



# 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

July 16, 2021

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## Want to Follow the Status of Priority Issues Between Updates?

Visit [PVA's VoterVoice Portal](#) to view our latest alerts and a list of key legislation and its status. You can also read a [blog](#) providing an update on PVA's priorities.

### HOUSE APPROPRIATIONS COMMITTEE APPROVES VA SPENDING BILL

On June 30, the House Appropriations Committee approved the VA appropriations bill for FY 2022 and FY 2023 advance appropriations by a vote of 33-24. No significant changes were made to the bill that was approved by a voice vote on June 25 by the House Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies Appropriations. The bill provides a total of \$113.1 billion in discretionary appropriations for VA, an increase of \$8.7 billion above the 2021 enacted level, and \$176.4 million above the President's budget request. More information about the bill's VA provisions is available [here](#).

### HVAC EXAMINES VETERANS BILLS

On July 14, the House Veterans' Affairs Committee (HVAC), Subcommittee on Health held a hearing to examine pending bills addressing a wide range of veterans-related issues. PVA submitted a statement for the record on 11 bills for the hearing. A couple of bills of note include the VIPER Act of 2021 and legislation addressing VA's Program of Comprehensive Assistance for Family Caregivers (PCAFC). The VIPER Act would exclude VA's research activities from the requirements of the Paperwork Reduction Act in the same manner that the National Institutes of Health receives for sponsored research. PVA strongly supports the elimination of this obstacle to critical biomedical research. The legislation would also authorize additional resources to help address long-standing infrastructure needs for research labs and facilities, including repairs for life-safety deficiencies to ensure VA researchers can perform their work in safe workspaces.

The PCAFC legislation would prohibit the Board of Veterans' Appeals (BVA) from reviewing VA decisions on program applications. It would also give VA the authority to begin the second phase of the PCAFC expansion sooner. Finally, it would direct VA to provide Congress quarterly reports about denials of PCAFC applications based on the "best medical interest" criteria. PVA

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expressed concerns with efforts to limit appeals of program denials. We also noted that although we appreciated the effort to move up the start date of the second phase, as written, VA could announce the start date on September 30, 2022, so no actual acceleration would take place.

A recording of the hearing is available [here](#).

## HVAC EXAMINES VA APPEALS PROCESS

The Veterans Appeals Improvement and Modernization Act of 2017 (AMA) (P.L. 115-55) created a new decision review process for claims and appeals. Veterans who appeal directly to BVA now have three lanes to choose from: Direct Review, Evidence Submission, or a hearing with a Veterans Law Judge. On July 13, the HVAC, Subcommittee on Disability Assistance and Memorial Affairs held a hearing to examine VA's efforts to implement the Act and modernize the appeals process. VA has made significant progress in recent years, reducing the legacy claims backlog (pre-February 19, 2019, process) from a high of 472,000 appeals in November 2017 to fewer than 135,000 today. In discussions leading up to the passage of the AMA, VA promised Congress they would resolve these claims by the end of 2022.

During the hearing, VA officials informed the Subcommittee that the department would not be able to resolve them all until sometime in 2023 due to unavoidable delays caused by the pandemic. By the end of 2023, they believe their entire focus will be on newer appeals. However, VA recently announced plans to automatically review claims from veterans who previously filed and were denied benefits for one of three presumptive conditions associated with Agent Orange: bladder cancer, hypothyroidism, and Parkinsonism. Representatives from the Government Accountability Office and veterans service organizations warned Congress this is likely to generate a lot more work for the Veterans Benefits Administration and BVA. Neither handles workload surges well and without a plan to handle them, the list of hearing backlogs will once again grow over time. Additional subjects discussed during the hearing included the tele-hearing environment, improved training for VA employees to ensure better comprehension and execution of AMA procedures, and the adequacy of VA information technology to support the claims and appeals process. You can view the hearing [here](#).

## NEWS OF NOTE

- Executive Order Issued for Federal Workforce on Diversity, Equity, Inclusion and Accessibility

On June 25, President Biden signed an Executive Order calling for the federal government – as part of a larger effort to advance diversity, equity, and inclusion in its workforce – to become a model employer of people with disabilities. The Executive Order directs key agencies, including the Department of Labor and the U.S. Access Board, to coordinate across the federal government to ensure that all federal workplaces and technologies are fully accessible; improve the process for requesting reasonable accommodations; and ensure that all federal employees understand their rights to request reasonable accommodations. The Executive Order also directs a review of Schedule A Hiring Authority for individuals with disabilities to assess opportunities to

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enhance employment opportunities and financial security for employees with disabilities. The Executive Order also directs the Secretary of Defense and the Secretary of Labor to take steps to expand the use of the Workforce Recruitment Program for college students and recent graduates with disabilities. A fact sheet about the Executive Order can be found [here](#).

- Fair COLA for Seniors Act Introduced

On July 1, Rep. John Garamendi (D-CA) introduced the Fair COLA for Seniors Act of 2021 (H.R. 4315). This legislation, which PVA supports, would require using the Consumer Price Index for the Elderly (CPI-E) when calculating cost of living adjustments (COLAs) for federal retirement programs. The proposed index would adjust the benefits programs such as Social Security, Supplemental Security Income, civil service retirement, military retirement, veterans' pension and compensation, and other retirement programs. The bill has been referred to Ways and Means, Veterans' Affairs, Oversight and Reform, and Armed Services Committees.

## SURVEYS/HEARINGS/ WEBINARS

- Upcoming PVA Webinars

On **July 20** from **2:00-3:00 pm ET**, PVA Government Relations will host a webinar to provide information about VA's non-institutional long-term care programs, including how to get help in accessing programs, and an update on VA construction with a focus on new SCI/D long-term care facilities. The webinar will be recorded. To register, please click [here](#).

On **July 22** from **2:00-3:00 pm ET**, PVA Government Relations will host a webinar with Mid-Atlantic ADA Center Information Specialist Carleen Crespo about ways that PVA members and advocates can work at the local and state levels to ensure compliance with this landmark disability rights law. The Mid-Atlantic ADA Center is one of 10 regional technical assistance and resource centers for information about the ADA. The webinar will also feature stories about PVA members' own local advocacy in ensuring compliance with the ADA. The webinar will be recorded. To register, please click [here](#).

- New Advocacy Chat on Social Security Financing

Would you like to learn more about Social Security financing? Listen to our [latest advocacy chat](#) with Susan Prokop, National Advocacy Director, and Nancy Altman, President, Social Security Works. Other advocacy chats are available on [PVA's disability rights and advocacy webpage](#).

- ADA @ 31 Discussion with Advocate Bobby Silverstein and Susan Mazrui with AT&T

The Employer Assistance and Resource Network on Disability Inclusion and the Office of Disability Employment Policy will host a webinar on "The ADA @ 31: A Conversation

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with Bobby Silverstein and Susan Mazrui" on **July 29** from **2:00-3:00 pm ET**. This webinar will present a discussion with Bobby Silverstein, principal at the law firm of Powers Pyles Sutter and Verville, PC, and Susan Mazrui, director of Global Public Policy at AT&T, exploring the past, present, and future of the ADA and employment. The webinar will also address emerging ADA implementation issues for COVID-19, the gig economy, website and online system accessibility, artificial intelligence, and voluntary affirmative action recruitment and hiring policies. [Register for "The ADA @ 31: A Conversation with Bobby Silverstein and Susan Mazrui"](#).

- National Women Veteran Needs Assessment

The University of Alabama is conducting a national survey of women veterans. We encourage all PVA women veterans to take and share the survey, which will help PVA learn more about your needs. You can access the survey [here](#). It will remain open until the **end of July**.