



Paralyzed Veterans
of America

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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.

Commission on Care Releases Report

On July 6, 2016, the Commission on Care formally released its report on the future of veterans' health care. The Commission was originally established by the "Veterans Access, Choice and Accountability Act of 2014." 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 will be providing our detailed analysis for a House Committee on Veterans' Affairs hearing on the



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Commission report in September. PVA's initial response to this report can be found at www.pva.org. The full report can be viewed at <https://commissiononcare.sites.usa.gov/>.

PVA Testifies at House VA Committee Legislative Hearing

On June 23, 2016, the House Committee on Veterans' Affairs conducted a hearing to review several key bills, to include a major appeals reform measure. Associate Executive Director of Government Relations Carl Blake testified on behalf of PVA. The majority of the discussion focused on the ongoing work to modernize the claims appeals process. After numerous all-day sessions and subsequent negotiations over the last few months between the VA and veterans service organizations, Representative Dina Titus (D-NV) introduced legislation—H.R. 5083, the “VA Appeals Modernization Act of 2016”—that reflected the changes the groups have agreed upon.

Additionally, PVA offered comments on legislation that would presumably make it easier for veterans with severe Post-Traumatic Stress Disorder (PTSD) to receive a service dog through the Department of Veterans Affairs (VA). While PVA supports the concept in principle, we offered a number of concerns about the implementation of this proposal that could further complicate efforts to provide service animals to all eligible veterans. The full PVA statement is available at www.pva.org.

Subsequent to this hearing, House VA Committee Chairman Jeff Miller (R-FL) introduced legislation—H.R. 5620, the “VA Accountability First and Appeals Modernization Act”—that included H.R. 5083 as well as significant provisions addressing accountability across the VA. PVA offered support for Chairman Miller's bill.

Senate VA Committee Conducts Legislative Hearing

On June 29, 2016, the Senate Committee on Veterans' Affairs conducted a hearing to consider several health care and benefits legislative proposals. The Committee did not consider any bills that were particularly controversial. PVA generally supported all of the bills (with minor exceptions) that were discussed during the hearing. The full PVA statement for the record is available at www.pva.org.

Senate Fails to Approve Appropriations Conference Report That Includes Funding for IVF for Veterans, Capacity Reporting Provisions

On June 28, 2016, the Senate voted against the conference report for approved H.R. 2577, an appropriations omnibus bill that included the “Military Construction and Veterans Affairs Appropriations Act for FY 2017.” This bill included three important provisions for PVA and its members. First, it provides direct funding for the provision of procreative services, specifically in vitro fertilization. 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). Third, it provides for beneficiary

travel to non-service connected catastrophically disabled veterans who are receiving in-patient care or who receive temporary lodging during the course of their care. The House approved its conference report the week before the July 4th recess, including these provisions. The Senate rejected the bill due to concerns about Zika funding that House and Senate leadership attached to the appropriations bill.

House Appropriations Committee Approves Amendment that Could Undermine IVF Treatment for Veterans and Service Members

On July 13, 2016, Rep. Andy Harris (R-MD), introduced an amendment during the markup for the Labor-HHS appropriations bill. The amendment would only allow federal funds to provide IVF so long as all embryos made in the process were stored indefinitely. Such a requirement makes the provision of IVF at the Department of Defense (DOD), and potentially in the future at VA, wholly untenable.

The American Society for Reproductive Medicine (ASRM), the organization that represents over 8,000 American fertility specialists says the Harris amendment directly contradicts the best clinical practices and would deny access to care. Unfortunately, Rep. Harris used his position as a doctor (an anesthesiologist) to validate his position and many of the members of the Committee accepted his views as expert. The amendment was ultimately agreed to 29-21, with one Democrat voting for it and one Republican voting against it.

PVA will work to prevent the amendments inclusion in the senate companion or in a possible omnibus appropriations bill. This amendment, while seemingly benign, is an intentional barrier to care and would undermine the existing IVF services at DOD and prevent any future services through VA.

Government Relations Hosts Hill Briefing on ACAA

On June 17, 2016, the Government Relations Department hosted a Congressional briefing on Capitol Hill for House and Senate staff members to discuss the Air Carrier Access Act (ACAA) and the work we are doing to improve the law. The briefing was moderated by PVA Executive Director, Sherman Gillums, PVA Associate General Counsel for Corporate and Government Relations Heather Ansley, and Senior Associate Advocacy Director Lee Page participated in the panel. The panel also included representatives from the disability community who are partnering with us on the ACAA initiative. Nearly 70 congressional staff members attended.

Advocacy Staff Attends ADA Symposium

During the week of June 20, 2016, the National Advocacy Program staff—Lee Page, Susan Prokop, and Heather Ansley—attended the National ADA Symposium in Denver, CO. The symposium provides attendees from around the nation with an opportunity to

learn about the latest developments in the ADA. Sessions focused on issues such as access to stadiums, employment, outdoor recreation, service animals, and voting. The event provides an opportunity to network with disability community advocates from all over the United States.

