



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 18, 2019

Volume 25, Number 1

PVA'S LEGISLATIVE PRIORITIES FOR 2019

This January marks the start of the 116th Congress. With the House of Representatives now under the leadership of Democrats, new members of Congress sworn in, and a partial government shutdown in effect there is much work to be done.

In 2019, PVA will prioritize legislation that ensures veterans continue to have access to high quality, comprehensive, and veteran-centric health care as well as timely and accurate delivery of all earned benefits. One of our top areas of focus will be ensuring proper congressional oversight of the VA MISSION Act (Public Law 115-182). Congress must conduct vigorous oversight to ensure that the new VA community care program and the expansion of VA's comprehensive caregiver program are completed not only within the timelines laid out by the VA MISSION Act but also within the spirit and letter of the law. Access to specialized services within VA, including the spinal cord injury/disorder (SCI/D) system of care, must also remain strong. In addition, we will work to expand eligibility for VA's Comprehensive Family Caregiver Program to veterans with service-connected illnesses, improve access to VA's long-term services and supports, and ensure access to in-vitro fertilization (IVF).

Other priorities involve benefits improvements and implementation of appeals reform. We will advocate for Congress to provide appropriate oversight of VA's implementation of the Veterans Appeals Improvement and Modernization Act (Public Law 115-55) to ensure that veterans' claims are properly adjudicated. We will also advocate for improved ancillary benefits for veterans with catastrophic disabilities, including those that would strengthen the Specially Adapted Housing and Automobile Allowance Grants.

PVA also will advocate for legislation that ensures veterans with disabilities have equity in access to the opportunities and freedoms available to all Americans to allow them to live, work, travel, and fully participate in society. A top area of focus for PVA will continue to be improving access to air travel for people with disabilities by strengthening Air Carrier Access Act enforcement through referral of certain complaints to the U.S. Attorney General and a private right of action, and requiring airlines to ensure that airplanes meet broad accessibility standards. Other areas of focus will include protecting the Americans with Disabilities Act from efforts to

Paralyzed Veterans of America

Government Relations Department

801 18th Street, NW · Washington, DC 20006
(800) 424-8200 · (800) 795-4327 · www.pva.org

WASHINGTON UPDATE

January 18, 2019

Volume 25, Number 1

undermine its protections; preserving and strengthening financial and health security for people with disabilities; and ensuring that disaster response and recovery efforts are able to meet the needs of people with disabilities.

INDEPENDENT BUDGET VSOs RELEASE *THE INDEPENDENT BUDGET VETERANS AGENDA FOR THE 116TH CONGRESS*

On January 17th, DAV, Paralyzed Veterans of America and Veterans of Foreign Wars of the United States released *The Independent Budget Veterans Agenda for the 116th Congress*, which contains policy recommendations to ensure that the Department of Veterans Affairs remains fully-funded and capable of carrying out its mission to serve veterans and their families both now and in the future. The Independent Budget is a roadmap for the 116th Congress, the Department of Veterans Affairs and the Administration to navigate critical veteran issues. It includes detailed recommendations in the areas of benefits, health care, infrastructure, education, employment, training, and memorial concerns facing veterans and their families.

The Independent Budget sets full and faithful implementation of the VA MISSION Act as the critical issue for the 116th Congress. This historic legislation reforms the way in which veterans access care in their community, invests in VA's capacity to provide care at its health care facilities, calls for assessment and modernization of VA infrastructure, and corrects the inequity of the VA Caregiver Support Program. The groups see proper implementation of this Act as central to ensuring all enrolled veterans have timely access to quality care and that the VA health care system remains strong.

The Independent Budget veterans agenda is being delivered to VA and congressional leaders and is now available at independentbudget.org.

FEDERAL GOVERNMENT SHUTDOWN IMPACT ON PROGRAMS AFFECTING PEOPLE WITH DISABILITIES

As the federal government shutdown becomes the longest in U.S. history, the effects of the closure of nine departments have begun to ripple beyond the immediate impact on roughly 800,000 workers that are currently furloughed or working without pay. While the dispute has centered on funding for a southern border wall or border security within the Department of Homeland Security, several other federal agencies' appropriations were not completed by the end of the fiscal year and are thus unable to operate until such time as legislation passes to reopen them. Among those other agencies are Agriculture (USDA), Commerce, Housing and Urban Development (HUD), Interior, Justice, State, Transportation, Treasury as well as several smaller agencies, including the U.S. Access Board.

