



**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

**July 22, 2019**

Volume 25, Number 7

## **HOUSING ADAPTATION LEGISLATION MOVING FORWARD IN THE HOUSE**

On June 26, H.R. 3504, the “Ryan Kules Specially Adaptive Housing Improvement Act of 2019” was introduced in the House. The following day a nearly identical bill, S. 2022, the “Paul Benne Specially Adaptive Housing Improvement Act of 2019” was introduced in the Senate.

PVA helped develop this legislation which increases the number of times veterans can use the Specially Adaptive Housing (SAH) grants from three to six, raises the overall amount of the Specially Adapted Housing grant to \$98,492, provides a supplemental grant in certain cases where a veteran has exhausted all of his or her benefit, and allows VA to give priority to veterans who are terminally ill, to include any veteran diagnosed with Amyotrophic Lateral Sclerosis (ALS). The House Veterans’ Affairs Committee (HVAC) held a legislative hearing addressing a draft of the bill on June 22.

Amendments were added to the House version of the bill prior to its approval on July 11 by HVAC. They include:

- Allowing blinded veterans who have not lost use of a leg to be eligible for the SAH grant;
- Allowing certain preparatory courses as programs of education for purposes of VA’s educational assistance program; and
- Expanding eligibility for the Fry Scholarship to children and spouses of certain deceased members of the Armed Forces.

H.R. 3504 is slated to be considered by the full House this week. In the Senate, we are working to increase sponsorship for this legislation. Additional support will increase the possibility of favorable consideration in the fall.

Prioritizing adaptive housing claims for veterans with ALS and increasing the amount and usability of the grant is one of PVA’s top policy priorities for 2019. PVA would like to thank Representative Gus Bilirakis (R-FL), Representative Mike Levin (D-CA), Senator Jerry Moran (R-KS), and Senator Kyrsten Sinema (D-AZ) for introducing this legislation. Its passage will help

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fulfil our goal to ensure our members are able to live healthy, productive lives in homes that meet their needs in their communities.

## HOUSE VETERANS' AFFAIRS COMMITTEE HOLDS HEARING ON PENDING LEGISLATION

On June 22, the House Veterans' Affairs Committee held a hearing to review several pieces of pending legislation and a pair of discussion drafts for Specially Adaptive Housing and the work-study allowance program. PVA submitted written comments on a number of the bills such as H.R. 485, the "Veterans Reimbursement for Emergency Ambulance Services Act," which seeks to make reimbursement for emergency ambulance services consistent with how VA reimburses for other emergency medical services. PVA endorsed this legislation because we believe no eligible veteran should ever have to worry if VA is going to reimburse them for the cost of transporting them to the closest and most appropriate medical facility that is capable of treating their condition.

Another bill of note was H.R. 712, the "VA Medicinal Cannabis Research Act of 2019." There is a growing body of evidence that cannabinoids are effective for treating conditions like chronic pain, chemotherapy induced nausea and vomiting, sleep disturbances related to obstructive sleep apnea, multiple sclerosis spasticity symptoms, and fibromyalgia. H.R. 712 directs VA to carry out a clinical trial of the effects of cannabis on health conditions like these as well as post-traumatic stress disorder. PVA supports evidence-based alternative treatments, including research into the efficacy of medical cannabis. A series of clinical trials on the use of medicinal cannabis would help to determine if it could provide any medical benefits for veterans.

We opposed H.R. 3083, the "AIR Acceleration Act," which would accelerate the comprehensive review of VA capital assets directed by the VA MISSION Act of 2018 (P.L. 115-182). The timeline established in P.L. 115-182 was carefully formulated to ensure a proper assessment of VA's facilities and infrastructure, nomination of commission members, and consultation with veterans service organizations were completed prior to any official meetings by the commission. Speeding things up would effectively short-circuit the process and undermine its primary goals to ensure everything is conducted in a fair and impartial manner and guarantee the commission has accurate data to work with.

PVA gave its strongest endorsement to draft legislation we helped prepare that would result in major changes to VA's Specially Adaptive Housing (SAH) Program (as discussed in the previous article). In addition to prioritizing SAH claims for veterans diagnosed with terminal illnesses like ALS, the bill would raise the overall value of the SAH grants, increase the number of times they can be accessed and even allow VA to provide a supplemental grant in certain cases where a veteran has exhausted all of his or her SAH benefit. The improvements proffered by this legislation would benefit PVA members immeasurably, and PVA is urging Congress to pass it quickly.

