

LEGISLATIVE CHATS

EPISODE 4: AUGUST RECESS

00:03

Welcome to the latest government relations chat my name is Heather Ansley and I am PVA's Associate Executive Director of Government Relations.

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it's that time of year when members of Congress head for the exits of Capitol Hill and return to their states and districts for the August recess.

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Currently, the House is slated to be out the month of August through September 20 while the Senate is slated to be out August 9 through September 13.

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The purpose of today's chat is to give you an update on some of the progress that we have made with our policy priorities throughout this year.

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And to let you know a little bit about how you can help us to keep making progress during the recess.

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Throughout August we will be promoting action alerts on various priority issues to encourage you to take action by e-mailing your members of Congress.

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We also hope that you might be able to use some of this information and if you're attending town halls or other events that your Members might be hosting throughout the coming weeks.

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As always, we have a list of priorities that impact our members as veterans and another list of priorities that impact our Members as people with disabilities.

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So we're going to start today, focusing on some of our advocacy or disability related priorities and one of the top advocacy priorities.

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is improving access to air travel for people with disabilities and, unfortunately, with the return of the skies following the advent of the

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covid vaccines we've started to receive more complaints from PVA ,members about their air travel experiences. October is the 35th anniversary of the Air Carrier Access Act, which is the law that

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ensures that people with disabilities can access air travel without discrimination and, as a result, we will be increasing our advocacy in this area later in the fall.

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In the meantime, however, we continue to seek co-sponsors for the air carrier access amendments act which is HR 1696 or S642.

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And this legislation was introduced by Representative Jim Langevin from the state of Rhode island and Senator Tammy Baldwin from Wisconsin.

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And it wouldn't it would strengthen the Air Carrier Access Act by improving the administrative enforcement of the law and establishing a private right of action.

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It would also ensure that new airplanes are designed to accommodate the needs of people with disabilities by requiring that airlines would have to meet defined accessibility standards similar to what

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most transportation providers have to do under the Americans with Disabilities Act, and these standards would address safe and effective boarding and deplaning.

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visually accessible announcements, for those who might be deaf or hard of hearing, seating accommodations, lavatories, and better stowage options for assistive devices like wheelchairs and scooters.

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It would also require the removal of access barriers on existing airplanes, to the extent that it is readily achievable another ADA concept and that of course means that it can be done without much difficulty or expense.

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So the Senate bill, which again is S 642, has six co-sponsors in addition to Ms. Baldwin. One of those co-sponsors is Senator Tammy Duckworth who herself uses a wheelchair.

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and has also experienced air travel problems due to her disability HR 1696 has 13 co-sponsors, in addition to Mr. Langevin.

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Now we will be promoting our action alert on the Air Carrier Access Act Amendments Act, the week of August 30 through September 6 so stay tuned for more information.

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Now, however, I would like to turn it over to Susan Prokop who is PVA's National Advocacy Director.

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And she's going to walk us through some updates on some of our other advocacy or disability priorities, including some stuff on ADA, disability, employment, social security and a few other items of note so Susan, what do you have for us today.

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(Staff) Susan Prokop, Natl. Advocacy Dir

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Thank you Heather.

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Well, as.

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We all know this past Monday was July 26 and that marked 31 years since the signing of the Americans with Disabilities Act.

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There was a small ceremony at the White House due to ongoing covid limitations, at which President Biden hailed the anniversary.

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and noted a number of actions, the administration has taken to foster the spirit of the ADA these include.

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The funding that was put in the American rescue plan for greater access to medicaid home and community based services, the release of guidance explaining long haul.

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covid survivors coverage under the ADA and a June executive order tasking federal agencies to improve accessibility, ensure accommodations can be requested,

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increase opportunities for advancement and hiring of people with disabilities and reducing physical accessibility barriers in the federal government.



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Now PVA hosted a webinar on July 22 on ADA enforcement featuring a speaker from the Mid Atlantic ADA Center and updates on PVA advocacy at the national state and local levels.

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That webinar should be on the resources page in the near future. We also recently endorsed newly introduced legislation by Senator Tammy Duckworth of Illinois.

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to update the disabled access credit and strengthen Justice Department's role in ADA enforcement her bill, the Disabled Access Credit Expansion Act.

