



Paralyzed Veterans
of America

WASHINGTON UPDATE

Recent news regarding legislation and regulatory actions affecting veterans and people with disabilities.

Written and produced by Paralyzed Veterans of America - Government Relations Department

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COVID-19 RELIEF PACKAGES, GOVERNMENT FUNDING – WHERE THINGS STAND

Congress left town in early August without taking any action on relief packages to address the ongoing COVID-19 pandemic. The House-passed H.R. 6800, the HEROES Act, was sitting in the Senate when Senate Majority Leader Mitch McConnell unveiled on July 27 the Republicans' version of a coronavirus bill called the HEALS Act.

Like the HEROES Act, the HEALS Act contains an additional \$1,200 economic impact payment for Americans. The Senate bill would also ensure that adult dependents with disabilities and their parents and caretakers are among those eligible for these recovery rebates. The CARES Act that passed in April had denied those critical financial supports to parents with adult children living with a variety of conditions and also excluded many adult children who provide the majority of the financial support for their elderly parents.

In a letter to the House and Senate leadership, PVA urged retention of those payments in any forthcoming COVID relief legislation and expressed support for inclusion of provisions from the HEROES Act that would allow a temporary, 25 percent increase of VA's Special Monthly Compensation (SMC)/Aid and Attendance (A&A) benefits so catastrophically disabled veterans can purchase personal protective equipment and the necessary care they need. PVA also endorsed the language in the HEROES Act that would enhance funding for Medicaid home and community-based services (HCBS).

At the same time, PVA expressed its concerns about several troubling sections in the HEALS Act. Included in that bill is language that would remove important protections for people with disabilities by limiting liability for a wide variety of unlawful conduct. Not only would the HEALS Act make devastating changes in the Americans with Disabilities Act (ADA), but it would also strip protections from other civil rights laws such as the Genetic Information Nondiscrimination Act, Title VII of the Civil Rights Act of 1964, as well as other health and safety laws.

The HEALS Act also contains a section that would establish so-called Rescue Committees for various federal trust funds including those for Social Security and Medicare. Recommendations from these committees would be considered under expedited procedures and could provide

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WASHINGTON UPDATE

August 28, 2020

Volume 26, Number 15

cover for damaging cuts in benefits. If coupled with an ill-advised payroll tax deferral that has been proposed by the President, this could drive calls for devastating reductions in economic and health care supports for millions of elderly and disabled Americans.

Following concerns about reported mail delivery delays, the House returned to Washington on Saturday, August 22, to vote on a bill that would include \$25 billion in new funding for the U.S. Postal Service and reverse changes implemented in recent weeks to mail delivery and operations. In the Senate, Majority Leader McConnell unveiled a slimmed down version of HEALS in an attempt to restart negotiations on passage of a COVID relief bill. His latest legislation would add several billion dollars for Post Office funding, an additional \$300 per week unemployment compensation, another round of the Paycheck Protection Program, and funds for school reopening but also retains the damaging provisions that absolve employers and businesses from discriminatory actions under several civil rights laws, including the ADA. It's unclear whether any resolution will be reached prior to Congress's return following Labor Day.

As for the looming end of the fiscal year, a continuing resolution (CR) to fund the federal government until after the presidential election is also being discussed. Only a handful of scheduled legislative days remain before the end of the current fiscal year on September 30 and Congress has yet to pass any of the annual funding bills. If passed, a CR will likely maintain current year funding levels for an unspecified date after the November election or even into 2021.

VA PUBLISHES CAREGIVER FINAL RULE

The [final rule](#) making reforms to VA's Program of Comprehensive Assistance for Family Caregivers (PCAFC) was published on August 1. It becomes effective on October 1, 2020. Here are some of the most significant changes it makes to the current program:

- "Inability to Perform an Activity of Daily Living": now means an activity of daily living (ADL) for which a veteran or servicemember requires personal care services each time he or she completes one or more of a specified list of ADLs; thereby, excluding veterans and servicemembers who need help completing an ADL only some of the time.
- "In Need of Personal Care Services": now means that an eligible veteran requires in-person personal care services from another person, and without such personal care services, other in-person caregiving arrangements (including respite care or the assistance of a different caregiver) would be required to support the eligible veteran's safety.
- "Monthly Stipend Rates": now based on the Office of Personnel Management General Schedule (GS) Annual Rate for grade 4, step 1 based on the locality pay area in which the eligible veteran resides, divided by 12.

