



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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ACCESS BOARD TO ASSESS FEASIBILITY OF WHEELCHAIR RESTRAINT SYSTEMS ON AIRCRAFT

On February 5, Senior Associate Advocacy Director, Lee Page, and Associate Executive Director, Government Relations, Heather Ansley, presented to the members of the Committee for a Study of Feasibility of Wheelchair Restraint Systems Passenger Aircraft about the boarding and deplaning experience of wheelchair users. This was the first meeting of the Committee, which was authorized by the FAA Reauthorization Act of 2018.

The Access Board's study has the potential to advance access to air travel for passengers who use wheelchairs. As directed by Congress, this project will assess the feasibility of equipping passenger planes with restraint systems so that passengers can remain in their wheelchairs on flights. Having to transfer out of a wheelchair makes air travel very difficult, if not impossible, for many people with disabilities.

The National Academy of Sciences' Transportation Research Board (TRB) is conducting this study. TRB has organized a committee of experts to evaluate the feasibility of in-cabin wheelchair restraint systems. The members include: experts in aircraft interiors and safety engineering, accessibility, wheelchair design and crashworthiness, airline operations, and other disciplines. Committee members will evaluate the design, engineering, and safety requirements for equipping aircraft with locking or tiedown mechanisms for non-motorized and motorized wheelchairs used as seats. If such restraint systems are found to be feasible, the committee will then assess the wheelchair restraint systems that can be used to accommodate passengers using wheelchairs through all phases of flight, from boarding to deplaning.

In his comments, Mr. Page presented a slide show of the various aisle chairs that are currently in service at airports throughout the country. He focused on the process PVA members have to endure to board an airplane. Specifically, he described being the first to board, by transferring onto an aisle chair at the bottom of a sloped jetway and relying on contract personnel to bring the passenger into the plane for transfer to an airline seat. The path of travel to the airline seat can cause further injury because the aisle is too narrow and seats are too close together. Too often the airline aisle chairs are in disrepair and airline personnel don't know how to properly

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assist passengers. Furthermore, passengers' wheelchairs are stowed in the cargo hold and often damaged, mishandled, or lost as a result.

A peer-reviewed report on the panel's findings will be published at the conclusion of the project and submitted to Congress. The report is expected by October 2021.

LEGISLATION AUTHORIZING MORE THAN ONE AUTOMOBILE GRANT INTRODUCED

In direct response to PVA's advocacy, on February 6, Representatives Dan Meuser (R-PA) and Anthony Brindisi (D-NY) introduced H.R. 5761, the "Advancing Uniform Transportation Opportunities (AUTO) for Veterans Act," which would allow eligible veterans to receive more than one automobile grant to purchase a vehicle. Present law restricts veterans to one grant in their lifetime so they often bear the full cost of a replacement vehicle. As written, H.R. 5761 would authorize an eligible veteran to receive a new grant every 10 years, if they need it.

This bill's prospects for movement in the House are favorable. The bill has bipartisan support. Also, both members serve on the House Veterans' Affairs Economic Subcommittee (HVAC EO), which has oversight of the grant program.

Proposed auto grant legislation received much focus during a February 6 HVAC EO hearing looking at more than a dozen bills. PVA's National Legislative Director Morgan Brown testified at the hearing and spent much of his time advocating for this legislation. The hearing is available for viewing here: <https://www.youtube.com/watch?v=D-Su2JasWrM>.

ELECTION OFFICIALS MISUSING THE ADA TO CLOSE POLLING PLACES

A new report from the National Disability Rights Network (NDRN) shows many of America's polling places remain inaccessible to people with disabilities. The report, entitled [*Blocking the Ballot Box: Ending Misuse of the ADA to Close Polling Places*](#), also examines an alarming new trend in which jurisdictions are misusing the Americans with Disabilities Act (ADA) to close polling places.

