

# Military Working Dogs: Tracking Their Journey from Equipment to K-9 Heroes

By Virginia C. Thomas

**D**ogs have served loyally alongside American troops on active duty for well over a century. Their roles have been many, including ammunition cart pullers, scouts, mascots, messengers, medical research subjects, and explosive detectors.<sup>1</sup>

The story of what happens to military working dogs (MWDs) at the conclusion of their service has not been a happy one. Until recently, these dogs were classified as military equipment under federal law and treated as such.<sup>2</sup> With few exceptions, they were routinely euthanized after being retired from their military service. In some cases, they were assigned one final mission before their lives were ended, namely, assisting in training new military dog handlers.<sup>3</sup> In others, they remained caged for up to a year before they were euthanized.<sup>4</sup> As you might imagine, the emotional toll this practice had on the dogs' handlers was immense.<sup>5</sup>

Measurable progress toward humane retirements or other appropriate dispositions for MWDs has been made in the past two decades. However, researchers seeking to understand the history of this legislation and track future developments have their work cut out for them.

## Research challenges

One thing I have learned in my long career as a law librarian is that legislatively speaking, things are not always what they seem to be. In many cases, state and federal statutes focus on a specific legislative issue. Identifying and tracking singular bills is a relatively straightforward process. They are often assigned popular names that describe their purpose. Even if precise bill numbers are not known, their text usually includes distinctive terminology that can be used as search terms.

However, significant legislative provisions are frequently embedded within larger legislative measures, which makes identifying and tracking bills as they move through the legislative process more difficult. It also makes drawing connections to subsequent changes and pending developments a little tougher.

The Expansion and Enhancement of Authorities on Transfer and Adoption of Military Animals provision of PL 116-92<sup>6</sup> is one such legislative measure. The full statute, which numbers 1,118 pages, is primarily an appropriation act that funds Department of Defense military activities for the 2020 fiscal year. The final phrase of its enacting clause is “and for other purposes.” A statute of this length normally includes a table of contents that outlines each section of the legislation. Even with a detailed outline and use of the “find” command, pinpointing a specific provision of a comprehensive bill can be difficult. To illustrate, the provision on adoption of military animals, which is on pages 1330-31 of the law, appears within the statutory outline as:

Public Law 116-92

Sec. 2. Organizations of Act into Divisions; Table of Contents

Division A—Department of Defense Authorizations

Title III—Operation and Maintenance Subtitle F—Other Matters

Sec. 372. Expansion and Enhancement of Authorities on Transfer and Adoption of Military Animals

Given the full-text searchability of government websites like congress.gov and govinfo.gov and comprehensive commercial databases<sup>7</sup> that offer enhanced search capabilities, an experienced researcher still can be put to the test when trying to iden-

tify the precise derivation of enacted legislation, especially when several versions of the bill exist. After a few failed attempts of my own, I must confess that I sought help from special-interest websites focused on the well-being of retired MWDs. These websites offered a range of clues including dates, bill or public law numbers, legislative sponsors, and specific language useful for formulating a database or broader internet search. Above all, the sites help tell the legislation's story and allowed me to understand its direction and impact.

The following legislative summary may assist and inform researchers seeking to piece together 20 years of legislation or those simply wishing to do a “temperature check” on the law governing the disposition of military service dogs. The summary identifies major legislative changes beginning in 2000 and highlights access points for tracking pertinent legislative measures moving forward.

## A brief history of MWD legislation

In November 2000, President Bill Clinton signed into law PL 106-446, an act that permitted adoption of retired military working dogs by law enforcement agencies, former handlers, and other persons capable of caring for these animals.<sup>8</sup> The measure turned the tide for military service dogs, immediately halting the Department of Defense practice of euthanizing MWDs at the end of their useful working lives and authorizing the Secretary of Defense to assess retired MWDs and make them available for transfer or adoption. It also required the Secretary of Defense to report annually on the number of retired military service dogs transferred to law enforcement, adopted under the statute, or euthanized

while accounting for why dogs were euthanized rather than adopted.

