

LEGISLATIVE CHATS

EPISODE 2: ADVOCACY

00:02

Welcome to the second edition of Paralyzed Veterans of America's government relations team's podcast on our public policy issues.

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And today we're going to provide an overview of what PVA's disability focus priorities were for 2020.

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That includes looking at the Air Carrier Access Act, the Americans with Disabilities Act, which of course turned 30 last year.

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Social Security and emergency response and then we're going to take a preview into what our plans are for this year and how we think some of those actions may be able to come to fruition.

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I'm joined today by Susan Prokop she is our National Advocacy Director and she's going to start us off today giving some of those comments about last year's priorities and talk a little bit about.

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Some of the efforts that that we were able to engage in so Susan, what can you tell us about last year.

user avatar

Susan Prokop - Paralyzed Veterans of America - she/her

01:09

alrighty thanks Heather so.

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Like much of the past several years 2020 was challenging when it came.

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To disability policy and program advocacy. The Executive branch was largely in different if not downright hostile.

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Too many issues of importance to Americans with disabilities from attempts to undermine the affordable care act protection of people with pre existing conditions.

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Moves to eliminate rules on fair housing to proposals that would make it harder for people to receive social security disability benefits most advocates energies were directed towards stopping these damaging initiatives, meanwhile, especially in the last year.

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COVID-19 took up most of Congress's attention, but there were some modest victories for the disability community and some of the early legislative moves to address the pandemic.

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Unfortunately PVA's emergency response priorities from the 116th Congress got sidelined by the overwhelming need to respond to the pandemic.

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PVA had endorsed the READI for Disasters Act, which sought to reform the federal government's disaster preparedness response and recovery systems to focus more attention.

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On those with access and functional needs and the Disaster Relief Medicaid Act, which would ensure continued attachment to Medicaid for those evacuated to other states during an emergency.

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No progress was made on either bill, and they will need to be reintroduced in the 117th Congress.

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However, through its participation in the Consortium for Citizens with Disabilities PVA joined with numerous other disability organizations in successfully fighting for changes to crisis standards of care developed by some health systems in the early stages of the pandemic.

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That would have discriminated against people with disabilities and serious health conditions PVA also worked with The Arc of the United States.

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National Disability Rights Network and other organizations representing social security disability claimants in reducing bureaucratic barriers for those who don't usually file taxes to receive receive the stimulus checks.

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CCD was also successful in getting included in the Heroes Act which passed the House dedicated funding for states Medicaid home and community based services systems.



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hazard pay for essential workers, including direct care workers and additional recovery rebates meanwhile.

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PVA was very active in 2020 pushing forward necessary reforms to the Air Carrier Access Act in order to improve the flying experience for people with disabilities.

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We continued working with the Department of Transportation on rules regarding service animals and lavatory redesign.

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In March of last year PVA Associate Advocacy Director Lee Page testified before the House Transportation Subcommittee on Aviation.

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about the challenges of flying for customers with disabilities and we continued partnering with congressional allies on amendments to the law that are long overdue I'm going to turn the microphone back over to heather for a deeper dive into PVA air carrier advocacy.

user avatar

Heather Ansley

05:00

Thanks Susan, as you mentioned, prior to the height of the pandemic last year, which, of course, had a major impact on air travel.

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Senior Associate Advocacy Director Lee Page testified before the House Transportation committee.

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and his testimony really focused on some of the negative aspects of the boarding and deplaning process, the need to use.

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an aisle chair that's typically in in disrepair and is not really conducive to safely transporting a passenger onto an airplane.

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receiving assistance from you know personnel who are really not appropriately trained and how to.

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Help transfer a person who has a catastrophic disability and we really have appreciated the opportunity to have these.



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You know, public ways that we can educate Congress about the impact that inaccessible air travel has on passengers with disabilities.

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In the previous year, we had the opportunity for our National President David Zurfluh to also testify before this committee.

