



Washington Update

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SVAC APPROVES NINE VETERANS BILLS

The Senate Veterans' Affairs Committee (SVAC) recently approved nine veterans-related bills in a closed-door session. They will now head to the full Senate for consideration. The bills include S. 10, the VA Clinician Appreciation, Recruitment, Education, Expansion, and Retention Support (CAREERS) Act of 2023, which would provide VA with more tools to compete for highly-qualified medical personnel, support training for current and future VA clinicians to ensure veterans receive the highest quality of care, and provide more oversight and public transparency on VA's efforts to address vacancies. This legislation would also better prepare VA to manage care for the thousands of veterans newly eligible under the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act (P.L. 117-168).

Also approved by the Committee were S. 30, the Fiscal Year 2023 Veterans Affairs Major Medical Facility Authorization Act, to authorize several VA major construction projects and S. 326, the VA Medicinal Cannabis Research Act of 2023, to allow VA to conduct research on the health effects of medicinal cannabis for veterans experiencing chronic pain and PTSD. Another bill approved by the Committee was S. 141, the Elizabeth Dole Home and Community Based Services for Veterans and Caregivers Act of 2023. PVA has been aggressively seeking passage of this bill to make a variety of improvements to access VA home care. One of

the sections in the introduced bill would raise the cap on how much the VA can pay for the cost of home care from 65 percent of the cost of nursing home care to 100 percent. Unfortunately, that section of the bill was set aside as part of the recent Committee action due to cost, but panel members pledged to work with VA and other stakeholders to find a way to pay for it—hopefully in time to pass it with the remainder of the larger bill. Other provisions include directing VA to make key home and community-based services (HCBS) like Veteran Directed Care (VDC) and Homemaker and Home Health Aid available at all medical centers and certain U.S. territories; allow hospitalized veterans to retain their VDC payments for their caretakers; and instruct VA to assist veterans who are denied participation in the VA caregiver program with enrollment in other home health services for which they are eligible.

A fifth bill, S. 216, the Reinforcing Enhanced Support Through Promoting Equity for Caregivers Today (RESPECT) Act of 2023, would amend VA's Program of Comprehensive Assistance for Family Caregivers to make certain mental health professionals and neurological specialists participate in the evaluation and assessment process for veterans. It also creates an assessment waiver process for caregivers of veterans with chronic or degenerative conditions and ensures caregivers have access to valuable mental health resources in the community.

The remaining bills approved by the Committee were S.106, the Commitment to Veteran Support and Outreach Act, which authorizes VA to distribute grants to states in order to help enhance veterans outreach activities, assist veterans in submitting claims, and increase the number of service officers serving in the state; S. 112, to strengthen benefits for children of Vietnam veterans born with spina bifida; S.132, the Daniel J. Harvey Jr. and Adam Lambert Improving Servicemember Transition to Reduce Veteran Suicide Act, which creates a pilot program to aid servicemembers returning to civilian life; and S.185, the Native American Direct Loan Improvement Act of 2023, to improve the program for direct housing loans made to Native American veterans.

HEARING FOR VA USB NOMINEE HELD

On February 16, the Senate Veterans' Affairs Committee (SVAC) held a nomination hearing for Joshua D. Jacobs to become the next VA Under Secretary for Benefits (USB). Mr. Jacobs has been serving in an acting role since July 25, 2022, and he brings extensive experience to the role. He previously worked as a legislative assistant in Senator Patty Murray's (D-WA) office, was the Deputy Staff Director for SVAC, and has several years of experience working in VA leadership and advisor roles.

Senators posed a number of questions to Mr. Jacobs during the cordial session with the PACT Act and ensuring timely responses to veterans claims topping the list. Mr. Jacobs spoke of the department's investments in training, improving process and efficiency, and increasing technology in order to avoid timely waits. He also plans to improve outreach and support programs to help ensure that veterans are not prompted to pay for legal assistance in order to obtain disability compensation or other benefits and services.

Several Senators asked how the nominee would ensure that the VA improves the accuracy and support for veterans filing military sexual trauma (MST) claims. Mr. Jacobs stressed consolidation of expert raters to guarantee that these complicated claims are handled by expert VA staff. He also assured the committee that VA

is working to embrace a patient-centric approach to each step of the claims process from improved language with outreach materials to well-trained staff handling claims and support services.

Senators thanked him for his willingness to collaborate with SVAC staff, acknowledging that Mr. Jacob's experience on the Hill offers him insight to improved engagement and communication between the committees and VA. If SVAC votes favorably to advance his nomination, the next step would be a confirmation vote by the full Senate. If he is confirmed, it will be the first time that VA has had Senate-confirmed leaders in all its top leadership posts since late 2016.

EXPANDING VA LONG-TERM CARE OPTIONS

VA is precluded from paying room and board fees at assisted living facilities. This policy hinders veterans from utilizing this long-term care option. Recently, a bipartisan group of Senators introduced S. 495, the Expanding Veterans' Options for Long Term Care Act. This legislation would create a pilot program to allow VA to pay room and board fees at assisted living facilities. The pilot will take place with eligible veterans at six Veterans Integrated Services Networks (VISNs) nationwide, including at least two program sites located in rural or highly rural areas, and at least two sites must be State Veterans Homes. If successful, this pilot could set a model for the VA to expand that service to all qualifying veterans in the future.