This groundbreaking statute was amended twice in 2006 during the George W. Bush administration. First, PL 109-164 extended the authority to make MWDs available for adoption to the “Secretary of the military department concerned.”<sup>9</sup> It permitted the adoption of MWDs under “extraordinary circumstances” *before* they reached the end of their working lives.<sup>10</sup> Later that year, PL 109-364 defined “military animals” within the scope of 10 USC §2583 to include horses as well as dogs.<sup>11</sup>

In 2011, MWD legislation was further amended by PL 112-81, which clarified the meaning of “extraordinary circumstances” for adoption of MWDs that had been added by PL 109-364. Such circumstances include those in 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.”<sup>12</sup> This amendment enabled the appropriate military department to make the MWD available for adoption to members of the handler’s immediate family. Unfortunately, it also eliminated the Secretary of Defense’s annual reporting requirement regarding the disposition of military service animals, reducing transparency in the decision-making process.<sup>13</sup>

In 2015, PL 114-92 specified an order of preference for adoption of retired MWDs.<sup>14</sup> This order differs from the original language in 10 USC §2583(c). Now, preference is given to the dog’s former handler, followed by other persons capable of providing humane care, and lastly, transfer to law enforcement agencies. The provision further specifies that if the dog’s former handler is wounded in action, the dog can be adopted only by the handler. If the handler dies in action or from wounds sustained in action, the dog is only available to the handler’s parents, children, spouse, or siblings.

PL 116-92 was signed into law in 2019.<sup>15</sup> Pertinent provisions of this act include requiring veterinary screening for MWDs before they are transported to their adoptive homes or a law enforcement agency. The statute also expands the definition of “military animal” to include mules and donkeys in addition to dogs and horses.

## Looking ahead

Legislation that would further advance the well-being of military working dogs and their handlers is pending in Congress. Rep. John Garamendi, D-Calif., chairman of the House Armed Services Committee, has re-introduced a standalone bill, the Support Our Military Working Dogs Act. The full text of H.R. 1739 is not yet available; Garamendi explains that the measure aims to ensure that retired military working dogs receive ongoing veterinary care once they have been adopted by their former handlers.<sup>16</sup> The bill would also enable the Department of Defense to “conduct research on the treatment and avoidance of injuries for military working dogs.”<sup>17</sup>

The path to achieving recognition and care for military working dogs and other service animals has been long and incremental. Funding is needed to implement legislative measures that call for transportation and veterinary care for our K-9 heroes. However, some things are worth the cost. ■



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## ENDNOTES

1. *Dogs in Warfare*, Wikipedia, <[https://en.wikipedia.org/wiki/Dogs\\_in\\_warfare](https://en.wikipedia.org/wiki/Dogs_in_warfare)> [<https://perma.cc/KTB6-P3GJ>] [accessed April 20, 2021].
2. Cruse, *Military Working Dogs: Classification and Treatment in the US Armed Forces*, 21 *Animal L* 249 (2015), available at <<https://www.animallaw.info/sites/default/files/Military%20Working%20Dogs.pdf>> [<https://perma.cc/NYT9-T6TL>].
3. *Promotion of Adoption of Military Working Dogs*, 146 *Cong Rec* H11302 (October 26, 2000) (statement of Rep Roscoe Bartlett).
4. *Id.*
5. Landa, *From War Dogs to Service Dogs: The Adoption of Military Working Dogs*, 24 *Animal L* 39 (2018).
6. National Defense Authorization Act for Fiscal Year 2020, Pub L No 116-92 (2019) [Sec 372 codified at 10 USC 2583].
7. See, for example, ProQuest Congressional and HeinOnline.
8. *Promotion of Adoption of Military Working Dogs*, Pub L No 106-446 (2000) (codified at 10 USC 2583).
9. National Defense Authorization Act for FY2006, Pub L No 109-163 (2006).
10. *Id.*
11. John Warner National Defense Authorization Act for Fiscal Year 2007, Pub L No 109-364 (2006).
12. National Defense Authorization Act for FY 2012, Pub L No 122-81 (2011).
13. *Id.*
14. National Defense Authorization Act for Fiscal Year 2016, Pub L No 114-92 (2015).
15. National Defense Authorization Act for Fiscal Year 2020.
16. *Support Our Military Working Dogs Act*, 167 *Cong Rec* E223 (March 10, 2021) (statement of Rep John Garamendi).
17. *Id.*

## MEMBER ANNOUNCEMENT

The Immigration Law Offices of Antone, Casagrande & Adwers is pleased to announce that Dorothy Hanigan Basmaji has joined our practice as Of Counsel.

Dorothy has over 30 years of experience focusing on corporate and business immigration matters. She will provide a wealth of information and serve as a mentor to our attorneys and staff.

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