



# 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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Visit [PVA's VoterVoice Portal](#) to view our latest alerts and a list of key legislation and its status.

## **HOUSE VETERANS' AFFAIRS COMMITTEE APPROVES SPENDING RECOMMENDATIONS**

On September 13, the House Veterans' Affairs Committee approved its recommendations for VA spending in the proposed reconciliation package by a vote of 17-12. A recently agreed to [Budget Resolution](#) restricted the Committee to no more than \$18 billion of new VA spending in the package; so, they decided \$15.2 billion of that amount should go directly towards VA's immediate and long-term infrastructure needs. Another \$1.8 billion would allow VA to lease much-needed facilities including several Community Based Outpatient Clinics. The Committee also put \$375 million towards VA's education and training program which will allow the department to increase the number of health professions residency positions by up to 700 over the next seven years. The remaining amount of the projected \$18 billion will give VA greater ability to use its Enhanced-Use Lease authority to lease underutilized VA property (\$455 million), digitally scan veteran service records held at National Archives and Records Administration (\$155 million), and allow the VA Office of Inspector General to provide oversight of VA projects and activities generated by spending in the package (\$15 million). Several amendments to the pre-coordinated package were offered during the markup session, but none were adopted. They included a proposal by Representative Madison Cawthorn (R-NC) to insert language granting eligible veterans a second automobile allowance. The hearing was recorded, and you can click [here](#) to watch it.

## **UPDATE ON PVA'S ADVOCACY TO STRENGTHEN VA BENEFITS FOR DISABLED VETERANS AND THEIR SURVIVORS**

PVA continues its advocacy to strengthen benefits for catastrophically disabled veterans as we ease into the final months of the first session of the 117th Congress. Support for legislation that would increase the number of times veterans can access the Automobile Allowance grant and

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ensure veterans receive much needed Automotive Adaptive Equipment has, for the most part, plateaued. The AUTO for Veterans Act, H.R. 1361/S. 444, which would provide additional auto grants for service-connected veterans, have 33 and 10 sponsors/cosponsors (respectively). H.R. 3304, the CARS for Vets Act, which would not only provide additional auto grants for service-connected veterans but also codify existing VA support for ingress and egress assistance for non-service-connected veterans, remains steady with just three sponsors/cosponsors. We have been working steadily with the bill's authors and staff from the House and Senate Veterans' Affairs Committees on this legislation. The main barrier is the cost of the improvements and the need for the Committees to locate a spending offset to pay for them.

We are also working on new legislation that would raise rates for VA's Home Improvements and Structural Alterations (HISA) grant program and tie them to a formula that will help keep this program's payments relevant in years to come. It has been a dozen years since HISA rates were last raised; so, the program's grants often fall short of what veterans need to make medically necessary modifications to their homes.

Finally, the Justice for ALS Veterans Act should soon be introduced in the House. This legislation would extend increased Dependency and Indemnity Compensation (DIC) benefits commonly known as the "DIC Kicker" to the surviving spouse of a veteran who dies from ALS regardless of how long the veteran had the disease prior to death. Under current law, the higher rate of DIC is only payable if the veteran was rated totally disabled for a continuous period of at least eight years immediately preceding death.

## STATUS OF ANNUAL FUNDING BILLS

September 30 marks the end of the federal fiscal year. As of now, the House has passed nine of the 12 annual funding bills while the Senate has passed none. With only a handful of legislative days remaining in the fiscal year and no House-Senate agreements on spending, lawmakers' only choice is to pass a continuing resolution (CR). A CR would keep the government operating using current year spending levels. Passage of a CR may be trickier this year because some lawmakers are sizing the bill up as a potential vehicle to increase the country's debt ceiling. Although the exact content and length of the temporary funding measure are unknown, some have suggested it may last up to three months to give both chambers time to come up with a more formal spending plan.