Because they were funded under separate appropriations bills, Social Security, Medicare, Medicaid, Tricare, and programs under the Department of Veterans Affairs are not affected by

WASHINGTON UPDATE

January 18, 2019

Volume 25, Number 1

the shutdown; however, some 10,000 veterans who use the Indian Health Service (IHS) as their VA Choice provider cannot access IHS facilities. In addition, members of the Coast Guard are also not receiving pay.

While Transportation Security Administration (TSA) officers are expected to remain on the job without pay, many TSA workers have been calling in sick leading to increasing lines at numerous airport security checkpoints around the country. Air travel is already a challenge for many travelers with disabilities so the delays caused by personnel shortages are likely to exacerbate those circumstances. And because thirty percent of the Transportation Department's workforce is furloughed, complaint processing and resolution is likely to be impeded.

With 95 percent of its employees furloughed, HUD has been unable to renew more than 1000 contracts that provide federal subsidies to landlords who own and operate Section 8 housing. This affects roughly 70,000 to 85,000 low-income households. If the shutdown continues into February, hundreds more contracts affecting another 30,000 to 40,000 households could expire. Failure to renew these contracts could force delays in critical repairs and place families at risk of eviction. Roughly two-thirds of these households are elderly or people who have disabilities with incomes, on average, of less than \$13,000 per year. In addition, contracts under HUD's Section 202 program are also at risk for renewal, threatening the housing of 400,000 low-income older adults in almost 6,700 communities nationwide.

While USDA has not issued any information about its housing benefits programs, over a quarter million families in rural communities rely on this department's rental assistance. If the shutdown continues, those families, many of whom are seniors and people with disabilities, could also face eviction. Food assistance programs for women, children and infants and for people on Native American reservations continue to operate at the state and local level, depending on what funding remains, but federal funding for those programs is suspended until the shutdown ends.

Finally, it should be noted that the shutdown affects considerable numbers of workers with disabilities who represent over 14 percent of the overall federal workforce. For veterans with service-connected disabilities, the federal government is a significant source of employment. According to the Bureau of Labor Statistics, 19 percent of these veterans are employed by it. In the agencies affected by the shutdown, over 50,000 employees are individuals and veterans with disabilities.

PVA will continue to monitor the impact of the shutdown on veterans and people with disabilities and update members and their families as needed.

WASHINGTON UPDATE

January 18, 2019

Volume 25, Number 1

THE FUTURE OF WORK AND THE DISABILITY COMMUNITY

In mid-December, PVA advocacy staff took part in the first of a series of forums sponsored by SourceAmerica and The Lab at the Office of Personnel Management (OPM) to gain a better understanding of the current state of disability employment in the U.S. and the changes needed to create a more inclusive future workforce. SourceAmerica is a nonprofit agency associated with the AbilityOne program and The Lab at OPM was created to promote improvements in public services.

Participants in the forums include representatives from AbilityOne, the federal government, state vocational rehabilitation agencies, and a number of disability advocacy groups such as the Association of University Centers on Disability, RespectAbility, American Council of the Blind, and other organizations interested in disability inclusive employment. The discussions are based on the premise that the employment landscape is evolving quickly and the nature of how, when, and where people work continues to change. Despite extensive research and focus on the "future of work," little attention has been paid to the potential impact on populations underrepresented in the workforce such as people with disabilities.

Objectives of the forums that will take place between December 2018 and May 2019 include the mapping of the complex systems of disability employment in the US; outlining models showing the role that educational, workforce development, and policy systems currently play, as well as potential changes needed; and a detailed report that includes specific recommendations for change. The most immediate goal of this initiative is to ensure that people with disabilities are included in the national dialogue about the future of work. The sponsors hope, ultimately, to create a framework for policies and programs that continue to increase access to meaningful, sustainable careers for people with disabilities through collaboration among stakeholders.

VA ANNOUNCES MORATORIUM ON DISCHARGES FROM CAREGIVER PROGRAM

Following a joint hearing with the House and Senate Committees on Veterans' Affairs, the VA announced on December 21st, a suspension of discharges from the Program of Comprehensive Assistance for Family Caregivers. The release said VA was doing so because of "continued concerns expressed by veterans, caregivers and advocates about inconsistent application of eligibility requirements by VA medical centers." The suspension comes amidst congressional accusations that VA is intentionally discharging those veterans not yet able to function without a caregiver. This suspicion is made more concerning as VA is preparing to expand the program to those veterans injured before 9/11. The suspension does not affect those currently seeking admittance to the program. It is unclear how long the suspension will last.

