



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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VA TO BEGIN REASSESSING POST-9/11 VETERANS AND THEIR CAREGIVERS

On July 31, VA published a final rule that makes changes to VA's Program of Comprehensive Assistance for Family Caregivers. A provision in the rule sets forth reassessment criteria for veterans and their caregivers who submitted a joint application that was approved by VA *before* October 1, 2020.

Between October 1, 2020, and September 30, 2021, VA will conduct the reassessment process. The reassessment will be based on the new eligibility criteria set forth in the final rule. No matter when a veteran's reassessment occurs within that year, the veteran will maintain automatic eligibility for one year – through September 30, 2021.

The assessment will be conducted by staff from the veteran's local VA medical center, and may include a visit to his or her home. VA staff may complete visits through video conference or other available telehealth modalities.

Once the reassessment is complete, a Centralized Eligibility and Appeals Team will review and decide the veteran's eligibility beyond September 30, 2021. VA will notify veterans of their eligibility determination results in writing.

Caregiver Support program staff will contact veterans who must be reassessed for the program. In the meantime, veterans should contact their local Caregiver Support program staff if they have questions.

Also, VA is changing the way monthly stipend payments are calculated in order to make the program more consistent. VA believes that for many primary family caregivers of current participants (post-9/11), these changes will result in an increase in the stipend payment amount. For those who may receive a decrease in the monthly payment as a result of these changes, the final rule establishes a one-year transition period. No decrease will occur before October 1, 2021, unless: 1) the veteran relocates to a new address, at which point the stipend would be calculated by the new methodology or 2) the veteran is discharged or revoked from the program.

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WASHINGTON UPDATE

September 17, 2020

Volume 26, Number 16

HOUSE AND SENATE VETERANS' AFFAIRS COMMITTEES ADDRESS VETERAN SUICIDE

On September 10, Maureen Elias, Associate Legislative Director, testified at a [legislative hearing](#) before the House Veterans' Affairs Committee. The hearing reviewed 31 bills, most aimed to address what Chairman Mark Takano (D-CA) referred to as gaps in S. 785, the "Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019," a bill that would provide grants for suicide prevention and telehealth expansion and bolster the mental health workforce. Specifically, Chairman Takano felt S. 785 needed more language to address the needs of women and minority veterans, emergency care, education of community providers, and expansion of the current VA lethal means safety training.

For many of these bills, PVA worked to improve the language prior to introduction to ensure veterans with catastrophic disabilities would be able to participate in suicide prevention or other mental health programming. Multiple pending bills would give grants to community and non-profit organizations to provide various programming to address suicide. "No matter how great the programming is, if the veterans can't access them, it's not doing them any good," stated Mrs. Elias, in her oral testimony. Some of those bills include [H.R. 7879](#), the "VA Telehealth Expansion Act," a bill that would provide grants for telehealth services to be provided by VA or through the Veterans Community Care Program, and multiple sections in the "Veterans Comprehensive Prevention, Access to Care, and Treatment Act of 2020" or "Veterans COMPACT Act of 2020."

Other bills PVA supported include:

- [H.R. 7541](#), the "VA Zero Suicide Demonstration Project Act"
- [H.R. 7504](#), the "VA Clinical TEAM Culture Act of 2020"
- [H.R. 7747](#), the "VA Solid Start Reporting Act"
- [H.R. 7888](#), the "REACH VET Reporting Act"
- [H.R. 7964](#), the "Peer Support for Veteran Families Act"
- [H.R. 6092](#), the "Veteran's Prostate Cancer Treatment and Research Act"
- Discussion Draft, the "Ensuring Veterans' Smooth Transition Act"
- Discussion Draft, the "VA Research Infrastructure Act"
- [H.R. 8033](#), the "Access to Suicide Prevention Coordinators Act"
- [H.R. 8108](#), the "VA Serious Mental Illness Act"
- [H.R. 8084](#), the "Lethal Means Safety Training Act"
- [H.R. 8068](#), the "American Indian and Alaska Native Veterans Mental Health Act"
- [H.R. 8144](#), the "VA Mental Health Staffing Improvement Act"
- [H.R. 8130](#), the "VA Peer Specialists Act"
- [H.R. 8145](#), "To provide for a staffing improvement plan and occupational series for licensed professional mental health counselors and marriage and family therapists of Department of Veterans Affairs, and for other purposes"

PVA expressed concerns over language in [H.R. 8084](#), the "Lethal Means Safety Training Act," that might limit who is eligible for the training and the amount of time for caregivers to receive the training. PVA also expressed concerns over vague language in [H.R. 7469](#), the "Modernizing Veterans' Healthcare Eligibility Act," and the possibility that without more specific language, the

WASHINGTON UPDATE

September 17, 2020

Volume 26, Number 16

commission it would create would work to reduce the number of veterans who are eligible to receive VA healthcare, limit the types of medical services provided, and privatize VA healthcare.

