



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](http://www.AirAccess30.org) and share your story.

## The Independent Budget Begins Development of Policy Agenda for the 115<sup>th</sup> Congress

During the August recess, PVA met with our partners in *The Independent Budget* (IB)—Disabled American Veterans and Veterans of Foreign Wars—to begin the planning process for the IB Policy Agenda for the 115<sup>th</sup> Congress. Following the meeting, the organizations approved six critical issues that will lead the next IB. Those issues are:

1. Restructure the Delivery of Veterans Health Care—*The Independent Budget* will focus on the framework for veterans' health care delivery reform proposed last year. Inherent in this framework is the preservation and strengthening of a robust Department of Veterans Affairs (VA) health care system, particularly specialized services such as spinal cord injury and disease care, blind and vision impaired care, polytrauma care, traumatic brain injury care, and mental health care services.
2. Remove Budget Constraints that Negatively Impact Veterans Programs—This issue will focus on the structural impediments that lead to insufficient resources being provided to ensure VA has adequate capacity to meet the needs of veterans.
3. Reform the Claims and Appeals Process—Appeals modernization and reform has been a primary objective of VA leadership this year and has been widely discussed in the House and Senate.
4. Realign and Modernize Capital Infrastructure—The misalignment and deterioration of much of VA's capital infrastructure is a commonly discussed problem that continues to negatively impact the delivery of care to veterans.
5. Expand and Improve the Comprehensive Family Caregiver Program—Expansion of the comprehensive family caregiver program administered by the VA to veterans of all eras remains a high priority for *The Independent Budget*.
6. Ensure that VA Provides High-Quality, Effective Programs and Services to Meet the Unique Needs of Women Veterans—Much work remains to ensure that women veterans are able to access the full range of health care services that are appropriate to their unique needs.



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The document will also include a wide-array of issues addressing veterans' benefits, health care, construction, education, employment and national cemeteries. The IB Policy Agenda will be released in January 2017 in conjunction with the start of the 115<sup>th</sup> Congress.

### **House and Senate VA Committees Review Commission on Care Report**

Following the long August recess, the House and Senate Committees on Veterans' Affairs returned to work. Their first order of business included hearings to review the Commission on Care report released in July. The House VA Committee conducted its hearing on September 7 and the Senate VA Committee followed up with a hearing on September 14. PVA submitted an official statement for the record for both of the hearings.

In July, the Commission on Care, established by P.L. 113-146, the "Veterans Access, Choice, and Accountability Act of 2014" (Choice Act), released its final report on the future of veterans' health care. The Commission was charged with examining access to care and strategically examining how best to organize the Veterans Health Administration, locate health care resources, and deliver health care to veterans during the next 20 years. The report contains 18 major recommendations. The most notable recommendations include establishment of an integrated health care network to expand access to care. This recommendation mirrors in many ways previous recommendations of *The Independent Budget*—co-authored by PVA, DAV, and VFW—as well as the current community care consolidation plan that the Department of Veterans Affairs (VA) unveiled last fall.

The Commission also recommended a governance board to oversee the planning, policy and implementation of a new veterans' health care system. While this idea seems intriguing, it does not contemplate the biggest challenges of a new governance structure. Specifically, this board would actually be more politically driven than current VA leadership due to the mechanism for selecting board members (appointed by House and Senate leadership). Additionally, the Commission did not rationalize the interaction between the Veterans Health Administration and the Veterans Benefits Administration and how that would be impacted by this new governance structure.

The greatest concern PVA has with the Commission report is the recommendation regarding "choice." The report calls for allowing veterans the choice of primary provider within the new integrated health care networks. However, it does not consider the impact that giving more veterans expanded choice will have on the current VA health care system and specifically specialized services, such as spinal cord injury and disease care. The Commission analysis suggests that as much as 40 percent more care will move into the community under this proposal.

PVA also expressed other concerns with the Commission report. We provided a detailed analysis to the Administration as well as the House and Senate Committees on Veterans' Affairs. PVA's initial response and our in-depth statements for the record to this report can be found at [www.pva.org](http://www.pva.org). The full report can be viewed at <https://commissiononcare.sites.usa.gov/>.

### **House Passes Important Legislation**

As Congress returned after Labor Day from its annual summer recess, a few veterans-related bills passed through the House. H.R. 5620, the "VA Accountability First and Appeals Modernization Act," has two major components. The first is a set of accountability measures which would institute reforms at the Department of Veterans Affairs (VA) and provide the Secretary increased flexibility to remove a VA employee for performance or misconduct. It also strengthens whistleblower protections, including restricting bonus awards for supervisors who retaliate against whistleblowers.

The second major component of H.R. 5620, is the proposed overhaul of the veterans' disability claims and appeals process that PVA has been involved with since the plan's inception. The legislation is the work product of a collection of VSO's who collaborated and negotiated for several months with VA. While PVA supports the proposed system, we still insist there is further work to be done to deal with how that system is implemented.

With appeals now taking a minimum of three years on average to adjudicate, there is a strong consensus on the Hill that reform is needed now. PVA participated in a press conference held at the Capitol Visitor Center promoting the issue. Several members of Congress were present, including Senator Richard Blumenthal (D-CT), who introduced S. 3328, a bill that mirrors only the appeals provisions in H.R. 5620. Because the accountability portion of H.R. 5620, is highly politicized, its fate in the Senate remains unclear. However, PVA does support both components of H.R. 5620.