The ADA requires all polling places to be accessible to people with disabilities and the Help America Vote Act of 2002 mandates that all Americans have the right to a private and independent vote. When the United States Supreme Court in *Shelby County v Holder* struck down key provisions of the Voting Rights Act of 1965 that required federal approval before changes could be made to election procedures, jurisdictions with a demonstrated history of discriminatory voting practices saw an opportunity — blaming their polling place closures on the ADA and access needs of voters with disabilities.

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After the Supreme Court struck down protections in the Voting Rights Act, counties and cities began citing ADA concerns as the reason for closing, relocating, or consolidating their polling places. The ADA was never meant to be used in this way.

In this report, NDRN spoke to and visited counties with recent Department of Justice (DOJ) settlements for polling place accessibility. NDRN found these counties were working to be more accessible while keeping polling places open. Alternatively, counties that did not have a recent DOJ intervention and had not shared ADA surveys of their polling places or any collaboration with the disability community, seemed more likely to attempt closing polling places.

To read the report, view video commentary, and see recommendations for how election officials can avoid poll closures, go to [Blocking the Ballot Box: Ending Misuse of the ADA to Close Polling Places](#).

NEWS ITEMS OF NOTE

- HOUSE ANNOUNCES COMPREHENSIVE STRATEGY TO ADDRESS VETERAN SUICIDE

House Veterans' Affairs Committee (HVAC) Chairman Mark Takano (D-CA) recently announced a [new strategy](#) to address veteran suicide that is based on the Centers for Disease Control and Prevention's [Seven Core Strategies for Suicide Prevention](#). Chairman Takano believes a strategy rooted in evidence-based measures, taking a public health approach that looks into every intersection that leads to suicide, is how to best serve veterans and reduce the number lost to it each day. The strategy has seven goals: strengthen economic supports, strengthen access and delivery of care, create protective environments, promote connectedness, teach coping and problem-solving skills, identify and support people at risk, and lessen harms and prevent future risks for all veterans. It also supports taking these steps for all veterans, not just those already in VA care.

The Committee has already held two hearings to help strengthen economic support. The first was a hearing on veteran hunger and the second on housing insecurity. A third hearing conducted by the Subcommittee on Oversight and Investigations, along with the Women Veteran Task Force, held a hearing examining VA's support for survivors of Military Sexual Trauma, which is in line with goal six: identify and support people at risk of suicide. PVA was invited to [submit a statement](#) for the record on this issue. We will continue to monitor and inform our members of legislative efforts to reduce veteran suicide, as well as advocate on the Hill for legislation that effectively addresses veteran suicide.

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- SVAC HOLDS FIRST MARKUP OF 2020

In late January, the Senate Veterans' Affairs Committee (SVAC) held its first markup session of the New Year and unanimously passed nearly a dozen bipartisan bills. The main bill for consideration was S. 785, the "Commander John Scott Hannon Veterans Mental Health Care Improvement Act," which seeks to provide separating military members with a year of VA medical coverage and authorize mental health, transitional aid grants to community organizations, and increase veterans access to telehealth. It also allows additional mental health professionals for VA such as psychologists, women's specialists, and suicide prevention coordinators. The bill is somewhat similar to legislation passed by the House in December. Unlike the House measure, this bill is less controversial. PVA is working with congressional staff and a small coalition of VSOs to make the provisions in the bill more palatable.

Another bill of interest was S. 850, the "Highly Rural Veteran Transportation Program Extension Act." This measure would extend the Highly Rural Veteran Transportation Program and allow state veterans service agencies and VSOs to continue to provide no-cost transportation services to VA or VA-authorized health care facilities to highly rural veterans. Finally, S.123, the "Ensuring Quality Care for Our Veterans Act," would ensure that a third party reviews each case where any veteran was treated by a VA provider who was later found to have a revoked license. PVA was an early endorser of this bill, which would ensure the veteran is notified if the review determines that a competent practitioner would have managed the veteran's care differently.