WASHINGTON UPDATE

August 28, 2020

Volume 26, Number 15

- “Serious Injury”: now defined to mean any service-connected disability that is rated at 70 percent or more by VA; or is combined with any other service-connected disability or disabilities, for a combined rating of 70 percent or more.
- “Unable to self-sustain in the community”: now means that an eligible veteran requires personal care services each time he or she completes three or more of the seven ADLs listed in the definition of an “inability to perform an activity of daily living,” and is fully dependent on a caregiver to complete such ADLs; or has a need for supervision, protection, or instruction on a continuous basis.
- “Overpayments”: any payment made by VA under this program to an individual in excess of the amount due, to which the individual was not eligible, or was made in error.

According to VA, once the Secretary has certified to Congress that VA’s new caregiver information technology system is fully implemented, PCAFC will expand to eligible pre-9/11 veterans in two phases, beginning this October 2020. VA plans to provide an exact date for phase one in late August and will not begin accepting applications until October.

The first phase will expand the PCAFC to eligible veterans who incurred or aggravated a “serious injury” in the line of duty in the active military, naval, or air service on or before May 7, 1975. The final phase of expansion will occur two years after the first expansion and will expand the PCAFC to include eligible veterans from all eras regardless of when an eligible veteran’s serious injury was incurred or aggravated in the line of duty in the active military, naval, or air service.

Under the final rule, the term “serious injury” has been expanded to include illnesses such as ALS and MS, which is a win for PVA members. However, the implementation of a requirement to be rated at 70 percent or higher means that veterans receiving the lowest levels of caregiver benefits, as well as some of those receiving higher levels, will no longer be eligible for the program.

PVA’s Government Relations staff will closely monitor VA’s implementation of the caregiver expansion and will be ready to address any concerns should they arise.

NEWS ITEMS OF NOTE

- National Council on Disability Issues Annual Progress Report

As required by law, the National Council on Disability (NCD) issued on July 24 its annual report on the progress made toward fulfilling the letter and spirit of the Americans with Disabilities Act (ADA). While acknowledging the ADA’s accomplishments since 1990, the report focused on the persistent barriers that impede economic self-sufficiency for people with disabilities. As outlined in the document, NCD found continuing extreme disparities between labor force participation rates of people with and without disabilities

WASHINGTON UPDATE

August 28, 2020

Volume 26, Number 15

and discusses steps for policymakers to take to address that inequity. The report focuses heavily on services for transitioning youth with disabilities, employment disincentives in federal benefit programs, and ways to expand small business programs to promote entrepreneurship opportunities for people with disabilities. The full report is available here: <https://ncd.gov/progressreport/2020/2020-progress-report>.

- Partnership for Inclusive Disaster Strategies Report Details COVID-19 First Six Months

The Partnership for Inclusive Disaster Strategies released a report on August 21 documenting the coronavirus pandemic over 154 consecutive daily calls with disability and older adult stakeholder across the country. [The Report: COVID-19 & Disability Rights Daily Calls: February 23 - July 31](#), identifies patterns showing the failure of the pandemic response to prioritize the lives of people with disabilities and older adults, despite the fact that these populations comprise over 42 percent of COVID-19 deaths. It also shows the disability and older adults stakeholders' initiatives to anticipate and mitigate the unfolding crisis.

- Congress Focuses on Suicide Prevention and Mental Health Care Services

Since our last update, several bills to prevent veteran suicide and improve VA mental health care services have passed or been introduced in Congress. On August 5, the Senate unanimously passed S. 785, the Commander John Scott Hannon Veterans Mental Health Care Improvement Act to improve veterans' access to mental health care. A similar House version is scheduled to be examined at a full, House Veterans Affairs' Committee (HVAC) hearing on September 10. Despite some differences, both bills offer comprehensive approaches to connect more veterans with mental health care, seek to bolster VA's mental health workforce, and increase rural or hard-to-reach veterans' access to VA mental health care and related services. Several new bills recently introduced in the House will also be discussed during the September hearing. They include H.R. 7747, the VA Solid Start Reporting Act; H.R. 7541, the VA Zero Suicide Demonstration Project; H.R. 7504, the VA Clinical TEAM Culture Act of 2020; and H.R. 7964, the Peer Support for Veteran Families Act. PVA helped shape the language for each of these bills and many others to ensure they address the needs of catastrophically disabled veterans. PVA was invited to testify at the hearing, which is scheduled for 10:00 am ET. A link to observe the hearing will be posted on the HVAC website which is located [here](#).

