



Paralyzed Veterans
of America

WASHINGTON UPDATE

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

Written and produced by Paralyzed Veterans of America - Government Relations Department

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PVA's 2020 PUBLIC POLICY PRIORITIES FOR THE 116TH CONGRESS—2ND SESSION

Veterans must have access to high quality, comprehensive, and veteran-centric health care as well as timely and accurate delivery of all earned benefits.

Strengthen and Improve the VA Health Care System and Services

A. Protect Access to VA's Specialized Services

Congress must protect access to specialized services within VA, including the spinal cord injury/disorder (SCI/D) system of care, to ensure that it remains strong and effective. Congress must also ensure that VA's health care system is able to effectively meet its staffing requirements.

B. Improve Access to VA's Long-Term Services and Supports

Congress must provide oversight of VA's expansion of its Program of Comprehensive Assistance for Family Caregivers (PCAFC) to ensure it is executed in a fair and timely manner and expand eligibility for the PCAFC to include veterans with serious illnesses like ALS and MS. Congress must also maintain a safe margin of community living center capacity for veterans with SCI/D.

C. Access to IVF

Congress must make in-vitro fertilization (IVF) a permanent part of VA's medical care package.

D. Care for Women Veterans with SCI/D

Congress must ensure that VA is able to fully meet the needs of women veterans with catastrophic disabilities, including considering their needs in any decisions involving VA's delivery of gender-specific health care.

Strengthen VA Benefits

A. Benefits Improvement for Catastrophically Disabled Veterans

Congress must improve benefits for veterans with the most severe disabilities by:

- Increasing the Automobile Allowance Grant and ensuring that veterans receive appropriate Automotive Adaptive Equipment reimbursement;
- Addressing the transportation needs of non-service-connected veterans to help restore, promote and preserve the highest state of health possible; and
- Prioritizing claims for Specially Adapted Housing for veterans with ALS and increasing the amount and usability of the grant for all catastrophically disabled veterans.

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Government Relations Department

801 18th Street, NW · Washington, DC 20006

(800) 424-8200 · (800) 795-4327 · www.pva.org

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B. Benefits for the Surviving Spouses of Catastrophically Disabled Veterans

Congress must ensure survivors of veterans who die from ALS receive the full benefits they are due.

Veterans with disabilities must have equity in access to the opportunities and freedoms available to all Americans to allow them to live, work, travel, and fully participate in society.

Strengthen and Protect the Systems and Civil Rights that Support People with Disabilities

A. Improve Access to Air Travel for Passengers with Disabilities

Congress must improve access to air travel by requiring airlines to ensure that airplanes meet broad accessibility standards and strengthening Air Carrier Access Act enforcement through referral of certain complaints to the U.S. Attorney General and a private right of action.

B. Protect and Increase Compliance with the Americans with Disabilities Act (ADA)

Congress must continue to protect the rights of people with disabilities to seek immediate redress of discriminatory barriers in public accommodations under the ADA and increase and expand the tax incentives available to assist businesses with ADA compliance.

C. Preserve and Strengthen Financial and Health Security for People with Disabilities

Congress must strengthen and enhance the Social Security system and protect Medicare, while rejecting efforts to undermine these earned benefits programs that represent an economic safety net for millions of Americans.

D. Disaster Response and Recovery that Meets the Needs of People with Disabilities

Congress must address current gaps in the ability of the emergency response and recovery system to address the needs of people with disabilities and ensure disability inclusive disaster management policies and practices.

VETERANS' COMMITTEES LEADERSHIP IDENTIFY 2020 GOALS

The leaders of the House and Senate Veterans' Affairs Committees recently shared their areas of focus for 2020. Last year saw the passage of legislation expanding Agent Orange benefits, promoting suicide prevention, addressing the growing issue of toxic exposures from open air burn pits, and the lifting of limitations on some veteran and family benefits. We will see more along this vein in 2020.

Suicide prevention remains the top priority for committee leaders. Representative Mark Takano (D-CA), Chairman of the House Veterans' Affairs Committee, has asked to hear from veterans about how Congress can improve services. Representative Phil Roe (R-TN), Ranking Minority Member of the House Committee, believes one solution is H.R. 3495, the [Improve Wellbeing for Veterans Act](#) (Improve Act), which despite controversy between committee members, passed out of committee last year.

Senate Veterans' Affairs Committee Chairman Jerry Moran (R-KS) and Ranking Minority Member Senator Jon Tester (D-MT) are also focused on suicide prevention. On January 29, the committee marked up an amended version of S. 785, the [Commander John Scott Hannon Veterans Mental Health Care Improvement Act](#), which had similarities to the Improve Act.