- AGING COMMITTEE LOOKS AT SOCIAL SECURITY SCAMS

The Senate Aging Committee held a hearing on January 29 focusing on schemes aimed at defrauding Social Security beneficiaries. Witnesses included Commissioner of Social Security Andrew Saul who reported that the Social Security Administration's (SSA) toll free phone system had recently been updated to include messaging alerting callers to be aware of scams targeting beneficiaries and what they can do to protect themselves. He also noted that SSA had recently sent emails to their 47 million online account holders advising them of ways to guard themselves against fraudsters. SSA Inspector General (OIG) Gail Ennis reported that the agency is working with various telecommunications companies to block spoof SSA callers that try to engage with beneficiaries in an attempt to get them to reveal sensitive account information. The SSA OIG also recently posted a blog on this topic at <https://blog.ssa.gov/inspector-general-warns-public-about-new-twist-to-social-security-phone-scams/#more-4517>.

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Three key points emphasized by the Administration's witnesses were:

1. The government will never call out of the blue and ask for a Social Security number.
2. The government will never ask for payment by gift card or wire transfer.
3. Social Security numbers cannot be suspended.

The full hearing can be found at <https://www.aging.senate.gov/hearings/thats-not-the-government-calling-protecting-seniors-from-the-social-security-impersonation-scam>.

- HUD ISSUES GUIDANCE ON ASSISTANCE ANIMALS AND FAIR HOUSING ACT

On January 28, the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity (FHEO) released Notice FHEO-2020-01, sometimes referred to as the "Assistance Animals Notice." The Notice includes two attachments. The first, "Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act," recommends a set of best practices for complying with the Fair Housing Act when assessing a person with a disability's accommodation requests involving animals in housing. The second attachment is "Guidance on Documenting an Individual's Need for Assistance Animals in Housing." It provides guidance on information that an individual seeking a reasonable accommodation for an assistance animal may need to provide to a housing provider about his or her disability-related need for the requested accommodation, including supporting information from a health care professional. The contents of the Assistance Animal Notice do not have the force and effect of law and are not meant to bind the public in any way. The documents are intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

- A fact sheet about the guidance can be found at:
<https://www.hud.gov/sites/dfiles/PA/documents/AsstAnimalsGuidFS1-24-20.pdf>.
- The guidance can be found at:
<https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>

- MORE AGENT ORANGE LOCATIONS REVEALED

In January, VA released an updated Department of Defense list of locations outside of Vietnam and inside the US where tactical herbicides were used, tested, or stored. This update was intended to improve the accuracy and communication of information for disability claims of herbicide exposure in response to a Government Accountability Office 2018 report. Locations listed in the United States are Arkansas, Florida, Georgia,

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Indiana, Maryland, Mississippi, Montana, New York, Texas, Tennessee, and Utah. Additional countries where these tactical herbicides were used include Cambodia, Canada, India, Johnston Atoll, Korea, Laos, and Thailand. If you feel you may qualify for benefits due to exposure, we encourage you to contact your [NSO](#) for assistance in filing a claim.

- PRESENTATION ON VETERANS BENEFITS ADMINISTRATION (VBA) FIRST QUARTER PERFORMANCE

The “Managing VBA Performance & Results: Q1” update was presented by Under Secretary for Benefits, Paul R. Lawrence, Ph.D. on January 30. His presentation included an update on the performance of VBA for the first quarter of fiscal year 2020 and a review of some of the department’s accomplishments for the previous quarter. It was recorded, and it is available [here](#) for viewing.

- NEW DOLE FOUNDATION CAREGIVER INITIATIVE ANNOUNCED

On January 31, the Dole Foundation in partnership with VA and supported by USAA launched their new initiative to integrate caregivers into the medical team. The [Campaign for Inclusive Care](#) includes four online courses for health care providers and front-line staff called the [Academy for Inclusive Care](#) and other downloadable resource materials. The campaign is designed to recognize the value caregivers brings to appointments.

UPCOMING EVENTS

- The 2020 National ADA Symposium early bird deadline is approaching. To save \$150 on registration, you will need to register by March 6. More information about the Symposium is available at: www.adasymposium.org.