



**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

November 21, 2019

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WEBINAR ON VA'S COMPREHENSIVE FAMILY CAREGIVER PROGRAM

In late October, PVA's Legislative staff hosted a webinar entitled, "VA's Comprehensive Family Caregiver Program: Status of Expansion and Improvement Efforts." It was the first segment of a two part series on caregiving. The recording of the webinar

(<https://pva.zoom.us/recording/play/NCXA0HlvurYeyfUyCAB9zD2A35Z-s1GJlJefwQj6WpNT9Hk-QIjKLMvCGouhxLNeo?continueMode=true>) is available for anyone who may have missed it.

BUDGET STRUGGLES CONTINUE

Congress continues to struggle with their efforts to complete the annual spending bills. With the current resolution set to expire on November 21, the House and Senate passed a second continuing resolution (CR) that will keep the government running through December 20. The bill that funds VA, has been delayed due to broader concerns over border wall funding. VA has already received its health care funding for Fiscal Year 2020 due to advance appropriations but needs to receive additional funding to meet its full spending needs for the fiscal year. It's highly unlikely that the additional time afforded to Congress by the CR will be enough for them to complete their work. Thus, another CR will likely be needed to keep the government funded beyond December 20.

PVA PARTICIPATES IN ROUND TABLE ON PASSENGERS WITH DISABILITY

On November 14, the House Transportation and Infrastructure Committee, Subcommittee on Aviation held a round table entitled, "From Curb to Gate and Back Again: The Air Travel Experience for Persons with Disabilities." Subcommittee Chairman Rick Larsen (D-WA) noted that this was the first time the committee had held a round table on issues of passengers with disabilities. Thirteen members of the subcommittee attended the meeting and asked questions of the panelists. The panelists included: Ms. Blane Workie, Assistant General Counsel for Aviation Enforcement and Proceedings, Department of Transportation (DOT); Ms. Seena Foster, Deputy Assistant Administrator for Civil Rights and Civil Liberties, Transportation

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Security Administration; Mr. Tom Devine, General Counsel, Airports Council International; Mr. Doug Mullen, Vice President and Deputy General Counsel, Airlines for America; Mr. Lee Page, Senior Associate Advocacy Director, Paralyzed Veterans of America; Ms. Michelle Erwin, President and Founder, All Wheels Up; and Mr. Ian Watlington, Senior Disability Advocacy Specialist, National Disability Rights Network. Each panelist had an opening statement identifying the work they have done on assisting passengers with disabilities in the air travel experience and was asked to note other issues that are not currently being addressed that could further enhance accessibility.

Ms. Workie spoke about the implementation of the FAA Reauthorization Act of 2018, including implementation of the requirement for airlines to submit on a monthly basis to DOT the number of wheelchairs and scooters enplaned and the percentage returned damaged to passengers with disabilities. Ms. Workie also discussed the Advisory Committee on the Air Travel Needs of Passengers with Disabilities and the requirement for it to look into airline practices for ticketing, pre-flight seat assignments, and stowage of assistive devices for passengers with disabilities. The Advisory Committee will also work with stakeholders, including disability organizations, air carriers, and their contractors, to develop an Airline Passengers with Disabilities Bill of Rights. Ms. Workie further stated that DOT would soon publish a regulation on accessible lavatories in single-aisle aircraft.

Mr. Mullen talked about the work A4A has done over the past few years starting with the negotiated rulemaking in the summer of 2016, which was convened by DOT to work on the issues of service animals, inflight entertainment and communication, and access to a lavatory on a single-aisle aircraft. He was grateful to PVA for the work the organization is doing with the air carriers, other disability stakeholders, and wheelchair manufacturers to come up with a RESNA standard for wheelchairs in air travel that would alleviate damage from being placed in the cargo holds of airplanes.

Ms. Foster spoke about the TSA Cares Program, which outreaches to different segments of the disability population. She credited PVA for assisting TSA to understand more about catastrophic spinal cord injuries and the needs of PVA members. Also, TSA Cares has a wounded warriors and disabled veterans outreach program. She further spoke of the advantages of TSA Precheck and how they encourage passenger with disabilities to sign up. Ms. Foster also talked about the new technology of screening passengers that will be less invasive in the future. This will include a body heat sensor that will see areas blocked by items identifiable by size and would garner further inspection via a pat down if determined necessary by the TSA agent. She acknowledged that PVA had participated in a preliminary meeting to review the device.