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Bill number S 2481 would increase a tax credit for small businesses created in 1990 to help them comply with the ADA.

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Her bill also codifies the DOJ mediation program that helps people with disabilities and businesses resolve disputes without costly litigation.

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And it directs the DOJ to report on calls that its ADA information hotline receives. This legislation is particularly important.

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As a way to head off ADA notification bills that have arisen and past Congress's.

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Indeed listeners may recall that it was Senator Duckworth who effectively killed the ADA Notification Bill in the 116th Congress.

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We aren't seeing any activity in this congress on another ADA notification bill, but it's an ongoing threat, and one we have to keep an eye out for.

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I just want to remind folks that we will be mounting a voter voice alert during the week of August 9 through 13 on the Duckworth bill. Information about this measure will be found on the VoterVoice page at pva.org.

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Now, moving on to the employment front another VoterVoice alert to be featured during August 9 through 13 will focus on the disability employment incentive act sponsored by Senator Bob Casey and Representative Josh Harder and the bill numbers for that our HR 3765 and S 630.



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These would enhance the current work opportunity tax credit that is available to employers that hire people with disabilities, by raising the value of tax credit.

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Extending the credits availability for a second year of employment, to promote retention and enable the use of the credit for hiring SSDI beneficiaries.

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This measure also makes long overdue improvements in tax incentives for businesses to make their facilities more accessible to people with disabilities.

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The Department of Labor veterans employment and training service has finally filled the position for its disabled veterans program.

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That program was created by Congress in 2019 to bring greater attention to the employment challenges facing veterans with significant disabilities both service connected and non-service connected.

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The new research analyst who was hired has a background in the jobs for veterans state grants program as well as working with homeless veterans rehabilitation grants. So we're looking forward to collaborating with the work of this office once you get settled in.

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One other administration employment initiative that bears mentioned is the June 25 executive order issued by President Biden.

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To enhance the federal government's role in becoming a model employer for individuals with disabilities it charges key agencies, including the Department of Labor and the US Access Board.

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to coordinate across the Federal Government to ensure that all federal workplaces and technologies are fully accessible to improve the process for

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requesting reasonable accommodations and to ensure that all federal employees understand their rights to request those reasonable accommodations.

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The executive order also directs a review of Schedule A hiring authority for individuals with disabilities to assess opportunities to enhance employment opportunities and financial security for federal workers with disabilities.



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And then on the social security front, I am happy to share that the Social Security 2100 Act is about to make its return finally.

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This is a major piece of legislation that PVA has supported in past congress's, with the aim of shoring up the solvency of the social security benefits system.

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As well as making vastly needed improvements in its retirement survivor and disability benefits programs. The chairman of the ways and means social security subcommittee Representative John Larson of Connecticut plans to introduce the Social Security 2100

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sacred trust act when Congress returns from it's August break. This bill includes many of the key provisions from the

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2100 Act in the last Congress, such as a cost of living increase that reflects the true expenses of seniors and people with disabilities.

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and raising the threshold for taxation of social security benefits. The bill also contains provisions similar to last year, extending the solvency of the trust funds beyond 2034.

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and asking those with earnings above \$400,000 a year in income to contribute to the Social Security system.

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But it will also contain several new and important provisions that PVA has supported for many years, among these are the elimination of the five month waiting period for SSDI benefits to begin once someone qualifies.

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It would also end the disability benefit cash clip replacing it with a gradual offset for earnings and eliminating two pension offset policies.

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That have penalized those with retirement income from local state and federal employment. This last provision could have a major beneficial impact on the 31% of veterans with significant disabilities who work in the public sector.

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We hope people will consider contacting your members of Congress to be original co-sponsors of the Social Security 2100

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Sacred Trust Act when their members are home for the August recess. One other bill, we are following and hope will be introduced soon.

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Is the Stop the Wait Act, which has been championed by Representative Lloyd Doggett of Texas. This bill

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would also eliminate the SSDI waiting period just mentioned, but it also would get rid of the two year wait for Medicare that burdens, many of those who qualify for SSDI.

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We understand representative Larson did not include the Medicare provisions in his 2100 act in order to avoid multiple committee referrals so we expect Representative Doggett to be introducing his Stop the Wait legislation in the near future.

