



# Washington Update

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## PRESIDENT PRESENTS FY2023 BUDGET TO CONGRESS

On March 28, the White House presented Congress with a \$5.8 trillion budget plan to fund the government for fiscal year 2023. The proposal increases discretionary spending for almost every agency and will help preserve timely access to high quality services and benefits for veterans.

The President requested a total of \$301.4 billion for VA which is roughly 10.6 percent more than current year levels. \$139.1 billion of that amount would go towards health care delivery and the remaining \$161.3 billion would be provided for education programs, disability compensation for veterans, and survivor benefits. Specific amounts for several key programs and initiatives are as follows:

- \$13.9 billion for VA mental health care;
- \$5.8 billion for VA Information Technology;
- \$3 billion for the construction and expansion of critical VA infrastructure and facilities;
- \$2.7 billion to end veteran homelessness;
- \$1.8 billion for the VA Program of Comprehensive Assistance for Family Caregivers;
- \$916 million for VA research;

- \$767 million for women veterans' gender specific care;
- \$497 million to bolster veteran suicide prevention efforts;
- \$430 million for the National Cemetery Administration to provide world-class memorial benefits; and
- \$120 million to tackle the disability claims backlog.

The proposed budget also includes \$128 billion in advance appropriations for VA medical care programs in fiscal year 2024. At first glance, this is a very good proposal with many of the figures tracking closely or slightly exceeding the Independent Budget's [recommendations](#), which were released last month. Click [here](#) to view VA's full budget proposal and related documents.

## DOT HOLDS PUBLIC MEETING ON AIR TRAVEL EXPERIENCE OF WHEELCHAIR USERS

On March 24, the Department of Transportation (DOT) held a public meeting on the air travel experience of wheelchair users. The meeting focused on wheelchair damage and the experience of wheelchair users in using the aisle chair. During the meeting, DOT announced that it would be



undertaking a rulemaking addressing these issues. As part of the meeting, PVA presented about the issues that wheelchair users encounter based on data for a survey that PVA spearheaded with 11 other disability organizations late last year. The meeting is available for viewing [here](#). DOT will be accepting public comments on the barriers wheelchair users encounter in air travel until April 25. To submit comments, please click [here](#).

### **HOUSE VETERANS' COMMITTEE HEARING ON PENDING LEGISLATION**

PVA submitted a written statement for a House Veterans' Affairs, Disability Assistance and Memorial Affairs Subcommittee hearing on March 29. The Subcommittee examined more than a dozen pieces of legislation that would improve the VA claims process and delivery of benefits for survivors. We endorsed draft legislation that requires the VA to provide veterans and their survivors with information about benefits to which they may be entitled under Social Security. Too often, PVA has heard from members who failed to file for Social Security disability benefits in a timely fashion and have missed out on benefits they paid for with their payroll deductions. Many other veterans with disabilities may be unaware of financial support they can receive through Social Security or that may help their survivors in the event of their death. This legislation will help close that information gap by directing the VA to provide veterans with fact sheets about Social Security benefits when they apply for VA benefits, submit claims for VA benefits increases, or when they are denied a claim for such an increase.

Another draft bill, the DIC (Dependency and Indemnity Compensation) Modernization Act, seeks to modernize VA DIC by allowing surviving spouses who remarry after 10 consecutive years of being entitled to DIC to keep half of the current payable benefit and those who remarry after 20 years to retain it in full. It also reestablishes DIC payments to surviving spouses whose remarriage occurred 30 years prior to this legislation and were entitled to this benefit for at least 10 years. Passage of this bill would provide more surviving family members with the financial assistance they have earned, by fixing outdated policies and broadening eligibility for

benefits. The hearing is available for viewing [here](#). A copy of our written statement can be viewed [here](#).

### **HOUSE TESTIMONY ON KEY PVA PRIORITIES**

On March 16, the House Veterans' Affairs, Health Subcommittee held a hearing to examine eight pieces of pending legislation. Associate Legislative Director Roscoe Butler represented PVA at the hearing which included bills addressing two of PVA's top priorities: expanding VA's Home and Community Based Services (HCBS) and raising VA Home Improvements and Structural Alterations (HISA) grant amounts.

