

LEGISLATIVE CHATS

EPISODE 5: 2021 LEGISLATIVE WRAP UP

00:01

Well, 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 the year when we reflect on the progress made on PVA's policy priorities in 2021 and begin to think about what is on the horizon for 2022.

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One of our top advocacy priorities this year has been improving access to air travel for people with disabilities.

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October marked the 35th anniversary of the Air Carrier Access Act, which of course is the law that provides access for people with disabilities in air travel.

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And this milestone really gave PVA an opportunity to highlight, on a national stage the serious barriers that are still present for passengers with disabilities through ed,

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media coverage, lots of things that really highlighted the very difficult position that many passengers, particularly those who use wheelchairs continue

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To face, including marking the very tragic passing of (enter name here) who died following injury she received once her wheelchair was damaged in air travel.

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This, of course, has only galvanized our efforts to make sure that we make improvements to this process for people with disabilities.

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We spent a significant amount of time working to increase support for the Air Carrier Access Amendments Act which is legislation in both the House and the Senate.

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On the House side, the legislation has been introduced by representative Jim Langevin from Rhode Island. He himself is a wheelchair user.

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And Senator Tammy Baldwin from Wisconsin. And that legislation would strengthen the enforcement of this law, establish a private right of action, so that a passenger with a disability could go to court and

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have their rights adjudicated, ensure new airplanes are designed to accommodate the needs of people with disabilities by requiring

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airlines to have planes that meet defined accessibility standards and then, of course, requiring removal of

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access barriers that are on existing airplanes, to the extent that it is readily achievable, which is a concept under the Americans with Disabilities Act.

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So the Senate Bill, which is S. 642 continues to have six co-sponsors, in addition to Ms. Baldwin and one of those co-sponsors is Senator Tammy Duckworth who herself uses a wheelchair.

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much of the time due to injury she received in her service to our country. H.R. 1696 has added additional co-sponsors this fall and is now supporting 22

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In addition to Mr. Langevin we have been promoting a petition in support of the legislation and will continue to accept signatures on that petition until the end of the year.

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And so we would invite you to visit PVA.org/airtravel to make sure that you are signed up and your Members of Congress know that passing this legislation is important.

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So now we'd like to give you some updates on our other advocacy or disability priorities and Susan Prokop, who is PVA's

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National Advocacy Director is going to walk us through some updates on the Americans with Disabilities Act and Employment of People with Disabilities, Social Security and other items of note. I'm going to turn it over now to Susan.

Susan Prokop, PVA

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Thank you Heather.

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Welcome all of our listeners today, and I'm gonna run through some of our Disability Advocacy priorities now, starting with the Americans with Disabilities Act, which turned 31 this past July.

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And in marking that anniversary, PVA sponsored a webinar on ways to enforce the law at the state and local level.

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Listeners can find that webinar archived on PVA's web page under Veterans and Disability Advocacy webinars.

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We are still trying to get some traction on the Disability Employment Incentive Act that is legislation introduced in the Senate as S. 630

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by Senator Bob Casey of Pennsylvania and H.R. 3765 in the House by representative Josh Harder. This legislation has two main components.

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One is expansion of the work opportunity tax credit that's available to employers that hire folks with barriers to employment.

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Among those to whom the tax credit would apply under the bill are people on social security disability insurance or SSDI which would correct a long overdue omission in the law.

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Beyond the tax credit provisions this bill would improve two long standing tax incentives for businesses making accessibility modifications in their facilities.

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It would basically double the disability access expenditures tax credit that is available to certain small businesses, as well as the architectural and transportation barrier tax deduction.

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which has been around since 1976 for expenses incurred by a business in removing existing physical barriers in qualified facilities or transportation vehicles or in making their telecommunications and online business operations accessible.



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PVA also supports the Disabled Access Credit Expansion Act, which was introduced by Senator Tammy Duckworth as S. 2481.

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And H.R. 4714 as introduced by representative Don McKeachin on July 27. These bills make similar enhancements to the disability access expenditure tax credit

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and would also provide funding for the Department of Justice's ADA mediation program which offers a way to settle disputes between individuals and entities covered by the ADA.

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The Build Back Better Provisions that came out of the House had some expansions of WOTC, the Work Opportunity Tax Credit, but they were stripped out at the last minute.

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And the Senate Finance Committee's version of the bill that was recently released

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while it had a number of tax credit sections, it did not include anything related to the accessibility tax credit or deduction.

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Although senate leadership insisted that the Build Back Better Bill would move before Christmas, that is looking increasingly unlikely, and instead will be brought up when Congress returns in January.