## SOCIAL SECURITY ENHANCEMENT AND PROTECTION ACT INTRODUCED

Representative Gwen Moore (D-WI) introduced in mid-August the Social Security Enhancement and Protection Act, H.R. 5050, which seeks to make a number of improvements in Social Security benefits. The bill would increase the Special Minimum Benefit to pay 100 percent of the poverty threshold, for those who have worked at least 30 years under Social Security, and claimed their benefits when they reached full retirement age. To protect those who may exhaust their retirement savings, the legislation would also increase benefits for all beneficiaries 20 years after retirement by a uniform amount equal to five percent of the average retired worker benefit in the prior year. It would also restore the student benefit for children of deceased and

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disabled workers up to age 26 as long as they are enrolled in college or vocational schools. In addition, the bill would eliminate the current \$142,800 cap on earnings against which the payroll tax is applied.

## NEWS OF NOTE

- 2021 National VA Suicide Prevention Annual Report

The 2021 National VA Suicide Prevention Annual Report was released recently, and it showed a significant decrease in veteran suicides compared to the previous year. It includes analyses of veteran suicide from 2001-2019 and findings from ongoing monitoring of VA health system suicide-related indicators during the COVID-19 pandemic. To date, VA has not observed increases in Veterans Health Administration documented suicide-related indicators during the COVID-19 pandemic. Also, the total number of veteran suicide deaths decreased by 7.2 percent—from 6,660 in 2018 to 6,261 in 2019. The report notes that nearly seven of the average 17.2 veteran suicides per day involved a veteran who had a recent contact with VA while the remaining 10 did not. The decreasing numbers are encouraging but still a clear indicator that more effort is needed to curb veteran suicide. The complete report can be viewed [here](#).

- Five-Month Wait for SSDI Eliminated for Individuals with ALS

On August 27, the Social Security Administration issued a final rule implementing the ALS Disability Insurance Access Act of 2019. This final rule eliminates the five-month waiting period for the Social Security Disability Insurance (SSDI) program for individuals with amyotrophic lateral sclerosis (ALS) who were approved for SSDI benefits on or after July 23, 2020. Under the SSDI program, most individuals who have been found to be disabled are subject to a five-month waiting period before they are entitled to their first payment. The waiting period begins with the first full month the individual meets all the eligibility factors covered by the application and ends five months after that date. The full final rule as published in the Federal Register can be found [here](#).

- Social Security Trustees Issue Annual Report

On August 31, the [Social Security](#) and [Medicare](#) Trustees released their annual reports on the long-term financial state of the Social Security and Medicare programs. The reports are the first to incorporate the effects of the COVID-19 pandemic, recession, response, and anticipated recovery. Among the top line findings, the Trustees report that the combined insolvency date for the Social Security trust funds has been moved up a year to 2034, thirteen years from now. Without congressional action to shore up the system, beneficiaries would face a 22 percent across-the-board benefit cut.

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- Accessible Transportation State Legislative Update

A new article from the National Conference of State Legislatures provides recent information on state laws and programs that promote accessible practices and provide mobility options. To view, please click [here](#).

- TSA Extends Face Mask Requirement Through January

The Transportation Security Administration (TSA) is extending the face mask requirement for individuals across all transportation networks throughout the United States, including at airports, onboard commercial aircraft, on over-the-road buses, and on commuter bus and rail systems through January 18, 2022. Airline travelers should check with their airline on additional inflight restrictions prior to taking their trip. All commuters and travelers should check the Centers for Disease Control's [website](#) for additional guidance. Exemptions to the face mask requirement for travelers under the age of 2 years old and those with certain disabilities remain in place.

- VEAP Refunds

According to recent information from VA, approximately 115,000 Post-Vietnam Era veterans are entitled to a refund of contributions they made to the Veterans' Educational Assistance Program (VEAP). VEAP was a service member education and training savings program for Post-Vietnam Era Veterans. By law, veterans have ten years from their date of discharge to use their education benefits. Some ineligible veterans still have unused contributions and are entitled to a refund.