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Finally, I want to direct people's attention to an audio chat on PVA's Disability Advocacy website that focuses

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on Social Security and it's financing. While that may not sound terribly exciting it features an informative conversation.

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With Nancy Altman of Social Security Works that seeks to address some of the common myths and misconceptions about the strength of the Social Security system. So that's what we've done so far on the advocacy side of things and I'm going to turn the platform back to Heather.

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Heather Ansley

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Well, thanks Susan and it was great to hear about all of the legislation that's been introduced, or is going to be introduced in the in the near future that will

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work on the priorities that we've identified this year, and you know, we look forward to seeing what more can be done.

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Now I would like to introduce Morgan Brown and he serves as our National Legislative Director and he's going to talk about the other side of the House



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giving us some updates on our legislative or veterans specific priorities. So Morgan, can you please fill us in a little bit on what's been happening in Congress for veterans typically related to our priorities.

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Morgan Brown, PVA

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Sure Heather and hello everyone.

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Toxic exposure legislation has been the principal focus of the House and Senate Veterans' Affairs Committees for much of the year.

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Both panels have approved individual bills and then larger packages, which we call omnibus bills that are now the subject and negotiations between the two panels and chambers.

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The tremendous cost of this legislation has been the chief barrier to passing it.

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and eventually we believe Congress will probably figure out a way to approve this legislation, which could benefit some of our members, particularly those with non service connected disabilities.

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So stay tuned and will continue to provide updates on this as information becomes available.

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Not surprisingly we've also seen the return of fiscal restraint, primarily in the minority party and to a lesser degree of the majority party.

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The cost of legislation routinely comes up in our conversations with legislative Members now.

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As more and more lawmakers become increasingly aware of how much is being spent and the surging national debt which fans at about \$28.5 trillion.

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As time goes on, and greater numbers of lawmakers begin to express concerned with the amount of spending that is taking place, we

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anticipate this could impact our ability to get some of our principal legislative priorities passed. It already has, in some cases and I'll touch on that in a few minutes.



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So now I'd like to talk a little bit about some specific focus areas for PVA beginning with access to VA's long term services and supports.

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There's been considerable attention on the accessibility of home and community based support services, both on the national level and within the VA.

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On August 27, PVA participated in the House Veterans, Affairs Committee hearing looking at veterans accessibility to some of VA's home care services such as veterans directed care.

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As you know, inpatient long term care is extremely limited within VA's SCI system of care, right now, and most veterans would prefer to remain in their homes anyway.

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So PVA believes the VA and Congress must make home and community based support services more accessible to veterans.

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One of the programs that should be expanded to all VA medical centers is the Veteran Directed Care Program.

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VDC allows veterans to receive home care benefits and services in a consumer directed way and is designed for veterans who need personal care and services

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and help with their activities of daily living. Unfortunately, VDC is only available at 69 of VA's 171 medical centers with an enrolled population, right now, of only about 4900 veterans.

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Our members and other veterans are continually asking us to help get this program implemented at their VA facility. We know of some that have been waiting over two years just to get the program implemented.

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So on the 27th we told Congress VA medical centers need additional resources to help them expand programs like VDC.

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The addition of just a single social worker at each of the remaining facilities can help get the program up and running at a facility and expand the programs availability.



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A VA must also do more to market, the benefits of VDC to medical centers and a major benefit of the program is that it's cheaper than institutional care and allows veterans to remain in their homes and direct their own care.

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We also told Congress, the VA is not authorizing adequate hours to care for veterans homecare needs.

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VA changed it's methodology to calculate the number of home care hours veterans receive in 2018.

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We believe this change was made solely to manage the programs cost and was thoroughly, not in the veterans best interest as it's resulted in less hours for most veterans.

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While we recognize VA's challenge with limited resources, and that our veterans are not the only veterans receiving VA long term care.

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Is it reasonable for doctors who know their patients the best to prescribe 28 hours, then only to have the veteran be authorized for 14. The same time, is it reasonable for a veteran with a terminal disease to receive four or six hours a week, we don't think so, and we told Congress that.

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We also talked a little bit about the challenges of veterans finding suitable caregivers to assist them in their homes.

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There is currently a nationwide shortage and so we urge Congress to conduct a vigorous national effort to help curb the effects of these.