Specifically, PVA's testimony urged passage of H.R. 5819, the Autonomy for Disabled Veterans Act. This legislation would raise existing grant amounts to \$10,000 for service-connected disabled veterans and \$5,000 for non-service-connected disabled veterans and tie them to the Consumer Price Index. In support of the legislation, our written testimony noted that HISA rates have not changed in a dozen years even though the cost of home modifications and labor have risen nearly 40 percent during the same timeframe.

VA also agreed HISA rates should be raised but they proposed a single rate for all veterans that would be tied to a different index, suggested a limitation on its usage, and asked for clarification on how new rates would apply to veterans who have not yet exhausted their existing HISA grant benefits. PVA is examining their proposal and expects to provide more information on it in the future.

PVA lent its strongest support for H.R. 6823, the Elizabeth Dole Home and Community Based Services for Veterans and Caregivers Act. This critically important legislation would make urgently needed improvements to VA's HCBS programs, like raising the cap on how much the VA can pay for the cost of nursing home; expanding critical programs like Veteran Directed Care (VDC) and the Homemaker and Home Health Aide Program to all medical centers within two years, and allowing catastrophically disabled veterans to continue to use funds under the VDC program even when hospitalized to retain or hire an attendant to assist with their non-medical needs. Mr. Butler noted that

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passage of this important piece of legislation would help greater numbers of veterans receive long-term services and supports in their homes and provide better support for their caregivers. You can view a recording of the hearing [here](#) or read PVA's written statement [here](#).

## **VA HALTS CAREGIVER PROGRAM DISMISSALS IN ADVANCE OF CONGRESSIONAL HEARING**

On March 22, VA announced it is temporarily halting dismissals of veterans from its Program of Comprehensive Assistance for Family Caregivers Program (PCAFC) following reassessment of eligibility under VA's new criteria. VA Deputy Secretary Donald Remy made the announcement during the VA Secretary's monthly [press conference](#) which was scheduled the day before a Senate Veterans' Affairs Committee hearing focusing on improving the program. "As we've completed those reassessments it has become evident that there were some unintended consequences in the way that the regulations were written," Deputy Secretary Remy said. "There are veterans with moderate to severe caregiving needs who are unable to be admitted into the program or remain in the program as the regulations currently are written. Meaning a vast majority of the decisions exclude veterans and caregivers from the program. That's simply not what we want."

In developing the new program's final rule, VA told veterans service organizations (VSO) and Congress they anticipated about 6,700 veterans and caregivers—roughly one-third of nearly 20,000 families admitted prior to the October 2020 start date—would no longer be eligible to participate. In reality, the program's new eligibility requirements were well on their way to requiring dismissal of nearly 90 percent of the program's legacy participants.

The length of the pause is unknown, but Deputy Secretary Remy said VA would take as long as necessary to fix the problem. During this timeframe, VA will still be conducting assessments for the roughly 30 percent of legacy participants awaiting their reviews but no adverse actions will be taken if the department finds they are no longer eligible.

However, anyone found to be eligible for more benefits will be granted upgrades.

Soon, VA plans to meet with VSOs to review eligibility rules with an eye towards changing them in the future. They will also be notifying PCAFC participants of the recent action and what to expect while the review is being completed. This is a fluid situation and PVA will provide updates as more information becomes available.

## **SENATE VETERANS' AFFAIRS COMMITTEE EXAMINES VA CAREGIVER PROGRAM**

The Senate Veterans' Affairs Committee held a hearing on March 23 to discuss ways to improve the VA's comprehensive caregiver program but its tone was tempered somewhat by VA's announcement the previous day it was temporarily stopping dismissals from the program.

Committee members expressed concerns about the number of families being kicked out of the program, the importance of enabling veterans to stay in their homes as long as possible, and the need to get the eligibility rules right. Beth Taylor, MD, Assistant Under Secretary for Health, Patient Care Services and Chief Nursing Officer, Veterans Health Administration was the principal witness for the VA. She told the Committee that the VA has heard and understands the concerns raised by lawmakers, veterans, caregivers, and VSOs. She acknowledged the department missed the mark on the current regulations and will be working to revise them with input from VSOs, caregivers, and veterans. Representatives from several VSOs were invited to testify as well as the caregiver of a veteran who was recently informed they would be removed from the program.

