



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 Unveils Massive Omnibus Bill

On April 28, 2016, the Senate Committee on Veterans' Affairs introduced a comprehensive bipartisan bill that would address a wide array of veterans' health care and benefits issues. PVA generally supports the provisions of the bill. The bill reflects several high priorities for PVA. We are particularly pleased that the VA would incrementally open the Comprehensive Family Caregiver Program to veterans of all eras (not just post-9/11). The bill also includes a significant emphasis on accountability as well as provisions from the "Express Appeals Act," which PVA played a significant role in developing.

PVA strongly supports the expansion of the Caregiver Program outlined in this bill. Our members would benefit from the expansion of this program more than any other cohort of the veterans population. Caregivers are the most critical component of rehabilitation and eventual recovery for veterans with a spinal cord injury or disease.

We also appreciate the emphasis on accountability across all of VA. PVA believes that Secretary McDonald and Deputy Secretary Gibson want to hold bad employees at the VA accountable in the most appropriate fashion, but current law challenges that goal. The bill does come up short of the level of accountability needed to address failures that goes well beyond just the senior executives of VA.

PVA has also been closely involved in work to improve the appeals process for veterans who have filed claims. Last year, we began working with our partners in the veterans' service organization community to develop the "Express Appeals Act." We are glad to see that work carried over into the provisions of the "Veterans First Act." However, the long-term prospect of inclusion of the appeals provisions is unclear due to the significant push the VA is making on larger VA appeals reform.



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Despite the wide scope of this omnibus bill, more work remains to be done. The House Committee on Veterans' Affairs has already passed more than two dozen bills, many of which reflect provisions similar to the "Veterans First Act." We hope that the Senate will act on this bill soon so that the House and Senate Committees on Veterans Affairs can develop a final comprehensive bill to benefit veterans and their families. Any final bill should address the challenges that many veterans still face when accessing health care and filing claims for benefits.

House VA Subcommittee Marks Up H.R. 3471, the "Veterans Mobility Safety Act"

On April 29, 2016, the House VA Subcommittee on Health marked up H.R. 3471, the "Veterans Mobility Safety Act." The revised bill includes significant language changes to address concerns brought by outside equipment dealers to PVA leadership. Interestingly, NMEDA attempted to prevent passage of the bill with our proposed changes at the last minute, despite previously indicating that they would support our amended draft. We have had a significant number of meetings with representatives from both sides of the business perspective in recent weeks. It is clear that many companies are trying to modify the amended legislation to best position themselves in the marketplace.

As amended, the bill would now place the responsibility on the VA to develop safety certification standards for Adaptive Automobile Equipment (AAE). 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 specifically, something the industry does not seem to have top-of-mind.

We anticipate that this legislation will be marked up soon by the full House Committee on Veterans' Affairs. The prospect of success with this bill in the Senate remains unclear.

Capacity Reporting Legislation Introduced

On April 28, 2016, Senators Sherrod Brown (D-OH) and Pat Toomey (R-PA) introduced S. 2883, the "Appropriate Care for Disabled Veterans Act," and Representatives Jeff Denham (R-CA) and Sean Patrick Maloney (D-NY) introduced the companion bill—H.R. 5091. This bi-partisan legislation reinstates the requirement for the VA to report on its capacity to provide specialized services, to include spinal cord injury or disease, blinded care, mental health care, and long-term care.

The original reporting requirement expired in 2008. Since that time, there have been continuous reports of bed closures, staffing shortages, and denied access to care.

This bill will ensure that VA can be held accountable for its mandated responsibility to care for those veterans with the most severe disabilities. Additional cosponsors of the Senate legislation include Senator Patty Murray (D-WA), Senator Bernie Sanders (I-VT), and Senator Bob Casey (D-PA).

We have reached out to all PVA chapters and members and encouraged them to contact their senators and representatives to ask them to support this bill. Government Relations staff is also working on increasing the numbers of co-sponsors as well as getting the bill on an upcoming hearing agenda for consideration. We continue to provide updates as this effort progresses.