EXPANDING CONCURRENT RECEIPT

PVA believes Congress should pass legislation allowing all military retirees to retain their full military retired pay and VA disability compensation without any offsets. Currently, only veterans with disability ratings above 50 percent and more than 20 years of service are eligible to receive the full amount of their Department of Defense (DOD) retirement and VA disability compensation payments, leaving behind medically retired combat veterans with less than 20 years of service. Recently, legislation was reintroduced in the Senate to provide combat-injured veterans with their

full, earned disability compensation and retired pay. S. 344, the Major Richard Star Act, would amend the existing policy for medically retired combat veterans, allowing them to receive their full VA disability and DOD retirement payments. More than two-thirds of Congress supported this legislation last year and a greater effort to pass this bill is expected in the 118th Congress.

BIPARTISAN LEGISLATION INTRODUCED TO END SSDI AND MEDICARE WAITING PERIODS

On February 10, Representative Lloyd Doggett (D-TX), Representative Brian Fitzpatrick (R-PA), and Senator Bob Casey (D-PA) [introduced](#) the long-anticipated Stop the Wait Act (H.R. 883/S. 320). This legislation would direct the Social Security Administration to phase out the five-month waiting period to receive Social Security Disability Insurance (SSDI) benefits and allow those SSDI beneficiaries who are uninsured or unable to afford health insurance to immediately receive Medicare coverage rather than having to endure the current 24-month wait for coverage.

A [2020 GAO study](#) found that over a 10-year period, some 48,000 individuals filed for bankruptcy while awaiting a final decision from Social Security on their disability benefits application. Of nine million disability applicants who filed an appeal during that period, almost 110,000 died prior to receiving a final decision on their appeal. PVA has endorsed this legislation to ensure that SSDI and Medicare are immediately available to those who need this assistance the most.

SANDERS INTRODUCES SOCIAL SECURITY EXPANSION ACT

On February 13, Senator Bernie Sanders (I-VT) introduced a comprehensive Social Security improvement bill, the Social Security Expansion Act, S. 393. This measure would extend the solvency of Social Security until the year 2071 by removing the cap on payroll contributions and subjecting all income above \$250,000 to the Federal Insurance Contributions Act (FICA) tax. It increases retirement benefits for low-income workers, would adopt the Consumer Price Index for the Elderly (CPI-E) for future cost-of-living

adjustments (COLAs) and would restore student benefits up to age 22 for children of disabled or deceased workers. A fact sheet about the bill can be found [here](#).

UNH INSTITUTE ON DISABILITY RELEASES DISABILITY STATISTICS COLLECTION

On February 7-8, the University of New Hampshire (UNH) Institute on Disability released its annual Disability Statistics Collection featuring the latest research on people with disabilities in America. As in past years, a [chapter on veterans](#) in the compendium contains data on prevalence of disabilities in the veteran population; the portion of the veteran population that experiences poverty, including the difference between the poverty rates of veterans with and without disabilities (poverty gap), by disability status. An [infographic](#) PVA collaborated on with the UNH Institute on Disability was released – the “Disability Experiences of Veterans Ages 18-64” – that illustrates the population of veterans with and without service-connected disabilities, those working full-time versus their non-disabled counterparts, and other economic statistics. A recording of the Disability Statistics Collection release can be found [here](#).

HUD ISSUES FINAL RULE IMPLEMENTING HOTMA EXCLUSION OF A&A AS INCOME

The Housing Opportunity Through Modernization Act (HOTMA) that passed in 2014 excluded from income calculations expenses related to aid and attendance (A&A) received by low-income veterans for non-service-connected disabilities. However, until implementing regulations were issued by the Department of Housing and Urban Development (HUD), Public Housing Agencies had to seek clarification from HUD if questions arose about the exclusion and requests had to be dealt with on a case by case basis. On February 14, HUD issued a [final rule](#) implementing various provisions of HOTMA, including the exclusion from income calculations of A&A payments to veterans for purposes of determining eligibility for HUD housing programs or calculating rent.



NEWS OF NOTE

Home Modification Toolkit Released

The University of Southern California Leonard Davis School of Gerontology has published a toolkit in its [resource collection on home modifications](#) to improve access and safety for aging individuals and those with disabilities. The toolkit includes case studies, technical assistance briefs on partnerships and funding, fact sheets and videos tailored for diverse populations, and promising practices.

Concurrent Receipt Webinar

Concurrent receipt refers to when a military retiree receives both retired pay and disability pay. Only retired veterans who served 20+ years and have VA disability ratings of 50 percent or greater are allowed to receive both payments without offset. For many years, organizations like PVA have been working to increase the number of veterans eligible to receive both payments. One of our partners in this effort, the Military Officers Association of America (MOAA), will be hosting a webinar about concurrent receipt at 2:00 p.m. EST on March 14. To learn more or register for the webinar, click [here](#).

CFPB Cautions Veterans About Claims Help

The Consumer Financial Protection Bureau (CFPB) recently [cautioned](#) veterans about organizations offering to help them submit their initial claims to VA for a fee. These organizations often call themselves “coaches” or “consultants” and advertise their ability to assist with a VA benefits claim but may not be accredited to practice before the VA. As a reminder, all of PVA’s Service Officers are accredited by VA and will assist veterans, dependents, and survivors free of charge.

HEARINGS & COMMITTEE ACTION

President Brown Testifies on March 1

PVA’s National President Charles Brown will [testify](#) before a joint session of the House and Senate Veterans’

Affairs Committees on March 1. The hearing will start at 10:00 am ET and President Brown will [testify](#) on the second panel. Please visit the [House](#) and [Senate](#) Veterans’ Affairs Committee webpages for information on other upcoming hearings and markups.

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