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Should that be the case, there is still some time for advocates to reach out to their members of Congress to urge inclusion of these access credit bills in the build back better measure.

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While we aren't seeing any movement on ADA notification legislation, this is still an ongoing threat out there and that's why these access credit and deduction bills become more important as carrots to foster ADA compliance versus sticks to punish violations.

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Now, on the employment front, as noted under the discussion of ADA, the disability employment incentive act contains important incentives for employers to recruit and hire people on SSDI.

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The build back better legislation now pending in the Senate contains a number of provisions, important to the disability community

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including significant investments in moving sub minimum wage employers to competitive integrated employment programs.

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It also features significant investments in the workforce, innovation and opportunity act programs which support state employment and training efforts around the country. That law

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WIOA has within its statutory language requirements for targeting people with barriers to employment, including people with disabilities.

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Among the build back provisions related to WIOA are \$500 million for registered apprenticeship programs a billion dollars for adult worker employment and training services.

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150 million dollars for outreach and assistance to partnerships serving local areas with a high unemployment rate or a high number or percentage of dislocated workers.

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or individuals with barriers to employment, including people with disabilities \$35 million for senior community service employment programs and increased funding for many other workforce programs.

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there's also been considerable activity on the executive branch side of the federal government in disability employment.

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As part of an executive order issued by President Biden early this year.

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All federal agencies were tasked with examining their programs and policies as they affect diversity and inclusion of various underserved populations, including people with disabilities.

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PVA has been part of conversations with the disability advocacy community and officials with the Department of Labor and Education over their agencies work on this executive order.

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We learned that education's office of special education and rehabilitation services is looking at the number of states that have returned money.

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Under the vocational rehabilitation program and they want to evaluate why that is happening. As part of National Disability Employment Awareness month.

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PVA was part of a disability advocates roundtable with Labor Secretary Marty Walsh and other officials discussing ways that DOL programs can enhance disability inclusion.

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In that agencies apprenticeship programs federal contracting and promotion of hiring authorities targeted to people with disabilities.

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And speaking of disability employment awareness month, the PVA Government Relations Program

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hosted a webinar on October 26 highlighting the work of PVA's own Veterans Career Program and how it serves veterans with disabilities across VA, social security and other federal employment programs. That webinar can also be found on the veterans and disability advocacy page on PVA's website.

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Now, last but not least, we finally saw some movement on a bill of particular interest to PVA when the social security 2100

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A Sacred Trust Act was introduced in late October in both the House and Senate. In the Senate, the chief sponsors were Senators Richard Blumenthal of Connecticut.

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And Senator Chris Van Hollen of Maryland and the bill number there is S. 3071 In the House, the bill is H.R. 5723

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and was introduced by the Chairman of the Ways and Means Social Security Subcommittee John Larson of Connecticut and 193 other original co-sponsors.

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PVA's Deputy Executive Director Shaun Castle testified in support of H.R. 5723 on December Seven before Chairman Larson's subcommittee

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and highlighted a number of provisions, important to PVA Members and their families, such as changing the cost of living adjustment formula to reflect expenses of older Americans and people with disabilities.



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Ending the five month wait for disability insurance replacing the SSDI cash cliff with a phase out of benefits as earnings rise.

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and giving caregivers up to five years of credit under social security for caring for a loved one with disabilities.

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Mr Larson is keen to move this bill during the 117th Congress and is urging advocates to reach out to their members of Congress to co-sponsor and support this legislation.

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One other measure in which we have an interest is the Stop the Wait Act, which would end not only the five month wait for SSDI.

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But also the 24 month wait for medicare coverage for those deemed eligible for SSDI. That bill has been sponsored in previous sessions of Congress by representative Lloyd Doggett of Texas.

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His office has said he plans to reintroduce the legislation during this Congress, but we have yet to hear of a definitive introduction date. So that's the rundown from advocacy and I'll turn it back to Heather.

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Heather Ansley

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Well, thanks Susan certainly there's been a lot going on this year and we thank you for shepherding those efforts on behalf of PVA.

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I would now like to introduce Morgan Brown who's our National Legislative Director and he's going to give us some updates on the status of our legislative for veterans priorities as we come into the end of the year.

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So Morgan, can you fill us in on what happened in Congress this year?

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Morgan Brown

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I sure can Heather and hello to our

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listeners. Like the year before much of our work in 2021 took



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place in a congressional environment that was significantly altered by the COVID 19 pandemic.