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## LEASING RELIEF FOR SPOUSES OF CATASTROPHICALLY DISABLED SERVICEMEMBERS

On June 27, the Gold Star Spouses and Spouses of Injured Servicemembers Leasing Relief Expansion Act, S. 1118, was added as an amendment to the Senate's version of the FY2020 National Defense Authorization Act (NDAA).

This legislation allows the spouse of a servicemember who sustained a catastrophic injury or illness to terminate a residential lease and a motor vehicle lease during the one-year period beginning on the date of the injury or illness of the servicemember, if that servicemember sustained the injury or illness while in military service or while performing full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training. Spouses of servicemembers who have sustained a catastrophic injury or illness should not have to worry about the costs of terminating their residential and automotive leases, but instead, should be able to focus on the care of their disabled servicemember. The House version of the NDAA does not contain this language, but we encourage the joint House-Senate conference to include this important provision in the final bill.

### PVA VICE PRESIDENT JONES ON CAPITOL HILL

National Vice President Tammy Jones traveled to Washington, D.C. at the end of June to meet with Members of Congress and other stakeholders to advocate for many of PVA's legislative initiatives. During her time in Washington, Vice President Jones shared our views on key issues, including access to women veterans' health care, rehabilitation, and prosthetic services; the pending caregiver expansion; integrating people with disabilities into government plans for responding to natural and man-made disasters; and overcoming challenges to accessing air travel.

Vice President Jones met with representatives from the Dole Foundation to discuss VA's Program of Comprehensive Assistance for Family Caregivers and veterans service organizations to discuss women veterans' health issues. She also visited the offices of a dozen House and Senate lawmakers trying to ensure that the needs of women veterans with catastrophic disabilities are included in conversations about increasing outreach and services for women veterans. For example, Vice President Jones highlighted problems that our members have experienced in using VA women's clinics due to physical access barriers. She also discussed the goals of PVA's newly established women veterans committee and ways that panel could aid the efforts of the House Committee on Veterans' Affairs, Women Veterans Task Force. Ms. Jones personally met with Rep. Max Rose (D-NY) who serves on the House Veterans' Affairs and Homeland Security Committees; Rep. Susie Lee (D-NV), Chairwoman of the House Veterans Affairs Subcommittee on Technology Modernization; and Rep. Julia Brownley (D-CA), Chairwoman of the House Veterans Affairs Subcommittee on Health and the Women Veterans Task Force.

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Several of PVA's current legislative efforts fall under the purview of the Health Care Subcommittee so the meeting with Chairwoman Brownley was particularly timely. The Chairwomen asked numerous clarifying questions during a lengthy exchange with Vice President Jones to get a better understanding of the needs of veterans with catastrophically disabled veterans. As a result, Chairwoman Brownley promised to consider the needs of these veterans as the committee prepares future legislation and will ensure PVA is included in the Task Force's efforts.

## VETS SAFE TRAVEL ACT

On July 10, the Senate Commerce, Science, and Transportation Committee passed the "Veterans Expedited TSA Screening (VETS) Safe Travel Act," S. 1881, out of Committee. The bill was introduced by Senators Todd Young (R-IN) and Tammy Duckworth (D-IL) and will allow severely injured or disabled veterans as defined by the VA Secretary to have cost-free access to the TSA PreCheck program. The eligible veterans must have had a loss, or loss of use of a limb; become paralyzed or partially paralyzed; or incurred permanent blindness to require the use of a wheelchair, prosthetic limb, or other assistive device to aid with mobility. The veteran's disability does not have to be related to military service.

A companion measure, H.R. 3356, was introduced in the House of Representatives by Congressman Paul Gosar (R-AZ). On July 17, the bill passed out of the House Homeland Security Committee. The bill was also referred to the House Committee on Veterans' Affairs.

PVA assisted with the drafting of this legislation and has been working to add co-sponsors to this fast-moving bill. We believe that this bill compliments PVA's broader efforts to improve access to air travel.

## LEGISLATION TO PROTECT VETERANS AGAINST HOUSING DISCRIMINATION INTRODUCED

At the end of June, U.S. Senator Tim Kaine (D-VA) introduced the "Fair Housing Improvement Act of 2019," S. 1986, to protect veterans and low-income families from housing discrimination. A companion bill was introduced in the House of Representatives by Congressman Scott Peters (D-CA) as H.R. 3516.