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And we're hopeful that will continue to have more opportunities in the coming year. Last year in.

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early March the Department of Transportation also held the first meeting of the Air Carrier Access Act advisory committee, and this was a committee that was put together a requirement under the FAA reauthorization of 2018.

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That will advise the Department of Transportation Secretary about how do we improve the air travel experience of passengers with disabilities.

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This committee was something that PVA really helped to put into concept and to get past as part of that legislation and I'm glad to say that.

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PVA has one of the seats on the committee, there are 19 representatives of both disability veteran.

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airlines and other stakeholder communities, including wheelchair manufacturers that are participating in this effort, and we had a two day meeting in Washington DC.

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In the beginning of March, we had the opportunity for our National Senior Vice President Charles Brown to speak to the committee directly about the challenges that.

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All passengers with disabilities face, including some of those that he has specifically encountered and another PVA member Peter Axelson also was presenting to the committee to discuss the work.

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that's taking place within the wheelchair design community to look at how to reduce wheelchair damage in air travel, of course.

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All of those efforts took place before we really got into the pandemic and what that meant for air travel, in general, including passengers with disabilities.



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So, with some of the efforts to try to raise the needs of these passengers, we did work with other disability community stakeholders to develop recommendations.

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That we provided to the airlines to the Department of Transportation and also to tsa the Transportation Security administration about how to.

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Consider the needs of passengers with disabilities in air travel in a pandemic, whether it's requirements to wear masks.

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or the fact that you are typically in very close proximity to those that are trying to assist you during air travel and the resulting concerns and complications from that so we were glad that we were able to pivot.

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to recognize the the new concerns but certainly that did require us to refocus where we were looking for last year, as it relates to air travel.

09:03

I know Susan that a lot took place in the other areas of advocacy including a major anniversary that took place so, can you tell us a little bit more about the work on the ADA and also Social Security.

user avatar

Susan Prokop - Paralyzed Veterans of America - she/her

09:17

Sure thing thanks Heather.

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Absolutely, with regard to the Americans with Disabilities Act most activity in 2020 concerned the 30th anniversary of this most important disability rights law.

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PVA produced a series of issue briefs, webinars, and social media presentations about the anniversary, and the importance of the ADA to its members.

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We continued to oppose bills, that would impose burdensome notice requirements on those seeking to enforce their rights under the ADA and to support legislation that would update tax credits for pre 1990 businesses to make their properties accessible.



10:03

On the Social Security front in 2020 PVA continued its efforts to advance legislation to improve and strengthen the system.

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For the more than 9 million veterans and their families who receive retirement disability or survivor benefits from the program.

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PVA Deputy Executive Director Shaun Castle testified twice before Congress in support of the Social Security 2100.

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Act, which is a comprehensive measure designed to set a more realistic cost of living adjustment reflecting expenses often incurred by retirees and people with disabilities.

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reduce the tax burden on beneficiaries, improve minimum benefits to ensure no one retires into poverty and make long overdue adjustments in the financing mechanisms for the system.

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Heather Ansley

11:01

Thank You Susan for walking us through some of those priorities, of course, now we have to take a look at what's on the horizon for this year, knowing that all of the legislation that was introduced in.

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The previous session of Congress is now dead for all intents and purposes, unless it became law so that means there's some work on our horizon so Susan, what can you tell us about some of the advocacy areas that the advocacy program is focused on for this year.

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Susan Prokop - Paralyzed Veterans of America - she/her

11:32

Well, as we enter the new year, the new administration and the new Congress PVA advocacy program priorities will continue to be the Air Carrier Access Act.

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ADA enforcement and social security, as well as employment challenges facing many veterans and others with disabilities, as the country begins to emerge from the worst of COVID-19.

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And so far as increasing compliance with the ADA, although the Americans with Disabilities Act became law in 1990.



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barriers still remain, especially in public accommodations covered under Title three.

