



Paralyzed Veterans  
of America

Produced by the Paralyzed Veterans of America • Government Relations Department

# Washington UPDATE

*Recent news regarding legislation and regulatory actions affecting veterans and people with disabilities.*

December 15, 2016

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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](http://www.AirAccess30.org) and share your story.

## **Key Leaders Chosen for House and Senate Committees**

During the lame duck session following the November election, the Republican and Democratic caucuses in the House of Representatives and Senate chose the members who will serve as the Chairmen and Ranking Members of Committees during the 115<sup>th</sup> Congress beginning in January 2017. In the House, Rep. Phil Roe (R-TN) was chosen as the next Chairman of the House Committee on Veterans' Affairs. Rep. Roe is replacing Rep. Jeff Miller (R-FL) who is retiring at the end of this year. Rep. Roe is a doctor who has used his experience to inform his views on the reform of veterans' health care delivery. He has supported greater choice for care in the community for veterans, but he has generally opposed outright privatization of the Department of Veterans Affairs (VA) health care system. The House VA Committee Ranking Minority Member position has not been decided yet; however, it is expected to be either Rep. Mark Takano (D-CA) or Rep. Tim Walz (D-MN). Leadership for the four Subcommittees is expected to be chosen in January.

In the Senate, Senator Johnny Isakson (R-GA) will continue as the Chairman of the Senate Committee on Veterans' Affairs. Senator Isakson has previously expressed support for expansion of the Comprehensive Family Caregiver Program—a high priority for PVA—to veterans of all eras. He has also lead efforts to improve accountability without undermining employees' rights. Importantly, he also supports greater choice for veterans seeking health care. Senator Jon Tester (D-MT) will be the new Ranking Minority Member of the Senate VA Committee.

The National Advocacy Program staff will continue to work with a number of key committees through our work on the Air Carrier Access Act, entitlement reform, and the Americans with Disabilities Act (ADA). The expected chairman of the Senate Commerce, Science and Transportation Committee is Senator John Thune (R-SD), who is the current chairman of the committee. Also returning will be Ranking Member Bill Nelson (D-FL). The returning chairman of the House Transportation and Infrastructure



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Committee is Rep. Bill Shuster (R-PA), while Rep. Peter DeFazio (D-OR) is expected to remain the ranking member of the committee.

PVA's efforts to strengthen the Air Carrier Access Act (ACAA) must go through these committees. PVA worked with these committees in 2016 when we were successful in having PVA-drafted language included in the 2016 FAA Extension. This language required GAO to conduct a review of disability-related training for airline staff and their contractors. In 2017, we will be working to ensure that legislation to reauthorize the FAA, which must be completed by September, includes additional PVA-supported language that will increase enforcement of the ACAA and improve the travel experience for passengers with disabilities.

A number of committees will address potential entitlement reform, specifically the Social Security and Medicare programs. Senator Orrin Hatch (R-UT) is expected to remain the chairman of the Senate Finance Committee. Also returning will be ranking member Ron Wyden (D-OR). The new chairman of the House Energy and Commerce Committee is Rep. Greg Walden (R-OR), while the Ranking Member is expected to be Rep. Frank Pallone (D-NJ).

The returning chairman of the House Ways and Means Committee is Congressman Kevin Brady (R-TX), while Rep. Richard Neal (D-MA) is expected to become the ranking member. The outgoing chairman of the Social Security Subcommittee, Rep. Sam Johnson (R-TX), recently dropped a placeholder Social Security reform bill that focuses on benefit cuts. This legislation is expected to be the basis for reform during the 115<sup>th</sup> Congress beginning in January 2017. The expected new ranking member on the Social Security Subcommittee is Rep. John Larson (D-CT) who is the main sponsor of a bill to expand Social Security.

We also anticipate work that will have an impact on ongoing implementation of the ADA. With this in mind, the expected chairman of the Senate Judiciary Committee is current Chairman Charles Grassley (R-IA). Senator Dianne Feinstein (D-CA) will be the new ranking member of the Senate committee. The chairman of the House Judiciary Committee is current Chairman Robert Goodlatte (R-VA). Rep. John Conyers (D-MI), current ranking member of the Judiciary Committee, is expected to retain his position.

PVA's efforts to protect the Americans with Disabilities Act (ADA) are under the purview of the Senate and House Judiciary Committees. PVA is concerned about efforts to require people with disabilities to notify businesses of architectural barriers prior to filing a lawsuit under the ADA. Legislation that would have required notification was introduced in the House and Senate in the 114<sup>th</sup> Congress and passed the House committee. We anticipate this issue to return in 2017.



