



Paralyzed Veterans
of America

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Washington UPDATE

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

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*****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 and share your story.

Senate VA Committee Conducts Legislative Hearing

On May 24, 2016, the Senate Committee on Veterans' Affairs conducted a hearing to consider several health care and benefits legislative proposals. PVA Associate Executive Director of Government Relations Carl Blake testified at the hearing. The key bills considered during the hearing included S. 2896, the "Care Veterans Deserve Act of 2016," a bill introduced by Senator John McCain (R-AZ), that would make permanent the VA Choice Program; the "Veterans Mobility Safety Act of 2016" (the companion to H.R. 3471); and, appeals reform legislation.

PVA's comments were principally focused on S. 2896 and on the draft appeals reform bill. Our historical experience and extensive interaction with veterans around the country leads us to confidently conclude that veterans prefer to receive their care from the VA. This point was affirmed from a recent survey of our members gauging their experience with VA health care. Our testimony emphasized that VA's specialized services, particularly spinal cord injury care, cannot be adequately duplicated in the private sector. We also explained that we believe that reform of veterans' health care is based on the false assumption that the Choice Program as currently implemented is the best way forward for VA health care (the underlying plan of S. 2896). We explained that the consolidation plan that the VA unveiled late last year sets a better benchmark for the appropriate path forward. Additionally, PVA, along with our partners in The Independent Budget—DAV and VFW—previously presented to the Committee a framework for VA health care reform that builds on the VA's own plan. It includes a comprehensive set of policy ideas that will make an immediate impact on the delivery of care, while laying out a long-term vision for a sustainable, high-quality, veteran-centered health care system.

Our comments also highlighted the significant work done in the last couple of months to reform VA's benefits appeals process. In March, the Veterans Benefits Administration



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(VBA), the Board of Veterans Appeals, and major VSO's partnered to form a working group with the goal of reforming the appeals process. Currently, the number of pending appeals has surpassed 440,000. If the process is not reformed, VA projects that the appeals inventory will climb to over two million over the course of the next decade. Ten years from now, if the system remains unchanged, veterans will expect to wait six years for a decision.

PVA is encouraged by VA's ambitious efforts to achieve reform. VA has recognized that VSO's have specific concerns and has worked with us to find solutions that move us forward without diluting veterans' rights in the process. With this in mind, we support the general framework of this legislation. However, we offered a few specific recommendations that we believe could improve the draft bill. Additionally, that before a reform plan can be implemented it is imperative that VA answers the question of how to deal with the current appeals inventory. Congress must also provide adequate resources to carry out this reform plan and support efforts to reduce the current backlog.

The full PVA statement is available at www.pva.org.

Senate Appropriations Bill Includes Funding for IVF for Veterans, Capacity Reporting Provisions; House Bill Does Not

On May 19, 2016, the Senate approved H.R. 2577, an appropriations omnibus bill that included the "Military Construction and Veterans Affairs Appropriations Act for FY 2017." This bill included two important provisions. First, it provides direct funding for the provision of procreative services, specifically in vitro fertilization (IVF). Second, it includes a provision to permanently reinstate the annual capacity reporting requirement for VA's specialized services (the number one legislative priority for PVA). These issues reflect two of the highest priorities for PVA.

Our work on reinstatement of the capacity reporting requirement for VA's specialized services has been bolstered by the recent introduction of S. 2883 and H.R. 5091, the "Appropriate Care for Disabled Veterans Act." Sarah Dean, PVA Associate Legislative Director, has been leading the effort to build bipartisan support for these two bills.

Similarly, PVA has worked tirelessly to make procreative services, particularly IVF, available to veterans with service-connected catastrophic disabilities that preclude their ability to conceive children. This provision received strong bipartisan support when it was considered by the full Senate Appropriations Committee. We have joined with a broad coalition of veterans' service organizations to fight to retain the procreative services provisions in the final appropriations bill.

The House approved its appropriations bill the same day that the Senate complete its work. Unfortunately, the House version does not include these two important

provisions. We will be reaching out to our members for support as these two bills are considered in conference.

Rep. McMorris Rodgers (R-WA) Introduces Veterans Proposal Based on CVA Plan

On June 7, 2016, Rep. Cathy McMorris Rodgers (R-WA), Republican Conference Chair, introduced the “Care for Our Heroes for the 21st Century Act.” This bill essentially puts into legislative form the proposal released by Concerned Veterans for America, a political front group, that would essentially undermine the existing VA and ultimately push veterans to seek care in the private sector.

PVA expressed serious concerns about the draft bill in a press release. Specifically, the premium support model offered in Congresswoman McMorris Rodgers bill would clearly disadvantage catastrophically disabled and low-income veterans who currently have little to no cost share to receive care in the VA. Additionally, the bill provides no mechanism to ensure veterans care is properly coordinated and that they receive the most appropriate care they need. The proposal forces veterans to fend for themselves in the private sector health care system and leaves them with the responsibility of being the stewards of taxpayers’ money. Perhaps worst of all, the bill does not contemplate the fact that the private sector is not better positioned to provide the care veterans need, and in many cases is substantially worse, particularly for veterans with catastrophic disabilities like spinal cord injury and disease.