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When barriers are encountered people with disabilities can file a complaint with the Department of Justice or file a lawsuit using the ADA's.

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Private right of action, unfortunately complaints filed with DOJ are routinely dismissed without any action, due to the large numbers received.

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Few complaints are sent to mediation and lawyers are often hard to secure as there are no damages paid under Title III.

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To make matters worse, some small businesses and their allies in Congress continue to feel that they should be notified that they are out of compliance.

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Before an individual can file a lawsuit in order to allow them to quote unquote cure the violation such changes, however, would remove any real incentive for these public accommodations to proactively comply with the law.

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To improve compliance with the ADA PVA will be pressing Congress to pass legislation that would increase the tax incentives that help businesses with old facilities comply with the ADA.

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By removing architectural barriers and increased funding for the DOJ ADA mediation program.

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and expand tax credits and deductions for employers who hire and retain employees with disabilities and to make their places of business more accessible, including their Internet or telecommunication services.

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With regard to the Air Carrier Access Act this year marks the 35th anniversary of the ACAA.

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which, as noted previously is the law governing accessibility in air travel for people with disabilities.

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In many instances airlines failed to provide safe access due to properly trained assistance providers.

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badly maintained boarding and deplaning equipment and physical barriers within the aircraft that result in harm to passengers with mobility impairments.

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Many of the difficulties that travelers with disabilities encounter in air travel are not sufficiently address by the ACAA and it's implementing regulations.

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For example, unlike most other sub civil rights laws, the ACAA lacks a guaranteed private right of action, which means people with disabilities receive limited redress of their grievances.

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To improve access to air travel PVA believes Congress must pass legislation that would address these problems by one strengthening the ACAA.

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Administrative enforcement and establishing a private right of action.

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Two ensuring new airplanes are designed to accommodate the needs of people with disabilities by requiring airlines to meet defined accessibility standards.

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These standards will address safe and effective boarding and deplaning visually accessible announcements seating accommodations lavatories and better storage options for assistive devices and three.

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require removal of access barriers on existing airplanes, to the extent that it's readily achievable easily accomplishable and maybe done without much difficulty or expense.

user avatar

Heather Ansley

15:35

Thanks, Susan, for going over those particular civil rights protections that we're looking at I know something that continues to be important to our Members, of course, is social security and social security benefits.

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What do you think the likelihood is of movement on that front during this particular Congress?

user avatar

Susan Prokop - Paralyzed Veterans of America - she/her

15:52

Well, due to the recession, caused by COVID.

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The Social Security trust funds will face a shortfall and be unable to pay full benefits a year earlier than previously anticipated in 2034.

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If Congress acts soon the current modest gap in long term system funding can be addressed without damaging cuts to beneficiaries.

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This should be done through prudent phased in changes to the systems financing, along with benefit enhancements that will respond to the nation's growing retirement crisis.

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If Congress doesn't Act and the trust funds are depleted in 14 years there will only be enough incoming revenue from payroll contributions.

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To pay roughly 75% of all retirement disability and survivor benefits, people need to ask themselves can they get by with three quarters of a social security check.

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It is true that Congress tends to act only when a crisis looms.

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However, President Biden outlined a fairly extensive Social Security platform during the campaign that reflected many elements of modernization bills introduced in the 116th.

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And the leadership within the House ways and means committee seems very intent on bringing to a vote legislation aligned with the administration's desires. To those ends.

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PVA support several measures to bolster Social Security, including passage of a consensus Social Security 2100 Act.

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That tracks last year's bill, but also incorporates the plan set out by President Biden and his plan for Social Security. Provisions we expect to see return in such a measure would be a more.

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beneficiary friendly cola reductions in the tax burden on beneficiaries improvements in the minimum benefit to make sure nobody retires into poverty.

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and long overdue adjustments in the financing for the system that ask those earning above \$400,000 a year to contribute to the Program.

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We also support passage of the Stop the Wait to act to eliminate the five month waiting period for SSDI and the two year waiting period for Medicare to provide immediate help to those who have.

