



Paralyzed Veterans  
of America

Produced by the Paralyzed Veterans of America • Government Relations Department

# Washington

## UPDATE

*Recent news regarding legislation and regulatory actions affecting veterans and people with disabilities.*

November 15, 2016

Volume 22, No. 11

**\*\*\*PRIORITY\*\*\***

The Government Relations staff is still looking for stories about problems that our members have experienced during air travel. Please visit [www.AirAccess30.org](http://www.AirAccess30.org) and share your story.

### **2016 Elections Bring in All-Republican Congress and Presidency, Fewer Veterans**

With the election of Donald Trump on November 8, Republicans will now control both the White House and both chambers in Congress. Despite having to defend 24 seats during this year's election, many of which were rated a toss-up races heading into the election, Senate Republicans managed to hang on to a slim majority. They currently hold 51 seats, but that number could increase to 52 depending on how the pending runoff election goes in Louisiana in December. House Republicans maintained a strong majority losing only six seats to the Democratic Party—less than expected.

The State of Illinois had a notable Senate race where Rep. Tammy Duckworth (D) defeated incumbent Senator Mark Kirk (R). Senator-elect Duckworth is an Operation Iraqi Freedom veteran and who lost both of her legs when her helicopter was shot down during OIF. She previously served two terms in the House of Representatives on the Armed Services and Oversight & Government Reform Committees, as well as the Assistant Secretary for Congressional and Legislative Affairs at the Department of Veterans Affairs (VA). Overall, the number of veterans serving in Congress further declined, dropping below one hundred Senators and Representatives for the first time in seventy years. The declining population of veterans in Congress is largely attributed to retirements of World War II, Korean War, and Vietnam War veterans.

The impact of the election on the House and Senate Committees on Veterans' Affairs remains to be seen. It is widely expected that current Senate VA Committee Chairman Johnny Isakson (R-GA) will retain his leadership position on the Committee following his reelection. Senator Richard Blumenthal (D-CT) is also expected to keep the Ranking Member seat on the Committee. However, the House VA Committee is guaranteed a shakeup with the retirement of current Chairman Jeff Miller (R-FL). Rep. Doug Lamborn (R-CO) is the next most senior member of the Committee and is expected to seek the Chairman's seat. Rep. Phil Roe (R-TN) is also expected to vie for the position. Rep.



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Mark Takano (D-CA) is expected to seek the Ranking Member's seat permanently after having replaced the former Ranking Member, Corrine Brown (D-FL), earlier this year.

We will continue to update PVA members as permanent positions are determined on key Committees. Key leadership posts in both the House and Senate are expected to be filled during the lame duck session that ends in December. In the meantime, we also encourage PVA Chapters, leadership, and members to reach out to your local members of Congress, particularly new members of Congress, to educate those offices about PVA and our positions.

**COLA Announced**

In October, the Social Security Administration announced that the cost-of-living adjustment (COLA) for 2017 would be 0.3 percent. This increase will apply to benefits received by Social Security recipients as well as veterans who receive compensation and pension. With the exception of years when no COLA was provided (2009, 2010, and 2015), the 0.3 percent projection marks the lowest COLA rate ever provided. Beneficiaries will see the change in their payments in December.

To supplement this insignificant increase, legislation has been introduced in the House and Senate—**H.R. 4144/ S. 2251, the “Seniors and Veterans Emergency (SAVE) Benefits Act”**—that would provide a one-time \$581 payment to eligible Social Security beneficiaries and veterans in receipt of compensation and pension. PVA strongly supports this proposal. The Senate indicated prior to the election that it may take up this legislation during the lame duck session after the election.