Senate Appropriations Bill Includes Funding for IVF for Veterans

On April 14, 2016, the Senate Appropriations Committee passed an amendment to H.R. 4974, the "FY 2017 Department of Veterans Affairs (VA) and Military Construction Appropriations Act" that would allow the VA to cover the cost of procreative services, including in vitro fertilization (IVF), for veterans who sustained a service-connected reproductive injury. Currently, the Department of Defense (DOD) provides IVF for injured active duty service members while VA is explicitly prohibited from doing so. This amendment would authorize funding totaling \$88 million to VA to provide IVF in fiscal year 2017, and 2018. We will also continue our work to make procreative services permanently part of the medical benefits package of VA.

PVA has long advocated that VA provide procreative services as part of the medical care benefits package. While this is a critical step forward, the amendment must still pass the full Senate. The amendment, put forward by Sen. Patty Murray (D-WA), passed the Senate Appropriations Committee by a vote of 23-7 with bipartisan support.

PVA Participates in DOT Focus Group on Seating Accommodations in Air Travel

On May 3, 2016, PVA participated in a Department of Transportation (DOT) sponsored focus group on seating accommodations in air travel. DOT announced last December that it was convening focus groups to develop training modules addressing the top areas of complaint received from passengers with disabilities in air travel. Between December 2015, and May 2016, DOT held four separate focus groups comprised of airline representatives and consumers with disabilities. The topics addressed were (1) wheelchair and guide assistance at airports and on aircraft; (2) transport of wheelchairs and other mobility aids in aircraft; (3) travel with service animals; and (4) accessible aircraft seating accommodations. The purpose of these focus groups was to develop training materials for use by airline personnel and their contractors. Additional materials will be developed for passengers with disabilities.

Under the Air Carrier Access Act (ACAA), an airline must provide a passenger who uses a service animal or has a fused or fixed leg with a bulkhead seat upon the passenger's request. Passengers with other types of disabilities have expressed difficulty in accessing bulkhead seating as an accommodation.

The ACAA requires an airline to provide a passenger with a disability with a seat that meets his or her needs, if requested. Passengers with disabilities who have tickets in the same class of service as the bulkhead seats should have the opportunity to use those seats if needed as an accommodation unless they are requested by a service animal user or someone with a fused or fixed leg. Thus, if the passenger has a premium economy ticket and the bulkhead seat is in premium economy, then the bulkhead seat could be provided as an accommodation.

It is also important to know that if there is a fee for using a bulkhead seat or an aisle or window versus a middle seat, then the fee is waived as long as the needed seat is in the passenger's class of service. For example, if the passenger has a standard economy ticket, and the aisle seat requested is in that class of service but has a \$15 fee, then the fee would be waived.

Airlines stressed the importance of passengers with disabilities letting them know as early as possible what accommodations, if any, will be needed on a particular flight. This is especially important if the passenger books the flight through a third party. Unfortunately, communicating needs does not always result in having those needs met. Consequently, PVA is continuing to work with DOT and Congress to improve the air travel experience and enforcement mechanisms available under the ACAA.

Senate Approves FAA Reauthorization with Key Air Carrier Access Act Provisions Included

On April 19, 2016, the Senate approved an amended version of H.R. 636, the "Federal Aviation Administration (FAA) Reauthorization Act of 2016." This bill reflects a number of key provisions related to the Air Carrier Access Act (ACAA) that were originally included in the Senate version of the FAA Reauthorization. Advocacy staff worked very closely with the Committee staff and Senate leadership to get provisions related to the ACAA included in the bill. The draft language 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. It remains to be seen how the House will address these provisions because it has some larger fundamental disagreements with the Senate on other issues included in the FAA Reauthorization.

PVA Selected for Seat on Advisory Committee on Accessible Air Transportation

PVA was recently notified that Lee Page, Senior Associate Advocacy Director, has been selected to be a member of the Access Advisory Committee on Accessible Air Transportation overseen by the Department of Transportation (DOT). The Committee is comprised of representatives from the disability community as well as the airline industry. The Advisory Committee is tasked with reviewing current policy and directing new rule making in three areas: whether to require accessible inflight entertainment (IFE) and strengthen accessibility requirements for other in-flight communications; whether to require an accessible lavatory on new single-aisle aircraft over a certain size; and whether to amend the definition of "service animals" that may accompany passengers with a disability on a flight. The Committee will conduct its first face-to-face meeting on May 17, 2016.