Subsequent to our press release, the proponents of this plan—Concerned Veterans of America (CVA)—released a statement criticizing PVA’s views on the bill. To be clear, CVA misrepresents itself as a veterans’ service organization when in fact it is a political activist organization whose underlying goal is to decrease the size of the federal government.

PVA responded to CVA by outlining a long list of questions that we originally raised when they were promoting this proposal nearly two years ago. Unfortunately, they have yet to properly address any of the specific concerns that were raised.

To read PVA’s press releases, please visit www.pva.org.

PVA Participates in Veterans Jobs Caucus Briefing

On May 24, 2016, Shelly Stewart, PVA’s Director of PAVE (Paving Access to Veterans Employment), participated in a congressional briefing with the Veterans Jobs Caucus. The Caucus is co-chaired by Rep. Jeff Denham (R-CA), Rep. Tim Walz (D-MN), Senator Mark Kirk (R-IL), and Senator Joe Manchin (D-WV). The discussion focused on issues being faced by military families and caregivers in the employment market place. Shelly was able to distinguish PVA as an organization that is providing direct employment services not only to veterans but to their caregivers as well.



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House May Punt on Passage of FAA Reauthorization Bill

As previously reported, the Senate approved an amended version of H.R. 636, the “Federal Aviation Administration (FAA) Reauthorization Act of 2016,” in April. This bill reflects a number of key provisions related to the Air Carrier Access Act (ACAA). The Senate-approved bill includes:

1. Study on airport accessibility best practices.
2. Study on in-cabin wheelchair restraint systems.
3. Report on training policies regarding assistance for persons with disabilities.
4. Establishment of an advisory committee for the air travel needs of passengers with disabilities.

Inclusion of these provisions in the final bill would be a major legislative accomplishment for PVA. Unfortunately, it appears that the House may seek to pass an extension pushing the FAA reauthorization to the next Congress.

Airline Consumer Protection Bill Includes Disability Provisions

While the debate over the FAA Reauthorization remains unclear, Rep. Mike Thompson (D-CA) has introduced an airline consumer protection bill that includes the disability provisions from the Senate's version of the FAA. This legislation, the “Airline Consumer Protection Act” (H.R. 5291), includes a variety of consumer protection provisions such as increased transparency on fees and improved access to broad consumer protection information. The bill also includes the PVA-supported disability provisions that are currently being considered in the FAA Reauthorization.

Access Committee Begins Negotiations

The Department of Transportation (DOT) Regulations Negotiation (Reg-Neg) Access Committee held its first meeting in Washington, DC on May 17 and 18. The first day was dedicated to understanding and agreeing to the rules governing how the 25-member Access Committee will operate. Subcommittees were formed to address whether or not to change the definition of a service animal, including emotional support animal; how to provide in-flight entertainment or communication; and whether it is feasible for new single aisle aircraft to provide an accessible lavatory.

Each subcommittee has formed working groups made up of Access Committee members and other interested parties to begin addressing the complex issues from the point of view of the airlines, airplane manufacturers, and disability rights activists. Each working group has 3 co-chairs representing the three points of view. Lee Page, PVA Senior Associate Advocacy Director, was named co-chair of the working group discussing accessible lavatories. They are currently working on a brief survey of

stakeholders and passengers with disabilities to help the Access Committee develop the definition of what would properly reflect an “accessible lavatory” for a single aisle aircraft. All of the working groups will meet by conference calls over the next six months and report back to the Access Committee during each monthly meeting through October 2016.

After the “rules of procedure” were established, the Committee received presentations on each of the three main focus areas. The Department of Justice (DOJ) discussed definition of a service animal under the Americans with Disabilities Act (ADA), versus the definition considered under the Air Carrier Access Act (ACAA). DOJ defines a service animal as a “dog or in some cases a small horse,” and it does not recognize emotional support animals. Boeing and Airbus provided presentations on what is currently available on the market for an accessible lavatory on board aircraft. Accessible lavatories are mainly used in twin aisle (wide body) aircraft, as required by the ACAA. Finally, the National Center for Accessible Media discussed in-flight entertainment and communications for people with disabilities.

PVA Defends Fair Housing Rule

In May, during Senate consideration of the FY 2017 appropriations bill for the Departments of Transportation and Housing and Urban Development, Senator Mike Lee (R-UT) and others introduced an amendment to prohibit HUD from implementing or enforcing its "Affirmatively Furthering Fair Housing" (AFFH) rule. Issued last year, this rule contained long-awaited guidance and data intended to help state and local governments connect housing and community development dollars to neighborhood opportunities for people with housing challenges, including people with disabilities. Each year, over 50% of all reported complaints of housing discrimination are initiated by people with disabilities. HUD's AFFH rule aims to assist state and local governments in identifying strategies and solutions to expand accessible and supportive housing choices for veterans and other individuals with disabilities.

PVA was among numerous organizations supporting fair housing to send a letter to all members of the Senate urging the defeat of the Lee amendment. Senator Susan Collins (R-ME) spoke against the amendment citing PVA's letter and entering it into the record. Although the Lee amendment was ultimately defeated, concerns remain that a substitute provision could still impede the AFFH rule in matters related to zoning if it were to be included in a final appropriations bill. Action in the House on this funding bill is not expected to happen anytime soon and it may eventually wind up in a continuing resolution. However, PVA and its allies in the fair housing community will continue to monitor the evolution of the T-HUD appropriations to warn against efforts to undermine fair housing.