Many veterans and low-income families pay their rent through housing vouchers. Under current law, landlords can deny them housing based on how they pay their rent or because of current or former military status. S. 1986 and H.R. 3516 would expand the Fair Housing Act's protections to prohibit housing discrimination based on source of income or veteran status, ensuring more families have access to affordable housing. In a press release accompanying the bill's introduction, Senator Kaine stated, "Our nation's veterans and vulnerable families should have the same right to a home as any other American, regardless of how they pay rent. I've seen firsthand the impact that discrimination has on a person searching for a home. We can no

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longer allow these barriers to keep families and veterans from finding a stable place to live. I hope my colleagues will join me in putting an end to this discrimination."

PVA has endorsed the Fair Housing Improvement Act as have the American Bar Association, Housing Opportunities Made Equal Virginia, Inc., National Housing Law Project, National Low Income Housing Coalition, Veterans Association of Real Estate Professionals, Virginia Poverty Law Center, Habitat for Humanity, Enterprise Community Partners, Virginia Housing Alliance, Equal Rights Center, and LeadingAge.

## STATUS OF BLUE WATER NAVY IMPLEMENTATION

The "Blue Water Navy Vietnam Veterans Act of 2019," H.R. 299, was signed into law on June 25. Subsequently, VA announced that it will begin processing "Blue Water Navy" claims on January 1, 2020. By placing a "stay" on these claims, VA is buying some time to develop procedures and processes needed to effectively and accurately adjudicate claims for Blue Water Navy veterans.

Many veterans service organizations have voiced their frustrations with VA for the stay noting that more veterans will suffer while procedures are being developed. During a recent meeting, VA's executive leadership conceded that little has been done in regards to implementing policies for Blue Water claim adjudication. Furthermore, when prompted, they could offer little insight into how these claims were going to be addressed.

PVA is hopeful VA will be able to effectively adjudicate these claims while also minimizing the overall impact on all veterans filing claims for disability compensation.

## VA & PRECISION MEDICINE HOUSE OVERSIGHT HEARING

On June 26, Government Relations staff attended the House Veterans' Affairs Committee's Subcommittee on Health hearing entitled, "Beyond the Million Veterans Program: Barriers to Precision Medicine."

The Million Veteran Program (MVP) aims to collect detailed medical, genetic, lifestyle, and mental health information from a million veterans, with updates throughout their lives. Once completed, it will represent one of the largest biological databases in the world. The hope is that the collection of large amounts of detailed health-related information into a single database will provide health researchers with new insights into the intersection between treatment and individual genomes.

Ideally, this research will lead the way toward the use of precision medicine, in which an individual patient's genome will guide the selection of treatment, rather than picking what works best for most people and going through a trial and error period to find the perfect match for that patient.

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Barriers do exist though, and this hearing examined VA's efforts to harness the power of the genome in order to better treat veterans. For example, during the hearing, Chairwoman Julia Brownley (D-CA) mentioned that she was in a meeting earlier in the morning and was told that ALS was more prominent in the veteran community than the civilian community, but no one knew why. Brownley asked if this type of research is looking at things such as fertility and ALS.

Dr. Clancy responded by saying it is unclear why ALS occurs more frequently among veterans than the rest of the population. Much more needs to be understood about the disease, and she believes that a better understanding of the role genomic makeups play will help.

According to Dr. Clancy, precision medicine can enable the provision of care to go much further in helping patients. The VA is also taking steps to increase and speed up the participation of veterans in clinical trials. Among these is the use of commercial review boards to approve clinical trial protocols. The VA's database is unique in that the Department has not only the collected information but also access to the veterans' electronic health records. VA is partnering with the Department of Defense to follow servicemembers who experienced mild TBI on the battlefield. Another study examines the link between patients' genomes and reactions to medications to treat depression.

The goal is to build the infrastructure needed to support as many as 100 projects at the same time, with both VA and non-VA researchers, by the end of 2021.

## LEARNING FROM WHISTLEBLOWERS AT VA

On June 25, Government Relations staff attended a House Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations hearing entitled, "Learning from Whistleblowers at the Department of Veterans Affairs."

The hearing comprised of two panels, with three witnesses on each panel. Of note, three VA whistleblowers testified before the subcommittee on how they have been retaliated against by VA officials since blowing the whistle. According to the three witnesses, the VA has been relentless in threatening them with action, taking limited action against them, and then evading any liability by reversing course. The constant harassment has ruined their lives and impeded their ability to provide care to veterans. They further claimed that when they turned to the Office of Special Counsel (OSC) for help, OSC refused to take action and left them vulnerable to VA's sanctioned retaliatory actions.