The House also passed H.R. 3471, the "Veterans Mobility Safety Act," by voice vote with strong bipartisan support. The bill will require VA to develop safety certification standards for vendors installing Adaptive Automobile Equipment (AAE). Current law does not require individuals or businesses installing adaptive equipment to demonstrate any sort of qualifications or expertise to do so, sometimes leading to faulty and dangerous installations. The process of developing those standards would include industry representatives, the National Highway Traffic Safety Administration, and most importantly, veterans' service organizations. Given the very high percentage of PVA members who rely upon AAE, we are well-positioned to represent the interests of veterans and ensure that the standards do not diminish the availability and delivery of these products. We are now awaiting Senate consideration of a similar bill. Senator



Jerry Moran (R-KS) is preparing to introduce an amended version of H.R. 3471, which PVA supports, that should see this important legislation signed into law.

The House also passed H.R. 5936, the “Veterans Care Agreement and West Los Angeles Leasing Act of 2016.” While PVA supported the overall intent of the bill and particularly the provisions related to provider agreements, we expressed serious concerns about aspects of the legislation. VA has long struggled to attract smaller provider organizations necessary to fill gaps in health care services found in rural areas due to the laborious FAR process that governs contracting. This bill will streamline the process for providers, allowing greater access to care as smaller organizations find it feasible to join the VA’s health care network. PVA objected, however, to the bill’s weakening of employment opportunities and protections available for veterans, veterans with disabilities, and individuals with disabilities. The bill ultimately permits Veterans Care Agreement providers to not comply with important nondiscrimination and affirmative hiring provisions. PVA and our partners in the disability and veterans communities have long opposed efforts to minimize this compliance.

### **Work Continues on ACCESS Committee**

The DOT ACCESS Committee that was established in May will meet for the 5th time in mid-September with one more face to face meeting scheduled for October before the Committee completes its work. The Committee appointees are working hard to come to a consensus point of agreement on the definition of a service animal, whether DOT should require new single aisle aircraft to have an accessible lavatory and should in-flight entertainment and communications be accessible for those who are deaf and hard of hearing and or blind.

Before the September meeting members of the lavatory working group traveled to Dallas to board and study four different American Airlines twin aisle aircraft to view configurations of the accessible lavatory. Twin aisle aircraft are required to have one accessible lavatory that would allow a passenger on an on-board wheelchair to enter the lavatory and have the door closed. The working group also reviewed a smaller commuter-style plane to better understand the challenges with accessibility on that model of aircraft. The Committee members hope to garner information and ideas from the design of these lavatories that can be used on single aisle aircraft.

### **PVA Supports Fair Pay and Safe Workplaces Regulations**

To ensure that federal contractors better comply with laws that protect their workers’ safety, wages and civil rights, the U.S. Department of Labor announced on August 25<sup>th</sup> final regulations and guidance implementing the [Fair Pay and Safe Workplaces Executive Order](#). Signed by President Obama in July 2014, the order requires prospective federal contractors to disclose labor law violations and gives agencies more guidance on how to consider labor violations when awarding federal contracts. It directs

the department and the council to issue regulations and guidance to implement the new requirements.

In a statement coinciding with the regulations release, PVA Executive Director, Sherman Gillums stated, "Every American should be protected against discrimination of any kind in the workplace, and Paralyzed Veterans of America commends President Obama for taking this action. The American workforce is increasingly diverse. As a result, upholding an equal opportunity to work is vital. The executive order will help prevent discrimination against veterans and people with disabilities by requiring that violations of labor and employment rights laws-such as the Americans with Disabilities Act, Vietnam Era Veterans' Readjustment Assistance Act and Section 503 of the Rehabilitation Act-be among the considerations taken into account by the federal government in its contracting process."

Overall, the action will help protect taxpayers, law-abiding businesses, and the more than one-in-five Americans employed by companies that do business with the federal government. These final regulations will allow contracting agencies to begin implementing the order and identify companies with egregious violations. They can then be held accountable for amending their procedures before they receive any future contracts.

In supporting this action by the President, Gillums also noted that there have been recent Congressional efforts to undermine the order with the inclusion of provisions in the House and Senate National Defense Authorization bills to exclude Department of Defense contracts-which account for approximately two thirds of government contracts-from coverage under the order. Lawmakers in both houses and the Obama Administration are now working to ensure that this language is removed from the final version of the legislation during conference committee. "For the sake of Paralyzed Veterans members who are seeking employment with federal contractors, I sincerely hope that this language will be struck from the defense bill," Gillums concluded.

The final regulations will be effective on October 25, 2016, and be implemented in phases to give contractors time to understand their responsibilities. The final guidance is available at: <https://www.federalregister.gov/articles/2016/08/25/2016-19678/guidance-fair-pay-and-safe-workplaces>. The final regulations are available at: <https://www.federalregister.gov/articles/2016/08/25/2016-19676/federal-acquisition-regulation-fair-pay-and-safe-workplaces>