The four leaders also signaled their intent to improve services and care for women veterans. A comprehensive bill, the Deborah Sampson Act, is finally seeing movement and could be sent to the

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President for his signature this year. The House approved its version, H.R. 3224, of the bill in mid-November and parts of the Senate's rendering, S. 514, were included in the amended version of S. 785.

Finally, the passage of the Blue Water Navy Act last year kindled a new effort by the committee leadership in both chambers to look at other toxic exposures that occur during military service. The House committee's interest increased significantly last year, following Chairman Takano's visit to service members in Afghanistan where he saw and experienced toxic exposures first hand.

In addition to these priorities, the committees will also provide oversight of VA's unfolding MISSION Act implementation and other pressing issues facing the department. The PVA Government Relations team will continue to work with the Veterans' Affairs Committees and others in Congress to ensure our legislative priorities for 2020 also remain at the forefront of the minds of those on Capitol Hill.

ACCESSIBLE VOTING ACT OF 2020 INTRODUCED IN THE SENATE

On January 16, U.S. Senators Bob Casey (D-PA), and Amy Klobuchar (D-MN), introduced S.3206, the [Accessible Voting Act](#), which would support state and local efforts to improve voter accessibility and remove barriers to voting. In the 2016 general election, 16 million votes, representing 11.5 percent of the total votes, were cast by people with disabilities. Despite federal laws requiring fully accessible voting places, barriers to vote for people with disabilities still exist. In 2016, only 40 percent of polling places were architecturally accessible and only 45 percent of voting booths were accessible. Combining these deficiencies of physical and voting booth access a [GAO study](#) found that only 17 percent of the polling places it examined during the 2016 election were fully accessible.

PVA has had a long-standing commitment to ensuring that voting is accessible. The integrity of our democracy is based on the right to vote of all eligible voters who are registered. Over the years PVA helped expand access to voting with the passage of the Americans with Disabilities Act (ADA). The ADA requires polling places to be accessible to people with disabilities ([ADA Checklist for Polling Places](#)). Furthermore, the National Voter Registration Act (NVRA) made it easier to register at your local Division of Motor Vehicles (DMV) and the Help America Vote Act (HAVA) ensured the ballot was accessible entering the age of electronic voting and established the Election Assistance Commission (EAC).

The Accessible Voting Act would:

- Establish the Office of Accessibility within the EAC to support and oversee state efforts to expand voter accessibility and serve as a resource for advocates and voters;
- Provide up-to-date voting information and resources, through accessible websites, to ensure voters know how to register to vote, cast an absentee ballot and find help if their right to vote is challenged;
- Expand the number of options to cast a ballot in federal elections so voters with disabilities can utilize the voting option most accessible for them;
- Create a national resource center on accessible voting to conduct cultural competency trainings for election officials and poll workers to create truly accessible voting systems; and
- Increase grants to states to improve accessibility when registering to vote, voting by absentee ballot, and casting a ballot in person.

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U.S. Senator Kirsten Gillibrand (D-NY), is also an original cosponsor of the Accessible Voting Act. The bill has been referred to the Senate Committee on Rules.

NEWS ITEMS OF NOTE

- VHA ANNOUNCES A REALIGNMENT OF CENTRAL OFFICE

On January 16, Lawrence Connell, the Veterans Health Administration's (VHA) Chief of Staff, held an informal conference call with PVA and other veterans and military service organizations to brief them about a proposed realignment of VA Central Office. According to VA, the reorganization will ensure VHA programs, staff and resources are best aligned to advance VHA's transformation into an integrated high reliability health care organization. VA emphasized that this is not a reduction in force and no employee will be terminated as a result of this organization change. The call was held in response to an earlier [press release](#) from VA about the reorganization that triggered numerous concerns. PVA is continuing to evaluate the impact of these changes on the SCI system of care.

- DOT RELEASES SERVICE ANIMAL IN AIR TRAVEL REGULATIONS

On January 22, the U.S. Department of Transportation (DOT) released its proposed amendments to the Air Carrier Access Act (ACAA) regulation on transporting service animals on aircraft. Once officially published, the public has 60 days to provide comments on the proposed changes to DOT. The proposed rule would mean big changes for all service animal users. Under the proposed rule, airlines would be able to request that any passenger traveling with a service animal complete DOT forms attesting to their service animal's good behavior, health, and training. The recommended changes would also allow airlines to require travelers with service animals to check-in early for their flight. The proposed rule would also allow airlines to prohibit transport of emotional support animals unless the individual complies with rules and fees for transporting pets. The proposed rule is available here: <https://www.transportation.gov/sites/dot.gov/files/docs/resources/individuals/aviation-consumer-protection/359646/traveling-air-service-animals-nprm.pdf>. PVA has concerns with many parts of the proposed rule and will provide comments to DOT.