**Highlights of President-elect Donald Trump's Positions on Disability Issues**

Earlier this year, The American Association of People with Disabilities (AAPD) and the National Council on Independent Living (NCIL) collaborated to create a presidential questionnaire in order to learn more about how the candidates would address issues that are important to the disability community. The questionnaire was sent out to all presidential candidates who would appear on at least 20 state ballots. Following the election, we would like to share the responses submitted by President-elect Donald J. Trump's campaign. The responses to the survey can be found at:

<http://www.aapd.com/our-focus/voting/2016-election/presidential-candidate-questionnaire/trump-campaign-response-rev-questionnaire/>



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Among the highlights of the incoming President's positions on disability issues are:

- Willingness to consider creation of a National Office of Disability Coordination to develop coordinated federal disability policies and advise the President on necessary changes in the organization, management, budgeting and personnel allocation of federal agencies involved in disability policy;
- Expressed support for enforcement of final Section 501 regulations governing employment of people with disabilities in the federal workforce;
- Promises for enhanced training for Transportation Security Administration agents and review of “possible gaps in our disability laws and training” with regard to air travel for people with disabilities (this reflects a high priority for PVA related to our work on amending the Air Carrier Access Act).

The Government Relations Department has already begun outreach to the new Administration. We remain concerned that some of the staff members being considered in key positions that would impact disability civil rights issues have not been strong supporters of people with disabilities in the past.

**DOT Publishes Regulation Requiring Airlines to Report Wheelchair Damage**

On November 2, 2016, the Department of Transportation (DOT) published a final rule requiring large domestic airlines to track and report information about enplaned wheelchairs and scooters.

Beginning with flights taking place on or after January 1, 2018, covered airlines will be required to provide to DOT on a monthly basis the total number of wheelchairs and scooters that are enplaned in their aircrafts' cargo compartments. Airlines will also need to report how many of those wheelchairs and scooters were “mishandled.” DOT considers a wheelchair or scooter to have been mishandled if it is lost, delayed, damaged, or stolen.

PVA submitted comments when DOT originally proposed this rule in 2011. In supporting the proposed rule, we noted that such information would provide the evidence needed to show a pattern or practice of mishandled wheelchairs and scooters, which could lead to enforcement through civil fines under the Air Carrier Access Act. Although not included in the final rule, we also supported extending it to include other types of mobility devices and to cover devices stowed in the cabin.

Decreasing wheelchair damage is a top concern for PVA. PVA members regularly experience situations where their wheelchairs have been damaged during the course of



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air travel, many times to the point of making those wheelchairs completely inoperable. This is particularly a problem for those individuals traveling in power wheelchairs. We believe that requiring airlines to track and report this data will highlight problem areas and point to specific situations in which further training may be beneficial. Additionally, travelers with disabilities will also be able to review damage statistics for wheelchairs and scooters to help them determine which airlines may provide them with a better traveling experience.

**PVA Meets with Airlines for America**

With the business of the DOT Access Committee coming to a close in October, Lee Page, Senior Associate Advocacy Director, and Heather Ansley, Associate General Counsel for Corporate and Government Relations, met with representatives of Airlines for America (A4A) to discuss other ways we could work together outside of government regulation. A4A is the major industry organization representing most of the major air carriers. The purpose of the meeting was to address a major issue for PVA members during air travel—damage to wheelchairs upon return after a flight. The meeting included representatives from wheelchair manufacturers including: Invacare, Permobil, and Pride Mobility. Airline representatives that attended the meeting included: American, United, Hawaiian, Jet Blue and Alaska Airlines.

Discussion focused on the problems of damage to power wheelchairs. Power chairs when being enplaned to the belly of an aircraft sometimes are turned on their side in order to gain access through the cargo opening. Once inside the cargo hold, depending on size will remain on their side or be turned upright and then strapped down. In either case the chair is vulnerable to damage from shifting in midflight, turbulence, or other bags being stacked on top of the chairs.

The airlines concern of lack of foldability for the chair and a request for specific instructions from the manufactures on how to safely enplane the chair provided ideas of a placard from the manufacturer describing the foldable parts. This would show grab / lift positions, weight, and description of type, model and battery. Other ideas included encouraging the Rehabilitation Engineering Society of North America (RESNA) to design wheelchair standards for transportation in aircraft.

The next meeting, to be held in early 2017, will look to expand participation from other stakeholders, possibly in conjunction with an airline at a hub airport so participants can get a demonstration of the problems. This partnership between PVA and A4A is a beginning to looking at areas of access for passengers with disabilities when traveling on airplanes.



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