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Washington Update

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HOUSE HEARING LOOKS AT VA EFFORTS TO MODERNIZE ITS MEDICAL SUPPLY CHAIN

On November 18, the House Veterans' Affairs, Oversight and Investigations and Information Technology Subcommittees held a hearing looking at VA's efforts to modernize its medical supply chain system. VA has long faced challenges in achieving efficient acquisitions and a recent Government Accountability Office (GAO) report says the department's lethargic efforts to modernize its supply chain may now be putting the quality of veterans' health care at risk.

Many of the findings of this report were addressed during the hearing, including VA's failure to fully enact GAO recommendations to improve acquisition management at VA and the absence of a comprehensive plan to implement a new system. Throughout the hearing, lawmakers expressed concern with the cost of developing a new program, numerous managerial problems, and the lack of clarity as to whether the Defense Medical Logistics Standard Support (DMLSS) or prime vendor systems are suitable for use by VA for its future supply system.

The COVID-19 pandemic exasperated VA's supply woes. Too many PVA members have experienced problems with VA filling prescriptions for critical items needed for veterans to perform wound and bowel and bladder care at home. We shared this information with congressional staff in advance of the hearing along with word that VA is experiencing shortages of wheelchair parts, durable medical equipment, and even lab specimen tubes. The staff appreciated our inputs and are looking into the issues raised. The hearing was recorded and can be viewed [here](#).

AMTRAK INVESTMENTS UNDER BIPARTISAN INFRASTRUCTURE LAW

On November 15, President Biden signed the bipartisan Infrastructure Investment and Jobs Act into law. Among its many provisions, the legislation provides Amtrak with an investment of \$66 billion to eliminate its maintenance backlog, modernize the Northeast Corridor, and improve rail service in areas outside the northeast and mid-Atlantic. Within these totals, \$22 billion would be provided as grants to Amtrak; \$24 billion as federal-state partnership grants for Northeast Corridor modernization; \$12

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billion for partnership grants for intercity rail service, including high-speed rail; \$5 billion for rail improvement and safety grants; and \$3 billion for grade crossing safety improvements. The legislation also expands Amtrak's Board to add a position for a disability advocate.

According to an inspector general report from September 2021, Amtrak has made progress on overdue Americans with Disabilities Act (ADA) compliance requirements. Amtrak reported that the ADA requires that 516 stations across its rail network be compliant. It is responsible for making various combinations of station components accessible at individual stations, including the station structure, train platform, and parking area. Based on federal regulation and lease agreements with third parties, Amtrak has determined it has sole and shared responsibility for 386 of these stations. Over the next six years, Amtrak will embark on a plan to bring more than 300 stations into ADA compliance.

INDEPENDENT BUDGET AND OTHER VSOs RAISE NEED FOR CONGRESS TO FINALIZE VA BUDGET FOR FISCAL YEAR 2022

On November 10, the Independent Budget veterans service organizations (VSO), PVA, DAV, and VFW, along with five other VSOs sent a letter to Senate leadership to express serious concerns about reports that the Senate was considering approving a full-year continuing resolution (CR) to fund the federal government for the remainder of fiscal year (FY) 2022. A full-year CR would have significant negative consequences for veterans, their families, caregivers, and survivors. FY 2022 began on October 1. Congress passed a continuing resolution to fund the government through December 3.

PVA WEIGHS IN ON PENDING VETERANS LEGISLATION

On November 17, the Senate Veterans' Affairs Committee held a [hearing on pending legislation](#). PVA submitted a statement for the record to provide our views on some of the 22 bills included in the hearing. We strongly supported several bills, including S. 2513, the Brian Neuman Department of

Veterans Affairs Clothing Allowance Improvement Act of 2021, which would allow eligible veterans to be automatically enrolled in the clothing allowance program, eliminating the burden of having to reapply each year. This would have a big impact on many PVA members.

We also supported S. 1607, the Student Veterans Transparency and Protection Act of 2021, which would improve data-sharing between VA and the Department of Education, so VA would have more data for the GI Bill Comparison Tool. It would also reinstate education benefits to students who experienced predatory behavior from certain schools.