Veterans potentially eligible for a refund would have:

- Entered Active Duty between 01/01/77 to 06/30/85
- Contributed to VEAP while on active duty and before 4/01/87
- Not used all their contributions
- Not have been dishonorably discharged
- Completed 24 months of continuous service **or** have been discharged early due to:
  - Convenience of the government within three months of the end of their enlistment (an "early out" under Title 10, Section 1171)
  - Hardship (under Title 10, Section 1173)
  - Service-connected disability (this includes those rated for a compensable service-connected disability even if they were not discharged for that disability)

If you have unused VEAP funds, you should submit [VA Form 22-5281](#) after completing sections 1-6, 14, 15, and 18. It will take 3-4 weeks to receive a response and/or refund via U.S Treasury check. If you are unsure whether you are eligible for a refund or

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whether you participated in VEAP, you can call the Education Call Center at 1-888-GIBILL-1 ([1-888-442 4551](tel:1-888-442-4551)), Monday through Friday, 7:00 a.m. - 6:00 p.m. CT.

- VA Appeal Forms Rejected in Error

Recently, the Board of Veterans' Appeals [announced](#) that a limited number of veterans may have had their Board Appeal forms [VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement)] mistakenly rejected for being untimely. If you filed a VA Form 10182 with the Board between February 19, 2019, and March 23, 2021, and believe it may have been improperly rejected as untimely, please send a letter to the "Clerk of the Board" at P.O. Box 27063, Washington, DC 20038 or via fax to 1-844-678-8979 no later than March 1, 2022. In your letter, state you are asking the Board to "RECALCULATE TIMELINESS" and be careful to include your full name, claim number or SSN, the date of the rating decision you appealed to the Board, and the date of your original VA Form 10182 appeal form that the Board told you was untimely. As always, we highly recommend that you bring any questions regarding your claim or appeal action to the attention of your service officer.

- VA Will Resume Copayment Collections October 1

In March 2021, the American Rescue Plan included a provision that canceled VA copayments for medical care and pharmacy services received between April 6, 2020, and September 30, 2021. On May 12, VA began mailing letters to each veteran with information on refunds, timing of when informational patient statements will resume, and when VA will begin normal collection of copayments.

VA will resume normal copayment billing and collections beginning October 1, 2021. If you have questions about your medical or pharmacy copayment debt, you can call the VA Health Resource Center at 866-400-1238, 8:00 a.m. to 8:00 p.m. ET, Monday through Friday, to discuss your options.

- Resources for Veterans of Afghanistan and Their Family and Caregivers

Now that the U.S. has completed its withdrawal from Afghanistan, veterans may be experiencing a range of emotions. Some veterans may even be questioning the meaning of their service and whether it was worth the sacrifices they made. If you are struggling, you are not alone. Click [here](#) to learn about available support. Also, their families and caregivers may face challenges in supporting them and may be experiencing their own range of emotions. Here is a [list of family and caregiver resources](#), including call center information and community support available to assist veterans and their caregivers during this critical time.

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## BRIEFINGS AND WEBINARS

- U.S. Access Board to Host Public Briefing on Recently Released Study on the Feasibility of Wheelchair Securement Systems in Passenger Aircraft

In response to a congressional requirement, the U.S. Access Board commissioned a study to assess the feasibility of equipping aircraft with securement systems so that passengers can remain in their wheelchairs on flights. The Transportation Research Board (TRB) of the National Academies of Sciences, Engineering, and Medicine released the [report](#) on September 15. The highlights are available [here](#).

The Access Board will host a [public briefing](#) on the final report on September 22 from 1:00 – 3:00 pm ET. The briefing will feature a presentation by the TRB Study Committee Members, including Committee Chair Dr. Alan M. Jette, on the two-year research study that focused on the design, engineering, and safety requirements for equipping aircraft with securement wheelchairs. The event is free, but [registration is required](#). Members of the public will be able to pose questions during the event.

- Customized Employment Works for Veterans: Q&A

The Employment First Community of Practice webinar on “[Customized Employment Works for Veterans: Q & A](#)” is now available in the archives of the Department of Labor’s Office of Disability Employment Policy. The webinar shares mini videos created from speeches at the “Customized Employment Works for Veterans” webinar event in February 2021. Attendees asked questions to the filmmaker and the people featured in the videos. Videos include “Customized Employment Works for Veterans: A Job That I Love” and “Customized Employment Works for Veterans: A Win-Win Strategy.”