PVA also submitted a statement for the hearing. We identified several concerns with the new program including its stringent eligibility rules, lack of transparency, and uncertain appeals process. Additionally, we spoke of the need to aid veterans transitioning to other VA programs and the urgent need to pass S. 3954, the Elizabeth Dole Home and Community Based Services for Veterans and Caregivers Act, which seeks to expand community-

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based services for aging and disabled veterans. You can watch a recording of the hearing [here](#).

### **ADMINISTRATION RELEASES REPORT ON PRESIDENT'S EXECUTIVE ORDER TO PROMOTE ACCESS TO VOTING**

On March 7, the 56th anniversary of Bloody Sunday, President Biden signed an Executive Order on Promoting Access to Voting, directing an all-of-government effort to promote information about the voting process and to further the ability of all eligible Americans to participate in our democracy. That work is ongoing, and agencies will continue to develop ways to deliver non-partisan election information and enable eligible Americans to register and to vote.

Agencies have also been working to implement other provisions of the President's Executive Order, offering nonpartisan information and opportunities to help eligible Americans participate. The VA launched a survey to over 12 million veterans in a first-of-its-kind effort to better understand their experience with the voter registration process, and to better assist them in addressing and overcoming any challenges. The VA also developed a website for veterans with nonpartisan information about voter registration and elections at [va.gov/vote](https://va.gov/vote).

The VA also announced that it would launch a pilot program by this summer for VA medical centers and other offices in six states, with an eye to the geographic and demographic diversity of the veteran population, seeking designation as a voter registration agency under the National Voter Registration Act.

In addition, the National Institute of Standards and Technology at the Department of Commerce released a report examining barriers across the voting process for people with disabilities. The report offers recommendations for state and local election officials, the federal government, and other non-governmental organizations to eliminate or mitigate those barriers. The report is available [here](#).

### **MAMMO ACT PASSES THE SENATE**

On March 23, the Senate unanimously passed the Making Advances in Mammography and Medical Options (MAMMO) for Veterans Act (S. 2533). This important piece of legislation directs the VA to develop a strategic plan to improve access and technology for mammography services throughout the department. It would also create a tele-mammography pilot program for rural veterans and for medical centers that do not offer in-house mammography services. PVA has been championing the MAMMO Act and is excited for its passage in the Senate as another provision within the bill will ensure increased access to screening services for paralyzed veterans and veterans living with SCI/D. Nobody should be denied access to critical, lifesaving care because of mobility limitations and the MAMMO Act would ensure that the VA does more to support breast health for our nation's veterans. We want the House to approve this bill quickly so we encourage you to click [here](#) and urge your representative to support the MAMMO Act.

### **NHTSA FINALIZES RULE TO IMPROVE AUTO ACCESSIBILITY FOR PEOPLE WITH DISABILITIES**

The National Highway Traffic Safety Administration (NHTSA) has [finalized a new rule](#) that would improve equity and mobility for drivers and passengers with disabilities. This final rulemaking permits three specific modifications to vehicles to allow for adaptive equipment:

- The first change would allow rental car companies to temporarily disable a driver's knee bolster air bag to install hand controls for people with disabilities. Should they deploy in a crash, knee bolster air bags could interfere with the safe use of physical hand controls.
- The second modification permits the installation of rear-mounted transporters for wheelchairs and power scooters. These transporters may partially block the backup camera's view and would not be allowed without this exemption.
- The third change allows modifiers to lawfully raise the height of a vehicle's roof to

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accommodate drivers and passengers with disabilities.

Federal law generally prohibits a manufacturer, distributor, dealer, rental company, or motor vehicle repair business from knowingly disabling any part of a device or element of design installed on or in a motor vehicle in compliance with a Federal Motor Vehicle Safety Standard. By issuing specific exemptions that balance mobility and safety, NHTSA allows motor vehicle dealers and repair businesses to address the mobility of drivers and passengers with disabilities.

PVA previously submitted comment to NHTSA emphasizing the need to retain the accessible features listed above.

