June 26, 2020

The Honorable Adam Smith  
Chairman  
Committee on Armed Services  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Mac Thornberry  
Ranking Member  
Committee on Armed Services  
United States House of Representatives  
Washington, D.C. 20515

RE: ABA Support for NDAA Provision on Breed-Neutral Dog Policy for All Military Housing

Dear Chairman Smith and Ranking Member Thornberry:

On behalf of the American Bar Association (ABA), the largest voluntary association of lawyers and legal professionals in the world, I write to urge your committee to include in the National Defense Authorization Act (NDAA) for FY 2021 a requirement that the Department of Defense (DoD) and its Public Private Venture housing contractors enact uniform breed-neutral pet policies for families living in military housing in the United States. The Senate has already included a “Department of Defense Policy for the Regulation of Dangerous Dogs” in Section 1050 of S. 4049, and we urge the House to include a similar provision in its bill.

Attorneys practicing near military bases have received frequent phone calls from families being forced to give up their dogs due to arbitrary, discriminatory pet policies that are inconsistent across military branches. The DoD does not currently have an overarching pet policy that applies to all military housing. Thus, a military family owning a dog and living in military housing on one installation or base may be fine having their dog in quarters, but if they are transferred they may then learn that their dog is banned in their new military housing.

The Air Force, for example, has a force-wide pet policy banning “aggressive or potentially aggressive breeds of dogs…defined as, both purebred or mixed breed, Pit Bull (American Staffordshire Bull Terrier or [English] Staffordshire Bull Terrier), Rottweiler, Doberman Pinscher, Chow and wolf hybrids.”¹ The Navy, on the other hand, defers its pet policy to local commanders who decide whether breeds are banned in their on-base housing.² And the Army currently prohibits “dangerous dog breeds” that it defines as “American Pit Bull, Stafford Bull Terrier, Bull Mastiffs, Dogo Argentino, Rhodesian Ridge Back, Dogu-de-Bordeaux, Chinese

² Commander Navy Installations Command (CNIC) Instruction 11103.2A, ¶4.f(2) (Aug. 2, 2013)  
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Fighting dog, Doberman Pincher, and crossbreeds of these dogs.”³ Finally, Marine Corps policy prohibits all “full or mixed breeds of Pit Bulls, Rottweilers and canid/wolf hybrids”⁴ and further directs a Veterinary Corps Officer or civilian veterinarian to make a determination of “majority breed” when an owner does not possess a breed registry certificate.⁵

Companion animals can provide a sense of continuity and emotional support for military families and especially children during periods of change and facilitate adaptation to their new environments.⁶ In 2002, the Marine Corps recognized that giving up a dog can be a hardship and classified all pets belonging to people in the Marines as part of the family and not as “household possessions.”⁷ Not having a beloved pet to help military families through the transfer process or having to leave it behind can cause emotional trauma⁸ and ultimately lead to family problems, poor adaptation to a new environment, and animosity toward the military service.⁹

The military needs discretion to control dog behaviors on installations, but families also need predictability on whether they can keep a specific breed of dog in military housing when they move. We therefore urge the HASC to support military families and include a provision in the FY 2021 NDAA that requires DoD and its Public Private Venture housing contractors to enact uniform breed-neutral pet policies for families living in military housing in the United States.

Thank you for your consideration of this request. If you have questions or would like additional information, please contact Holly Cook, in the ABA Governmental Affairs Office, at holly.cook@americanbar.org or 202-662-1860.

Sincerely,

Judy Perry Martinez

cc: Members of the House Armed Services Committee
    Members of the HASC Subcommittee on Readiness
    Members of the HASC Subcommittee on Military Personnel

⁴ Marine Corps Order (MCO) 11000.22 Ch.1, § 5003 (Jan 22, 2018).
⁵ Id.
⁶ Chumley, supra note 11, at 258.
⁷ MARADMIN 595-16 (Nov 21, 2016) (“Household pets (dogs and cats) are important members of marine families. The shipment of pets during a Permanent Change of Station (PCS) move, particularly overseas, can be very expensive and a stressful event if not properly planned well in advance. Shipping a pet is considered a benefit and not an entitlement ....”); see also MARADMIN 192-18 (Apr 18, 2018) (Peak Moving Season Preparations . . . “This MARADMIN also recognizes the importance of pets as members of the Marine family and explains how Marines with PCS Orders overseas must coordinate early to reserve pet spaces aboard Air Mobility Command-Patriot Express (AMC-PE) flights.”)
⁸ Id. at 269.