



# 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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## Want to Follow the Status of Priority Issues Between Updates?

Visit [PVA's VoterVoice Portal](#) to view our latest alerts and a list of key legislation and its status. Also, check out our [latest blog](#) about our efforts during the August Recess!

### HVAC PASSES VETERANS BILLS BEFORE THE AUGUST RECESS

In late July, the House Veterans' Affairs Committee (HVAC) approved eight veterans-related bills that would expand mental health care resources for American Indian and Alaska Native veterans, support student veterans, improve separating servicemembers' transition back into the private sector, promote economic opportunities for veterans, and study racial disparities in VA benefits. Included among the bills was H.R. 4625, the VA Caregiver Transparency Act, which PVA expressed concern with earlier this year. Specifically, we opposed language in the bill which would prohibit the Board of Veterans' Appeals from reviewing VA decisions on applications for its Program of Comprehensive Assistance for Family Caregivers. We also expressed concern with the wording of a provision that could accelerate the start date for phase II of the program expansion. As written, VA could announce the start date on September 30, 2022, so no actual acceleration would take place. Since no logistical or operational impediments exist for VA to begin the second phase, we urged the Committee to amend the language and specify a start date as close to October 1 of this year as possible. Regrettably, HVAC approved the bill without making any changes; so, we will continue to press our case with House leadership and the Senate Veterans' Affairs Committee. The HVAC approved bills can be found [here](#).

### SVAC APPROVES SEVERAL VETERANS BILLS IN JULY MARKUP

On July 28, the Senate Veterans' Affairs Committee (SVAC) approved 13 bills aimed at tackling veterans homelessness, improving veterans' health care, and other issues impacting veterans. The bills approved included S.887, the VA Supply Chain Resiliency Act, which could help bolster the VA supply chain. Early in the pandemic, VA was forced to limit supplies like gloves, gowns, and pads normally provided to SCI/D patients for critical procedures performed in their

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homes such as bowel, bladder, and wound care. This was a source of great concern when members who relied on VA to prescribe these items had to turn to the private sector to try to obtain them. The VA Supply Chain Resiliency Act could help prevent situations like this from happening again by including VA in the Department of Defense's Warstopper program.

Another bill, S. 372, the Ensuring Quality Care for Our Veterans Act, would require VA to establish a third-party process for the review of any instance in which a veteran has been treated by a VA provider later found to have a revoked license. It also requires VA to notify veterans if it is determined that an episode of care or services they received was below established levels for acceptable care. We believe this common-sense approach would help protect the health and well-being of veterans.

Finally, S. 1965, the Planning for Aging Veterans Act of 2021, would pave the way for future investments in long-term care, strengthen VA's relationship with state veterans homes, and expand the care veterans in state homes receive. Language in this bill requires VA to develop a long-term care strategy to meet the needs of veterans; clarifies VA policy to ensure catastrophically disabled veterans residing in a state home receive their medications without a copayment, as they would if they resided elsewhere; and directs VA to work with public housing authorities and local organizations to assist aging homeless veterans in accessing existing housing and supportive services. The complete list of SVAC approved bills can be found [here](#).

## HOUSE AND SENATE APPROVE THE FRAMEWORK FOR RECONCILIATION

On August 10, the Senate agreed to a framework for a \$3.5 trillion-dollar reconciliation package designed to enact the President's Build Back Better agenda. The Senate budget resolution setting the stage for the reconciliation bill contains a number of instructions to various committees tasked with crafting legislation to implement the resolution. The reconciliation framework calls for VA to receive \$18 billion which would go toward badly needed upgrades to its facilities. Of that amount, \$3 billion would likely be made available immediately for minor projects or renovations with the balance going towards major construction projects like building new medical centers or replacing old ones.

