

INTERAGENCY COMMITTEE ON PROPERTY MANAGEMENT

Guide
Animals as Federal Personal Property

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Introduction

This guide reminds agencies of their responsibilities regarding federally-owned animals, whether used by the agency, or provided to a contractor. Generally, animals will be accounted for as federally-owned assets; agencies may choose to manage such assets as accountable property on the agency's accountable system of record.

The following animals are not covered by this guide: Livestock, fish, laboratory, and wildlife animals on federal, public, or private lands; such as, wild, free-roaming horses and burros on federal lands.

Special thanks go to the following working group members for their contributions to this guide:

Kristin Devendorf, USCG

William Garrett, DHS

Albert Green, DOI

Steve Holland, LMI

Michael Johnson, USDA

Kevin Murphy, GSA

Scott Pepperman, NASASP

Coral Childs, GSA

Part 1. Authorities

- Public Law 106-446 - Military Working Dogs: Transfer and Adoption at End of Useful Working Life.
- Public Law 89-544 - The Animal Welfare Act.
- Public Law 101-576, Chief Financial Officers Act of 1990.
- Public Law 107-289, The Accountability of Tax Dollars Act of 2002 (116 STAT. 2049, 31 U.S.C. 3501).
- Public Law 106-254, Federal Law Enforcement Animal Protection Act of 2000.
- 18 U. S. C. §1368 – Harming Animals Used in Law Enforcement.
- 40 U.S.C. §555 - Donation of Law Enforcement Canines to Handlers.
- 40 U.S.C. §1308 - Disposition of Unfit Horses and Mules.
- 31 U.S.C. § 3512, Federal Managers' Financial Integrity Act of 1982.
- 5 CFR 2635.704 - Use of Government Property.
- OMB Circular A-136, Financial Reporting Requirements.
- Federal Accounting Standards Advisory Board's (FASAB), Statement of Federal Financial Accounting Standard (SFFAS) No. 6, "Accounting for Property, Plant and Equipment".
- 41 CFR 102-39, Replacement of Personal Property Pursuant to the Exchange/Sale Authority.

Part 2. Definitions

The following definitions apply to this Bulletin.

Healthy. An animal that is able to maintain a comfortable life in any setting. Generally, these animals are neither sick, nor injured. However, a healthy condition does not require an animal to be completely sound or without medical ailment. An example is a horse with arthritis or a metabolic disorder. While the horse may not be capable of comfortably conducting patrols the animal could be made comfortable with daily medication or supplements and/or a reduction in activity level.

Humane. Treatment of animals characterized by tenderness, sympathy, compassion, and caring.

Microchipping. Implantation of a machine-readable device, typically under an animal's skin that provides identifying information on the animal.

Rehabilitation. Treatment designed to facilitate the process of recovery from illness, injury, or disease. Such treatment is normally under the direction of an attending Doctor of Veterinary Medicine (DVM).

Unhealthy. An animal with an illness or injury that prevents it from maintaining a comfortable life in any setting.

Unserviceable. An animal that is not able to perform duties required by an agency. This does not necessarily mean the animal is “unhealthy.”

Working Animals. Animals serving a particular official work function of an agency. Examples are dogs used for patrol, narcotics detection, and explosives-detection activities, or a dog or horse for detecting criminal activity, law enforcement, or apprehending criminal offenders.

Part 3. Procurement

The procurement of all live animals by the federal government will follow all applicable acquisition policies and procedures as established in the Federal Acquisition Regulation (FAR).

Part 4. Asset Accountability

There is no government-wide policy requiring agencies to designate animals as sensitive/non-sensitive or whether the animals should be tracked in the agency’s formal asset accountability system. These determinations are made by each agency. These decisions may affect how frequently animals are inventoried, and whether they should be tracked in a special management module.

A best practice is to record animals by a unique serial number in the agency’s accountable system of record. Agencies should be able to track accountability from the animal to the records, and from the records back to the animal.

- All animals should be tagged or marked so they can be easily identified and, if lost, can be readily returned to the owning agency/handler.
- There are various ways to mark or tag an animal, including; a collar; an ID tag; microchipping; iris scans; and photos (4 sides). Microchipping is the preferred method for marking dogs.
- The mark or tag number would generally be the serial number recorded in the agency’s accountable system of record or other tracking system, for the animal.

