

termines that an adoption is justified under subsection (a)(2) under circumstances under which the handler of a military working dog is wounded in action, the dog may be made available for adoption only by the handler. If the Secretary of the military department concerned determines that such an adoption is justified under circumstances under which the handler of a military working dog is killed in action or dies of wounds received in action, the military working dog shall be made available for adoption only by a parent, child, spouse, or sibling of the deceased handler.”

Subsecs. (f), (g). Pub. L. 112–81, §1061(20), redesignated subsec. (g) as (f) and struck out former subsec. (f). Prior to amendment, text of subsec. (f) read as follows: “The Secretary of Defense shall submit to Congress an annual report specifying the number of military animals adopted under this section during the preceding year, the number of these animals currently awaiting adoption, and the number of these animals euthanized during the preceding year. With respect to each euthanized military animal, the report shall contain an explanation of the reasons why the animal was euthanized rather than retained for adoption under this section.”

2008—Subsec. (e). Pub. L. 110–181 substituted “ANIMALS” for “DOGS” in heading.

2006—Pub. L. 109–364, §352(a)(1), substituted “animals” for “working dogs” in section catchline.

Pub. L. 109–163, §599(d), struck out “at end of useful working life” after “adoption” in section catchline.

Subsec. (a). Pub. L. 109–364, §352(a)(2)–(4), substituted “animal’s” for “dog’s” in pars. (1) and (2) and “animal” for “dog” wherever appearing, and struck out “working” after “may make a military” in introductory provisions and after “useful” in pars. (1) and (2).

Pub. L. 109–163, §599(a), (b), substituted “Secretary of the military department concerned may” for “Secretary of Defense may”, “such military department” for “the Department of Defense”, and “, unless the dog has been determined to be unsuitable for adoption under subsection (b), under circumstances as follows:” and pars. (1) to (3) for “at the end of the dog’s useful working life or when the dog is otherwise excess to the needs of the Department, unless the dog has been determined to be unsuitable for adoption under subsection (b).”

Subsec. (b). Pub. L. 109–364, §352(a)(2), (3), (5), substituted “the adoptability of the animal” for “a dog’s adoptability” and “animal” for “dog” in two places and struck out “working” after “military”.

Subsec. (c). Pub. L. 109–364, §352(a)(2), (3), substituted “animals” for “dogs” wherever appearing and struck out “working” after “Military”.

Subsec. (d). Pub. L. 109–364, §352(a)(2), (3), substituted “animal” for “dog” and struck out “working” after “military”.

2006—Subsec. (e). Pub. L. 109–364, §352(a)(3), substituted “animal” for “dog” wherever appearing in text.

Pub. L. 109–364, §352(a)(2), struck out “working” after “military” wherever appearing.

Subsec. (f). Pub. L. 109–364, §352(a)(2), (3), substituted “animal” for “dog” in two places and “animals” for “dogs” wherever appearing and struck out “working” after “military” in two places.

Pub. L. 109–163, §599(c), inserted “of Defense” after “Secretary”.

Subsec. (g). Pub. L. 109–364, §352(a)(6), added subsec. (g).

2001—Pub. L. 107–107 renumbered section 2582 of this title as this section.

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113–66, div. A, title X, §1091(b), Dec. 26, 2013, 127 Stat. 876, provided in part that the amendment made by section 1091(b)(2) is effective as of Jan. 2, 2013, and as if included in Pub. L. 112–239 as enacted.

CHAPTER 155—ACCEPTANCE OF GIFTS AND SERVICES

Sec.

2601. General gift funds.

Sec.

- 2601a. Direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families.
2602. American National Red Cross: cooperation and assistance.
2603. Acceptance of fellowships, scholarships, or grants.
2604. United Seamen’s Service: cooperation and assistance.
2605. Acceptance of gifts for defense dependents’ schools.
2606. Scouting: cooperation and assistance in foreign areas.
2607. Acceptance of gifts for the Defense Intelligence College.
2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account.
- [2609. Repealed.]
2610. Competitions for excellence: acceptance of monetary awards.
2611. Regional centers for security studies: acceptance of gifts and donations.
2612. National Defense University: acceptance of gifts.
2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families.
2614. Emergency communications equipment: acceptance from local public safety agencies for temporary use related to disasters.
2615. Military museums and military education programs: cooperative agreement authority.