Mr. Page emphasized three areas of concern. First, PVA members are still having trouble in boarding airplanes due to the lack of training of personnel to assist in boarding. Specifically, the transfer process to an aisle chair can be precarious. Second, the path of travel to enter the

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plane is not accessible like other modes of public transportation and standards of access are needed. Lastly, he spoke of the need for individual recourse when a passenger with a disability is aggrieved by the airline for violations of the law.

Representative Brian Mast (R-FL), a combat disabled veteran, demonstrated his prosthetic leg and the wheel from his wheelchair as assistive devices that are an extension of his body and make him whole again. He directed his comments towards Ms. Foster of TSA and relayed the problems he has had with coming through security and having to be “patted down” or physically searched by TSA agents because they did not understand his disability. Mr. Page added that other problems going through security revolved around the wait time a person with a disability must endure for a same gender officer to arrive to escort the person to a location for more detailed inspection. This waiting time and announcement only draws more attention towards the person with the disability, causing anxiety and embarrassment.

LIFESPAN RESPITE CARE REAUTHORIZATION

On October 31, the Senate Committee on Health, Education, Labor, and Pensions unanimously approved S. 995, the Lifespan Respite Care Program Reauthorization Act originally introduced by Sen. Susan Collins (R-ME) and Sen. Tammy Baldwin (D-WI). The bill reauthorizes the program for another five years for \$50 million (\$10 million annually through Fiscal Year 2024) and requires a report from the Department of Health and Human Services to Congress by October 1, 2023. The measure goes next to the full Senate for a vote. Earlier in the summer, the House passed identical legislation, moving reauthorization of the respite care program one step closer to completion.

HOUSE APPROVES EDUCATION BILLS

Recently, the House approved a pair of education-related veterans bills: H.R. 4625, the Protect the GI Bill Act, which increases transparency and accountability among educational programs that receive VA funding; and H.R. 4162, the GI Bill Planning Act, which would eventually end the Montgomery GI Bill (MGIB). Both bills have been received by the Senate where they await further action.

H.R. 4625 ensures that schools receiving GI Bill funding inform prospective students of key items, including the cost of attendance, how much their benefits cover, and student outcomes. It also empowers State Approving Agencies to flag or suspend new enrollments to schools that violate these requirements. H.R. 4625 also aligns the definitions of an eligible child in VA and the Department of Defense (DoD) for the purpose of education benefit transfers and bans schools from misrepresenting themselves while marketing, recruiting, and enrolling students. Currently, DoD includes wards and foster children while VA does not. The second bill, H.R. 4162, gives new enlistees six months instead of two weeks to decide whether to pay \$1,200 or opt-out of the MGIB benefit. It also ends new enrollments in the MGIB by October 2029.

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HOUSE PASSES COMPREHENSIVE PACKAGE TO AID WOMEN VETERANS

The House recently approved H.R. 3224, the Deborah Sampson Act, which addresses inequities and barriers that women veterans face when accessing VA care and benefits. H.R. 3224 is named after a Revolutionary War veteran, Deborah Sampson Gannett, who served in the Continental Army from 1782-1783 and was awarded a full military pension for her military service after years of petitioning Congress.

The measure encompasses 16 bills and reflects years of work and negotiation among stakeholders. The bills and a brief description of each are available here:

<https://juliabrownley.house.gov/brownleys-deborah-sampson-act-passes-house/>.

As a result of PVA's advocacy, the legislation includes a requirement for VA to report on an annual basis an assessment of wheelchair accessibility of VA women's health centers. This assessment will include the accessibility of each kind of treatment provided at the center, including mammography. It will also address all other relevant factors, including door sizes, hoists, and equipment. PVA made this recommendation in response to concerns raised by PVA's women veterans committee regarding specific accessibility barriers at these clinics.

We applaud the House for advancing this important legislation. You can view a section-by-section summary of it [here](#). In the coming months, we will be working with their Senate counterparts to incorporate additional provisions in their version that help meet the needs of catastrophically disabled women veterans.

DISABLED VETERAN DoD SHOPPING INITIATIVE

A provision in the Fiscal Year 2019 National Defense Authorization Act allows the Department of Defense to expand commissary; military exchange; and morale, welfare, and recreation retail privileges on stateside military installations to certain veterans and their caregivers. Beginning January 1, 2020, all service-connected disabled veterans, Purple Heart recipients, former prisoners of war (POW), and individuals approved and designated as the primary family caregivers of eligible veterans under VA's Program of Comprehensive Assistance for Family Caregivers can use commissaries; exchanges; and morale, welfare and recreation retail facilities, in-person and online. Please note that veterans and their caregivers must have specific credentials in order to enter an installation. For more information regarding these privileges and access to military installations, please visit <https://www.militaryonesource.mil/products#!/detail/780>.