WASHINGTON UPDATE

August 28, 2020

Volume 26, Number 15

- Status of Veteran Infertility Benefits

PVA continues to work with members of Congress to repeal the ban on In Vitro Fertilization (IVF) and make such services a permanent part of VA's medical benefits package. Veteran infertility has been a topic of much discussion on the Hill this summer and we are pleased that language was included in the House's Fiscal Year 2021 Military Construction/VA funding bill addressing the issue. A similar effort is likely whenever the Senate begins work on their version of the bill. As we reported last month, PVA testified at a House Veterans' Affairs Subcommittee on Health [hearing](#) titled, "Veterans' Access to Reproductive Health Care." Our oral and written testimony called for inclusion of surrogacy and gamete donation to assistive reproductive technologies provided by VA, and the importance of asking about sexual health and incontinence, as well as the need for more research on reproductive health among veterans with SCI/D.

- Respite Relief for Military & Veteran Caregivers

VA recently teamed up with the Elizabeth Dole Foundation to launch Respite Relief for Military and Veteran Caregivers, a new program that will offer caregivers in select regions of California, Texas, and Florida with access to **no-cost**, short-term relief during the COVID-19 crisis. CareLinx is powering the emergency fund with a generous contribution of \$1 million in professional in-home care services.

This program was launched as a direct response to the rapidly rising concerns of military and veteran caregivers struggling under the pandemic. The CareLinx donation will provide 40,000+ hours of non-medical home care for 1,600+ caregivers and the wounded, ill, or injured warriors for whom they provide care.

Selected caregivers are eligible to receive 24 hours of no-cost short-term relief to be used until December 31, 2020. Additional information is available [here](#).

- Federal Interagency Effort to Promote Economic Mobility for All Americans

The Department of Health and Human Services (HHS) and the Council on Economic Mobility (Council) are [seeking input on a new federal interagency effort](#) to promote economic mobility for all Americans. The Social Security Administration is a member of the Council, along with the Council of Economic Advisors and the Departments of Agriculture, Education, HHS, Housing and Urban Development, Labor, and Treasury.

HHS and the Council's goal is to build an integrated federal strategy to promote economic recovery and resilience in the face of the COVID-19 pandemic. To assist in the federal response, HHS and the Council are looking for feedback on the specific economic mobility, recovery, and resilience challenges in local communities.

WASHINGTON UPDATE

August 28, 2020

Volume 26, Number 15

The Request for Information (RFI) is open for comment until October 2.

HEARINGS AND WEBINARS

- On August 28, the House Committee on Administration held a hearing on voting safety in a pandemic. The hearing is available for viewing [here](#).
- U.S. Access Board Webinar: Using the ADA and ABA Standards - Chapter 8: Special Rooms, Spaces, and Elements - Part 1—The next webinar in the U.S. Access Board's free monthly series will take place **September 3 from 2:30 – 4:00 (ET)** and will review scoping and technical provisions for special rooms, spaces, and elements in the ADA and ABA Accessibility Standards (Chapter 8). These requirements ensure access to a diverse group of rooms and spaces. This session (Part 1) will cover requirements for assembly areas, dressing, fitting, and locker rooms, kitchens and kitchenettes, and transient lodging guest rooms. The remaining sections of chapter 8 will be addressed in Part 2 (October 1). Presenters will address common sources of confusion and frequently asked questions about these provisions. To register, please visit www.accessibilityonline.org.
- In collaboration with the Federal Deposit Insurance Corporation (FDIC) and the Consumer Financial Protection Bureau (CFPB), FEMA will host a National Preparedness Month webinar on Wednesday, **September 16, 2020, from 1:00 to 1:30 p.m. ET**. Experts from the FDIC and CFPB will give real-world examples of how to be more financially prepared for emergencies or disasters and share tools that can help individuals and communities increase economic resilience.

FDIC will focus on the financial preparation and disaster recovery information in their [Money Smart for Adults curriculum](#), which contains practical knowledge, skills-building opportunities, and resources. CFPB will feature its [Start Small, Save Up](#) initiative, which offers tips on building savings, including guides on starting an emergency savings account, saving at tax time, and opening a bank account. A [booklet](#) that users can fill out to plan their savings goals is also available.

In addition, these free resources are available that can help families financially prepare for the future:

- [Emergency Financial First Aid Kit \(EFFAK\)](#)
- [Financial Emergency Fact Sheet](#)
- [Your Disaster Checklist](#)

Register [here](#) to participate in this webinar. To learn more about financial preparedness, please visit www.ready.gov/financial-preparedness.