AMENDMENTS

2013—Pub. L. 112–239, div. B, title XXVIII, §2852(b)(2), Jan. 2, 2013, 126 Stat. 2161, added item 2615.

2011—Pub. L. 112–81, div. A, title V, §576(d)(2), Dec. 31, 2011, 125 Stat. 1429, substituted “Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families” for “Acceptance of frequent traveler miles, credits, and tickets: use to facilitate rest and recuperation travel of deployed members and their families” in item 2613.

Pub. L. 111–383, div. A, title V, §591(b), Jan. 7, 2011, 124 Stat. 4232, added item 2601a.

2006—Pub. L. 109–364, div. A, title X, §1071(a)(19)(B), Oct. 17, 2006, 120 Stat. 2399, renumbered item 2613 “Emergency communications equipment: acceptance from local public safety agencies for temporary use related to disasters” as 2614.

Pub. L. 109–163, div. A, title IX, §903(a)(2), Jan. 6, 2006, 119 Stat. 3399, substituted “Regional centers for security studies” for “Asia-Pacific Center for Security Studies” in item 2611.

2004—Pub. L. 108–375, div. A, title V, §585(a)(2), title X, §1051(b), Oct. 28, 2004, 118 Stat. 1931, 2054, added two items 2613.

2003—Pub. L. 108–136, div. A, title IX, §931(c), Nov. 24, 2003, 117 Stat. 1581, struck out “foreign” before “gifts” in item 2611.

2002—Pub. L. 107–314, div. A, title IX, §931(b), Dec. 2, 2002, 116 Stat. 2625, added item 2612.

1999—Pub. L. 106–65, div. A, title IX, §915(b), Oct. 5, 1999, 113 Stat. 722, added item 2611.

1996—Pub. L. 104–201, div. A, title X, §1074(a)(15), Sept. 23, 1996, 110 Stat. 2659, struck out item 2609 “Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account”.

Pub. L. 104–106, div. A, title III, §377(b), Feb. 10, 1996, 110 Stat. 284, added item 2610.

1994—Pub. L. 103–337, div. A, title III, §353(c)(2), Oct. 5, 1994, 108 Stat. 2732, substituted “schools” for “education system” in item 2605.

1993—Pub. L. 103–160, div. A, title II, §242(f)(2), title XI, §1105(b)(3), Nov. 30, 1993, 107 Stat. 1605, 1750, inserted

“; Defense Cooperation Account” in item 2608 and added item 2609.

1991—Pub. L. 102-190, div. A, title X, § 1061(a)(15), Dec. 5, 1991, 105 Stat. 1473, struck out “and services” after “contributions” in item 2608.

1990—Pub. L. 101-403, title II, § 202(a)(2), Oct. 1, 1990, 104 Stat. 874, added item 2608.

1989—Pub. L. 101-193, title V, § 502(b), Nov. 30, 1989, 103 Stat. 1708, added item 2607.

1988—Pub. L. 100-456, div. A, title III, § 323(b), Sept. 29, 1988, 102 Stat. 1953, added item 2606.

1986—Pub. L. 99-661, div. A, title III, § 314(b), Nov. 14, 1986, 100 Stat. 3854, added item 2605.

1970—Pub. L. 91-603, § 3(2), Dec. 31, 1970, 84 Stat. 1675, added item 2604.

1962—Pub. L. 87-555, § 1(2), July 27, 1962, 76 Stat. 244, added item 2603.

REGULATIONS TO CLARIFY GIFT ACCEPTANCE POLICY
FOR SERVICE MEMBERS AND THEIR FAMILIES

Pub. L. 109-148, div. A, title VIII, § 8127, Dec. 30, 2005, 119 Stat. 2730, provided that:

“(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations to provide that, subject to such limitations as may be specified in such regulations, members of the Armed Forces described in subsection (c), and the family members of such a member, may accept gifts from non-profit organizations, private parties, and other sources outside the Department of Defense, other than foreign governments and their agents. Such regulations shall apply uniformly to the Army, Navy, Air Force, and Marine Corps, and, to the maximum extent feasible, to the Coast Guard, and shall apply uniformly to the active and reserve components.

