



Washington Update

Check out the [PVAAction Force](#) page to view our latest alerts and a list of key legislation and its status.

NDAA EYED AS VEHICLE FOR VETERAN INITIATIVES

Each year, the National Defense Authorization Act (NDAA) authorizes funding levels and provides authorities for the U.S. military and other critical defense priorities, ensuring that servicemembers have the training, equipment, and resources they need to carry out their missions. From the number of personnel each service can have to the amount of pay each one receives; this bill covers a wide variety of issues. While the bill's main focus is to provide guidance on how military funding can be spent, it occasionally addresses issues with related federal departments like the VA.

Each year, the House and Senate compile and approve their own versions of the bill before coming together to come up with a single bill both chambers can agree upon. The House is ahead of the upper chamber with the development of its bill and a number of veterans-related amendments have been posed that could impact PVA members. Some of the amendments being considered on the floor include those that would eliminate contraception copayments at the VA; direct the VA to conduct an awareness campaign regarding the types of fertility treatments, procedures, and services available to veterans under the VA medical benefits package; and eliminate the Asset and Infrastructure Review (AIR) Commission.

One proposed amendment that will not be considered by the full House is the Major Richard Star Act. This legislation would allow more than 50,000 combat veterans to receive concurrent receipt of vested longevity pay as well as VA disability payments. Currently, servicemembers injured in combat and forced to retire cannot receive their vested longevity pay because they are also receiving VA benefits. Many of the veterans that would be impacted by this legislation are seriously disabled yet they do not receive their full retirement because of the injuries they sustained in combat. Although there will not be a vote on this amendment in the House, it is hoped that this legislation might be added as an amendment to the Senate's version of the NDAA.

The full House is voting this week on some of the proposed amendments. The next Washington Update will include more information about the status of the NDAA. You can review a complete list of all amendments offered and those that will be considered [here](#).

VA WATCHDOG LOOKS AT STAFFING

The VA's bureaucratic hiring process poses a big challenge for the department and the persistent lack of staff has been one of the biggest barriers for veterans seeking care at VA facilities. Despite the use of relaxed hiring rules during the pandemic, the department's



MISSION Act Section 505 Fiscal Year (FY) 2022 Second Quarter staffing report shows the VA currently has 61,182 vacancies. To put things in perspective, at the beginning of FY 2020, there were about 49,000 openings, so the staffing problem is not improving.

A recent VA Office of Inspector General (OIG) report captures the extent of the staffing problem. VA OIG found 2,622 roles with “severe occupational shortages” across the department, a 22 percent jump from FY 2021. The position of “practical nurse” (LPN) experienced the most shortages among clinical positions, with 62 percent of facilities reporting an insufficient staffing level. For non-clinical positions, custodial services reported shortages at 69 percent of facilities. These are just a few of the observations in the report which you can read in its entirety [here](#).

In the meantime, PVA continues to work with Congress to protect access to VA’s specialized health care services and has endorsed a number of initiatives which would help the department address some of these shortages. These include the recently passed, PVA-supported RAISE Act which increased pay caps for some nurses and physician assistants and S. 4156, the WISE Act, which would provide increased pay and benefits for other parts of VA’s workforce. The WISE Act also seeks to expand opportunities in rural VA facilities, support training for current and future VA clinicians, and provide greater oversight of VA’s Human Resource operations and their use of hiring authorities.

PVA PRESENTS TO NASWA VETERANS CONFERENCE

PVA Government Relations and Veterans Career Program staff conducted a workshop at the annual National Association of State Workforce Agencies (NASWA) Veterans Conference on June 29. Titled, “Serving Veterans with Disabilities Throughout Life’s Journey,” the session featured Associate Legislative Director Julie Howell, Veterans Career Program Director Charles McCaffrey, and National Advocacy Director Susan Prokop. Howell described the employment services offered by VA’s Veteran Readiness and Employment (VR&E) program while Prokop focused on Department of Labor employment services through the

Jobs for Veterans State Grants program and other state workforce programs. McCaffrey offered a presentation about employment challenges facing veterans with disabilities and the many ways in which the Veterans Career Program helps to overcome them. More information about the agenda of the NASWA Veterans Conference can be found [here](#).