Of interest to the disability community are several provisions noted in the reconciliation instructions to the Senate Finance Committee and Senate Committee on Health, Education, Labor and Pensions (HELP). Among the provisions Finance was asked to develop are:

- Paid Family and Medical Leave
- Affordable Care Act expansion extension and filling the Medicaid Coverage Gap
- Expanding Medicare to include dental, vision, and hearing benefits and lowering the eligibility age
- Long-term care for seniors and persons with disabilities through home and community-based services.

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Provisions to be crafted by HELP include:

- Pandemic preparedness
- Workforce development and job training
- Labor enforcement and penalties

Improvements to Supplemental Security Income (SSI), which advocates have been calling for, were not explicitly identified in the budget resolution instructions. However, Finance Committee officials have indicated a desire to include modernization of these benefits as they begin working to allocate the funds under their jurisdiction. Congress can still make critically important SSI updates in the final legislation if the legislation's total cost adheres to the budget framework in the budget resolution.

Many of these provisions could benefit PVA members if a reconciliation bill is ultimately passed through the House and Senate. It took the Senate several months to reach consensus and pass the framework for the reconciliation bill, which was agreed to along party lines. The House approved a reconciliation framework on August 24 which will pave the way for consideration of a reconciliation package when Congress returns in September. Passage of a final reconciliation package will be difficult as there is still not agreement among Democrats as to the size or composition of a final package. Also, Congress must still approve government funding for the new fiscal year by October 1 and a plan to raise the government debt limit.

## **U.S. ACCESS BOARD TO HOST PUBLIC BRIEFING ON STUDY ON THE FEASIBILITY OF WHEELCHAIR SECUREMENT SYSTEMS IN PASSENGER AIRCRAFT**

The inability to use one's wheelchair on airplanes makes air travel very difficult, if not impossible, for many people with disabilities. Among other challenges, it requires multiple transfers between boarding chairs and aircraft seats, posing injury risks. To address these challenges, the U.S. Access Board commissioned a study to assess the feasibility of equipping aircraft with securement systems so that passengers can remain in their wheelchairs on flights. The Transportation Research Board (TRB), of the National Academies of Sciences, Engineering, and Medicine, will release its final report mid-September. The Access Board will host a [public briefing](#) on the final report on **September 22 from 1:00 – 3:00 pm ET**. The briefing will feature a presentation by the TRB Study Committee Members, including Committee Chair Dr. Alan M. Jette, on the two-year research study that focused on the design, engineering, and safety requirements for equipping aircraft with securement wheelchairs. The event is free, but [registration is required](#). Members of the public will be able to pose questions during the event.

## **VA FUNDING LEGISLATION ADVANCES**

In late July, the House approved its version of the fiscal year (FY) 2022 Military Construction, Veterans Affairs, and Related Agencies (MILCON/VA) bill and in early August the Senate Appropriations Committee approved a draft of theirs. In terms of total spending, the two bills are nearly identical. The House bill provides \$279.9 billion, whereas the Senate's offers a slightly lessor amount of \$279.8 billion.

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The measures differ slightly in their distribution of discretionary versus mandatory spending for FY 2022 but provide identical amounts in advanced appropriations for FY 2023, including \$111.3 billion for veterans medical care and \$156.6 billion for veterans benefits.

Looking at specific funding areas of interest, both bills would provide \$1.4 billion for VA's Program of Comprehensive Assistance for Family Caregivers and \$13.2 billion for mental health care. These amounts are \$200 million and \$2.9 billion more than current year levels (respectively).

Areas where the bills differ include spending on women's health where the Senate bill allocates \$820 million versus \$778.5 million for the House; and rural health initiatives where the Senate is seeking \$327 million—\$27 million more than FY 2021 and \$20 million more than the House request of \$307 million. Conversely, the House is allocating slightly higher amounts than the Senate for medical and prosthetics research (\$902 million versus \$882 million) and VA's Electronic Health Record modernization project (\$2.6 billion versus \$2.5 billion).

