

**NINETY-EIGHTH NATIONAL CONVENTION
OF
THE AMERICAN LEGION
Cincinnati, Ohio
August 30, 31, September 1, 2016**

Resolution No. 134: Service Dogs for Injured Service Personnel and Veterans with Mental Health Conditions

Origin: Maryland

Submitted by: Convention Committee on Veterans Affairs & Rehabilitation

WHEREAS, Thousands of American soldiers have sustained serious mental and physical injuries during the wars in Iraq and Afghanistan; and

WHEREAS, Countless numbers of veterans continue to suffer from mental and physical injuries incurred on behalf of our country during prior conflicts; and

WHEREAS, In 2009, Congress authorized the Department of Veterans Affairs (VA) to extend benefits for the upkeep of service and guide dogs used primarily for the aid of persons with physical disabilities and psychological wounds by amending 38 United States Code (U.S.C.) Section 1714; and

WHEREAS, In the Fiscal Year (FY) 2010 National Defense Authorization Act, Congress mandated VA to conduct a five-year study on the effectiveness of service dogs for veterans with rated mental health disabilities as their primary diagnosis; and

WHEREAS, The VA does not issue a service or guide dog; and

WHEREAS, The VA will only provide a referral and once the dog has been certified, only the maintenance of the hardware with the exception of non-prescription dog food; and

WHEREAS, VA issued a proposed rule on 38 C.F.R. Part 17 to amend its policies and procedures directly related to veterans benefits and service dogs; and

WHEREAS, Veterans should have the same experience in a VA hospital as a private sector hospital with regards to the access of a service or guide dog, but currently do not; and

WHEREAS, The American Legion provided public comments on VA's proposed rule on Monday, August 15, 2011, with concerns such as VA does not provide service dogs or money for service dogs, VA only provides benefits to veterans that already have a service dog a VA doctor deems medically appropriate, as well as VA's selection of the standards set by the Assistance Dogs International or the International Guide Dog Federation for certification process; and

WHEREAS, 38 U.S.C. Section 1714 currently only states that the VA "may" provide service dogs for veterans with mental illnesses; and

WHEREAS, Eligibility for a veteran being issued a service dog is loosely defined and relies on clinical judgment and criterion which is not provided in this regulation and in the proposed rule VA states, "that trained dogs may provide valuable services to veterans diagnosed with certain mental illness, at this time VA does not have any scientific data to determine, from a purely clinical standpoint, whether or when service dogs are most appropriately provided to veterans with mental illness, including post-traumatic stress disorder (PTSD)"; and

WHEREAS, VA is promulgating regulations that do not clearly define the original Congressional intent of 38 U.S.C. Section 1714 that VA provide the benefits outlined by said

section to qualified veterans, as outlined by 38 CFR 1705, with psychological disabilities as their primary VA diagnoses; and

WHEREAS, Many agencies provide service dogs or training for service dealing with mental or psychological disabilities specifically for veterans with Traumatic Brain Injury and PTSD which are not included in the proposed rule; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Cincinnati, Ohio, August 30, 31, September 1, 2016, That The American Legion urge the Department of Veterans Affairs (VA) to clearly define regulations and current eligibility requirements for a veteran to receive a referral for mental and/or physical conditions to pass legislation for clarification and of the original intent of Congress to VA as needed in order to ensure VA provides service and guide dogs to veterans with mental health illnesses; and, be it further

RESOLVED, The American Legion urge Congress to pass legislation to change the “may” to “shall” located in 38 U.S.C. Section 1714; and, be it further

RESOLVED, The American Legion urges VA to provide outreach and education to staff and veterans regarding the guide and service dog programs’ policies, procedures, and benefits; and, be it further

RESOLVED, The American Legion urges VA to mirror ADA standards or be less restrictive in regards to service and guide dogs; and, be it further

RESOLVED, The American Legion urges VA to more clearly define its regulations and current eligibility for issuance of service dogs to veterans with mental health illnesses; and, be it finally

RESOLVED, That VA expand its list of agencies that can provide and accredit service dogs to veterans for the treatment of physical and mental conditions requiring the use of service and/or guide dogs, use during the three-year pilot study on the effectiveness of service dogs for mental health purposes and thereafter.