Since the hearing, the House and Senate Veterans' Affairs Committees have come to an agreement to move suicide prevention legislation forward. The House has agreed to bring Senate-passed S. 785 to the House floor soon. The House Veterans' Affairs Committee is also planning to markup its [COMPACT Act](#) today. It includes nine provisions that complement the Senate's efforts. Included in the COMPACT Act is the "Veterans ACCESS Act" which would provide acute crisis care for emergent suicide symptoms, create a pilot program to help veterans build networks of support, require reporting on VA's Solid Start program, create an education program for family members and caregivers of veterans with mental health disorders, create an Interagency Task Force on Outdoor Recreation for veterans, encourage veterans to receive comprehensive exams to retain certain healthcare eligibility, and improve training for VA's police force. It also includes two provisions specific to collection of information on women veterans. This legislation is expected to move through the House quickly and then through the Senate, which has agreed to pass the House legislation.

SOCIAL SECURITY PAYROLL CONTRIBUTIONS DEFERRAL

On August 8, the President directed the Secretary of the Treasury to defer Social Security contributions (i.e., payroll taxes) from September 1, 2020, until December 31, 2020, pursuant to Internal Revenue Code provisions authorizing the disregard of tax liability of taxpayers determined to be affected by federally declared disasters, terrorist attacks, or military actions. These payroll contributions are the primary funding mechanism for Social Security retirement, survivors, and disability benefits. The deferred contributions amount to about \$100 billion plus all interest earned on those deferred funds.

Because employers would still be responsible for the funds in 2021, and the government has not provided clear instructions about implementation, it is possible that employees will have double what is normally withheld for Social Security in order to pay back the deferral. The U.S. Chamber of Commerce has expressed concern over this action and it is expected that many companies may simply continue to withhold the money but not transmit it to Treasury until 2021.

Meanwhile, the Administration announced in early September that it would proceed with the payroll tax deferral for federal employees and members of the military. According to the President's memorandum, the deferral follows the original August 8 order in which employees will have their taxes deferred if they make less than \$4,000 per pay period or \$104,000 annually.

Social Security has an accumulated reserve of \$2.9 trillion. Consequently, if the deferred funds are paid back in 2021, Social Security would have lost the interest income, but all benefits will continue to be paid in full and on time.

However, the IRS code section gives the President the authority to extend the payroll contributions deferrals for up to one year under a federally declared disaster. If no action is taken to pay back the trust funds and the deferral continues after December 31, 2020, the Chief

WASHINGTON UPDATE

September 17, 2020

Volume 26, Number 16

Actuary of the Social Security Administration has estimated that Social Security Disability Insurance (SSDI) benefits would end sometime in the middle of 2021. Should that deferral be extended further or other actions taken to end payroll contributions, the retirement trust fund would be unable to pay benefits two years later in 2023.

In a press briefing soon after the August 8 order, the President expressed an interest in permanently terminating the payroll contributions and replacing them with monies out of the government's general fund, which would require a transfer from general revenues to Social Security of over \$1 trillion every year. According to the Congressional Budget Office, that would represent about a 30 percent increase in general revenue spending over what the general fund spent in 2019. Moreover, that additional \$1 trillion would have more than doubled the FY 2019 deficit.

Proposals to permanently end Social Security's current financing would fundamentally alter this 85-year-old system of financial security for millions of Americans. Congress can act to reverse the deferral but would likely need a veto proof majority in both the House and Senate to do so.

PVA has endorsed legislation to overturn the deferral of payroll contributions and will be following developments closely to ensure that the Social Security system remains strong for the millions of Americans who rely on its critical retirement, survivor, and disability benefits.