ADMINISTRATION ANNOUNCES ADDITIONAL CHANGES TO STUDENT LOAN FORGIVENESS PROGRAM

On July 6, the [Administration proposed further changes to the student loan system](#), particularly around forgiveness for borrowers living with significant disabilities. The proposed regulation seeks to help more borrowers who are totally and permanently disabled receive and keep the discharge they are eligible for under the new provision. It would allow the Social Security Administration (SSA) to allow a broader set of disability statuses to be recognized for discharge qualifications. It would also eliminate the three-year-income-monitoring period for borrowers who receive loan discharge that was determined by a doctor or SSA. The Department of Education (DOE) says they are concerned that the income monitoring requirements have caused too many borrowers to lose their loan discharges even though they are eligible under income restrictions.

DOE also hopes to see the elimination of capitalized interest for student loans. Interest capitalization occurs when accrued interest is added to the principal balance of the loan which causes future interest to accrue on the higher amount.

Another important part of the proposed changes impacts students who attended schools that closed during their enrollment. Students who enroll in schools that close often get saddled with high debt, receive no degree, and therefore, have no way to pay off the loans. The proposed change would automatically discharge the debt of a student who was enrolled within 180 days of the school closing.

These are proposed rule changes and if passed they should take effect next year.

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HOUSE APPROPRIATIONS BILLS MOVE IN COMMITTEE

On June 30, the House Appropriations Committee moved funding bills for Fiscal Year (FY) 2023 for the Departments of Labor, Health and Human Services (HHS), and Education (H.R. 8295) and Transportation, Housing and Urban Development (HUD) and Related Agencies (THUD) (H.R. 8294). Numerous programs that serve people with disabilities received increases in their budgets and the reports accompanying the legislation reflected the Committee's priorities, several of which pertained to disability-related programs and services. These bills await votes by the full House.

Noteworthy elements within the [Labor-HHS-Education bill](#) include:

- The Office of Disability Employment Policy (ODEP) would receive \$58.5 million, which is \$18 million above the FY 2022 enacted level and the same as the FY 2023 budget request.
- The Disabled Veterans Program within the Veterans' Employment and Training Service was funded at a level of \$300,000, which is the same as the FY 2022 enacted level and the FY 2023 budget request.
- Lifespan Respite Care Programs would receive \$14.2 million, the amount requested by the President and \$6.1 million more than the FY 2022 level.
- Within the funding for the National Institute of Neurological Disorders and Stroke (NINDS), the Committee urged NINDS to expand support for research on ALS, including but not limited to its causes, diagnosis, and treatment. The Committee also would direct the National Institutes of Health (NIH) to provide an update on NIH-supported research related to ALS in the FY 2024 Congressional Justification.
- Citing the recent National Council on Disability report titled, "Enforceable Accessible Medical Equipment Standards--A Necessary Means to Address the Health Care Needs of People with Mobility Disabilities," the Committee encouraged the Centers on Medicare and Medicaid Services to examine including disability clinical care training and the availability of accessible medical and diagnostic equipment in

its conditions of participation for Part A and Part B providers.

- A Direct Care Workforce Demonstration project would receive \$3 million to reduce barriers to entry for a diverse and high-quality direct care workforce, including providing wages, benefits, and advancement opportunities needed to attract or retain direct care workers.
- Report language related to the HHS Office of Civil Rights (OCR) directed that office to clarify that all HHS suicide prevention grants and services must comply with existing disability rights laws, including the Americans with Disabilities Act (ADA), and Sections 504 and 508 of the Rehabilitation Act, including the provisions requiring accessible communications, so that all videos, documents, and other products ensure access to persons with disabilities. In addition, the Committee encouraged OCR to recommend that hospitals create a disability ombudsperson position who is authorized to facilitate communication between healthcare providers and patients with disabilities or their proxies and advocate on the patient's behalf, when required, to ensure that all clinical and long-term services and supports options and choices are made available.
- Grants to states for vocational rehabilitation services would be funded at \$3.95 billion, which is \$230.5 million above last year's enacted level. Any funds that remain available could be redeployed by the Secretary of Education to increase competitive integrated employment for youth and other individuals with disabilities.
- The National Council on Disability received an increase of \$350,000 for FY 2023 to a level of \$3.85 million.

Noteworthy measures in the [THUD bill](#) include:

- \$4.3 billion in advance appropriations in FY 2023 to Amtrak in which six purposes were identified including bringing Amtrak-served stations into compliance with the ADA.
- Direction to HUD to apply the Architectural Barriers Act (ABA) implementation guidelines in its programs where applicable. HUD is the only agency that has not adopted the ABA

guidelines that the Access Board published in 2004 and instead continues to apply the Uniform Federal Accessibility Standards. Adopting the ABA standards would lead to more accessible housing and promote greater consistency government-wide with respect to the accessibility of federal facilities.

