House Passes Cost-of-Living (COLA) Increase

On Tuesday, November 12, the House passed S. 893, the “Veterans’ Compensation Cost-of-Living Adjustment Act of 2013.” The President will soon sign this legislation into law. The bill provides a COLA of 1.5 percent for compensation and dependency and indemnity compensation (DIC) for surviving spouses. These new rates will be effective on December 1, 2013, so the increase in benefits payments should be seen in checks paid at the end of December.

Senate Committee on Veterans’ Affairs Reviews Pending Veterans Legislation

On October 30, the Senate Committee on Veterans’ Affairs held a hearing on pending legislation involving the Department of Veterans Affairs’ (VA) delivery of health care and benefits services. The Committee reviewed more than 30 pieces of legislation that addressed a broad range of issues including faster filing of claims for veterans’ benefits, rural health care, and expanding VA enrollment eligibility. PVA provided a statement for the record.

Legislation of particular importance to PVA included S. 1216, the “Improving Jobs Opportunity for Veterans Act.” PVA supported this bill as it would require training establishments that apply for state approval of on-the-job training programs to guarantee that the wages paid to veterans in training will be increased in regular periodic increments. This legislation also directs the VA to enter into agreements with other federal agencies to operate similar on-the-job training programs for eligible veterans to perform skills necessary for employment by the department or agency operating the program. This initiative would be an excellent program to ensure that the men and women that served their country will be trained and prepared to continue serving their country.

The Committee also reviewed S. 411, the “Rural Veterans Health Care Improvement Act,” which if enacted would require VA to include specific objectives in the current strategic plan of the VA Office of Rural Health that define specific goals in the areas of recruitment and retention. Recruiting and retaining medical professionals in rural settings continues to be a challenge as the population of veterans residing in rural areas continues to grow. PVA supported this bill and further believes that attracting and retaining adequate staff within the Veterans Health Administration (VHA) to rural areas is one of the most critical elements of improving access to VA care for all veterans.

PVA also supported proposed legislation that would improve the adaptive automobile assistance grant. This draft bill on replacement automobiles for disabled veterans would
allow the grant to be used up to three times until reaching the maximum dollar amount. PVA fully supported this bill and further encouraged the Committee to evaluate the effectiveness of allowing veterans to use their Specially Adapted Housing (SAH) grant up to three times (a provision that was enacted into law several years ago) as a basis for comparison in understanding the potential for allowing a similar benefit with the automobile assistance grant.

PVA did not support the “Toxic Exposure Research and Military Family Support Act of 2013,” a bill to make a VA medical center the national center for the diagnosis, treatment, and research of health conditions of descendants of individuals exposed to toxic substances while serving as members of the Armed Forces. Despite the fact that the bill recognized the importance of providing descendants of veterans who have been exposed to toxic substances with quality, effective care, provisions of this bill are outside of the VA’s official mission, and entitle the descendants of veterans to services and benefits that are unavailable to even service-connected disabled veterans enrolled in the VA health care system.

Additional bills discussed during the hearing involved improving VA mental health care services, updating premium rates for the service-disabled veterans’ life insurance program, and enhancing VA services involving military sexual trauma. PVA Legislation staff will continue to follow these important issues, and work with Congressional staff and VA leadership to improve veteran services. To read PVA’s statement for the record, please visit www.pva.org.

**Senate Veterans’ Affairs Committee Chairman Holds Press Conference**

On November 7, Senator Bernie Sanders (I-VT), Chairman of the Senate Committee on Veterans’ Affairs, held a press conference to highlight the needs to provide for America’s veterans. He expressed serious concerns about the challenges facing veterans in today’s budget environment as well as the ongoing challenges to veterans’ claims processing and veterans’ employment. He was joined by many veterans’ service organizations (VSO) including Paralyzed Veterans of America, Veterans of Foreign Wars, Disabled American Veterans and Iraq and Afghanistan Veterans Association.

Chairman Sanders also spoke about new legislation he intends to mark up in the Senate VA Committee—S. 932, the “Putting Veterans’ Funding First Act,”—that would expand the advance appropriation that currently funds veterans’ health care a year in advance to cover the entire VA. The advance appropriation proved critical to veterans during the October government shutdown that allowed veterans to continue to receive their health care. But the shutdown did affect veterans’ claims processing and could have interfered with benefits payments if it had continued much longer. While it would not fix all the problems faced by the budget, it would allow a much smoother veterans’ budget process that was not beholden to political actions that could disrupt benefits earned by veterans.