PUBLIC WEIGHS IN ON UPDATES TO ACCESSIBILITY GUIDELINES FOR RAIL CARS

The U.S. Access Board received over 200 comments from the public on its plan to update provisions for rail cars in the ADA Accessibility Guidelines for Transportation Vehicles. This feedback was provided in response to an Advance Notice of Proposed Rulemaking the Board published in February. The comment period for the notice, which was extended 60 days due to the coronavirus pandemic, closed on July 14.

Through its notice, the Board sought input and information from the public for its use in developing a proposal to update guidelines for vehicles used in fixed guideway systems, including rapid, light, commuter, and intercity rail. As indicated in the notice, the Board intends to update these provisions according to recommendations from its Rail Vehicles Access Advisory Committee. The Board requested feedback from the public on the Committee's recommendations, including potential impacts on vehicle design, operations, and cost, and related information such as research, data, and technologies on improved accessibility to rail vehicles. The notice also included specific questions on coverage of new and remanufactured vehicles, variable message signs, hearing induction loops, vehicle ramps and lifts, car doors, between-car barriers, handrails and stanchions, wheelchair spaces, vertical access in bi-level cars, and other topics.

Many comments supported equipping rail cars with audio induction loops so that onboard communications are accessible to people who are hard of hearing. Commenters also addressed relief areas for service animals and improved visual display of announcements and stops, and other topics. The comments and related information are posted in the [online docket](#) (ATBCB-2020-0002) on regulations.gov.

WASHINGTON UPDATE

September 17, 2020

Volume 26, Number 16

COMMITTEE STUDYING WHEELCHAIR SECUREMENT SYSTEMS ON AIRPLANES CONVENES

The Board, in partnership with the Transportation Research Board (TRB), is studying the feasibility of installing wheelchair securement systems on commercial aircraft as directed by Congress under the FAA Reauthorization Act of 2018. A Committee of experts TRB organized to conduct this assessment held its third public meeting on August 11.

At the meeting, the Committee members received presentations from airline engineers on technical issues and aircraft interior design considerations; wheelchair manufacturing and design experts; and Heather Ansley, Associate Executive Director of Government Relations, who addressed how securement systems could provide passengers with disabilities an equivalent level of service and safety in air travel. During her remarks, Ms. Ansley stated that an equal level of service would be the ability to board an aircraft in a safe, dignified manner in the way the passenger chooses, while receiving assistance as needed from trained assistants. The meeting also included a panel on the operational implications of using wheelchair securement systems, which included speakers representing airlines, flight attendants, and contract service providers who routinely assist passengers with disabilities in the boarding process.

The Committee plans to hold its next meeting in October. Further details will be released at a later date. For further information, visit [TRB's website](#) or contact Anusha Jayasinghe of TRB at AJayasinghe@nas.edu or (202) 334-2401.

NEWS ITEMS OF NOTE

- Appropriations Update

Congressional Democrats and the White House have reportedly agreed to a temporary spending plan that would keep the federal government running for a few more months. It is unclear if Congressional Republicans support the plan or how long the continuing resolution (CR) would last. Many sources say appropriators are looking at two timeframes: mid-December or Mid-February. The first would push annual funding decisions beyond the upcoming General Election. The second would allow the next Congress, and potentially a new Administration, to make these important funding decisions. The current fiscal year ends on September 30.

- National Suicide Prevention Month

September is National Suicide Prevention Month, an annual month-long campaign to raise awareness about suicide prevention, reduce stigma around the topic and encourage those in need to utilize available resources. As you likely know, suicide is a national public health problem that disproportionately affects those who served in our nation's armed forces. PREVENTS, the President's Roadmap to Empower Veterans and End a National Tragedy of Suicide, is the first, all-of-government and whole-of-nation approach to preventing suicide. In June, the PREVENTS Task Force and President Trump released the [PREVENTS Roadmap](#) to coordinate suicide prevention efforts,

WASHINGTON UPDATE

September 17, 2020

Volume 26, Number 16

prioritize research activities, strengthen collaboration across the public and private sectors, and implement a national public health campaign.

The PREVENTS Task Force is conducting a [survey](#) during the month of September to help determine where resources should be deployed and how those in trouble can access the care they need. If you are a veteran or the caregiver for one, please take the [survey](#) and share it with those friends and family members who have served.