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And that was coupled with increasing foot fiscal restraint as lawmakers adjusted for lingering economic fallout, and the uncertainties, brought about by the virus.

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That said, though, PVA was still able to make considerable progress on many of our key legislative issues.

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In addition to preserving funding for VA specialized services, we laid groundwork for several improvements to long care term care for veterans with catastrophic disabilities.

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we've been closely monitoring the implementation of the new program of comprehensive assistance for family caregivers and had numerous opportunities to share our concerns with both VA and Congress about the way this program is being administered.

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This past July and testimony before the House Veterans Affairs Subcommittee on Health, we spoke of the urgent need for VA to expand access to important programs.

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Like the veterans directed care and home health programs.

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Also, to increase the number of direct care workers available to care for veterans we recommended VA use multiple strategies, such as increasing reimbursement and providing quality training to individuals that will be willing to care for them.

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And we noted the need for a caregiver does not go away when a veteran is in the hospital, so we recommended the VA continue to provide for this care

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so the veteran will have access to their caregivers while they're hospitalized and so that they will be able to swiftly return to their homes, once they are released.

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As a result of that testimony in some frank discussions with VA, the department recently announced it will be expanding availability of the veterans directed care program to all medical centers over the next five years.

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and very recently VA also indicated it will examine stringent rules for the new caregiver program to see if there are ways to lessen them.



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We also work closely with PVA's Architecture Department and the House and Senate Veterans Affairs Committee is to try and secure additional funding for existing VA SCI

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long term care facilities and the construction of new ones, raising awareness about VA's limited long term care capacity has put several pending projects on a much better footing to receive funding soon.

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We also made good progress in our efforts to improve access to important benefits and services.

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This year we continued our work to preserve existing IVF services and expand access to other assisted reproductive technologies.

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Working with Congressional staff, we were able to get a total of three bills introduced, which would help us achieve this goal.

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S. 1280 and H.R. 2734 The Veterans Family Health Services Act our companion bills, which, in addition to making IVF services permanent

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would allow veterans and Servicemembers to use donated gametes and ensure their spouses or partners and gestational surrogates are appropriately included in eligibility rules.

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and even allow VA to provide adoption assistance, the third bill H.R. 1957 The Veterans Infertility Treatment Act would make infertility care, including

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assisted reproductive technologies like the IVF, part of the medical services package provided by VA to any veteran or their partner to achieve a pregnancy.

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It also allows IVF for up to three successful pregnancies or six attempted cycles and repeals the ban on the use of donated gametes and embryos.

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We spent a considerable amount of time trying to improve access to transportation for catastrophic Lee disabled veterans by getting legislation introduced that would allow eligible veterans to receive a second automobile allowance from VA.

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Right now veterans can only receive one grant in their lifetime, which is currently worth about \$21,500.



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Because veterans bear the full cost of procuring their replacement vehicles, they may hang on to the ones that they have well beyond their reliability point.

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H.R. 1361 and S. 444 The Auto For Veterans Act would allow veterans a second automobile allowance if 10 or more years have elapsed since they receive the first one.

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H.R. 3304 The Cars For Veterans Act would also allow veterans a second automobile allowance if 10 or more years have elapsed.

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But the bill also includes the second provision that reclassify certain vehicle modifications, such as a van lift under the definition of medical services for VA health care purposes.

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This may help preserve ingress egress assistance provided by VA to veterans with non-service connected conditions during times of severe budgetary constraints.

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As you can imagine the cost of the legislation is the chief hurdle we've been forced to overcome.

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But throughout the year we've been working with the staffs of the House and Senate Veterans Affairs Committees on ways to mitigate the legislation's costs.

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and recently we initiated individual zoom calls with a staff of Congressional Members who are not yet supporting this issue. Early results of these tiger team style meetings are promising and will definitely continue that effort well into the New Year.

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Access to affordable.

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Accessible housing is a critical issue for many disabled veterans and the ability to return home after incurring a significant disability is an important component of being able to make a full recovery.

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For veterans with more static conditions being able to stay in the home is often safer and usually contributes to higher level of morale and quality of life.

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VA provides adaptations to a veterans residence, but through the VHA's Home Improvements and Structural Alterations Grant which is known as HISA.



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Or the veterans benefits administration under the specially adapted housing, special housing adaptation, temporary residence adaptation.

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or vocational rehabilitation and employment independent living program. The goal of each of these five programs is to adapt or modify a veteran's residence to accommodate their disability or disabilities.