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There are also additional committees that the Government Relations Department will engage with during the 115<sup>th</sup> Congress. The expected chairman of the Senate Health, Education, Labor and Pensions Committee is Senator Lamar Alexander (R-TN), who is the current chairman of the committee. Also returning will be Ranking Member Patty Murray (D-WA). The new chairwoman of the House Education and the Workforce Committee is Rep. Virginia Fox (R-NC), while Rep. Robert Scott (D-VA) is expected to be the ranking of that committee once again. The expected new chairman of the Senate Banking, Housing and Urban Affairs Committee is Senator Michael Crapo (R-ID), and the returning ranking member is Senator Sherrod Brown (D-OH). The returning chairman of the House Financial Services Committee is Rep. Jeb Hensarling (R-TX), and Rep. Maxine Waters (D-CA) is expected to remain the ranking member of the committee.

We will update PVA members as additional key leadership positions in the House and Senate are determined early in January.

**“Veterans Mobility Safety Act” Approved by Congress**

On November 29, 2017, the House gave final approval to H.R. 3471, the “Veterans Mobility Safety Act.” The revised bill includes significant language changes to address concerns brought by outside equipment dealers to PVA leadership earlier this year. Gabe Stultz, Associate Legislative Director, deserves a great deal of credit for his relentless advocacy work on this issue. This bill was championed by Rep. Jackie Walorski (R-IN), who is a member of the House VA Committee, and it was pushed in the Senate by Senator Jerry Moran (R-KS).

PVA has spent the last year working to get this important piece of legislation enacted. Support for this legislation was compromised at various points by competing business interests that appeared to be more interested in getting an advantage over their competition, rather than focusing on the most important priority of the legislation—veterans being served. Fortunately, Congress managed to overcome a great deal of misinformation, and in some cases blatant falsehoods, to take this positive step.

Moving forward, PVA will work with the VA to ensure that we have a prominent role in the implementation of this requirement.

**Large Veterans Omnibus Bill Approved by Congress**

Prior to adjourning the 114<sup>th</sup> Congress, the House and Senate passed a large veterans omnibus bill that contained a wide array of provisions that had previously been



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considered throughout the course of the last two years, but not finally approved. On December 6, 2016, the House approved H.R. 6416, the “Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act.” The Senate approved the bill by voice vote prior to adjourning for the year.

While the bill is a tapered version of the “Veterans First Act,” which passed the Senate unanimously in May, it does contain 76 provisions pertaining to veterans’ health care, disability benefits, and homelessness assistance. However the bill excludes two important concepts that were high priority issues with bipartisan support—expansion of the VA’s Comprehensive Family Caregiver Program to veterans of all eras and Appeals Reform.

The measure is named after Senator Richard Blumenthal (D-CT), former Ranking Member of the Senate VA Committee, and retiring Chairman of the House Committee on Veterans’ Affairs, Rep. Jeff Miller (R-FL). It temporarily increases the number of judges for the U.S. Court of Appeals for Veterans Claims from seven to nine to help address the large backlog of veterans’ appeals that may soon arrive at the court.

The act will allow for the hiring of more mental health providers and emergency room doctors and extends education benefits to surviving family members. It also begins the research needed to help descendants of veterans exposed to toxic substances.

PVA is ultimately disappointed that the House and Senate sacrificed some extremely important programs and legislative priorities in the interest of passing “some” legislation to improve benefits and services for veterans.

**U.S. Access Board Updates ADA Guidelines for Buses and Vans**

The U.S. Access Board has issued a final rule updating sections of its accessibility guidelines for transportation vehicles covered by the Americans with Disabilities Act (ADA). The rule revises provisions in the guidelines that apply to buses and vans to enhance accessibility and to address industry trends and improvements in design and technology. The guidelines, which the Board originally published in 1991, apply to new or remanufactured vehicles.

The guidelines for buses and vans address boarding access, fare devices, interior circulation, seating and securement, signs, lighting, and announcement systems. The rule reduces the maximum slope for vehicle ramps because low floor buses are now ubiquitous in fixed route systems. New provisions also address level boarding systems and incorporate updated standards for wheelchair securement systems. The rule improves communication access by requiring that buses in fixed route systems with at



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least 100 buses have automated stop and route announcements that are visual as well as audible. Further, access to over-the-road buses, which are typically used in commuter and long-distance bus lines and charter services, is more comprehensively addressed. In addition to these substantive changes, the rule features a new format and numbering system. An assessment of the costs and benefits is included with the rule.