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DOT HOLDS ACCESS AND MOBILITY FOR ALL SUMMIT

On October 29, the Department of Transportation (DOT) held the Access and Mobility for All Summit. At the Summit, Secretary Chao announced her intent to fund new programs to develop and deploy innovations in technology and further interagency partnerships to improve mobility. DOT assembled leaders from industry, academia, nonprofits, and government to participate in panel discussions and breakout sessions focused on interagency coordination, advanced vehicle technologies, and innovations in mobility services. Lee Page, Senior Associate Advocacy Director, represented PVA at the event.

As part of her keynote address, Secretary Chao announced several initiatives, including a planned Inclusive Design Challenge, which will make up to \$5 million in cash prizes available to innovators who design solutions to enable accessible automated vehicles. DOT aims to increase availability and decrease cost of aftermarket modifiers that improve accessibility of vehicles today and spark development for future automated vehicles.

Also, DOT and 10 other federal agencies approved the strategic plan for the Coordinating Council on Access and Mobility, an interagency partnership to coordinate the efforts of federal agencies funding transportation services for targeted populations. The strategic plan includes goals to improve access to jobs, health care, education, and community services by eliminating government duplication of services, reducing regulatory burden, increasing access to cost-effective transportation services, and ensuring that transportation services are centered on the citizens who depend on them as a lifeline to community participation. The strategic plan will help provide better transportation outcomes through the coordination of more than 130 government-wide programs.

ADVOCATES MEET TO CONSIDER DISASTER RECOVERY HOUSING POLICY

PVA Advocacy staff participated in an invitation-only policy conference in Houston, Texas, on October 28 - 30, to discuss ways to improve federal disaster housing response and recovery systems to ensure that the needs of low-income survivors are not overlooked. The meeting was sponsored by the Disaster Housing Recovery Coalition (DHRC), which is comprised of more than 850 local, state, and national organizations.

Often, when disasters strike, the lowest-income survivors - among them many people with disabilities - sustain the greatest damage, have the fewest resources, and face the longest paths to recovery. The current disaster housing response and recovery system exacerbates and reinforces racial, income, and accessibility inequities at each stage of response and recovery. Many of the system's flaws were outlined in a preliminary report developed by DHRC members, the Fair Share Housing Center of New Jersey, and the National Low Income Housing Coalition (NLIHC). The document, [*Fixing America's Broken Disaster Housing Recovery System: Barriers to a Complete and Equitable Recovery*](#), served to set the stage for the convening focused on creating an improved disaster response system.

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The conference began with a bus tour highlighting some of the successes and continuing challenges in Houston two years after the devastation of Hurricane Harvey. Organized by Texas Housers and the Houston Organizing Movement for Equity (HOME) Coalition, participants heard from survivors and community organizers and toured a home being renovated by a neighborhood recovery group, a public housing complex that flooded during Hurricane Harvey, and a home built with accessible features utilizing RAPIDO, an efficient temporary-to-permanent post-disaster housing program.

Attendees also viewed the premiere of a Revisioning Recovery film compilation by Working Films highlighting the inequities in present day disaster preparedness and response systems, and the solutions needed to respond to natural disasters. Among the documentaries was, "The Right To Be Rescued," focusing on people with disabilities affected by Hurricane Katrina in 2005.

The meetings over the next two days consisted of in-depth discussions concerning improvements needed in the federal disaster housing response system. Separate sessions were held on the immediate response following a disaster; the provision of long-term housing recovery; and mitigation and resilience efforts. Each session began with a panel discussion featuring stakeholders with direct experience in each area and policy experts, followed by in-depth small- and large-group sessions exploring new and more effective policies, systems, and structures to address challenges identified in the plenaries. Every group and panel focused on similar themes such as addressing racial and economic equity, improving meaningful community involvement and power, ensuring compliance with civil rights and fair housing laws, strengthening pre-disaster planning, and driving federal investments to meet the needs of the most vulnerable. The NLIHC will now work with DHRC partners to consolidate the recommendations generated at the convening into a comprehensive set of policy recommendations. The report, the second of two on *Fixing America's Broken Disaster Housing Recovery System* series, will be released in 2020.

