



Paralyzed Veterans  
of America

# 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

January 21, 2021

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## COVID-19 VACCINE UPDATE

As reported in the last Washington Update, VA rolled out its Vaccine Distribution Plan in mid-December. Despite the distribution plan, the vaccine roll out in VA has been inconsistent. PVA staff is dedicated to getting information out to our members to help address their concerns and reduce confusion. With just over three percent of the U.S. population now vaccinated and millions more getting immunized every day, we want to better understand what our members are currently experiencing with the vaccine. To do this, we must look at both what (if anything) is going well with VA's roll-out plan and what areas are falling short.

To get a full picture of the plan's progress to-date, we need help from all the chapters and all of our members. We want to know what vaccine offerings and experiences are like in your community. Please take two minutes to complete our survey online. The survey can be found here: [Understanding PVA Member Access to COVID-19 Vaccine](#). This survey, which is completely voluntary, will give us an overview of the problems and concerns members face as the vaccine continues to roll out.

We have also heard from many members who are concerned about their caregivers' access to the vaccine. On January 12, VA issued a memo regarding access through VA to the vaccine for veterans who are enrolled in VA's Program of Comprehensive Assistance for Family Caregivers (PCAFC). Veterans' primary and secondary caregivers as designated through the PCAFC can receive testing and vaccines "in balance with site-specific resources, needs, vaccine availability, hesitancy to accept the vaccine, and status of the pandemic locally." In response to questions from PVA, VA has stated that they are having conversations about how they can provide the COVID vaccine to caregivers who are not part of the PCAFC, including family members who provide bowel and bladder care. We will let you know when we have additional information.

## BIDEN PLANS TO PROPOSE AMERICAN RESCUE PLAN

President Biden has announced plans to deal with the devastating impact of the ongoing COVID-19 pandemic. With more than 20 million Americans infected by the coronavirus and almost 400,000 Americans dead from the disease, the American Rescue Plan involves an aggressive and immediate response to the virus and subsequent steps to enable the economy and the American people to recover fully from the catastrophic effects of the virus.

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Among the components of the \$1.9 trillion package will be:

- \$160 billion in funding to mount a national vaccination program, expand testing, and implement a program to hire 100,000 public health workers.
- Funding for states to deploy strike teams to long-term care facilities experiencing COVID-19 outbreaks--which may impede vaccination of residents and workers--and to conduct better infection control oversight.
- \$30 billion in the Disaster Relief Fund to ensure sufficient supplies and protective gear, and to provide 100 percent federal reimbursement for critical emergency response resources to states, local governments, and Tribes, including deployment of the National Guard.
- Extension of the eviction and foreclosure moratoriums and continuation of applications for forbearance on federally-guaranteed mortgages until September 30, 2021.
- Over 14 weeks of paid sick and family and medical leave for those with caregiving responsibilities related to COVID-19 or to take time to get a vaccination.
- An additional \$1,400 per person in direct economic impact payments to households to supplement the \$600 payment passed by Congress in December. Biden's plan would also expand eligibility for the stimulus payments to adult dependents claimed on their parents' tax returns.
- \$20 billion to the Veterans Health Administration to account for increased usage as many veterans have lost access to private health insurance, higher overall costs, and other pandemic-related effects on VA.

At this point, the prospects for passage of the comprehensive set of proposals are unclear. However, combatting the impact of COVID-19 was a key campaign promise of candidate Biden so this is destined to be a priority of his Administration.

## VETERANS' AFFAIRS COMMITTEES IN THE 117<sup>TH</sup> CONGRESS

The list of committee assignments for the House and Senate are not yet finalized, but we know that some key changes will occur with the composition of each chamber's Committee on Veterans' Affairs. Leadership roles for the Senate Veterans' Affairs Committee (SVAC) will change with the 50-50 Senate now being controlled by the Democrat party following the inauguration of President Biden and Vice President Harris. Senator Jon Tester (D-MT) will become the SVAC Chairman as Senator Jerry Moran (R-KS) assumes the role of Ranking Member. Additionally, Senator Kelly Loeffler (R-GA) lost a special January runoff election so her slot on SVAC will be filled by a yet unnamed Democrat Senator.

Meanwhile, Chairman Mark Takano (D-CA) returns to lead the House Veterans' Affairs Committee (HVAC) and he will be joined by newly elected Ranking Member Mike Bost (R-IL). Two new Republicans are expected to join him to fill out the panel of minority members on the Committee. Four Democrats (Max Rose, NY; Joe Cunningham, NC; Gil Cisneros, CA; and Collin Peterson, MN) who previously served on HVAC were unsuccessful in their bids for reelection; so, we will see some new members on HVAC for the majority. The reelection of a

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fifth, Rep. Anthony Brindis (D-NY), is currently going through a series of legal challenges so another change is possible.

We understand that a top legislative priority for both committees will be the expansion of VA coverage for toxic exposures resulting from military service. This will likely be followed closely by continued oversight of health care options outside of VA, the new electronic health record system, VA's response to COVID-19, mental health care, and veteran suicide prevention. Both committees will also likely seek ways to foster a welcoming environment at VA facilities for all veterans, regardless of race, gender, or sexual orientation. Bear in mind these goals are not set in stone and could change once the committees hold their organizational meeting later in the month.