- \$62.5 million for the Self-Help and Assisted Homeownership Opportunity Program which funds several programs. Among the programs funded through this account is a veterans housing rehabilitation and modification pilot program, which awards grants to non-profit organizations to assist in the rehabilitation and modification of the primary residence of veterans who have disabilities or low-incomes.

NEWS OF NOTE

JULY IS DISABILITY PRIDE MONTH

The [Americans with Disabilities Act](#) (ADA), passed on July 26, 1990, prohibits discrimination against individuals with disabilities by state and local governments, public accommodations and commercial facilities, and in employment. July is Disability Pride Month. Although not a nationally recognized holiday, cities around the country celebrate the passage of the ADA with parades and festivities. The first parade was held in Boston in 1990. This year, several cities are hosting their own parades, such as [Chicago](#), [New York City](#), and multiple cities in [Pennsylvania](#). The [Disability Pride Flag](#) is a charcoal gray flag crossed diagonally with a lightning bolt band of five colors: light blue, yellow, white, red, and green. The red band represents individuals with physical disabilities. The inclusive approach of the flag honors the meaning behind Disability Pride.

Celebrating the 32nd anniversary of the passage of the ADA, the White House is hosting [Disabled Stakeholders Calls](#) weekly through the month of July. The calls discuss the Administration's efforts to address issues impacting individuals with disabilities.

2022 NATIONAL SURVEY ON HEALTH AND DISABILITY (NSHD)

The NSHD is an annual, online survey of people with disabilities and/or chronic health conditions about health, quality of life, access to health care services, and the COVID-19 pandemic. Adults 18 and over with any type of disability, chronic illness/disease, mental or physical health condition are encouraged to complete the survey. The survey should take about 20-30 minutes to complete and responses are anonymous. To take the survey go to [NSHD | Institute for Health and Disability Policy Studies \(ku.edu\)](#)

VA DEVELOPS NATIONAL STANDARDS FOR HEALTH CARE PROFESSIONALS

The VA [published](#) its first of 50 draft national standards of practice in the Federal Register on June 30. According to VA, these standards will ensure VA health care professionals are able to deliver services in regions other than where they may be licensed, registered, certified or limited by a state requirement.

VA is using an interactive development process for these national standards that includes consultation with internal and external stakeholders, including state licensing boards, VA employees, professional associations, and veterans service organizations. VA will share all draft standards in the Federal Register.

HEARINGS & WEBINARS

Upcoming PVA Webinar: The ADA Increases Access for Wheelchair Users

To celebrate the 32nd anniversary of the Americans with Disabilities Act (ADA), PVA will host an online webinar about the typical experiences of wheelchair users and their families or friends as they go about a vacation trip. The webinar will touch on the everyday aspects of a vacation such as public transportation, hotels, restaurants, and sports stadiums. Join PVA to celebrate the ADA anniversary and learn more about your rights!



The webinar will be held on Monday, July 25 from 3:00-4:00 p.m. ET. To register for the webinar, please click [here](#).

VA Caregiver Resource Fair

On July 20, at 1:00 p.m. ET (12:00 p.m. CT; 11:00 a.m. MT; 10:00 a.m. PT), the Washington, DC VA Medical Center Caregiver Support Program will host its annual Caregiver Resource Fair. The fair will feature four organizations working to help support veterans, caregivers, and their family members. It is open for all community members, providers, caregivers, and veterans and registration is not required. The web link and phone number to access the event are below. For more information, please contact: vhawas.generalcaregiversupport@va.gov. Please note there may be some organizations whose services are only available to those living in the DC, Maryland, and Virginia area.

- **WebEx Link:**
<https://veteransaffairs.webex.com>
Access Code: 2764 200 7224
Password: Caregivers2022!
- **Dial in by phone: [1-833-558-0712](tel:1-833-558-0712)**
Access Code: 2764 200 7224
Password: 22734483

Accessible Residential Facilities Webinar Now Available

If you missed the Access Board's recent webinar on accessible residential facilities, you can access the [webinar recording and presentation materials in the archives](#). This webinar reviewed accessibility guidelines and standards issued under the Architectural Barriers Act, the Americans with Disabilities Act, the Fair Housing Act, and Section 504 of the Rehabilitation Act that apply to residential dwelling units to ensure these facilities are accessible to people with disabilities.

Presenters also clarified these laws and their application, including those related to work surfaces, turning space, routes, reach ranges, and windows in residential dwelling units.

Upcoming Veterans' Affairs Committee Action

Please visit the House Veterans' Affairs Committee [webpage](#) and the Senate Veterans' Affairs Committee [webpage](#) for information on upcoming hearings and markups.