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shortages of direct care workers and bolster their workforce and, finally, we talked about the importance

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of a veteran being able to pay their caregivers whenever the veteran is in the hospital, so the caregiver can assist them while they're there and ensure they can return swiftly to their homes once they're released.

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So, looking at the construction of the VA's long term care facilities we've been closely monitoring several projects related to spinal cord injuries and disorders.

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Especially those that would increase the availability of long term care bed space within the department.

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Recently, ground broke on a project in San Diego to build a new acute care center there, which will also include 20 additional long term care beds.

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it's going to take a couple of years before this project is completed, but the addition of the 20 beds, particularly on the west coast where currently only 12 are available would be a welcome indeed.

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We've also been working with the Administration, VA, and Congress on a larger project in Dallas to build a separate long term care facility there with 30 beds initially.

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But with the space to expand it to 60 in the future. Legislation authorizing the funding needed to complete these two projects was recently approved by Congress.

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And we're working with lawmakers and VA and the administration to try to secure additional funds for some of the other pending SCI related projects.

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Looking at the caregiver program and the ongoing expansion.

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The law required the first phase to begin on October 1, 2019, approximately 16 months after the law was enacted.

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Due to information technology delays and futures VA didn't begin the first phase until October 1, 2020, which was a full year later than the law required.

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So, as a result, the second phase, which includes many veterans who became severely injured or ill between May 8, 1975, and September 10th of 2001 will now have to wait until October 1 of next year

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as required by the law. We understand the phased in approach has been specified by Congress, but these prolonged delays are further straining caregivers.

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And so we continually call on Congress to expedite the expansion of the caregiver program because these veterans and their caregivers should not have to continue waiting for this critical support.



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I do want to call your attention to a pair of webinars we recently conducted on the caregiver program they are or will soon be available on our website at pva.org and I encourage you to check those out.

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Regarding accessibility to in vitro fertilization legislation has been introduced called the Veterans Families Health Services Act that is HR 2734 in the House and S 1280 in the Senate.

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These bills actually include several provisions that PVA has been endorsing to include the expansion of the program and then, most importantly, making assisted reproductive technologies available on a permanent basis to veterans that need them.

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In addition to those two bills language has been

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inserted into HR 4355. the Military Construction Veterans Affairs and Related Agencies Appropriations Act of 22

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That will

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at least preserve funding for this program for another year. That bill was approved on July 2 and now like a handful of other annual funding bills it awaits a full vote by the House.

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So now looking at the auto allowance and automotive adaptive equipment programs support for the AUTO for Veterans Act, S 444 and HR 1361 is growing, but it's slow.

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This has not been the case for the CARS for Veterans Act, HR 3304, which only has the initial pair of representatives that introduced the bill of supporters.

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Both bills, would allow eligible veterans to receive a second automobile allowance if it's been at least 10 years since the veteran received their last one.

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They would also codified the current ingress egress assistance that veterans with non-service connected disabilities received from VHA.

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There's been some confusion out there, regarding this particular part of the legislation, so I want to stress that this language does not expand VA's automobile adaptive equipment program to non-service connected veterans.



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veterans currently received this assistance if VA has money available. The bill makes it part of the law so that in the future if money gets tight VA must still provide the assistance.

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And we've had conversations with the authors of these bills and we know that the cost of this legislation is the principal hurdle to overcome.

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It won't be easy, but there is still a possibility that we might get to insert this legislation in one of the larger infrastructure or covid relief packages that you've been hearing about on the news.

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it's a long shot, but PVA will continue to work with Congress and their staff try to figure out a way to pay for this bill and get it passed.

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There is a letter currently on our voter voice system regarding the automobile allowance legislation, and if you haven't sent a letter in in some time or you haven't sent one at all, please do.

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So now, I want to look at a couple of new and developing pieces of legislation, one is

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would make changes to VA's Home Improvements and Structural Alterations program, otherwise known as HISA.

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This particular grant program provides medical necessary improvements and structural alterations to a veteran or service members primary residence.

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And it can include allowing entrance to or from the home, enabling them to use the bathroom or the shower.

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allowing them accessibility to the kitchen, improving entrance paths or driveways.

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and then improving plumbing or electrical systems made necessary due to the installation of home medical equipment such as a dialysis machine.