While veterans’ service organizations participated in the press conference and addressed
the reporters present, several of the VSOs also sent letters to the leaders of Congress and the President outlining the need for an advance appropriation for the entire VA. The letter to the President highlighted his original support for the advance appropriations both as a senator and as President and that his support was critical to its passage. The letter went on to request the President's public support for the expansion of advance appropriations in light of the harm caused to veterans by the government shutdown.

**Oversight Hearing on the VA's Independent Living Program**

On November 13, the House Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, held an oversight hearing to review the Department of Veterans Affairs (VA) Independent Living program (IL). The IL program was established by Congress in 1980, as part of the Vocational Rehabilitation and Employment (VR&E) Program of Chapter 31, Title 38, USC. IL is one of five tracks within the VA’s Vocational Education and Employment Program. When veterans cannot benefit from the employment directed tracks because of the serious nature of their service connected disability, they may consider the IL program.

Congressman Bill Flores (R-TX) chairs the Subcommittee and Mark Takano (D-CA) serves as Ranking Minority Member. PVA was invited to testify for the hearing because our members are a high percentage of the users that participate in the IL program.

The mission of VR&E is to provide veterans with service-connected disabilities the necessary services and assistance to achieve maximum independence in daily living, to become employable, and to obtain and maintain suitable employment. Although employment for the veteran should be a goal of VR&E, those veterans with serious disabilities requiring extensive rehabilitation before considering employment, or who may never be employable, will qualify and benefit from the IL program.

PVA’s testimony highlighted the cap, or number of veterans admitted into the program each year. Since the beginning of the IL program in 1980 it has had a limit on the number of veterans allowed to use this option each fiscal year. The current cap is 2,700 veterans per year. PVA reminded the Subcommittee that military service, including overseas combat, does not place a limit, or cap on serious injuries that take place while serving the nation. For this reason, PVA along with the co-authors and supporters of *The Independent Budget* have asked Congress to remove this cap.

Also testifying was a representative from the Government Accountability Office (GAO). GAO is the non-partisan government organization that investigates, analyzes, and reports to Congress both good aspect and problem issues that demand attention. Information from a recent GAO report (GAO-13-474, VA Vocational Rehabilitation and Employment Program: Improved Oversight of Independent Living Services and Supports Is Needed, June 2013) highlighted some issues that will require more attention by VR&E, and continued oversight of this important VA program.
The IL program has a 30 month time limit for the veteran to complete their individual program. Most individual programs, about 89 percent, were completed for those starting their program in 2008. On occasion, a veteran may require an extension to finish a program or some may drop out because of health problems.

PVA and Disabled American Veterans (DAV) both emphasized that this program is a very important component of the rehabilitation process. For that reason, the VA should increase their outreach to disabled veterans to increase the number of veterans who apply to use IL. If the number of applications far exceeds the cap on IL, this would better inform Congress of the need to remove the cap.

Chairman Flores said he is impressed with the overall performance of the IL program. He commented that there should be more sharing of ideas between the VR&E offices since some offices used a program or product repeatedly to help IL veterans, while other offices never used that program or product. He will invite the VA back to the Subcommittee next year to hear of their efforts to make necessary adjustments with this program. To read PVA’s testimony, please visit www.pva.org.

Veterans Homebuyer Accessibility Act Introduced

Congressman Jim Langevin (D-RI) reintroduced the Veterans Homebuyer Accessibility Act (H.R. 3422), legislation that would make it easier for veterans to purchase homes and for veterans with disabilities to make adaptive modifications to their homes. The Veterans Homebuyer Accessibility Act would provide a tax credit of up to $8,000 for specially adaptive housing improvements and a first-time homebuyer tax credit of up to $8,000 to eligible veterans through 2016. This bipartisan legislation is cosponsored by Reps. Paul Cook (R-CA) and Alcee Hastings (D-FL), and is endorsed by Paralyzed Veterans of America, American Legion, Vietnam Veterans of America, and the Association of the United States Navy.