- STUDY ON THE FEASIBILITY OF IN-CABIN WHEELCHAIR RESTRAINTS MOVES FORWARD

PVA is pleased with the launch of the U.S. Access Board's study to assess the feasibility of equipping aircraft with restraint systems so that passengers who use wheelchairs can remain in them while in-flight. The Board announced in October 2019 that it would conduct a study. The U.S. Access Board is carrying out this study through the National Academy of Sciences' Transportation Research Board (TRB). TRB organized a team of experts to serve on the committee on the Feasibility of Wheelchair Restraint Systems in Passenger Aircraft for the study's evaluation. PVA members Peter W. Axelson and Dr. Rory A. Cooper were both appointed to serve on the committee. The first meeting of the committee will be on February 5-6. To register to view the meeting remotely, please visit: <http://www.trb.org/Main/Blurbs/180140.aspx>.

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- PVA SUPPORTS COMMON SENSE LEGISLATION ON SOCIAL SECURITY STATEMENTS

PVA has endorsed a bipartisan legislation ([H.R. 5306](#) and [S. 2989](#)) to require the Social Security Administration to resume mailing every American age 25 and older a statement explaining the benefits he or she can expect to receive. Introduced late last year, the Know Your Social Security Act was sponsored by House Ways and Means Social Security Subcommittee Chairman John Larson (D-CT), Ways and Means member, Vern Buchanan (R-FL), Senate Finance Committee member Ron Wyden (D-OR) and fellow Finance Committee member, Bill Cassidy (R-LA).

The Social Security Administration used to send out earnings and benefits statements to almost all workers and beneficiaries but stopped doing so in 2011 in order to save money. The agency assumed that people could always check their benefits any time online. The agency in 2010 mailed over 150 million statements, for example, but in 2018, that dropped to about 10 million people age 60 or older who haven't claimed benefits or checked on what they can expect online. A similar number of people checked online on their own, meaning about 125 million fewer people are getting the information than were a decade ago.

- DECEMBER JOB GAINS MINIMAL FOR PEOPLE WITH DISABILITIES

Job gains were minimal for Americans with disabilities at the close of 2019, according to the January National Trends in Disability Employment – [Monthly Update](#) (nTIDE), issued by [Kessler Foundation](#) and the [University of New Hampshire's Institute on Disability](#) (UNH-IOD). In the [Bureau of Labor Statistics \(BLS\) Jobs Report](#) released in early January, the employment-to-population ratio for working-age people with disabilities increased slightly from 30.4 percent in December 2018 to 30.6 percent in December 2019 (up 0.7 percent or 0.2 percentage points). For working-age people without disabilities, the employment-to-population ratio also increased from 74.1 percent in December 2018 to 74.8 percent in December 2019 (up 0.9 percent or 0.7 percentage points). The labor force participation rate for working-age people with disabilities was unchanged from 33.3 percent in December 2018 to 33.3 percent in December 2019. For working-age people without disabilities, the labor force participation rate increased from 76.9 percent in December 2018 to 77.3 percent in December 2019 (up 0.5 percent or 0.4 percentage points). The labor force participation rate is the percentage of the population that is working or actively looking for work.

- DOL PLANS FOR ADA 30TH ANNIVERSARY

The Department of Labor's Office of Disability Employment Policy (ODEP) [announced plans](#) for a yearlong celebration of the 30th anniversary of the Americans with Disabilities Act (ADA). Centered around the theme of "Increasing Access and Opportunity," commemoration activities will include events, speeches, and new compliance assistance resources. The ADA's anniversary will serve as a key component of the National Disability Employment Awareness Month (NDEAM) observance in October.

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- DOL ASSISTANT SECRETARY NOMINEE ANNOUNCED

On January 14, President Trump announced his plans to nominate Julie Hocker to be an Assistant Secretary of Labor for Disability Employment Policy. Ms. Hocker currently serves as the Commissioner of the Administration on Disabilities at the Administration for Community Living at the Department of Health and Human Services.