Part 5. Care of Animals

Housing

- Provide structurally sound housing in good repair that provides sufficient protection for the animal(s).
- Regulate indoor housing with heating and/or cooling systems that protect the animal(s) from temperature extremes that may damage their health or cause discomfort. Include proper ventilation and lighting.
- Protect the animal(s) from excessive illumination.
- Provide a drainage system to rapidly remove excess water. The drainage system must comply with applicable federal, state, and local laws and regulations relating to pollution control and other environmental issues.
- Provide natural or artificial shade to protect the animal(s), when outside, from overheating or other discomfort.
- Protect the animal(s) from inclement weather.
- Provide the animal(s) with a period of acclimation before, and after, exposing them to extreme climates.
- Store bedding in a manner that protects it from deterioration, mold, vermin, or other contamination.
- Remove animal and food wastes, worn out bedding, dead animals, trash and other debris and dispose of promptly and regularly to minimize vermin infestation, odors, and disease hazards. This removal and disposal must comply with all applicable federal, state, and local laws and regulations relating to pollution control and other environmental issues.

Feeding

- Provide wholesome, palatable, uncontaminated nutritional food in sufficient quantities to maintain the health of the animal(s).
- Provide food and food receptacles that are accessible to the animal(s) and place them in areas that minimize contamination.
- Store food in a manner that protects it from deterioration, mold, vermin, or other contamination. Perishable foods must be refrigerated and discarded when no longer fit for consumption.

Water

- Provide potable water as often as necessary for the health and comfort of the animal(s).

Sanitation

- Remove fecal matter, urine, food, and other material from primary enclosures as often as necessary to prevent disease and odors.
- When an animal has an infectious disease, isolate the animal from other animals and sanitize enclosures as appropriate.
- Keep housing and outdoor enclosures clean and in good repair.
- Establish programs to control insects, parasites, and other pests.

Veterinary Care and Record Keeping

- Medical records, either written or electronic, must be maintained for every animal accepted and treated as an individual patient by a Doctor of Veterinary Medicine (DVM); hereafter referred to as Veterinarian, and for every animal group (e.g., canine, horse, and mule) treated by a Veterinarian. These records must be maintained and stored in an orderly manner lending itself to retrieval for review and audit.
- An agency must have all required records for animals purchased or otherwise acquired, owned, held, in their possession or under their control.

Part 6. Disposal

The regulatory authority for the disposal of all animals is in Federal Management Regulation (FMR) §102-40.150. Whenever possible, report live animals to the General Services Administration (GSA) for transfer, donation or sale. Abandonment or destruction procedures may be used for animals other than those specifically addressed below, where warranted for humane purposes.

Unfit horses and mules may be humanely euthanized or put out to pasture in accordance with 40 U.S.C. 1308 and agency policies. Transfers of unfit horses or mules to federal agencies must be conducted in accordance with FMR §102-36. In the event that a transfer of these animals can be made to a humane organization, the transfer may be conducted under procedures contained in FMR §102-37.

Under 40 U.S.C. 555, you may transfer canines formerly used in the performance of law enforcement duties to an individual experienced in handling canines in the performance of those duties, in accordance with agency policy and procedures. For example, the "individual" may be the current handler of that canine or a previous handler.

- Note the specific authorities for horses, mules, and dogs. Disposal options are in more detail below.
- Animals are personal property, and can generally be managed or disposed of by any method available to other items of personal property, including

abandonment/destruction. However, the intent is always to find a humane disposal method.

Disposal Methods

The methods of disposal for live animals within the federal government are: exchange/sale, transfer, donation (retirement), sale, and destruction (euthanasia). Each disposal method is described below:

Exchange/Sale

Under FMR §102-39, Replacement of Personal Property Pursuant to the Exchange/Sale Authority, live animals can be traded or sold and the exchange allowance or proceeds used to purchase similar animals.

Transfer

Live animals may be transferred to other units within an agency or to other federal agencies once determined to be agency excess. FMR §102-36, Disposition of Excess Personal Property does not stipulate special handling requirements for most animals, so the traditional personal property disposal process typically applies. Animals can be reported the following ways: GSAXcess.gov or reporting via Standard Form (SF) 120, Report of Excess Personal Property, or SF 126, Report of Personal Property for Sale.