The symposium kicked off with John Register, Associate Director for Community and Veterans Programs for the U.S. Paralympics. Following the opening session, participants had the opportunity to attend 8 of over 70 breakout sessions over a three day period. Information shared at these sessions included updates from key officials in charge of enforcing the ADA. At the session presented by the Department of Justice, officials noted that for the first time the Department has no backlog of ADA complaints due in part to the initiation of an online complaint process.

Next year's symposium will be held in Chicago May 14-17th. More information is available at: www.adasymposium.org.

Lee Page, Senior Associate Advocacy Director, Visits Boeing Manufacturing Facility

Following the completion of the ADA Symposium, PVA Senior Associate Advocacy Director Lee Page participated in a meeting at the headquarters of Boeing manufacturing in Seattle, Washington. He participated in this briefing as a member of the Access Committee being overseen by the Department of Transportation. Lee is the Chairman of the Subcommittee charged with reviewing onboard lavatories on airlines. During the presentation at Boeing, he and his colleagues on the Access Subcommittee were able to tour Boeing aircraft to understand the accessible lavatories and interior design of the aircraft to support those lavatories and onboard wheelchairs used to access the lavatory (not the aisle chair). This meeting is meant to help inform the recommendations that the Access Committee will ultimately make to DOT on this issue.

FAA Extension Includes Disability-Related Provisions

After efforts to pass a long-term FAA reauthorization stalled, the House and Senate moved forward with an extension of the current authorization which was set to expire on July 15. This extension will expire in September 2017 setting up another opportunity in the next Congress to ensure that any reauthorization addresses the problems encountered by people with disabilities in air travel.

In a victory for PVA's advocacy on this issue, the extension included two disability-related provisions. Section 2107 would require the Government Accountability Office (GAO) within 270 days of enactment to submit a report to Congress regarding air carrier personnel and contractor training programs, including variations among policies between carriers, how frequently since 2005 the Department of Transportation has requested corrective action following reviewing a training policy, and the action taken by

the carrier in response. After the report is issued, the Department must develop and disseminate to air carriers best practices necessary to improve training policies. Section 2108 would require the Department of Transportation to issue specific pending Air Carrier Access Act (ACAA) regulations within one year of enactment. These regulations include accessible lavatories on single aisle aircraft, seating accommodations, and service animals. PVA is currently serving on a negotiated rulemaking that is seeking to develop a consensus rule on the definition of service animals and accessible lavatories on single aisle aircraft, as well as accessible in-flight entertainment and communications.

PVA will continue to work to include disability-related provisions in next year's FAA reauthorization. Specifically, we will seek to strengthen ACAA enforcement by amending the statute to include specific protections and a private right of action. We will also advocate to ensure that airplanes are designed to accommodate people with disabilities and that airlines must acquire planes that meet broad accessibility standards.

House Judiciary Committee Approves ADA Notification Bill

On July 7, 2016, the House Judiciary Committee passed H.R. 3765, the "ADA Education and Reform Act of 2016," as amended. This legislation, sponsored by Rep. Ted Poe (R-TX) would require a person with a disability to give notice to a public accommodation of an architectural barrier under the Americans with Disabilities Act (ADA) prior to filing a lawsuit. During the committee markup, its supporters portrayed the legislation as necessary to protect the ADA and ensure access.

Notification laws put the onus on the person with a disability to find ADA violations and notify a public accommodation of those violations. Instead of protecting and promoting the ADA, this legislation would actually force veterans and all people with disabilities to wait in line for access to restaurants, grocery stores, and other places of public accommodation. Covered entities should continuously evaluate their businesses for appropriate access under the ADA and not wait to receive a notification before acting to make them fully accessible.

Prior to passage, the legislation was amended to remove penalties for individuals who send a demand letter or other pre-suit notification that fails to include specific information as enumerated by the legislation as introduced. However, the notification requirement itself would still impose yet another barrier to full access for people with disabilities. PVA is on the record as being strongly opposed to this legislation. National Advocacy staff previously met with the International Council of Shopping Centers, a key supporter of H.R. 3765, to express our concerns. Unfortunately, those concerns were not heeded by many of the members of the House Judiciary Committee.

Royal Caribbean Guest Advisory Board on Disabilities Meets

In July, Susan Prokop, Senior Associate Advocacy Director, attended the recent meeting of Royal Caribbean Cruises Ltd. (RCL) Guest Advisory Board on Disabilities. The Advisory Board received updates on the company's efforts to make its guest programs and services accessible to all people with disabilities. Royal Caribbean staff also announced that the cruise line will receive the first award from Autism Speaks for being an "autism friendly" business.

The advisory board received presentations about the accessibility features of RCL's wellness and spa programs as well as services offered by the Celebrity brand's Consumer Outreach department. Of particular interest to the board was a discussion led by Grant Van Ulbrich, RCL's Director of Diversity and Inclusion, about the company's recruitment and hiring efforts directed at people with disabilities. RCL is the first cruise line to establish a diversity and inclusion division and has implemented many best practices that have been identified over the years for disability recruitment, hiring and retention.

