

**Department of
Veterans Affairs**

Memorandum

Date: May 15, 2015

From: VHA PRA Compliance Liaison (10B4)

Subject: Request for OMB review of 2900-XXXX, Requirement to Present Certain Health Information for a Service Dog Under 38 C.F.R. 1.218(a)(11)

To: OMB Desk Officer for Veterans Affairs

Pursuant to 38 U.S.C. 901, VA may prescribe rules to provide for the maintenance of law and order and the protection of persons and property on VA property. VA implements this authority in regulations at 38 CFR 1.218 pertaining to security and law enforcement. This final rule will amend § 1.218(a)(11) to require VA facilities to permit service animals on VA property consistent with 40 U.S.C. 3103 (section 3103) and Public Law 112-154, § 109, 126 Stat. 1165 (2012) (section 109). Section 3103(a) provides that guide dogs or other service animals accompanying individuals with disabilities and especially trained for that purpose shall be admitted to any building or other property owned or controlled by the Federal Government on the same terms and conditions, and subject to the same regulations, as generally govern the admission of the public to the property. Section 109 provides that VA specifically may not prohibit the use of a covered service dog in any VA facility, on any VA property, or in any facility or on any property that receives funding from VA, and further defines a covered service dog as a service dog that has been trained by an entity that is accredited by an appropriate accrediting body that evaluates and accredits organizations which train guide or service dogs. Current 38 CFR 1.218(a)(11), however, reads that dogs and other animals, except seeing-eye dogs, shall not be brought upon property except as authorized by the head of the facility or designee. Our current regulation can be interpreted to allow the head of a VA facility or designee to bar access to all animals other than seeing-eye dogs, which is inconsistent with both section 3103(a) and section 109. We therefore revise our regulation to be consistent with the requirements in section 3103(a) and section 109. Therefore, VA certifies that the collection of information meets each of the listed criteria for the following reasons:

Data collection is needed prior to the expiration of time periods established in this part:

The data being collected needed prior to the expiration of time periods established under this part due to anticipation that the regulations authorizing this program will publish and become effective prior to the expiration of the time periods established under this Part

Data collection is essential to the mission of the agency

The collection is essential to the mission of the agency, because VA cannot begin to service dog admission and care set forth in regulation and required by law without the forms and properly collecting required information.

The agency cannot reasonably comply with the normal clearance procedures under this Part because:

VA cannot reasonably comply with the normal clearance procedures because public harm is reasonably likely to result if normal clearance procedures are followed. VA is required to begin service animal access and care in a timely fashion.

Thank you for your consideration of this matter.

Respectfully,

Howard L. Manuel

Management Analyst, OMB/PRA Compliance

Veterans Health Administration/Office of Regulatory and Administrative Affairs (10B4)

O: (202) 461-5953

E: Howard.Manuel@va.gov