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Often, no alternative economic supports and access to healthcare in the face of catastrophic disabling conditions, and we hope Congress will address the potential reduction and benefits facing some workers due to the economic downturn, caused by COVID-19.

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by passing the Social Security COVID Correction and Equity Act PVA also supports bills, like the Know Your Social Security Act.

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which would require Social Security to send earnings and benefit statements out to people, so they are more fully informed about their benefits and to provide a single point of contact for people.

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victimized by Social Security account number fraud.

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And as we have for many years PVA continues to urge Congress to phase out the earnings cliff in SSDI and make other improvements to its ticket to work program to remove barriers to work for disability beneficiaries.

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Our final disability advocacy priority this year is the advancement of employment opportunities for people with disabilities.

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Despite employment protections provided under the ADA and other disability employment rights laws, the Labor force participation rate among people with significant disabilities remains at roughly 30% while that for people without disabilities is approximately 70%.

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COVID-19 has been a double edged sword, with regard to disability employment while the pandemic has highlighted accommodations such as telework that are particularly useful to workers with disabilities.

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Online hiring tools using certain algorithms or artificial intelligence are proving difficult for many people with disabilities to navigate.

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Now, most people naturally think of the va as the go to place for veterans with disabilities.



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However, many veterans with disabilities, especially those with non service connected conditions.

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rely on the same employment programs and systems available to non veterans with disabilities and they will face many of the same employment challenges in the years ahead, as the country emerges from the pandemic.

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PVA believes Congress must pass legislation that would protect and strengthen disability employment rights, increase tax incentives for employers to hire and retain persons with disabilities.

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enhance opportunities for entrepreneurs with disabilities and improve federal hiring and promotions under Schedule A veterans preference and other authorities targeting people with significant disabilities.

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To those ends we have endorsed the disability employment incentives act that makes improvements in the current work opportunity tax credit available to employers that hire people with significant disabilities, the DEIA.

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will also increase tax credits available to small businesses for the costs of removing existing physical barriers in their facilities or transportation vehicles.

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or to make their telecommunications and online business operations accessible.

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Obviously these tax credits may not be used for structures built after the passage of the ADA since companies and businesses should have been aware of the law during the last 30 years.

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We also support the National Apprenticeship Act, which would support the development of apprenticeship programs across the country.

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offer technical assistance to state apprenticeship agencies and promote greater diversity in the national apprenticeship system among the population, specifically identified in this legislation for recruitment employment and retention in apprenticeships are people with disabilities.

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PVA also supports the Relaunching America's Workforce Act, which would authorize \$15 billion in funding into the nation's workforce system over the next three years.

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To help employers keep workers on the job and help displaced or underemployed workers quickly re enter the workforce as the economy emerges from the deepest declines, since the Great Depression.

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Many of the programs covered under Title I of the Workforce, Innovation and Opportunity Act that would receive these funds.

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are authorized to serve veterans and other people with disabilities, so this much needed infusion of capital into those programs should enable them to serve better these Americans, who have suffered disproportionately during the pandemic.

Heather Ansley

22:55

Well, thank you Susan that's certainly a lot that's on PVA's advocacy menu in the 117th Congress, we certainly invite our listeners to check in periodically on our voter voice portal, which is our grassroots.

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portal that allows people to be able to contact their members of Congress, with a few clicks it's available on pva.org to see how they can assist us in advancing.

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Our priorities that help not only PVA members, but other Americans and veterans with disabilities, be able to fully participate in society and achieve the potential of their skills desires talents and abilities.

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We would invite you to stay tuned for more of these podcasts in the coming weeks and months, as we follow the status of our priorities and I want to thank Susan again for walking us through the priorities that are on our advocacy side, which is, of course, our focus on.

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disabilities and we look forward to more opportunities to.

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visit with you in the coming weeks and months Thank you everyone.