Following their testimony, Chairman Chris Pappas (D-NH) thanked the whistleblowers for coming forward and called on Congress to do a better job in protecting whistleblowers.

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## SURVEY TO MEASURE ADA IMPACT ON THE LIVES OF PEOPLE WITH DISABILITIES

The Southwest ADA Center is carrying out research to investigate the impact of the Americans with Disabilities Act of 1990 (ADA). As part of this research, they are asking people who have personal or professional experience on disability issues to complete a survey at this link - <http://sgiz.mobi/s3/ADA-Impact-2020-Survey>.

The information gathered from this survey is intended to 1) provide an understanding of what aspects of society have become more accessible due to the ADA; 2) provide information as to what areas of society still require further investigation and proposed solutions; and 3) develop and improve the information, support, and guidance needed to help further the goals of the ADA. These findings will also provide the ADA Center with the foundation for further research on the ADA and its impact on people with disabilities.

Personal experience with a disability or a family member's disability, professional involvement with people with disabilities, or other subject matter expertise will help to inform this survey. Whatever a person's experience with the ADA, the ADA Center would like to hear from you. The questionnaire will take approximately 15-20 minutes to complete (7 pages). If you are a caregiver, the Center asks that the survey be passed on to the person for whom you are caring, if you feel it is appropriate.

This research study involves no foreseeable risk or cost. All information on this survey will be kept anonymous and confidential. The National Institute on Disability and Rehabilitation Research, the ADA Center's funding agency, may review your answers but you will not be identified in the research.

If you have any questions about this research study or your rights under this research study, you may contact Isara Limlek by phone at [\(713\) 520-0232](tel:7135200232).

### **PVA STAFF MEET WITH EXECUTIVES AT SOUTHWEST AIRLINES HEADQUARTERS**

On June 20, Heather Ansley, Associate Executive Director of Government Relations, and Lee Page, Senior Associate Advocacy Director, visited Southwest Airlines headquarters in Dallas, Texas. While at Southwest, Heather and Lee met with company executives and toured the company's training facilities. Some of the executives included those who lead the customer service, in-flight experience, and ground operations teams, as well as members of those teams. In conversations with these executives and staff, we expressed concerns with wheelchair damage, problems with the boarding and deplaning equipment and assistance, and the lack of aircraft accessibility.

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Throughout our visit, we stressed the importance of communicating with passengers and proactively fixing problems as well as those later raised in complaints. In touring the training facilities and speaking with representatives from Southwest Airlines University, we were able to explore how the airline addresses the needs of people with disabilities through the employee training process. Moving forward, we will continue to make similar visits to other airline facilities to learn more about their operations and encourage improvements to the air travel process for passengers with disabilities.

## **NATIONAL ADA SYMPOSIUM HELD IN GRAPEVINE, TEXAS**

Several PVA staff attended the 2019 National ADA (Americans with Disabilities Act) Symposium in Grapevine, Texas in mid-June. This annual conference brings together national speakers, subject matter experts, and disability advocates for four days of workshops and presentations on disability laws, regulations, and emerging issues.

Lex Frieden, disability rights advocate and University of Texas Professor of Biomedical Informatics and Professor of Physical Medicine and Rehabilitation, welcomed attendees to the opening luncheon with remarks focused on the progress of disability rights and the work remaining to be accomplished. Conference sessions covered issues from refresher courses on ADA design standards, to updates from the Department of Justice on enforcement of the ADA, to programs tailored to those seeking certification as an ADA Coordinator.

Workshops addressed several hot topics in disability rights and legal advocacy including ones on coverage of service animals under various federal and state statutes and lessons learned about treatment of people with disabilities in recent natural disasters. Other sessions dealt with the benefits to companies of disability inclusive workforces, providing accommodations to patients with disabilities to ensure equal access to healthcare, relevant laws affecting travel with a disability, and common failures in accessible design.

The National ADA Symposium is a project of the ADA National Network (ADANN). ADANN is made up of ten regional centers that provide information, guidance, and training on how to implement the ADA in order to support the mission of the ADA to "assure equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities." Information about the next Symposium, as well as the work of the ADA Centers, can be found at <https://adata.org/project/ada-symposium>.