



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 NATIONAL PRESIDENT DAVID ZURFLUH TESTIFIES BEFORE CONGRESS

On March 7th, PVA National President David Zurfluh testified before a joint session of the Senate and House Veterans' Affairs Committees regarding PVA's public policy priorities. President Zurfluh's oral testimony focused solely on the implementation of the VA MISSION Act. Specifically, he focused on the need for Congress to ensure VA has the required resources needed to successfully implement the new community care and expanded caregiver programs. President Zurfluh also let the committees know that we expect VA and Congress to continue to address staffing and other concerns in VA's direct care system to ensure that PVA members continue to receive specialty care through VA's Spinal Cord Injury and Disorders System of Care.

To watch President Zurfluh's testimony, please visit:

https://www.veterans.senate.gov/hearings/legislative-presentations-of-amvets-pva-vva-iava_sva-axpow-wwp.

FY 2020 BUDGET REQUEST FALLS SHORT OF VA NEEDS

President Trump presented key details of his \$4.75 Trillion Fiscal Year (FY) 2020 Budget Proposal to Congress on March 11th. More detailed information is expected in the coming weeks, but we have enough data now to know that his request falls short of what is needed to meet the needs of VA, and it does not fully fund the VA MISSION Act or veterans' health care programs.

Compared to *The Independent Budget (IB)* recommendations for FY 2020, released last month, the Administration requested \$4 billion less for veterans' health care than the *IB* believes will be necessary to fully meet the demand by veterans for health care next year. Also, we now know, that VA will miss its fall deadline for expanding its comprehensive caregiver support program to veterans who were severely injured prior to September 11, 2001, including WWII, Korean, and Vietnam War veterans, and their family caregivers. The delay was announced by VA officials during a "Budget Rollout" briefing where they indicated that the initial certification of computer systems and programs necessary for the expansion won't occur until sometime next year. This is another unacceptable delay for men and women who have waited nearly a decade for equal treatment.

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VA construction programs would take a huge funding cut if the budget request were to be enacted. The Administration's recommendation of \$1.8 billion dollars amounts to a 44 percent reduction over current levels, and would be a significant retreat in funding to maintain VA's aging infrastructure. We strongly disagree with VA's decision to return to its old practice of underfunding infrastructure needs, and call on Congress to allocate \$3.8 billion for VA's construction accounts to maintain, repair, and expand the Department's infrastructure.

We are also troubled that the Administration's request of \$762 million for Medical and Prosthetic Research amounts to a 2 percent cut, at a time when medical research inflation is estimated to be 2.8 percent. Such a reduction would diminish VA's ability to provide the most advanced treatments available to injured and ill veterans in the future, one of VA's core missions. PVA has already recommended Congress increase VA Research funding to \$840 million.

Finally, the Administration's budget includes at least two other harmful proposals that would cut over \$4 billion dollars from veterans' disability compensation payments by rounding down cost-of-living adjustments (COLAs) and making it harder for veterans to receive exams necessary to prove their claims in the future. PVA and its IBVSO partners are opposing both of these proposals.

The Administration's request will be largely ignored by lawmakers—this is just the start of a very long process. Congress ultimately decides what level of funding VA will receive. We will be working with appropriators to ensure enough funding is provided to meet the rising demand by veterans for care at VA hospitals and clinics, and fully and faithfully implement the provisions of the VA MISSION Act.

PRESIDENT'S BUDGET INCLUDES TROUBLING PROPOSALS FOR PEOPLE WITH DISABILITIES

For Americans with disabilities, the Administration's budget contained a number of troubling features. Recycling proposals from previous years, the FY 2020 budget would cut Medicare by \$818 billion over ten years through changes in payments to hospitals for uncompensated care, new policies that would reduce payments for hospital outpatient care, and cuts in reimbursement to hospital-owned practices not located on hospital campuses. Payments for graduate medical education would also decline by approximately \$210 billion over 10 years.

Medicaid is targeted for a \$1.5 trillion cut over ten years through block granting the program and giving states more flexibility on Medicaid requirements. Among the suggested changes, the Administration would allow states to consider an individual's savings when assessing eligibility for Medicaid and permit them to increase cost-sharing for non-emergency uses of emergency rooms.

The Social Security Administration's operating budget would be reduced by \$400 million. Coupled with previous budgets' underfunding of SSA administrative functions, advocates fear this could lead to further delays in benefits processing and adjudication along with additional closures of field offices.