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Currently, the lifetime benefit of up to \$6,800 may be provided for veterans and service members who have a combined service connected rating a 50% or more, that



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disability rating need not be related to the disability that is causing the veteran to be eligible for this program.

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veterans who have non- service connected conditions may receive up to \$2,000.

Unfortunately these rates have not changed since 2009 and the cost of construction and remodeling has risen roughly 50% during the same time frame.

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VA tells us that the benefit now falls well short of what veterans need to do the necessary modifications.

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And at the same time, they agree with us that the cost of renovation is the same, regardless of whether you're a service connected veteran or not.

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For the past several months we've been working with some of our congressional champions on legislation that would raise rates for this benefit and tie them to some form of an index or COLA, so that the rates remain relevant regardless of congressional action.

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We understand this legislation may be introduced soon, and if that occurs prior to the House departing for the August recess, this legislation will be the focus of one of our August campaigns.

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So, please keep an eye out for the possible announcement regarding this bill, and if it is one of our campaigns, I encourage

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everyone to participate in sending their letters as quickly as possible, our goal here is to build enough support for the bill to try to have it receive consideration in the fall and possible inclusion in an anticipated veterans omnibus package, towards the end of the year.

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Many PVA members have expressed frustration with having to re-apply for their clothing allowance, year after year.

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And I'm pleased to say, this is an annual exercise that might be coming to an end soon if some house and Senate lawmakers get their way. On July 28, Senator Cortez Masto and Senator John Boozman introduced.



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Brian Neuman Clothing Allowance Improvement Act at the same time Representative Mike Levin and Representative Barry Moore introduce HR 4772 the Mike O'Brien Clothing Allowance Improvement Act.

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These are companion bills so, with the exception of the title, the language is identical.

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The annual application process for the clothing allowance is an unnecessary burden for veterans, including many PVA Members as well as VA.

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And we thank these lawmakers for this effort to try to make it easier for veterans to receive the benefit.

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This bill will be the focus of our voter voice campaign for the week of August 16 through the 20th.

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I encourage everyone to send a letter to their elected representatives and encourage them to make this common sense change and, finally, I just want to talk real quick about the ALS DIC kicker.

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eligible survivors can receive an additional \$284.50 per month in dependency indemnity compensation if a veteran was rated totally disabled for a continuous period of at least eight years immediately perceiving their debt this payment is commonly referred to as the DIC kickers.

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And while VA regulations recognize ALS as a presumptive service connected disease and due to it's aggressive nature, it is automatically rated at 100%.

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One service connected, however, because the average life expectancy of a person with ALS is two to five years many spouses of deceased veterans with ALS rarely qualify for the DIC kicker.

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We believe that survivors should not be deprived of a benefit, simply because the service connected disease, they acquired made it impossible for them to meet the eight Year, life expectancy requirements.



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We are told that legislation that would allow ALS survivors to receive the DIC kicker will be reintroduced as well, so be sure to look for that announcement in your e-mails in the coming days. So that pretty much concludes it for me Heather and I turn this back over to you.

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Heather Ansley

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Well, thanks Morgan for all of those updates again it's great to hear about all the legislation that's either been introduced or we're anticipating that focuses on priorities that are important to PVA members.

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And once those members of Congress, however returned from the August recess there's going to be lots of work ahead for them.

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Specifically, the end of the government's fiscal year is September 30.

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And although the House has been considering and passing appropriations bills, we are anticipating that there's going to be a need for one or more continuing resolutions.

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To keep the government funded until agreements can be really reached between the House and the Senate on full year funding.

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We also have the possible action on a three currently \$3.5 trillion reconciliation bill that Morgan alluded to, and also the need to raise the debt ceiling.

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So there's there's plenty to keep Congress busy this fall.

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So what we need you to do is to stay up to date by following PVA on our social media platforms and also to keep an eye on our web page.

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Which is at pva.org/research-resources/legislative-priorities.

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Also, please remember to sign up for our advocacy portal and to take action on our priorities throughout the month of August, you can reach that portal through the same website that I just mentioned on PVA.org under the research and resources tab.



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So as a reminder throughout August starting the ninth through September six, we will be having a priority items that were hoping you'll take action on.

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And again by staying signing up for our alerts and staying up to date on social media you'll be able to get all the information that you need to do that, so thank you for your time today, and we hope that you have found the shared updates to be helpful thanks again.