In a press release issued upon introduction, Cong. Langevin said, “The transition from military life overseas back to the United States is a challenging time for our veterans. We should be doing everything in our power to make that assimilation easier, including supporting veterans as they set roots in their communities. They have done so much for our country, protecting our lives and our freedoms, and we must return the favor. All veterans deserve safe, affordable and accessible housing.”

CRPD Hearing

Disability advocates flooded a Senate Foreign Relations Committee Hearing on November 5, 2013, in a push to ratify the Convention on the Rights of People with Disabilities (CRPD), a treaty to promote and protect the rights of people with disabilities in more than 150 countries.

Senators Mark Kirk (R-IL) and Kelly Ayotte (R-NH), Rep. Tammy Duckworth (D-IL),
Honorable Richard Thornburgh, former U.S. Attorney General and the Honorable Thomas J. Ridge, former Secretary of Home Land Security and current Chairman of the National Organization on Disability (NOD) all testified, emphasizing their support for the treaty. Some senators on the committee expressed concern about the technical aspects of the treaty and how it relates to U.S. law, the U.N. and sovereignty.

Advocates contend that the CRPD has no legal authority in the U.S. without specific action beyond ratification by Congress, and that it will reaffirm the U.S. commitment to and leadership in international disability rights.

“We set the gold standard in disability access, yet our legitimacy to lead other nations is weakened because we have not yet ratified the CRPD,” Rep. Duckworth stated at the Nov. 5 hearing. “The CRPD will allow veterans with disabilities to have greater opportunities to work, study and travel abroad as countries implement this treaty. Veterans, active service members and their families who are affected by disability will be able to lead active lives around the world.”

Air Carrier Regulations

On November 4, the U.S. Department of Transportation (DOT) published a rule allowing airlines on new aircraft to choose between stowing wheelchairs in a cabin compartment or strapping them to a row of seats. Airlines are still required to stow a collapsible chair in the cabin, but now can choose to strap a chair to seats rather than a dedicated compartment even on new planes.

DOT has allowed airlines to use the seat-strapping method on existing aircraft for ten years. Based on an evaluation of the costs and benefits, DOT revised its position to allow the use of seat-strapping on new aircraft subject to certain conditions.

If an airline chooses to use the seat-strapping method, strap kits must comply with applicable safety standards. The carrier must reserve space for the first manual wheelchair or be prepared to displace passengers if necessary to transport that wheelchair. Further, it must transport two wheelchairs in the cabin, if requested, unless stowing the second wheelchair would displace other passengers.

On aircraft where an airline stows a passenger’s wheelchair in a closet in the cabin, there must be a prominent sign indicating that a wheelchair and other assistive devices have priority over other items brought into the cabin by other passengers or crew, thereby making it clear that a manual wheelchair and other assistive devices should be transported in the cabin.


The Department also issued a regulation requiring accessibility of airline websites and
kiosks. Most changes are centered on accessibility to people with vision impairments, e.g., kiosks will be visually and tactilely identifiable. But airlines will also have to ensure that, within 3 years (12/13/16), 25% of kiosks meet the ADA's height, reach and maneuverability standards. They must make available online accommodation request forms to request services including, but not limited to, wheelchair assistance at the airport, and ticket agents must offer to persons with disabilities Web-based discount fares if they are unable to use their Web site due to a disability. Airlines must give priority access to accessible kiosks to passengers with disabilities.

Meeting with DOT Secretary

On November 12, PVA Advocacy Staff met with Anthony Foxx, the new Secretary of the Department of Transportation, along with other groups from the disability community. Administrators from Highways, Railroads, Transit, Motor Carrier, and other administrations within DOT also participated. Discussion centered primarily on increasing cooperative efforts, regular meetings, and focusing on the traveling public as the Department's constituents rather than the transportation providers. Specific points regarding stronger enforcement of the ADA, particularly regarding Amtrak, were discussed, as well as ongoing technical assistance emphasizing rural transportation options.

PVA Conducts ACAA Transfer Training in Texas

On November 5 - 7, Associate Advocacy Director Lee Page and Texas PVA member Derrick Perkins trained over 100 personnel from AirServ, a company contracting with United and American Airlines to provide transfer assistance (among other services) at Houston Intercontinental Airport and Dallas Ft.-Worth International Airport.