## **2021 ANNUAL REPORT ON DISABILITY STATISTICS DEMOGRAPHICS RELEASED**

The Rehabilitation Research Training Center on Disability Statistics and Demographics (StatsRRTC), part of the Institute on Disability at the University of New Hampshire, recently released their [2021 Annual Report](#) on Disability Statistics & Demographics. The Annual Report focuses on national trends to track the progress of individuals with disabilities using key social and economic indicators such as employment, health, community living, and other outcomes monitoring well-being. These statistics are a powerful tool in research, policymaking, program evaluation, and advocacy. The Annual Report, Compendium, and Supplement can be accessed [here](#).

The Report found that 13.4 percent of the population have a disability. Individuals with disabilities are less likely to have a Bachelor's Degree; less likely to be employed; have a lower median income; and more likely to live in poverty. StatsRRTC also studied African Americans and individuals living in rural areas. The Report determined that African Americans have higher disability rates. African Americans with a disability are less likely to be employed, more likely to live in poverty, and more likely to lack adequate housing than other races. In addition, the more rural the population, the higher the disability rate, the higher the poverty rate, and the lower the employment

rate. The Compendium also reviewed veterans with disabilities living in the community. Almost 3.3 million of these adult veterans have a service-connected disability rating of 70 percent or more. Furthermore, veterans ages 18-64 with a disability are more likely to live in poverty than veterans without a disability.

On October 6-7, 2022, StatsRRTC is hosting a free hybrid [conference](#), State-of-the-Science on Disability Statistics, to discuss the latest advancements in disability statistics science.

## **NEWS OF NOTE**

### **SVAC Holds Hearing on Honoring Our PACT Act**

On March 29, the Senate Veterans' Affairs Committee (SVAC), held a hearing on the Honoring our PACT Act (H.R. 3967). The PACT Act is a comprehensive bill that ensures health care, benefits, and other resources for veterans exposed to various forms of toxic exposure, particularly burn pits. It passed the House on March 3. VA Secretary Denis McDonough testified on behalf of the VA and noted that it would be helpful if the bill also included pending VA leases to better ensure access to health care for veterans exposed to toxins. Earlier that day, there was a press conference held by Senators Chuck Schumer (D-NY) and Kristen Gillibrand (D-NY) to draw attention to the bill. You can watch the hearing [here](#).

### **Senate Hearing on Home and Community Based Services**

The Senate Special Committee on Aging held a hearing on March 23. Titled "An Economy That Cares - Importance of HCBS," the hearing focused on home and community-based services under Medicaid and their value in helping older Americans and people with disabilities remain in their homes. The hearing can be found [here](#).

### **DEPARTMENT OF JUSTICE ISSUES WEB ACCESSIBILITY GUIDANCE UNDER THE ADA**

The Department of Justice has published [guidance on web accessibility and the Americans with](#)

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[Disabilities Act \(ADA\)](#) to inform state and local governments and businesses open to the public on how to ensure their websites are accessible to people with disabilities. This guidance uses plain language and clear examples to review Title II and Title III of the ADA, the importance of web accessibility, barriers that inaccessible websites create for some people with disabilities, requirements of the ADA to web content, and tips on making web content accessible.

## UPCOMING EVENTS AND HEARINGS

### ADA National Network Posts Upcoming Webinars

The ADA National Network's [online learning programs](#) offer live webinars and archived sessions on a broad range of topics, including architectural design, accessible technology, arts and recreation, ADA legal developments, and much more.

Upcoming sessions include:

- **April 7, 2022:** [Accessibility in the Federal Workspace](#)
- **April 13, 2022:** [Ask an ADA Pro: Barrier Removal Requirements for Privately Owned and Operated Businesses](#)
- **April 14, 2022:** [Accessible Temporary Events](#)
- **April 19, 2022:** [The Fair Housing Act and the International Building Code](#)
- **May 5, 2022:** [An Introduction to Website Accessibility](#)

### Upcoming VA Hearings

Please visit the House Veterans' Affairs Committee [hearing webpage](#) and the Senate Veterans' Affairs Committee [hearing webpage](#) for information on upcoming hearings.

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