Donation

If the “normal” disposal process is followed, GSA will attempt to place the animal with an eligible donation recipient through the appropriate State Agency for Surplus Property (SASP).

Dogs

Specific authority for agencies to donate law enforcement canines:

40 U.S.C. § 555. Donation of law enforcement canines to handlers

The head of a federal agency having control of a canine that has been used by a federal agency in the performance of law enforcement duties and that has been determined by the agency to be no longer needed for official purposes may donate the canine to an individual who has experience handling canines in the performance of those duties.

- For the most humane treatment of these dogs, this authority should be used to the greatest extent practicable.
- This authority does not preclude traditional methods of disposal; if for example, there are no individuals with the prerequisite experience handling canines able to accept the donation of these dogs.

Unfit Horses and Mules

Specific Authority for disposition of unfit horses and mules:

40 U.S.C. § 1308. Disposition of unfit horses and mules

Subject to applicable regulations under this subtitle and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), horses and mules belonging to the federal government that have become unfit for service may be destroyed or put out to pasture, either on pastures belonging to the government or those belonging to financially sound and reputable humane organizations whose facilities permit them to care for the horses and mules during the remainder of their natural lives, at no cost to the government.

The authority of this USC is further refined at FMR §102-40.150;

§102-40.150—How do we handle animals and plants?

* * * *

(b) Unfit horses and mules may be humanely euthanized or put out to pasture in accordance with 40 U.S.C. 1308 and agency policies. Transfers of unfit horses or mules to federal agencies must be conducted in accordance with FMR §102-36. In the event that a transfer of these animals can be made to a humane organization, the transfer may be conducted under procedures contained in FMR §102-37.

* * * *

Although the final decision on the disposition of surplus animals resides with GSA, GSA welcomes the input and recommendations of holding agencies as to suitable recipients to further the interests of the agency or the United States in disposing of these animals in a humane manner. To this end, agencies contemplating providing guidance to GSA on the disposition of animals should consider these points:

- Due diligence for disposition of these animals will consider the animal's behavior, temperament, physical ailments and age.
- Factors related to the potential home that will be considered are: suitability of physical facilities; ability for the adoptee to provide care and has the financial resources to provide appropriate veterinary care; reasons for wanting to adopt the animal; previous history of adoption cases at the potential facility; and any prior animal welfare issues at the potential facility or individual caregiver.

- Adopters must understand that they become the owners of these animals and bear sole responsibility for all costs associated with the animal's health and welfare. The federal government will no longer have any physical or financial responsibility for the animal.
- Where feasible, agencies should consider establishing adoption programs for their retired horses or mules consistent with agency authorities.

Sale

FMR §102-38, Sale of Personal Property does not stipulate special handling requirements for animals, so the traditional disposal process typically applies.

- Animals can be reported the following ways: GSAXcess.gov or reporting via Standard Form (SF) 120, Report of Excess Personal Property, or SF 126, Report of Personal Property for Sale.
- The majority of federally owned horses and mules are sold via negotiated sale because agency property custodians know people already interested in them. Some live animals are sold at auction.
- At the agency's discretion, and in coordination with the agency's Sales Center, the sale may require purchasers to submit a Statement of Intent Form prior to payment. Appendix A has a sample copy of this form. Purchasers must provide all requested information and must mark the blocks which state AS A PURCHASER I WILL "MAINTAIN THE HEALTH OF THE ANIMAL(S) AND HOUSE ANIMAL(S) IN A SECURE ENVIRONMENT". All payment options may be blocked until this statement of intent form is received with these blocks marked. Along with this information purchasers must provide their mailing address, on-line bidder name (or auctions) and daytime telephone number. It should be noted that inspection and removal of animals is by appointment only.

Destruction (Euthanasia)

- In emergency cases, such as when an animal is injured or severely incapacitated, euthanasia may be the most humane option. When the attending Veterinarian makes a recommendation that euthanasia is the most humane disposition for an animal in a non-emergency situation, a second veterinary opinion may be sought prior to making a final decision.
- In ALL cases, the selected option will minimize risk to humans, other domestic animals and wildlife populations and will minimize pain and suffering for the animal. Factors to be considered include: cost of treatment; capability of the animal after treatment; labor investment in rehabilitation; and degree of risk if the condition is contagious.
- The authority for such actions is under the abandonment/destruction authorities at FMR §102-36.305 and following sections.