The Board previously issued versions of the rule in draft and proposed forms for public comment and has finalized the rule based on the feedback received. At a later date, the Board will propose updates to sections of the guidelines covering vehicles in fixed guideway systems, including rapid, light, commuter, and intercity rail, according to recommendations from an advisory committee it chartered, the Rail Vehicles Access Advisory Committee, which submitted its report to the Board last year.

The Board's vehicle guidelines serve as the basis for mandatory standards issued by the Department of Transportation (DOT) under the ADA. Compliance with the updated requirements for buses and vans will become mandatory once specified by DOT in a future update of its ADA standards.

**PVA Trains Wheelchair Attendants for Virgin America Airlines**

In early December, Senior Associate Advocacy Director Lee Page and Heather Ansley, Associate General Counsel for Corporate and Government Relations, met with representatives from Virgin America Airlines at Dulles International Airport (DIA) in northern Virginia. The meeting was at Virgin's request to facilitate a discussion around the boarding process and demonstrate proper technics for transfers in and out of an aisle chair. Virgin America contracts with Huntleigh USA Corp. at Dulles for wheelchair assistance to assist passengers with disabilities in boarding and deplaning as part of their responsibility under the Air Carrier Access Act (ACAA).

After introductions, Mr. Page and Ms. Ansley thoroughly explained the Air Carrier Access Act and the legal responsibilities of the airline--Virgin America—and its contractor—Huntleigh—in what services are required to be provided to qualified passengers with disabilities. Mr. Page with the assistance of Huntleigh personnel demonstrated proper transfer technics on and off two different aisle chairs that were provided. Whereas Huntleigh personnel knew what to do in the transfers, Mr. Page emphasized that they need to take direction from the passenger with the disability.

The discussion lasted about two hours and included approximately 25 participants from Virgin America, Huntleigh USA, and a few representatives from Alaska Airlines. PVA agreed to work with Virgin America and Alaska Airlines to develop future opportunities to educate personnel on the specific needs of passengers with disabilities.



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**PVA Attends Universal Access in Airports Conference**

From November 14 – 16, 2016, Senior Associate Advocacy Director, Lee Page and Heather Ansley, Associate General Counsel for Corporate and Government Relations attended the sixth Universal Access in Airports (UAIA) conference in San Francisco. The conference was hosted by the Open Doors Organization (ODO) of Chicago.

ODO is a 501(c)(3) non-profit organization based in Chicago, Illinois, was founded in 2000 for the purpose of creating a society in which all persons with disabilities have the same consumer opportunities as everyone else. They aspire to teach businesses how to succeed in the disability market, while simultaneously empowering the disability community.

The UAIA Conference focuses on what's new in aviation, to include regulations, technology, and innovative best practices. The conference also addresses service gaps and barriers that still prevent air travel from being fully accessible to older adults and people with disabilities. Attendees to the conference included representatives of airlines, DOT and FAA regulators, Architects and ADA coordinators for airports, TSA, customer service senior management, product manufactures, contracted service management and persons with disability.

The two days of information sharing included a briefing from the Department of Transportation on the recently concluded ACCESS Committee that had consensus agreement for rulemaking around Lavatories on single aisle aircraft of a certain size, and inflight entertainment and communication for the deaf and hard of hearing and those who are blind or limited vision. Other panels focused on products of accessibility that could increase access at airports in the realm of seating design and website accessibility. A consumer panel focused on the experience of navigating through the airport and the problems of going through TSA security checks and the utilization of contract service employees who assist passengers with disabilities.

Overall, this conference is heavily attended by the airline industry and provides a good opportunity to network. The next conference will be in Minneapolis, MN in 2018.

**ADA Transportation Survey**

The ADA Participation Action Research Consortium (ADA\_PARC), a collaborative research project of the ADA Regional Centers, is conducting a study on the accessibility of public transportation for people with disabilities. The purpose of the study is to



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increase the knowledge base about transportation access for people with disabilities with the hope of improving access to transportation at the regional and national levels.

The survey is available at:

[https://unco.co1.qualtrics.com/jfe/form/SV\\_00wcGeTOzGL2IQ9](https://unco.co1.qualtrics.com/jfe/form/SV_00wcGeTOzGL2IQ9). It will be open until mid-January 2017.

We encourage our members to participate in this important study.



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