Also, it's important to be aware of the resources available to assist veterans who are in crisis. First, the Veterans Crisis Line is a free, anonymous, confidential resource that's available to anyone, even if they're not registered with VA or enrolled in VA healthcare. If you know a veteran in need, you can access the Veterans Crisis Line by calling 800-273-8255 (Press 1), through online [chat](#), or by texting 838255. You can also visit [Make the Connection](#) to connect with VA, SAMSHA (Substance Abuse and Mental Health Services Administration), or the National Resource directories to locate local resources. In addition, VA has a Caregiver Support Line (1-855-260-3274) to connect caregivers and veterans with their local Caregiver Support Coordinator. The [Caregiver Action Network](#) also has a [helpline](#) for caregivers to help with how to handle things like doctor's appointments, medication, or finances, and also, emotional support.

- Additional Agent Orange Presumptive Conditions Part of NDAA Deliberations

Lawmakers have returned to Capitol Hill and House and Senate conferees will soon begin deliberations in earnest on the fiscal year 2021 National Defense Authorization Act (NDAA). The staffs of the Armed Services Committees were working behind the scenes during August to settle minor differences so the conferees could focus their time on issues of more importance and those that are controversial. It is unclear whether it falls into either of these categories, but a Senate provision we are keeping an eye on would add bladder cancer, Parkinson's-like symptoms, and hypothyroidism to VA's list of presumptive conditions related to Agent Orange exposure. It is also uncertain when negotiations on the annual defense policy measure will be finalized. The bill is already overdue but in recent years the bill has been completed by the end of the year. Because these conference negotiations are conducted in private, we will likely not know if the provision was retained in the final bill until the conference report is released.

- IRS Re-opens Economic Impact Payments Portal

The Internal Revenue Service (IRS) has extended the deadline to September 30 for those non-tax filers who missed the earlier deadline to apply for Economic Impact Payments for their children. For those who receive Social Security, SSI, Railroad Retirement benefits or VA benefits and have not used the Non-Filers tool to provide information on their child, they should register online by September 30 using the [Non-Filers: Enter Payment Info Here tool](#).

Remember, anyone who filed or plans to file either a 2018 or 2019 tax return should file the tax return and not use this tool. For those unable to access the Non-Filers tool, they

WASHINGTON UPDATE

September 17, 2020

Volume 26, Number 16

may submit a simplified paper return following the procedures described in this [FAQ](#) on IRS.gov.

Any beneficiary who misses the September 30 deadline will need to wait until next year and claim it as a credit on their 2020 federal income tax return. Those who received their original Economic Impact Payment by direct deposit will also have any supplemental payment direct deposited to the same account. Others will receive a check.

Eligible recipients can check the status of their payments using the Get My Payment tool on IRS.gov. In addition, a notice verifying the \$500-per-child supplemental payment will be sent to each recipient and should be retained with other tax records.

- House Holds Hearing on Amtrak's Response to COVID

On September 9, the House Transportation Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing titled, "[Amtrak's Response to COVID-19.](#)" The hearing focused on Amtrak's operations during the pandemic. Amtrak President William Flynn said that ridership was at an 80 percent loss due to the spread of COVID-19. This represents a systemwide decline, including the northeast corridor and long-distance trains. In order to cut costs, Amtrak plans to furlough 20 percent of its work force and reduce long-distance service to three days a week. Committee members pushed back citing reports that Amtrak plans to re-instate the executive compensation 401k matching fund at the same time they are cutting services and reducing employees. Further testimony from union members noted that onboard personnel were exposed to the virus and Amtrak did not immediately take proper precautions to safe guard the employees and minimize the risk of further exposure to other employees and passengers.

WEBINARS AND SURVEYS

- On October 6 from 2:00-3:00 pm ET, PVA will be holding a webinar for chapters and members on voting access for veterans with disabilities during a pandemic. Please [register in advance](#). After registering, you will receive a confirmation email containing information about joining the webinar.
- As part of September's observance of Emergency Preparedness Month, FEMA is showcasing a [series of past webinars](#) covering an array of topics impacting individual and community preparedness from hurricanes, COVID, and floods to pet care in emergencies, health and mental wellness, and finances during disasters.
- A [research study](#) is being conducted on the impact of COVID-19 on travel behavior and the daily activities of older adults and people with disabilities. The survey consists of questions about (1) overall travel behavior by trip purpose, (2) perception of using different transportation modes, and (3) access to technology and the usage of delivery services and takes about 20-25 minutes to complete. Participants will be entered into a drawing with a chance to win a \$50 gift card.