Another bill we supported was S. 1664, the Department of Veterans Affairs Post-Traumatic Stress Disorder Processing Claims Improvement Act of 2021, which would improve training for claims processors who review PTSD disability benefit claims and establish a formal process that identifies future training needs to avoid inaccurately processed and unjustly denied claims.

PVA SUBMITS STATEMENT IN HOUSE MST HEARING

On November 17, PVA submitted a [statement for the record](#) for a joint House Veterans' Affairs, Disability Assistance and Memorial Affairs and Health Subcommittees hearing titled, "Supporting Survivors: Assessing VA's Military Sexual Trauma (MST) Programs." PVA's statement focused on a set of VA Office of Inspector General reports that relayed the department's shortcomings in MST claims process. Our statement stressed the importance of raters and clinicians being aware of the complicated conditions of veterans with spinal cord injuries and disorders and other disabilities who might file MST claims.

Representative Raul Ruiz (D-CA) referred to our statement when questioning witnesses, asking if VA offered specialized training for staff when it comes to complexities often seen in veterans with serious disabilities. VA stressed the importance of training, but PVA believes more work needs to be done in this area to ensure that veterans with complex



disabilities receive equitable support when filing MST claims. You can watch the hearing [here](#).

JUSTICE DEPARTMENT SUES UBER FOR OVERCHARGING PEOPLE WITH DISABILITIES

The Justice Department has filed a lawsuit under the ADA against Uber Technologies Inc. (Uber) for charging “wait time” fees to passengers who, because of disability, need more time to enter a vehicle. In April 2016, Uber began charging passengers wait time fees in a number of cities, eventually expanding the policy nationwide. Wait time fees start two minutes after the Uber vehicle arrives at the pickup location and are charged until the vehicle begins its trip.

The department’s complaint alleges that Uber violates the ADA by failing to reasonably modify its wait time fee policy for passengers who, because of disability, need more than two minutes to get in an Uber vehicle. Passengers with disabilities may need additional time to enter a vehicle for various reasons. A passenger may, for example, use a wheelchair or walker that needs to be broken down and stored in the vehicle. The department’s lawsuit alleges that, even when Uber is aware that a passenger’s need for additional time is clearly disability-based, Uber starts charging a wait time fee at the two-minute mark.

The lawsuit seeks relief from the court, including ordering Uber to stop discriminating against individuals with disabilities. Additionally, the department asks the court to order Uber to modify its wait time fee policy to comply with the ADA; train its staff and drivers on the ADA; pay money damages to people subjected to the illegal wait time fees; and pay a civil penalty to vindicate the public’s interest in eliminating disability discrimination.

Anyone who may have been charged wait time fees, should contact the Justice Department at [833-591-0425](tel:833-591-0425) (toll-free), [202-305-6786](tel:202-305-6786), or send an email to Uber.Fee@usdoj.gov. The complaint can be viewed [here](#).

NEW STRATEGY FOR REDUCING MILITARY AND VETERAN SUICIDE

The Administration recently [unveiled a new plan](#) aimed at ending veteran and military suicide nationwide. It is pillared by five priorities: improving lethal means safety; enhancing crisis care and facilitating care transitions; increasing access to and delivery of effective care; addressing upstream risk and protective factors; and increasing research coordination, data sharing, and evaluation efforts. The new plan calls for federal agencies, including the Departments of Defense, Homeland Security, Justice, Health and Human Services, VA, and Transportation, to create public awareness campaigns to encourage safer storage of guns and training for counselors, crisis responders, and others.

Another key part of the strategy focuses on reducing barriers to high quality mental health care and encouraging help-seeking among service members, veterans, and their families. This could include, but is not limited to, eliminating or lowering co-payments for mental health treatment, increasing confidentiality, clarifying fitness for duty standards, and training of providers in evidence-based suicide risk assessment and care. This would be coupled with similar efforts to limit risk factors like increased financial strain, lack of housing, food insecurity, unemployment, and legal issues—all of which may contribute to or increase the risk for suicide.