## **DOT PROPOSES RULE TO IMPROVE ACCESS TO VEHICLES FOR PEOPLE WITH DISABILITIES**

The U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) has released for public comment a [proposed rule](#) to improve access to motor vehicles, including rental cars, for people with disabilities. The rule proposes changes to NHTSA's Federal Motor Vehicle Safety Standard to facilitate the use of adaptive equipment in rental cars and to simplify vehicle transport of wheelchairs and scooters. Public comments are due January 27. PVA will be submitting comments on the proposed rule.

## **REP. CALVERT INTRODUCES ADA NOTIFICATION LEGISLATION**

On January 4, Rep. Ken Calvert (R-CA) introduced H.R. 77, the ACCESS Act (ADA Compliance for Customer Entry to Stores and Services Act). This legislation requires any person with a disability who is aggrieved by a violation of the Americans with Disabilities Act (ADA) to provide the owner or operator with a written notice of the violation, specific enough to allow such owner or operator to identify the access barrier. Within 60 days, the owner or operator would be required to provide the aggrieved person with a description outlining improvements that would be made to address the barrier. The owner or operator would then have 120 days to remove the infraction. The failure to meet any of these conditions would allow the suit to go forward. Rep. Calvert believes small business owners face tremendous challenges to keep their doors open and should be protected from serial litigants who file frivolous ADA lawsuits for personal gain.

PVA opposes H.R. 77 because businesses have already had over 30 years to comply with the law. The notification requirement is an incentive for businesses not to proactively remove barriers and instead take their chances and wait to be notified of wrong doing. Businesses currently have tax provisions for credits and deductions that encourage barrier removal to comply with ADA. Instead, PVA calls on the Disability Rights Section of the Department of Justice to step up their ADA enforcement. Only when we have robust enforcement of the ADA will people with disabilities be fully mainstreamed into society.

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## NEWS ITEMS OF NOTE

- Veterans Legislation Passed in 2020 Signed into Law

On January 5, President Trump signed the following pieces of veterans-related legislation into law. PVA endorsed each of these bills and is pleased they have now been enacted.

- H.R. 4356, the Protecting Families of Fallen Servicemembers Act, expands Servicemembers Civil Relief Act protections to allow the families of fallen and critically injured servicemembers to end their phone, cable, or internet contract without being financially penalized.
- H.R. 8354, the Servicemembers and Veterans Initiative Act of 2020, permanently establishes the Servicemembers and Veterans Initiative (SVI) within the Civil Rights Division of the Department of Justice (DOJ). Launched in December 2014, the Servicemembers and Veterans Initiative, or SVI, has been at the forefront of DOJ's efforts to protect servicemembers, veterans, and their families from being victimized in cases of fraud and predatory lending. Passage of this bill will help ensure DOJ maintains a permanent, dedicated focus on those who have served their nation in uniform when developing policy and enforcing laws that protect them.
- H.R. 7105, the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, which, as we previously reported, includes multiple COVID relief options, VA education benefit improvements, and improvements to the benefits claims process. PVA played a key role in developing key parts of the bill which, for some veterans, repeals the 12-year delimiting date for the Veteran Readiness and Employment program, directs VA to restore public facing disability benefits questionnaires, and lowers the remarriage age for survivors to continue receiving dependency and indemnity compensation payments to 55.

- Fair Housing Initiatives Legislation Introduced

Rep. Al Green, (D-TX) has introduced H.R. 68 to authorize funds to prevent housing discrimination through the use of nationwide testing and to increase funds for the Fair Housing Initiatives Program. The bill has been referred to the House - Financial Services Committee.

- Introduction of the Equal Access to Contraception for Veterans Act

On January 11, Representative Julia Brownley (D-CA) introduced the Equal Access to Contraception for Veterans Act, a bill that provides parity to contraceptive care to non-veterans and active duty service members by removing the co-payments from contraceptive care for women veterans at VA.

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- Congress Overrides President's Veto of Annual Defense Policy Bill

The House and Senate acted in the final days of the 116<sup>th</sup> Congress to override the President's veto of the [2021 National Defense Authorization Act](#). While most of the bill's provisions address those actively serving or their families, it contains a small number of provisions that impact veterans. For example, language in the bill adds three new presumptive conditions to VA's list of illnesses linked to Agent Orange exposure. The change means 34,000 veterans suffering from bladder cancer, hypothyroidism, and Parkinsonism will soon be able to receive the care and benefits they deserve. Using PVA's grassroots portal, 21 PVA members sent 63 messages to their members of Congress between Christmas and New Years following the President's veto immediately prior to the holidays.

## HEARINGS AND WEBINARS

- On January 27 at 3:00 pm, the Senate Veterans' Affairs Committee will hold a hearing to consider the nomination of Denis R. McDonough to be VA Secretary. To watch the hearing, please [click here](#).
- On January 26 from 2:00 pm-3:30 pm ET, TransCen, Inc. and the Mid-Atlantic ADA Center will present a webinar titled, "Making the Connection: Aging, Transportation and the ADA." The webinar will focus on transportation and mobility options when driving is no longer possible. Topics will include the importance of mobility for social connections and health, the range of mobility options, role of caregivers, transportation accessibility, and ADA considerations. To register, please [click here](#).