BILL TO STRENGTHEN DHS OFFICE OF CIVIL RIGHTS AND CIVIL LIBERTIES ADVANCES

On October 23, H.R. 4713, the Department of Homeland Security (DHS) Office of Civil Rights and Civil Liberties (CRCL) Authorization Act of 2019, was approved by the House Committee on Homeland Security. Sponsored by Congressman Al Green (D-TX), this legislation would make certain improvements to CRCL by improving the accountability, transparency, and responsibility of the office that is intended to oversee civil rights and liberties in programs carried out by DHS, including those directed at disaster response and recovery. The legislation calls for investigative reports and reviews of Department programs to be publicized on the Department's website and establishes CRCL officers to guarantee improved oversight of complaints lodged against components of the Department. H.R. 4713 also directs CRCL officers to submit an annual report of their findings to the President and Congress. Consideration by the full House is expected sometime in November.

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U.S. JUSTICE DEPARTMENT SETTLES WITH PUBLIC ACCOMMODATIONS TO PROTECT THE RIGHTS OF VETERANS WHO USE SERVICE DOGS

The Justice Department announced two settlement agreements under the Americans with Disabilities Act (ADA) to protect and advance equal access for veterans with disabilities who use service dogs. One agreement is with Deerfield Inn & Suites, in Gadsden, Alabama. The second agreement is with the Landmark Hotel Group in Virginia Beach, Virginia, which manages the Holiday Inn Express in Hampton, Virginia. These matters were investigated and resolved in furtherance of the Department's commitment to ensuring that our veterans enjoy equal access to public accommodations, such as restaurants, hotels, and shops.

The ADA generally requires public accommodations to provide access to individuals with disabilities who use service animals, including those who use service dogs for post-traumatic stress disorder (PTSD) or anxiety. Yet, in public accommodations across the country, individuals with disabilities are frequently barred from entering with a service animal.

The Deerfield Inn & Suites agreement resolves allegations that, after driving many hours, a veteran arrived at the Deerfield Inn & Suites at 4:00 am. When the desk clerk learned that the veteran was accompanied by her service dog, the desk clerk refused to honor the reservation, insisting that no dogs were permitted in the hotel. Despite numerous attempts by the veteran to explain that the dog was not a pet, but a highly trained animal required for disabilities she acquired in the service of our country, the clerk would not allow the veteran to stay at the hotel. As a result, and given the late hour, the veteran ended up sleeping in her car in the parking lot of a church.

Similarly, the complaint underlying the Landmark Hotel agreement alleged that, at the Holiday Inn Express managed by the Landmark Hotel Group, the desk clerk refused to honor a reservation by a veteran because he would not provide documentation that the dog with him was a service dog. The veteran informed the clerk that it was unlawful to ask for documents to establish that a dog is a service animal, but the desk clerk informed him that such documentation was corporate policy. The veteran then requested to speak to the hotel manager, who confirmed that it was the hotel's policy to require such documentary proof. The veteran was forced to find another hotel.

Under the ADA, public accommodations generally must make modifications to their policies, practices or procedures – such as a no-pet policy – to permit the use of a service animal by a person with a disability. A service dog generally may go wherever the public is allowed to go, and a public accommodation may not require documentation about the service dog.

Under these agreements, both entities will adopt and implement a service dog policy; provide training on the service dog policy to employees and managers; post the service dog policy at their facilities and in their advertising; and pay money damages to the two veterans. All entities cooperated with the Department throughout the investigations.

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OLDER AMERICANS ACT REAUTHORIZATION

On September 18, the House Committee on Education and Labor considered H.R. 4334, the Dignity in Aging Act of 2019, to reauthorize the Older Americans Act (OAA). The bill authorizes funding increases across all OAA programs. Key provisions related to family caregiving include:

- Extension of the authorization for the RAISE family caregivers act by one-year, until 2022;
- Clarification that family caregivers include adult family caregivers for individuals of any age with Alzheimer's, and that individuals of any age with Alzheimer's may be served by the State Long-term Care Ombudsman Program;
- Elimination of the cap on Title III-E National Family Caregiver Support Program funds that can be allocated toward older relative caregivers (currently at 10 percent);
- Extension of the authorization period of the Supporting Grandparents Raising Grandchildren Act by one year.
- Incorporation of H.R. 3782, the Supporting Family Caregivers Act, to authorize use of caregiver assessments.

The full House has not yet scheduled a floor vote on the bill. In the Senate, staff continue to work on the bill, including resolution of disagreements.