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The adaptations or modifications are individually determined based on the medical feasibility for the veteran to reside in their home, the continuation with medical treatment and rehabilitation and the capability to live independently in a barrier free environment.

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And the last Congress, we convinced lawmakers to update the rates and make some key improvements to the SAH and SHH programs, and now they're providing greater health to the veterans who need them.

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So this year we decided to focus on the HISA Grant Program. As the name suggests, the HISA grant helps fund improvements and changes to an eligible veterans home.

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And just some examples of qualifying improvements include

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improving the entrance or exit from their homes, restoring accessibility to the kitchen or the bathroom and making necessary repairs or upgrades to plumbing and electrical systems, due to the installation of home medical equipment.

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veterans who need housing of modification due to a service connected disability may receive up to \$6,800.

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veterans who have a 50% service connection may receive the same amount, even if the modification needed is due to a non- service connected disability.

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And finally veterans who are not service connected, but are enrolled in the VHA healthcare system can receive up to \$2,000.

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The problem with HISA is the rates themselves. They haven't changed since 2010 and even though the cost of homebuilding and modifications has risen at least 40% during that timeframe.

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Many veterans are still sheltering in place until the resolution of the pandemic, so ensuring they can safely remain there is more essential than ever. So HISA rates must be raised to reflect the current cost and better meet veterans needs. Recently we were able to get H.R. 5819

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The Autonomy for Disabled Veterans Act introduced which would increase HISA grant rates and tie them to an inflation formula that will help keep them relevant in future years.

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Occasionally targets of opportunity pop up that were not originally part of the annual legislative strategy.

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This year PVA was asked to help develop legislation that would make favorable changes to the way veterans must apply for their annual clothing allowance.

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VA's clothing allowance is an annual sum of money paid to any veteran whose clothing is worn or damaged do the the use of prescribed skin medications

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or prosthetic or orthopedic devices for service connected disabilities. But, in order to receive the benefit the veteran must file a claim for disability compensation and provide a clothing allowance form to their local VA medical center by August 1 of each year.

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We believe that requirement to reapply annually is burdensome for VA and veterans alike, and we believe veterans with static conditions should not have to reapply each year.

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So we were able to get.

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The Brian Newman Clothing Allowance Improvement act and H.R. 4772 The Marco Brian Clothing Allowance Improvement Act

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introduced which would make the clothing allowance payments automatic until VA determines the veteran is no longer eligible to receive the benefit.

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Or the veteran decides they no longer want to receive it. The final area I would like to talk about involves an important survivor benefit change we're seeking.

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VA currently provides Dependency Indemnity Compensation or known as DIC to eligible survivors independence of veterans who had service connected disability or diseases.

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If the veteran had been receiving disability compensation for a totally disabling service connected disability or disease for at least eight continuous years prior to their death.

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The surviving spouse may be eligible to receive an additional \$288 per month in DIC. This extra payment is commonly referred to as the DIC Kicker.

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VA currently recognizes Amyotrophic Lateral Sclerosis or ALS as a presumptive service connected disease and due to its aggressive nature, Veterans diagnosed with ALS or automatically rated at 100% once service connected.

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Unfortunately, many of these veterans are unable to meet the eight year DIC Kicker requirement, because the average life expectancy for a person with ALS is two to five years.

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So rarely do survivors from veterans who die from ALS qualify for the additional DIC benefit.

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This policy fails to recognize the significant sacrifices these veterans and their families have made for their country and we're working to change that.

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We got H.R. 5607 The Justice for ALS Veterans Act recently reintroduced in the House which of past would allow the future survivors of veterans who die from the disease, the DIC Kicker.

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We advocated for this measure and testimony earlier this year and the bill is already been favorably reported to the House Veterans Affairs Committee for final consideration.

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Listeners to this broadcast could help us increase sponsorship for many of the bills I've mentioned by visiting the PVA Action Force Section on the PVA website at www.pva.org.

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There you can find pre- written letters which individuals can send to their elected officials, urging them to co-sponsor these PVA endorsed measures. So Heather, that's a quick look at some of our major efforts over the year I'll turn the conversation back over to you.

Heather Ansley

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Well, thanks Morgan for those important updates and again sounds like it was a very busy year so we'd like to take a few minutes now to pull out our crystal ball and look at what our focus is for 2022

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and see where we think we might make some progress as we head into the second session of this 117th Congress. So Morgan, can you tell us a little bit about what's on the horizon for veterans focus legislation in the new year? Sure,

user avatar

Morgan Brown

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first and foremost, we'd like to continue to build on many of this year's efforts. That means we're going to be continuing to monitor implementation of the caregiver program

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and if possible convince Congress and VA to accelerate the inclusion of veterans in phase two. These are individuals who incurred a service connected disability between May 5, 1975 and September 11, 2001 and they're not yet eligible to participate in the program.