“(b) AUTHORITY.—A member of the Armed Forces described in subsection (c) may accept gifts as provided in the regulations authorized in subsection (a), notwithstanding section 7353 of title 5, United States Code.

“(c) COVERED MEMBERS.—A member of the Armed Forces is described in this subsection in the case of a member who is on active duty and who on or after September 11, 2001, and while on active duty, incurred an injury or illness—

“(1) as described in section 1413a(e)(2) of title 10, United States Code; or

“(2) in an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of Defense in accordance with the regulations prescribed under subsection (a).

“(d) DEADLINE FOR REGULATIONS.—Regulations under subsection (a) shall be prescribed not later than 90 days after the date of the enactment of this Act [Dec. 30, 2005].

“(e) RETROACTIVE APPLICABILITY OF REGULATIONS.—Regulations under subsection (a) shall, to the extent provided in such regulations, also apply to the acceptance of gifts during the period beginning on September 11, 2001, and ending on the date on which such regulations go into effect.”

§ 2601. General gift funds

(a) GENERAL AUTHORITY TO ACCEPT GIFTS.—(1) The Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real property, personal property, or money made on the condition that the gift, devise, or bequest be used for the benefit, or in connection with, the establishment, operation, or maintenance, of a school, hospital, library, museum, cemetery, or other institution or organization under the jurisdiction of the Secretary.

(2)(A) Notwithstanding section 1342 of title 31, the Secretary concerned may accept a gift of services for a military museum program from a nonprofit entity established for the purpose of supporting a military museum program. Employees or personnel of a nonprofit entity who

provide a gift of services under this subparagraph may not be considered to be employees of the United States.

(B) For the use and benefit of a military museum program, the Secretary concerned may solicit from a bona fide collector a gift of books, manuscripts, works of art, historical artifacts, drawings, plans, models, or condemned or obsolete combat materiel.

(b) ADDITIONAL AUTHORITY TO ACCEPT GIFTS TO BENEFIT CERTAIN MEMBERS, DEPENDENTS, AND CIVILIAN EMPLOYEES.—(1) The Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real property, personal property, money, or services made on the condition that the gift, devise, or bequest be used for the benefit of—

(A) members of the armed forces, including members performing full-time National Guard duty under section 502(f) of title 32, who incur a wound, injury, or illness while in the line of duty;

(B) civilian employees of the Department of Defense who incur a wound, injury, or illness while in the line of duty;

(C) dependents of such members or employees; and

(D) survivors of such members or employees who are killed.

(2) The Secretary concerned may not accept a gift of services from a foreign government or international organization under this subsection. A gift of real property, personal property, or money from a foreign government or international organization may be accepted under this subsection only if the gift is not designated for a specific individual.

(3) The Secretary of Defense shall prescribe regulations specifying the conditions that may be attached to a gift, devise, or bequest accepted under this subsection.

(c) GIFT FUNDS.—Gifts and bequests of money, and the proceeds of the sale of property, received under subsection (a) or (b) shall be deposited in the Treasury in the following accounts:

(1) The Department of the Army General Gift Fund, in the case of deposits made by the Secretary of the Army.

(2) The Department of the Navy General Gift Fund, in the case of deposits made by the Secretary of the Navy.

(3) The Department of the Air Force General Gift Fund, in the case of deposits made by the Secretary of the Air Force.

(4) The Coast Guard General Gift Fund, in the case of deposits made by the Secretary of Homeland Security.

(5) The Department of Defense General Gift Fund, in the case of deposits made by the Secretary of Defense.

(d) USE OF GIFTS; PROHIBITIONS.—(1) Except as provided in paragraph (2), property and money accepted under subsection (a) or (b) may be used by the Secretary concerned, and services accepted under such subsections may be performed, without further specific authorization in law.

(2) Property, money, and services may not be accepted under subsection (a) or (b)—

(A) if the use of the property or money or the performance of the services in connection