fees, or special assessments of their members (1.1)? Yes/No