

annual report of public sales of military equipment identified on United States munitions list.

CODIFICATION

Another section 2582 was renumbered section 2583 of this title.

**§ 2583. Military animals: transfer and adoption**

(a) AVAILABILITY FOR ADOPTION.—The Secretary of the military department concerned shall make a military animal of such military department available for adoption by a person or entity referred to in subsection (c), unless the animal has been determined to be unsuitable for adoption under subsection (b), under circumstances as follows:

(1) At the end of the animal's useful life.

(2) Before the end of the animal's useful life, if such Secretary, in such Secretary's discretion, determines that unusual or extraordinary circumstances, including circumstances under which the handler of a military working dog is killed in action, dies of wounds received in action, or is medically retired as a result of injuries received in action, justify making the animal available for adoption before that time.

(3) When the animal is otherwise excess to the needs of such military department.

(b) SUITABILITY FOR ADOPTION.—The decision whether a particular military animal is suitable or unsuitable for adoption under this section shall be made by the commander of the last unit to which the animal is assigned before being declared excess. The unit commander shall consider the recommendations of the unit's veterinarian in making the decision regarding the adoptability of the animal.

(c) AUTHORIZED RECIPIENTS.—(1) A military animal shall be made available for adoption under this section, in order of recommended priority—

(A) by former handlers of the animal;

(B) by other persons capable of humanely caring for the animal; and

(C) by law enforcement agencies.

(2) If the Secretary of the military department concerned determines 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 shall 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.

(d) CONSIDERATION.—The transfer of a military animal under this section may be without charge to the recipient.

(e) LIMITATIONS ON LIABILITY FOR TRANSFERRED ANIMALS.—(1) Notwithstanding any other provision of law, the United States shall not be subject to any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of

or damage to property or other economic loss) that results from, or is in any manner predicated upon, the act or omission of a former military animal transferred under this section, including any training provided to the animal while a military animal.

(2) Notwithstanding any other provision of law, the United States shall not be liable for any veterinary expense associated with a military animal transferred under this section for a condition of the military animal before transfer under this section, whether or not such condition is known at the time of transfer under this section.

(f) TRANSFER OF RETIRED MILITARY WORKING DOGS.—(1) If the Secretary of the military department concerned determines that a military working dog should be retired the Secretary shall transfer the dog—

(A) to the 341st Training Squadron; or

(B) to another location within the United States for adoption under this section.

(2) Paragraph (1) shall not apply if at the time of retirement—

(A) the dog is located outside the United States and a United States citizen or service member living abroad adopts the dog; or

(B) the dog is located within the United States and suitable adoption is available where the dog is located.

(3)(A) In the case of a military working dog located outside the continental United States at the time of retirement that is suitable for adoption at that time, the Secretary of the military department concerned shall undertake transportation of the dog to the continental United States (including transportation by contract at United States expense) for adoption under this section unless—

(i) the dog is adopted as described in paragraph (2)(A); or

(ii) transportation of the dog to the continental United States would not be in the best interests of the dog for medical reasons.

(B) Nothing in this paragraph shall be construed to alter the preference in adoption of retired military working dogs for former handlers as set forth in subsection (g).

(g) PREFERENCE IN ADOPTION OF RETIRED MILITARY WORKING DOGS FOR FORMER HANDLERS.—(1) In providing for the adoption under this section of a retired military working dog described in paragraph (1) or (3) of subsection (a), the Secretary of the military department concerned shall accord a preference to the former handler of the dog unless the Secretary determines that adoption of the dog by the former handler would not be in the best interests of the dog.

(2) In the case of a dog covered by paragraph (1) with more than one former handler seeking adoption of the dog at the time of adoption, the Secretary shall provide for the adoption of the dog by such former handler whose adoption of the dog will best serve the interests of the dog and such former handlers. The Secretary shall make any determination required by this paragraph with respect to a dog following consultation with the kennel master of the unit at which the dog was last located before adoption under this section.

(3) Nothing in this subsection shall be construed as altering, revising, or overriding any policy of a military department for the adoption of military working dogs by law enforcement agencies before the end of the dogs' useful lives.

(h) MILITARY ANIMAL DEFINED.—In this section, the term “military animal” means the following:

(1) A military working dog, which may include a contract working dog (as such term is defined in section 2410r) that has been transferred to the 341st Training Squadron.

(2) A horse owned by the Department of Defense.

(Added Pub. L. 106-446, §1(a), Nov. 6, 2000, 114 Stat. 1932, §2582; renumbered §2583, Pub. L. 107-107, div. A, title X, §1048(a)(25), Dec. 28, 2001, 115 Stat. 1224; amended Pub. L. 109-163, div. A, title V, §599, Jan. 6, 2006, 119 Stat. 3284; Pub. L. 109-364, div. A, title III, §352(a), Oct. 17, 2006, 120 Stat. 2160; Pub. L. 110-181, div. A, title X, §1063(a)(13), Jan. 28, 2008, 122 Stat. 322; Pub. L. 112-81, div. A, title III, §351, title X, §1061(20), Dec. 31, 2011, 125 Stat. 1375, 1584; Pub. L. 112-239, div. A, title III, §371(a), Jan. 2, 2013, 126 Stat. 1706; Pub. L. 113-66, div. A, title X, §1091(b)(2), Dec. 26, 2013, 127 Stat. 876; Pub. L. 114-92, div. A, title III, §342, Nov. 25, 2015, 129 Stat. 793; Pub. L. 114-328, div. A, title III, §342(b), Dec. 23, 2016, 130 Stat. 2082; Pub. L. 115-232, div. A, title III, §352, Aug. 13, 2018, 132 Stat. 1731.)

#### AMENDMENTS

2018—Subsec. (f)(3). Pub. L. 115-232 added par. (3).

2016—Subsec. (h)(1). Pub. L. 114-328 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “A military working dog.”

2015—Subsec. (a). Pub. L. 114-92, §342(a), substituted “shall make” for “may make” in introductory provisions.

Subsec. (c). Pub. L. 114-92, §342(b), amended subsec. (c) generally. Prior to amendment, text read as follows: “Military animals may be adopted under this section by law enforcement agencies, former handlers of these animals, and other persons capable of humanely caring for these animals. If the Secretary of the military department concerned determines 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.”

Subsec. (f). Pub. L. 114-92, §342(d)(1), (2), (4), designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), and added par. (2).

Pub. L. 114-92, §342(c), substituted “shall transfer” for “may transfer” in introductory provisions.

Subsec. (f)(1). Pub. L. 114-92, §342(d)(3)(A), struck out “, and no suitable adoption is available at the military facility where the dog is located,” after “should be retired” in introductory provisions.

Subsec. (f)(1)(B). Pub. L. 114-92, §342(d)(3)(B), inserted “within the United States” after “to another location”.

Subsecs. (g), (h). Pub. L. 114-92, §342(e), added subsec. (g) and redesignated former subsec. (g) as (h).

2013—Subsecs. (f), (g). Pub. L. 112-239, §371(a), as amended by Pub. L. 113-66, §1091(b)(2), added subsec. (f) and redesignated former subsec. (f) as (g).

2011—Subsec. (a)(2). Pub. L. 112-81, §351(1), inserted “, including circumstances under which the handler of a military working dog is killed in action, dies of wounds received in action, or is medically retired as a result of injuries received in action,” after “extraordinary circumstances”.

Subsec. (c). Pub. L. 112-81, §351(2), inserted at end “If the Secretary of the military department concerned determines 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.  
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.