- HOUSE PASSES OLDER WORKER PROTECTIONS BILL

On January 15, the House of Representatives passed by a vote of 261 to 155 the bipartisan Protecting Older Workers Against Discrimination Act (POWADA), H.R. 1230. Ten years ago, the Supreme Court erected a new and substantial legal barrier in the path of equal opportunity for older workers. In *Gross v. FBL Financial Services, Inc.* (2009), the Court imposed a much higher burden of proof on workers who allege age discrimination than is required of those who allege discrimination based on race, sex, national origin, or religion. Proving that discrimination tainted the employer's conduct was no longer enough; after *Gross*, older workers must prove that discrimination played a decisive role in the employer's action. POWADA is important to our members as people with disabilities because it will restore well-established legal standards on workplace discrimination that were upended by the Supreme Court's decision. A similar bill has been introduced in the Senate, S. 485. Its ultimate chances of success are unclear, however, because the White House has issued a statement that the President would veto the bill, if adopted.

- RAISE FAMILY CAREGIVERS ADVISORY COUNCIL SEEKS PUBLIC INPUT

The RAISE Family Caregivers Act of 2017 established an advisory council that reflects the diversity of the more than 43 million caregivers in America. The Administration for Community Living wants to hear about caregiver experiences, challenges, successes, and ideas to help the advisory council develop its national strategy on family caregiving. The deadline for comment is February 7. For more information and [sample ideas for comments](#) from the Consortium for Citizens with Disabilities.

- HVAC SUBCOMMITTEE REVIEWS HUD/VASH PROGRAM

On January 14, the House Veterans' Affairs Subcommittee on Economic Opportunity met to examine the Department of Housing and Urban Development-VA Supportive Housing (HUD-VASH) Program. HUD-VASH is a collaborative program between HUD and VA that combines HUD housing vouchers with VA supportive services to help veterans who are homeless and their families find and sustain permanent housing. During the hearing, VA reported many HUD/VASH vouchers went unused last year for reasons such as poor landlord participation, insufficient value to cover the cost of housing in densely populated areas, and a shortage of staffing in the VA to assign the vouchers. Witnesses from private entities noted that annual point-in-time counts of veterans experiencing homelessness have decreased by nearly 50 percent since 2009. Witnesses urged the panel to continue investing in housing programs, which when coupled with administrative changes to make the HUD-VASH program more effective, would prevent vouchers from going unused. On a related note, this hearing came on the heels of the House passing H.R. 2398, the Veteran HOUSE Act of 2020, which would

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expand eligibility of the HUD/VASH program to chronically homeless veterans who were discharged under other-than-honorable conditions. Many in Congress felt the move was necessary to ensure these veterans have safe and reliable options for housing as evidenced by its 362 to 31 approval vote. A similar level of support is expected in the upper chamber when the bill is considered there.

- **HEALTH STILL RANKS AS TOP CONCERN FOR NEWLY SEPARATED VETERANS**

A [survey](#) of nearly 10,000 veterans newly separated from military service found most were satisfied with their work and social well-being, but more than half reported chronic physical health problems, and a third reported chronic mental health conditions. The most commonly reported health conditions were chronic pain, sleep problems, anxiety, and depression. Slightly more than half of participants said they had reduced satisfaction with their health between when they first left the military and a few months later.

Researchers say their findings have implications not only for VA but for the wide spectrum of organizations nationwide—more than 40,000 in all—that provide programs, services, and support for veterans making their transition back to civilian life. Support provided to veterans leaving the military in recent years has focused on employment and educational assistance and informing veterans of their benefits. The findings from this study suggest that meeting the health care needs of separating members must be given even greater priority.

UPCOMING EVENTS

- On February 12 at 2:00 p.m. ET, please join us for a webinar on “Preparing for PVA's 2020 Advocacy/Legislation Seminar Part II: Issues Overview.” Register in advance for this webinar by visiting: https://pva.zoom.us/webinar/register/WN_QqizI41qSdqIJWjCpBbXEA. The recording of the January 16 webinar, “Preparing for PVA's 2020 Advocacy/Legislation Seminar Part I: Event Logistics,” is available here: https://pva.zoom.us/webinar/register/WN_QqizI41qSdqIJWjCpBbXEA.
- On February 6, at 10:00 a.m. ET, PVA will testify before the House Veterans' Affairs Committee, Subcommittee on Economic Opportunity on several pieces of legislation, including bills that would provide eligible veterans with a second auto grant. To watch the hearing, please visit: <https://veterans.house.gov/events/hearings>.
- The Annual Disability Statistics Compendium will be released on February 11. Those in the Washington, DC area may attend in person but webcast participation is also available. Sponsors ask that those interested register if they plan to attend in-person or via webcast. The agenda, presenters, and logon procedures (for web viewers) will be emailed as they become available. To register, go to <https://disabilitycompendium.org/event>.