WASHINGTON UPDATE

January 18, 2019

Volume 25, Number 1

JOINT HOUSE AND SENATE HEARING ON VA MISSION ACT IMPLEMENTATION

On December 18th, the House and Senate Committees on Veterans' Affairs held a joint hearing, "Tracking Transformation: VA MISSION Act Implementation." VA Secretary Robert Wilkie testified on the status of the monumental legislation, which was signed into law on June 6th. Of particular concern to the members of Congress, is the progress of the planning for the overhaul of VA's private sector health care network. VA is expected to provide its blueprint to Congress in March. The plan is to be in place in time for the conclusion of the VA Choice Program in May.

At the hearing, committee members questioned Secretary Wilkie on why they, the authors of the legislation, had not been kept better apprised of implementation plans in the six months since enactment. Of particular worry to Congress and veterans service organizations, is the secrecy around the development of access standards for private care. Currently, those veterans waiting more than 30 days or living 40 miles from a VA are eligible to use a community provider paid by the VA. The VA MISSION Act allows for the changing of these standards. PVA will continue to seek opportunities to work with VA to ensure developed access standards meet the needs of veterans with spinal cord injuries and disorders.

VA AND THE ADJUDICATION OF ALS CLAIMS

On November 20th, the VA's Office of Inspector General (OIG) released a report on the Accuracy of Claims Involving Service-Connected Amyotrophic Lateral Sclerosis (ALS).

Among other details in the report, the OIG discovered that VA made 71 errors in 45 of the examined 100 veterans' ALS claims completed from April through September 2017. Based on this review, the OIG projected that 430 of the 960 total ALS veterans' cases (45 percent) completed during that six-month period had erroneous decisions.

This is extremely important to PVA since as an organization we represent roughly 75 percent of the veterans who have filed for benefits for ALS. Furthermore, PVA is known to be a subject matter expert in properly developing and filing ALS claims. Often, veterans will have other veterans service organizations file their initial claims, but later have PVA take representation and make the necessary changes so the claim can be granted.

On November 29th, shortly after the OIG report was released, the House Veterans' Affairs Committee held a hearing to discuss it. Shortly after the hearing, PVA conducted a nationwide survey of its field employees to determine the experience of each National Service Officer with filing claims for benefits for veterans with ALS.

On December 17th, Peter Gaytan, Associate Executive Director of the Veterans Benefits Department, Joseph Badzmierowski, Director of Field Services, and Steven Henry, Associate Legislative Director meet with Willie Clark, VA's Deputy Under Secretary of Field Operations, to discuss how to improve the claims process for veterans with ALS. During the meeting, PVA

WASHINGTON UPDATE

January 18, 2019

Volume 25, Number 1

discussed the importance of maintaining continuity between National Service Officers and VA. At the conclusion of the meeting, all agreed to maintain communication and to schedule a meeting in the future to address ongoing concerns.

HOUSE AND SENATE COMMITTEE ON VETERANS' AFFAIRS ROSTERS FOR 116TH CONGRESS

Senate Committee on Veterans' Affairs Chairman Johnny Isakson (R-GA) announced the full committee roster for the 116th Congress

Republican Members

Johnny Isakson, Georgia (Chairman)	Thom Tillis, North Carolina
Jerry Moran, Kansas	Dan Sullivan, Alaska
John Boozman, Arkansas	Marsha Blackburn, Tennessee
Bill Cassidy, Louisiana	Kevin Cramer, North Dakota
Mike Rounds, South Dakota	

Democratic Members

Jon Tester, Montana (Ranking Member)	Bernie Sanders, Vermont (Independent)
Patty Murray, Washington	Sherrod Brown, Ohio
Richard Blumenthal, Connecticut	Mazie Hirono, Hawaii
Joe Manchin, West Virginia	Kyrsten Sinema, Arizona

Also, House Committee on Veterans' Affairs Chairman Mark Takano (D-CA) has announced the Democratic members of the House committee for the 116th Congress.

- Congressman Mark Takano (CA)
- Congresswoman Julia Brownley (CA)
- Congresswoman Kathleen Rice (NY)
- Congressman Conor Lamb (PA)
- Congressman Mike Levin (CA)
- Congressman Max Rose (NY)
- Congressman Anthony Brindisi (NY)
- Congressman Gil Cisneros (CA)
- Congresswoman Susie Lee (NV)
- Congresswoman Lauren Underwood (IL)
- Congressman Joe Cunningham (SC)
- Congresswoman Elaine Luria (VA)
- Congressman Chris Pappas (NH)
- Congressman Colin Allred (TX)
- Congressman Collin Peterson (MN)
- Congressman Gregorio Kilili Camacho Sablan (Northern Mariana Islands)

WASHINGTON UPDATE

January 18, 2019

Volume 25, Number 1

House Veterans' Affairs Committee Ranking Member Phil Roe (R-TN) has not yet announced the Republican members of the committee.