Both bills would provide \$1.6 billion for major construction, \$553 million for minor construction, and \$50 million to continue funding the State Veteran Home Construction Grant program. If approved, this funding would go towards VA's highest priority projects and correct critical seismic and safety deficiencies and address other performance gaps at VA facilities to ensure that veterans can access care in modern facilities that are safe, secure, sustainable, and accessible.

Finally, both bills authorize the use of VA funds for IVF services, but the language used differs between the two chambers. This, as well as the differing amounts described above, will need to be resolved prior to passage of a final bill for the President's signature.

## APPROPRIATIONS PROVISIONS OF INTEREST TO THE DISABILITY COMMUNITY

Several programs of interest to the disability community received increases in the fiscal year (FY) 2022 Appropriations bills that have been considered in the House. These included:

- \$4.2 million increase for the Department of Labor's (DOL) Office of Disability Employment Policy to \$42.7 million
- \$12.96 million for the Voting Access for Individuals with Disabilities program, which is \$5,000,000 above the FY 2021 enacted level.
- \$148.2 million for the Administration on Community Living Independent Living program, of which \$28,423,000 is for the Independent Living State Grants program and \$119.8 million is for the Centers for Independent Living program. This funding level is \$32 million above the FY 2021 enacted level.
- \$3.7 billion for State Vocational Rehabilitation State Grants which is \$44.1 million above the FY 2021 enacted level.
- Work Incentives Planning and Assistance (WIPA) and Protection and Advocacy for Beneficiaries of Social Security (PABSS) were funded at \$23 million and \$10 million respectively. These levels are essentially the same as FY 2021.

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- Similarly, the DOL Veterans Employment and Training Service Disabled Veterans Program received \$300,000 which is the same level as last year.

Given the severe impact of COVID-19 on people with disabilities, the Appropriations Committee encouraged the National Institutes of Health (NIH) to fund research on identifying inequities in health and health care for people with disabilities and to support research that develops and evaluates interventions to reduce these disparities, including approaches that focus on addressing systemic and community level barriers.

The Committee also asked the Centers on Medicare and Medicaid Services (CMS) to “provide adequate and equal access to users of Complex Rehabilitation Technology (CRT) manual wheelchairs and accessories and to consider making that protection permanent.” This direction was in response to provisions in P.L. 116–94 that were intended to assist Medicare beneficiaries with severe disabilities through improved access to specialized CRT manual wheelchairs and accessories.

The Committee further asked CMS to study appropriate alternatives for using Quality-Adjusted Life Years in determining indexes for prices and coverage for medications, treatments, and other services. The Committee expressed support for the National Council on Disability’s analysis in its 2019 report, “Quality-Adjusted Life Years and the Devaluation of Life with Disability,” and recognized the importance of determining alternative methodologies for establishing pricing mechanisms that are not discriminatory to individuals with disabilities. The Committee requested a report “within 180 days of enactment on alternative methodologies, including analysis as to whether or not these alternatives themselves may be discriminatory if used incorrectly, as well as if there are different best practices which can and should be used separately for the pricing of medications and treatments versus decisions related to benefits and coverage.”

In the appropriations legislation now under development in the Senate, two provisions under Transportation are of significant interest to disability advocates:

- The All Stations Accessibility Program (ASAP) would issue grants up to \$1.75 billion at a rate of 350 million per year 2022-2026 to eligible entities in financing capital projects to upgrade the accessibility of legacy rail fixed guideway public transportation systems for persons with disabilities, including those who use wheelchairs, by increasing the number of existing (as of the date of enactment of this Act) stations or facilities for passenger use that meet or exceed the new construction standards of Title II of the Americans with Disabilities Act (ADA).
- The Secretary of Transportation would be directed to withhold \$50,000,000 from the amount appropriated for each fiscal year for grants to assist Amtrak in financing capital projects to upgrade the accessibility of the national rail passenger transportation system by increasing the number of existing facilities that are compliant with the requirements under the ADA until the Secretary determines Amtrak’s existing facilities are in compliance with such requirements.