Each session began with introductions about PVA and detailed discussion about catastrophic spinal cord injury the cause and affects of living with the disability. Lee and Derrick both demonstrated their method of transfer from wheelchair to aisle chair – both are extremely independent. Then there were transfers among the AirServ personnel, emphasis was placed on coordinated communications, team work, and ensuring the security and safety of the passenger.

There was candid discussion about durable medical equipment (DME), wheelchairs and the different type, costs, seating systems, cushions and the importance of skin care. Other issues related to spinal cord injuries that were discussed included: catheters, ostomy and colostomies, leg bags, spasms, atrophy of skin, muscle, tissue, bone and the danger of pressure sores, being careful of any body part (feet, elbows, hips, etc.) that may extend past the aisle chair, and essentially that the assistant needs to feel comfortable asking about anything they aren’t sure of.

PVA's Advocacy staff will continue to work with AirServ and inform and involve chapters in any local trainings.
DOT Fines US Airways for Failure to Provide Wheelchair Assistance

On November 4, DOT fined US Airways $1.2 million for failing to provide adequate wheelchair assistance to passengers in Philadelphia and Charlotte, N.C. The wheelchair assistance is not necessarily related to people who travel with their own wheelchairs, but to passengers who request the use of wheelchairs at airports. The fine is one of the largest ever assessed by DOT in a disability case.

DOT examined approximately 300 complaints filed by passengers with the airline and DOT relating to incidents at Philadelphia and Charlotte, covering a sample of complaints filed over two years against US Airways for the two airports. The airline’s use of a combination of electric carts and wheelchairs to carry passengers between gates required frequent transfers and led to long delays. Some passengers missed connections because of the delays or were left unattended for long periods of time.

Of the $1.2 million fine, US Airways may use up to $500,000 for improvements in its service to passengers with disabilities that are beyond what DOT rules require. These include hiring managers to ensure the quality of the airline’s disability services, monitoring assistance requests, compensating passengers with disability-related complaints, and issuing boarding passes to identify passengers who request special services.

Consumer Financial Protection Bureau Hosts Forum on Strengthening Financial Capability for People with Disabilities

In mid-November, Advocacy staff attended a forum sponsored by the Consumer Financial Protection Bureau (CFPB) to introduce disability advocates to the agency and discuss ways in which CFPB can equip people with disabilities with the tools to achieve and improve their financial stability. Officials from the CFPB Office of Financial Empowerment outlined the laws over which the agency has jurisdiction including the Equal Credit Opportunity Act which prohibits creditors from engaging in discriminatory credit transactions - such as denying a loan based on a person’s receipt of public assistance - and Home Mortgage Disclosure Act calling for greater transparency in mortgage loan information. The agency also supervises banks, thrifts and credit unions to assess their compliance with consumer financial protection laws and, since its creation, has handled over 230,000 consumer complaints against credit agencies and financial institutions. It has also produced a number of documents for consumers offering guidance for financial transactions including one titled Managing Someone Else's Money - Help For Representative Payees and VA fiduciaries - which explains the duties and obligations of those who manage money for Social Security beneficiaries and veterans. That document can be found at -


Director of CFPB Richard Cordray, invited advocates to bring to CFPB information about unique difficulties that people with disabilities encounter when trying to obtain a home,
business or consumer loans or when dealing with credit or debt collection agencies. He also directed people to the "Ask CFPB" link on the agency's website for Frequently Asked Questions about consumer finance.

Assistant Director for Servicemember Affairs Holly Petraeus, described the functions of her office for assuring financial education to active duty service members, military retirees, veterans and their families and noted that the office had recently brought on a veterans' outreach specialist to enhance connections to that community. That office has recently been involved in working with state and federal agencies to raise awareness around questionable tactics by for-profit colleges to target veterans with disabilities and their families for their GI Bill benefits. She also noted efforts by the agency to draw attention to scams by unscrupulous lawyers that promise Aid and Attendance benefits to veterans if they move their assets into financial accounts that the veterans and their families cannot access. Veterans and servicemembers with complaints can communicate directly with her office at military@cfpb.gov or find additional information on her office’s Facebook page at facebook.com/CFPBMilitary or twitter.com/CFPBMilitary.

Additional information about the Consumer Financial Protection Bureau can be found on its website http://www.consumerfinance.gov/.