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We also hope to get that programs eligibility rules adjusted and ensure any veteran who is wrongly denied participation in the program as proper recourse.

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We're going to continue to advocate for additional funding for VA spinal cord injury centers and long term care facilities and press for the continued expansion of the departments home and community based services.

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And of course we'll continue our work to advance each of the bills I mentioned previously, with a particular emphasis on the auto allowance legislation.

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We're already working with potential sponsors and I hope to see senate companion bills for the HISA Grant increase in additional compensation for survivors who die from ALS in early 2022.

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We'll be putting much greater emphasis on the expansion of home and community based services for veterans this continues to be one of the greatest needs of our members, and we feel there's a lot of potential for gains in this area.

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We're also going to be working on potential changes to the Veterans Readiness and Employment Program improving access for care and services for women veterans and additional support for surviving family members.

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Of course, the House and Senate veterans affairs committees are still committed towards passing toxic exposure legislation, so I imagine will be involved in those efforts to.

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Like the previous two years our work will be for performed using virtual modalities in a severely constrained financial environment.

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But, finally we're hopeful that Congress will pass a veterans related package of provisions by the end of this year, but if they don't it's possible and will certainly be working on trying to get something like that approved early in the new year.

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So that's kind of like a quick look for me for what's coming up in early 2022.

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Heather Ansley

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Well, thanks Morgan for giving us that preview and we're certainly going to hope for some great results as we get into the new year. So Susan, can you tell us a little bit about what you see on the horizon for our disability focus legislation.

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Susan Prokop, PVA

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Sure thing, thanks Heather. Well obviously PVA will continue its laser focus on air carrier reforms, as you described at the outset of our conversation.

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With the launch and social security subcommittee, Chairman Larson's determination to get some movement on his bill, the social security 2100

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A Sacred Trust Act will be a focal point of activity in 2022. I suspect there will be an ongoing push for more co sponsors for H.R. 5723 and S. 3071.

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And it's likely, there will be additional hearings on the legislation itself, as well as the broader need for improvements in social security.



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As soon as the Doggett Stop the Wait Act bill gets introduced, that's the one that would end the 24 month wait for medicare for SSDI beneficiaries we'll be asking for help, rounding up co-sponsors on that as well.

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If the build back better package comes up for a vote in January will be looking to see how many of those workforce provisions remain in the legislation.

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And for the broader disability community probably the most critical legislative items are the Transformation to Competitive Integrated Employment Act H.R. 2373 an S. 3238.

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And the continued push to obtain some modernization of the supplemental security income or SSI program which has been long overdue.

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H.R. 2373 and S. 3238 again aim to phase out the 14 C sub minimum wage program and provide funding and technical assistance to the States to help sheltered workshop providers make the transition to competitive integrated employment.

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The SSI reforms are a collection of proposals to extend benefits to people in Puerto Rico and other U.S. territories

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increase the asset and earned income limits that haven't been raised, since 1972 and make other improvements in the SSI Program.

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there's been an ongoing effort to include some of the SSI provisions in reconciliation, but the ultimate success of that effort is not clear at this time and so it's back to you Heather.

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Heather Ansley

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Well, thanks Susan and Morgan for giving us these updates and your predictions for

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2022. You mentioned air travel Susan and in that regard, 2022 does promise to be another busy year for us as we

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continue to work with airlines and wheelchair manufacturers and airports and other stakeholders to address the the current problems with access.

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As soon as the Doggett Stop the Wait Act bill gets introduced, that's the one that would end the 24 month wait for medicare for SSDI beneficiaries we'll be asking for help, rounding up

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We also expect to see some regulatory action from the Department of Transportation on accessible lavatories on single aisle aircraft.

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And we will continue to seek support for the Air Carrier Access Amendments Act as we cruise toward the FAA reauthorization that will need to take place in 2023.

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So we invite you to stay up to date on all of our efforts by following PVA on social media and visiting pva.org where you can find out more information about our legislative priorities.

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Also, please remember to sign up for PVA Action Force, which is our grassroots effort.

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This allows you to keep up to date on the issues that we are following and take action on many of the priorities that you heard about today, and you can also reach that portal through pva.org. We thank you for your support

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and we look forward to chatting with you again in 2022.