The Administration would cut the Department of Housing and Urban Development (HUD) budget by \$8.6 billion or 16.4 percent below 2019 enacted levels, resulting in deep cuts to affordable housing and community development programs. If passed by Congress, some of the nation's poorest elderly and disabled families would see significant increases in their monthly rents as well as the elimination of

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income deductions for medical or childcare expenses. The budget would also decrease funding for HUD's Fair Housing Initiatives Program, which investigates housing discrimination, by \$3 million. Also, targeted for elimination is the Community Development Block Grant (CDBG) program which is a prime source of disaster recovery funds.

Within the Department of Labor, the Transition Assistance Program (TAP) would receive an increase of \$6 million over the FY 2019 enacted level. The Administration level funded other veterans programs including Jobs for Veterans State Grants (JVSG) at \$180 million, Homeless Veterans' Reintegration Program (HVRP) at \$50 million, the National Veterans' Training Institute (NVTI) at \$3.4 million, and Uniformed Services Employment and Reemployment Rights Act (USERRA) enforcement at \$43 million. The Office of Disability Employment Policy (ODEP) would be cut by 30 percent from \$38 million to \$27 million.

Other programs important to people with disabilities were level funded including the Department of Transportation's Office of Civil Rights (\$9.5 million), Protection and Advocacy Systems (\$17.7 million) and Client Assistance Programs (\$13 million). State vocational rehabilitation agencies funded through the Rehabilitation Services Administration received their statutorily mandated inflation adjustment with an increase of \$88.1 million over the FY 2019 mandatory level.

AIR CARRIER ACCESS AMENDMENTS ACT RE-INTRODUCED IN HOUSE AND SENATE

On March 6th, Senator Tammy Baldwin (D-WI) and Representative Jim Langevin (D-RI) introduced the Air Carrier Access Amendments Act of 2019 (S. 669 / H.R. 1549). This legislation continues their commitment to ensure that passengers with disabilities are treated with dignity and provided equal access to air travel. S. 669 has seven cosponsors and is referred to the Senate Committee on Commerce Science and Transportation. Meanwhile H.R. 1549 has eight cosponsors and is referred to the Subcommittee on Aviation, House Committee on Transportation and Infrastructure.

Specifically, the Air Carrier Access Amendments Act will:

- Strengthen Air Carrier Access Act enforcement by requiring referral of certain passenger-filed complaints to the Department of Justice and establishment of a private right of action;
- Ensure new airplanes are designed to accommodate the needs of people with disabilities by requiring airlines to meet defined accessibility standards. These standards will address safe and effective boarding and deplaning, visually accessible announcements, seating accommodations, lavatories, and better stowage options for assistive devices;
- Require removal of access barriers on existing airplanes to the extent that it is readily achievable, easily accomplishable, and may be done without much difficulty or expense; and
- Improve the overall safety of air travel for passengers with disabilities.

PRESIDENT SIGNS EXECUTIVE ORDER TO HELP PREVENT VETERAN SUICIDE

In response to what advocates have labeled a national health crisis, on March 5th, President Trump signed an executive order titled, "National Initiative to Empower Veterans and End Veterans Suicide," which focuses on improving the quality of life for America's veterans and ending veteran suicide.

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The executive order mandates the establishment of the Veteran Wellness, Empowerment, and Suicide Prevention Task Force. Different agencies will be represented on the task force to include: Health and Human Services, Energy, Homeland Security, Education, Labor, and Housing and Urban Development. Furthermore, the Director of the Office of Management and Budget and Secretary of Defense will also participate.

It is mandated that within 365 days of the date of the order the task force shall:

- Develop a comprehensive national public health roadmap outlining the specific strategies needed to lower effectively the rate of veteran suicide, with a focus on community engagement;
- Design and propose to Congress a program for making grants to local communities, which will increase their ability to collaborate with each other, integrate service delivery, and coordinate resources to veterans; and
- Develop a national research strategy to improve the coordination, monitoring, benchmarking, and execution of research in the field of veteran suicide prevention.

It is no secret VA has struggled in the past with veteran suicide prevention. In a 2018 study, the Government Accountability Office (GAO) found that of \$6.2 million set aside for suicide prevention media outreach in FY 2018, only \$57,000 — less than 1 percent — was actually used. In addition, social media content from VA officials on the subject dropped by more than two-thirds from FY 2017 to FY 2018. Two planned public service announcements on the topic were delayed, and no public outreach messages were aired on national television or radio for more than a year.

Congressman Mark Takano, Chairman of the House Veterans' Affairs Committee, has stated that suicide prevention is one of his priorities for this year's Congress. VSOs are hoping that the increased focus on veteran suicide will significantly reduce the number of veterans who choose to end their lives.

