

Eligibility for Veteran's Organizations Participation in the Donation Program

INTERIM GUIDANCE UNTIL ADDITION OF VETERANS ORGANIZATIONS IN THE CODE OF FEDERAL REGULATIONS, TITLE 41, CHAPTER 102-37

The FOR VETS Act of 2013 expands the authority for certain Veterans Organizations to participate in the Donation Program. The statute establishes those organizations eligible to participate as organizations whose membership comprises substantially veterans (as defined under section 101 of title 38) and whose representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38.

The definition of veteran is straightforward as cited in title 38:

The term "veteran" means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

For the purposes of eligibility, "membership comprises substantially veterans" means an organization that is made up of at least 33% veterans in that organization. Local chapters, districts, or other organizational entities of the organization (as many of the "recognized" organizations are national organizations) may be considered as such veteran's organizations.

Current list of organizations whose representatives are recognized by the Secretary of Veterans Affairs under the applicable reference remains unchanged. They are:

- African American PTSD Association
- American Ex-Prisoners of War, Inc.
- American GI Forum National Veterans Outreach Program
- American Legion
- AMVETS
- Armed Forces Services Corporation
- Army and Navy Union, U.S.A., Inc.
- Associates of Vietnam Veterans of America
- Blinded Veterans Association
- Catholic War Veterans of the U.S.A., Inc.
- Disabled American Veterans
- Fleet Reserve Association
- Gold Star Wives of America, Inc.
- Italian American War Veterans of the United States, Inc.
- Jewish War Veterans of the U.S.A.
- Legion of Valor of the United States of America, Inc.
- Marine Corps League
- Military Order of the Purple Heart
- National Amputation Foundation, Inc.
- National Association for Black Veterans, Inc.
- National Association of County Veterans Service Officers
- Navy Mutual Aid Association
- Non-Commissioned Officers Association of the U.S.A
- Paralyzed Veterans of America
- Polish Legion of American Veterans, U.S.A

The Retired Enlisted Association
United Spanish War Veterans
United Spinal Association, Inc.
Veterans of Foreign Wars of the United States
Veterans of the Vietnam War, Inc. & the Veterans Coalition
Vietnam Era Veterans Association
Vietnam Veterans of America

As now placed in Section 549, Title 40 of the United States Code, veteran's organizations are simply that. They are not required to be nonprofit, tax-exempt organizations and the usage requirement, previously stated that they acquire surplus personal property for the purposes of education or public health, no longer exists. The only requirement now specified in the statute is that property is donated for "purposes of providing services to veterans". This opens donations for a myriad of new purposes and allows the SASPs to even support programs such as for homeless veterans, if operated by an eligible veteran's organization.