PROTECTION OF SOCIAL SECURITY BENEFITS RESTORATION ACT REINTRODUCED

On November 4, Representatives Raúl M. Grijalva (D-AZ) and John B. Larson (D-CT), Chair of the House Ways and Means, Subcommittee on Social Security, reintroduced the Protection of Social Security Benefits Restoration Act, H.R. 5866. This legislation would restore federal protections for Social Security benefits to prevent the federal government from garnishing them for the repayment of all non-tax federal debt—such as student loans. Senator Ron Wyden (D-OR), Chairman of the Senate Committee on Finance, introduced companion legislation (S. 3177) in the Senate.





According to a September 2016 GAO report, the number of retirees and people with disabilities whose Social Security benefits were seized by the government to pay off student loans increased more than fivefold between 2002 and 2016. While the Department of Education put a pause on collecting student loan payments due to the pandemic, the department is prepared to resume them at the end of January, including those for seniors. In addition to protecting Social Security benefits, the bill also protects railroad retirement and black lung benefits. More information is available [here](#).

NEWS OF NOTE

“Veteran Finder” App Launched

On Veterans Day, Together We Served launched a “Veteran Finder” app to help connect veterans with people they served with. You can learn more about the free app which was specially designed for Android and Apple mobile phones [here](#).

U.S. Access Board Hosts Virtual Event on Architectural Trends and Social Justice

The U.S. Access Board hosted, “Designing for Inclusion: Architectural Trends and Social Justice,” on November 10. Access Board Member Karen Braitmayer reviewed current trends in architectural design for toilet rooms, lavatories, adult changing tables, self-service transaction machines, wayfinding, dining surfaces and tables, and accessible routes, including those that have emerged in response to the COVID-19 pandemic. The archived event can be found [here](#).

Mathematica and Dole Foundation Release Report on Young Caregivers of Veterans

On November 10, the Elizabeth Dole Foundation and Mathematica Research released a [new report](#) that shows children who live with and help care for wounded, injured, or ill service members or veterans face local and national barriers to speedy, high quality support for themselves. Hidden Helpers, as they are called in the report, take on considerable responsibilities compared with their peers, ranging from household chores to physical and emotional caregiving duties and childrearing responsibilities for siblings. They require significant

support themselves to grow up healthy and thrive, but their needs are often superseded by those of the people they care for. The full report can be found [here](#).

Myths About ADA Enforcement

In “DeBunking Disability Enforcement Myths,” two University of Pennsylvania law professors examine some of the most troubling and intransigent misrepresentations about disability rights enforcement. Among these are: filing a disability law suit is taking advantage of the system; the ADA is the source of much predatory litigation; and stopping or delaying ADA lawsuits is the only way to protect small businesses from these abusive practices. The full article is available [here](#).

HEARINGS, SURVEYS, AND WEBINARS

PVA’s NDEAM Webinar Recording Now Available

On October 26, PVA hosted a webinar in honor of National Disability Employment Awareness Month. PVA's webinar featured Susan Prokop, PVA's National Advocacy Director, and PVA's Veterans Career Program staff who shared their insights and experiences on the employment of veterans with disabilities. The webinar is available for viewing [here](#).

Survey for Women Veterans

The Center for Faith-Based and Neighborhood Partnerships in collaboration with the VA Center for Women Veterans is conducting a survey for women veterans. The survey is looking to understand why these veterans may not be accessing their benefits and services. Please complete this 5-minute [survey](#) if you are a woman veteran.

Upcoming Hearings

For the latest VA committee hearings, please visit the [House Veterans’ Affairs Committee](#) and [Senate Veterans Affairs’ Committee](#) pages.

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Last Call: Survey on Air Travel

We still need your help to learn more about the current air travel experiences of passengers with disabilities. Please complete a [short PVA-sponsored survey](#) to help inform our policy efforts on this issue. The survey closes on November 30.

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