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## NEWS OF NOTE

- Senate Approves Infrastructure Package

On August 10, the Senate approved a \$1 trillion bipartisan infrastructure package which would provide funding for infrastructure projects like roads, bridges, broadband, water, and public transportation. The infrastructure package included a modified version of the PVA supported All Stations Accessibility Program (ASAP) Act which was introduced by Senator Tammy Duckworth (D-IL). This provision would help make existing transit stations in legacy transit and commuter rail systems more accessible for people with disabilities. The bipartisan bill is the first of a two-part plan to bolster the economy by infusing additional government funding into various projects and programs. The second part is the reconciliation bill currently under development.

- REAADI For Disasters Act and DRMA Reintroduced

On August 5, Senator Robert Casey (D-PA) reintroduced the REAADI (Real Emergency Access for Aging and Disability Inclusion) for Disasters Act (S. 2658) and the Disaster Relief Medicaid Act (DRMA) (S. 2646). The next day, Representative James Langevin (D-RI) introduced REAADI (H.R. 4938) in the House of Representatives, while Representative Jimmy Panetta (D-CA) introduced DRMA (H.R. 4937). Both bills were introduced with bipartisan support in the House. PVA was among over 100 organizations endorsing REAADI and DRMA. In the Senate, REAADI has been referred to the Homeland Security and Government Affairs Committee and DRMA is pending in Senate Finance. In the House, H.R. 4938 is pending in several committees – Transportation and Infrastructure, Education and Labor, and Energy and Commerce. H.R. 4937 was referred to the Energy and Commerce and Ways and Means Committees.

REAADI would create a network of twenty centers focused on training and technical assistance, as well as research, to help governments better involve and support people with disabilities and older adults during and after times of disasters. It also directs the U.S. Government Accountability Office to review the degree to which disaster funds have been spent in accordance with the Americans with Disabilities Act and requires the U.S. Department of Justice to examine the extent to which the civil rights of people with disabilities and older adults are upheld during and after disasters.

DRMA seeks to ensure that individuals eligible for Medicaid who are forced to relocate due to a disaster are able to continue to access their Medicaid supported services. It will also help states through a limited time 100 percent federal match for displaced individuals and a 100 percent federal matching payment for medical assistance to states in disaster areas.

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- Strengthening Social Security Act Introduced in the House

In early August, Representative Linda Sanchez (D-CA) introduced her Strengthening Social Security Act, H. R. 4921. Similar to legislation she authored in the 116th Congress, the bill would provide a Cost of Living Adjustment (COLA) that more accurately reflects the cost of living for seniors and those with disabilities, phases out the taxable cap on income, increases widow/ers benefits, and holds Supplemental Security Income (SSI) recipients harmless for any increase in benefits enacted through this bill that could threaten their access to SSI. PVA supports this legislation which is currently pending before the House Ways and Means Committee.

- Inclusive Home Design Act Reintroduced

On July 25, Representative Jan Schakowsky (D-IL) reintroduced the Eleanor Smith Inclusive Home Design Act, H.R. 4695. Named after a leading champion of inclusive home design, the bill would require certain newly constructed, federally-assisted housing, including single-family homes and town houses, to contain at least one level that complies with specified minimum standards of accessibility for individuals with disabilities. PVA has endorsed H.R. 4695 which is pending in the House Financial Services Committee.

- House Select Subcommittee Recommendations Include Improved Congressional Access for People with Disabilities

On July 29, the House Select Committee on the Modernization of Congress successfully passed [20 recommendations](#) focused on increasing staff capacity, retaining a diverse workforce, professionalizing internships and fellowships, and ensuring access to Congress for people with disabilities. The set of recommendations includes four focused on disability access: ADA drop off/pick up zone, security screenings, doorway accessibility, and website access. The recommendations mirror those included in [PVA testimony](#) before the Committee in May.