VA 2030: "A VISION FOR THE FUTURE OF VA"

In late February, the House Veterans' Affairs Committee (HVAC) held a hearing looking at the ongoing transformation of the VA and its role in the future. VA Secretary Robert Wilkie and the Executive in Charge of the Veterans Health Administration Dr. Richard Stone were the only witnesses, and the tone of the hearing was very cordial. Chairman Mark Takano (D-CA), Ranking Member Dr. Phil Roe (R-TN), and Secretary Wilkie touched on the VA MISSION Act in their opening statements before moving quickly to a question and answer round that touched on a number of subjects.

The first issue discussed was the recent Federal Circuit Decision ([Procopio vs. Wilke](#)) that grants Blue Water Navy Veterans the same presumption of exposure to herbicides as veterans who served with "boots on the ground" in Vietnam. Asked if he intended to appeal that decision, Secretary Wilkie said he has not made any recommendations to do so nor did he intend to. He also said VA was ready to meet the dictates of the decision if it were allowed to stand, and, if that happened, that he would come back to lawmakers for the necessary resources to execute it.

Wilkie announced the day before the hearing that the Veterans Benefits Administration will amend its priority processing categories to include initial claims received from Purple Heart recipients on or after

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April 1st. During the hearing, Wilke told lawmakers that they will use the DD Form 214 to establish eligibility and VA will do all it can to help veterans whose records may have been destroyed in the 1973 fire.

A number of questions also focused on the care of women veterans. Secretary Wilkie noted that women make up 17 percent of the current active force, and that is anticipated to increase to 20 percent by 2025. Women now comprise 10 percent of the veterans population. Like PVA, the secretary stated that he looks forward to working with a new congressional task force that has been formed by HVAC to address barriers that women veterans face when trying to obtain VA benefits and health care.

Another area of high interest was the Department's ongoing difficulties to recruit, and more importantly retain, VA health care employees. The secretary readily agreed he is concerned with the nearly 47,000 vacancies reported by the Department but said steps are being taken to rectify the issue. VA's main focus is to hire more primary care, women's care, and mental health care providers with incentives that include higher pay, relocation assistance, and bonuses.

DOT RELEASES THE FIRST REPORT ON AIRLINE WHEELCHAIR DAMAGE

The Department of Transportation (DOT) has posted its first report on the number of wheelchairs and scooters enplaned and subsequently damaged by large U.S. airlines. The data is based on flights that occurred December 4-31, 2018.

Twelve airlines, including a few regional carriers, were required to report their data. Of the four largest domestic airlines, Delta had the highest number of wheelchairs and scooters enplaned and the lowest mishandled rate (.89 percent). United was second with a rate of 1.09 percent. Southwest Airlines and American Airlines showed some of the highest mishandled rates (6.46 percent and 7.22 percent respectively). However, Southwest and American did not fully capture the number of wheelchairs and scooters enplaned, which helped to drive up their percentages. According to DOT, airlines have definitive plans to improve their reporting.

Based on initial feedback from the airlines, we believe that the requirement to disclose the information is causing them to place more attention on the safe transport of wheelchairs. It is important, however, that passengers with disabilities file formal complaints with the airlines when their wheelchairs and scooters are damaged or delayed. It appears that without such records, the true number of mishandled wheelchairs and scooters may be obscured.

More information about the report is available here: <https://www.pva.org/about-us/recent-news/mishandled-wheelchairs-and-scooters-by-airlines>.

PVA'S MEMBERS AND LEADERSHIP TAKE THEIR MESSAGE TO THE HILL

On March 4-7, approximately 100 PVA chapter and national leaders gathered in Washington, DC for the annual Advocacy and Legislation Seminar. Each year, Seminar brings these PVA advocates to the nation's capital for four days of briefings on critical issues important to PVA members, visits with congressional representatives, and the annual testimony of PVA's National President to a joint session of the House and Senate VA Committees.

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Seminar sessions highlighted two PVA priority areas: expanding the VA Comprehensive Family Caregiver Program to assist family members of veterans with service-connected illnesses and making further improvements to the Air Carrier Access Act to build on the successful legislation that passed in 2018. Seminar workshops also focused on implementation of the VA MISSION Act and appeals reform, improving ancillary VA benefits for automobile adaptations and specially adapted housing, and the impact of disaster response and recovery systems on people with disabilities.

A panel focused on improving access for veterans with disabilities to long-term services and supports. Laurel Rodewald, with the Elizabeth Dole Foundation, described that organization's efforts to draw attention to the needs of veteran caregivers and the creation of the Military and Veterans Caregiver Experience Map. The conference keynote speaker was House Veterans Affairs' Committee Chairman Mark Takano (D-CA) who outlined the Committee's plans for the 116th Congress.

For more information about PVA's priorities for the 116th Congress, please visit <https://www.pva.org/research-resources/116-congress-legislative-priorities>.