Reporting

Federally owned animals donated to non-federal entities must be reported in the agency's annual Non-Federal Recipient Report per FMR §102-36.295 and §102-36-300.

Part 7. Special Protections for Federal Law Enforcement Animals

Agencies are encouraged to do the following:

- Take appropriate action to ensure the safety of the animal, prevent abuse, and punish perpetrators. Individuals who harm law enforcement animals may be prosecuted under 18 USC 1368, *Harming Animals Used in Law Enforcement*. Any evidence of abuse must be reported immediately to the owning agency head.
- Protect federal police dogs with custom-fit bullet proof and stab resistant vests.
- House dogs with the handler or provide a secure kennel at the agency expense.
- Provide an annual physical examination conducted by a Veterinarian; at agency expense, to include head to tail visual inspection; blood scan; dental cleaning; complete blood chemistry workup; a heartworm check; and administration of immunizations to include, but not limited to; rabies, distemper, parvovirus, kennel cough (dogs), hepatitis, leptospirosis, and para-influenza. Veterinary medical records must be maintained by the servicing Veterinarian. Each handler must maintain a copy of the veterinary record.
- Provide handlers with a well-equipped first aid kit suitable for the animal and basic first aid training. First aid kits must also be available in the kennel/stable area and at training sites. Periodic checks of the first aid kits must be conducted by the handler to ensure shelf life items are within acceptable parameters.
- Pay veterinary fees for working animals. Financial assistance ends when the animal retires. Note: Agencies may opt to set-up a retirement assistance fund for the animals' ongoing welfare or agencies may opt to provide limited medical examinations for retired animals housed with an agency's handler.
- Establish how to handle animals when unable to work, e.g., animals that may have been injured on duty or are unable to carry out their duties due to illness, or are otherwise excess to the agency's needs.
- Maintain complete and appropriate documentation on all animals.
- Budget and fund support equipment or supplies, as required.
- Perform proper all life cycle, including inventory management, responsibilities.

Appendix A

STATEMENT OF INTENT PURCHASE OF ANIMALS

ACKNOWLEDGEMENT:

The Offeree represents and warrants that the ultimate destination, use, and disposition of the property shall be in accordance with the Statement of Intent as submitted by the Offeror and approved by the Sales Contracting Officer. Any unauthorized disposition of the property by a sub-purchaser or sub-receiver of the property shall be the responsibility of such sub-purchaser or sub-receiver and, where at fault, of the original purchaser from the United States. Standard Form 114C, Revised April 2001 is included by reference.

SALE NUMBER: _____

OFFEREE INFORMATION

a. NAME:

b. TAX IDENTIFICATION NUMBER (TIN):

c. OFFEROR'S ADDRESS:

d. TELEPHONE NUMBER

e. BUSINESS OR OTHER NAMES USED BY THE PRINCIPAL OFFEREE:

f. USER ID:

NATURE OF BUSINESS (CHECK ONE):

- ____(1) BROKER, MARKETER, RETAILER or WHOLESALER
- ____(2) VETERINARIAN
- ____(3) OTHER (Specify): _____

SPECIFIC USAGE (CHECK ALL THAT APPLY):

AS A PURCHASER, I WILL:

- ____(1) RESELL ANIMAL(S)
- ____(2) USE ANIMAL(S) AS FOLLOWS: _____
- ____(3) MAINTAIN THE HEALTH OF THE ANIMAL(S)
- ____(4) HOUSE ANIMAL(S) IN A SECURE ENVIRONMENT
- ____(5) OTHER (Specify): _____

RESALE OF ANIMAL(S):

If animals are resold and exportation or interstate transfer of the animals occur, Purchaser will abide by all pertinent Federal, State, and local regulations in any subsequent sales transaction.

CERTIFICATION:

I CERTIFY THAT ALL OF THE INFORMATION GIVEN IN THIS STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THIS STATEMENT IS INCORPORATED BY REFERENCE INTO ANY RESULTING CONTRACT OF SALE WITH THE U.S. GOVERNMENT.

Signature of Official Offeree

Date of Signing