- U.S. Department of Education Announces Debt Relief for Borrowers with a Total and Permanent Disability

Over 323,000 borrowers who have a total and permanent disability (TPD) will receive more than \$5.8 billion in automatic student loan discharges due to a new regulation announced by the U.S. Department of Education. The change will apply to borrowers who are identified through an existing data match with the Social Security Administration (SSA). It will begin with the September quarterly match with SSA. The department has also announced that it will indefinitely extend the policy announced in March to stop asking TPD borrowers to provide information on their earnings beyond the end of the pandemic. More information is available [here](#).

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- ODEP Toolkit for Financial Security

The Department of Labor's Employee Benefits Security Administration and Office of Disability Employment Policy (ODEP) have produced a [financial toolkit](#) for people with disabilities and others whose employment has been affected by COVID-19. The toolkit provides information for those at various stages of the employment journey from preparing for a job, starting a job, maintaining a job, to changing or losing a job, and retiring from a job.

- American Forces Travel Site Now Open to Eligible Veterans

Last month, the Department of Defense (DOD) announced honorably discharged veterans will now be able to access the American Forces Travel (AFT) website. AFT launched in 2019 as the only official joint service morale, welfare, and recreation leisure travel website exclusively for DOD patrons. Users save up to 40 percent compared to commercial travel pricing and every booking on AFT generates revenue to support critical quality-of-life programs for servicemembers and families. To access the exclusive military discount pricing on travel products, visit the AFT [website](#). Proof of eligibility is required.

- VA Office of Inspector General Highlights Challenges in Veteran-Directed Care Program

On August 4, VA's Office of Inspector General issued a report entitled, "Opportunities Exist to Improve Management of Noninstitutional Care through the Veteran-Directed Care Program." The report highlights a number of challenges and recommendations to improve management and oversight of the program. The full report can be accessed [here](#).

- VA Offering Additional Doses of COVID-19 Vaccine for Immunocompromised Veterans

VA has announced it will begin offering additional doses of the COVID-19 vaccine to any veteran who is immunocompromised. If you fall into this category, please check with your medical team before scheduling an appointment. VA has created a [Frequently Asked Questions](#) fact sheet to guide veterans through the process.

## WEBINARS AND EVENTS

- VA Hosting Listening Sessions on DEI

The Veterans Health Administration (VHA) is conducting 55 virtual diversity, equity, and inclusion (DEI) listening sessions (48 of which are site specific) for veterans throughout August and September. VHA will execute listening sessions to gather feedback on the following issues:



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- Veterans' experiences and perceptions related to DEI at VA's health care facilities.
- Ways veterans feel they can be included.
- Barriers to effective health care for diverse veteran populations.
- Unmet needs of diverse veteran populations.

The site-specific sessions will each include six separate sessions each focused on a different population of veterans, one of which is veterans with disabilities. To register for site-specific sessions in your area, please click [here](#). More information is also available [here](#) and [here](#).

- PVA Webinar Recordings Now Available

Two PVA Government Relations webinars are now available on pva.org.

- July 20 webinar entitled, "Update on VA Long-Term Care Programs." Please click [here](#) and scroll down to the webinar section on PVA's veteran issues webpage.
- July 22 webinar entitled, "ADA Enforcement at the State and Local Levels." Please click [here](#) and scroll down to the webinar section on PVA's disability rights and advocacy webpage.

- Access Board Webinar Recording on Accessible Pedestrian Trails and Shared Use Paths Now Available

If you missed the U.S. Access Board's webinar on accessible pedestrian trails and shared use paths, you can access the webinar recording and presentation materials in their [archives](#). This webinar reviewed the differences between accessible pedestrian trails and shared use paths. Access Board Accessibility Specialists Bill Botten and Juliet Shultz discussed the technical and scoping requirements in the Architectural Barriers Act Accessibility Standards for newly constructed or altered pedestrian trails on federal sites, as well as the proposed supplementary provisions for shared use paths. They also addressed some frequently asked questions and common sources of confusion concerning accessible pedestrian trails and shared use paths.