



# Washington Update

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## PVA RELEASES 2023 POLICY PRIORITIES

The 118th Congress officially began on January 3, 2023. With the end of the 117th Congress, all legislation that did not pass must be reintroduced. We are working with our champions on reintroducing bills and meeting with members of Congress to find support for new priorities.

Our priorities for this year are as follows:

- Protect Access to VA's Specialized Health Care Services
- Expand Access to VA Long-Term Services and Supports
- Improve VA Benefits and Health Care Services for Paralyzed Veterans and their Survivors
- Protect the Civil Rights of People with Disabilities
- Improve Access to Social Security Benefits
- Increase Employment Prospects for Veterans with Disabilities

For more details on each of the priorities, please [click here](#).

## PRESIDENT SIGNS PVA PRIORITY ON ACCESSIBLE TRANSPORTATION INTO LAW

On January 5, the President signed into law H.R. 7939, the Veterans Auto and Education Improvement Act of 2022, as amended. This law paves the way for VA to

provide an additional automobile allowance and prompts a number of important changes with the department's various education programs.

Specifically, the law allows the VA to provide an additional automobile allowance to eligible veterans if 30 years have passed since the date they received their first grant. Starting 10 years after the law was signed, the timeframe will decrease and eligible veterans would be able to receive an additional grant if 10 years have passed since their first grant. The law also changes the definition of "medical services" to include certain vehicle modifications (e.g., van lifts) offered through VA's Automobile Adaptive Equipment (AAE) program. This latter provision helps ensure the VA's current support through the AAE program to veterans with non-service-connected illnesses and injuries remains available. Finally, a newly added provision allows VA to provide nonarticulating trailers designed to transport powered wheelchairs, powered scooters, or other similar mobility devices as adaptive equipment.

Passage of this bill culminates a four-year effort by PVA to secure an additional automobile allowance for eligible veterans. We commend Senate Veterans' Affairs Committee Chair Jon Tester (D-MT) and Ranking Member Jerry Moran (R-KS), and then House Veterans' Affairs Committee Chair Mark Takano (D-CA) and Ranking Member Mike Bost (R-IL) for their bipartisan effort to make this benefit available. We also thank Senators Susan Collins, Joe Manchin, John Boozman, Roy



Blunt, and Maggie Hassan, as well as Representatives Lizzie Fletcher, Dan Meuser, and David Trone for leading the original charge to expand access to transportation for disabled veterans.

As previously noted, the law also contained several provisions related to veteran education. Collectively the language within this package covers a wide range of extensions and protections for veterans engaged in higher education. One provision allows VA to use their authority to protect student veterans in the event of future emergencies, ensuring that if remote education needs to take place, they will not see a reduction in their benefits. Another ensures that if a veteran's education is disrupted due to said emergency, that they are not penalized or prevented from future use of their VA benefits. This will also impact veterans participating in apprenticeship programs and other on the job training.

Another PVA endorsed provision expands veterans' eligibility for the self-employment track to all veterans who are eligible for the Veteran Readiness and Employment program. Previously, access to the self-employment track was limited to veterans with a service-connected disability so severe that self-employment was their only employment option. Other language in the education section of this law establishes new protections for service members, including the ability to break a contract with a provider in the event of a deployment or expiration of their term of service, the transferability of some employment licenses, as well as the ability to decide in which state to maintain residency during their service.

#### **CONGRESS APPROVES FUNDING FOR FY 2023, ELIMINATES ANNUAL RENEWAL OF VA CLOTHING ALLOWANCE**

Congress approved H.R. 2617, the Consolidated Appropriations Act, 2023, in the final days of the 117th Congress, providing funding for the government for the remainder of the fiscal year (FY). Other sections in the massive \$1.7 trillion spending bill direct changes with various veterans' benefits and education programs, including one of PVA's top legislative goals for 2023.

First, the law provides over \$300 billion in funding for the VA, including \$134.7 in discretionary funding which

is a \$22.5 billion increase over FY 22. Some specific funding amounts are as follows:

- \$118.7 billion for Veterans Medical Care to meet veterans' comprehensive health care needs, including:
  - \$13.9 billion for mental health care to provide treatment and support for the two million veterans receiving mental health services
  - \$840.5 million for women's health, to help VA deliver gender-specific health care services, as well as retrofit its facilities to create a more welcoming environment
  - \$498 million for suicide prevention outreach
  - \$183.3 million for substance use disorder programs
  - \$663 million for opioid abuse prevention
- \$3.9 billion for administering benefits, including disability compensation and burial benefits, to more than six million veterans and their survivors, including:
  - \$430 million for the National Cemetery Administration
  - \$285 million for the Board of Veterans' Appeals
  - \$50 million for grants to State and Tribal cemeteries
- \$5 billion to the Cost of War Toxic Exposure Fund to ensure that the PACT Act continues to be implemented at VA and that the 3.5 million newly eligible veterans and others can get the care and benefits they have earned
- \$5.8 billion for strengthening VA information technology systems

The Consolidated Appropriations Act also contains the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act—a large omnibus package of veterans related provisions that PVA has been tracking for more than a year now.

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Some of the provisions in this section:

- Make all World War II veterans eligible for VA health care, regardless of service connection or income level.
- Codify VA's current regulation of how to measure wait times for community care eligibility. Wait times will be measured from the date the veteran requests the appointment, unless a later date is agreed to by the veteran and their VA provider, to the first next available appointment date.
- Require VA to develop a plan by October 1, 2023, to create a method for veterans to have access to expected community care wait times and expected VA wait times.
- Ensure community care providers can meet VA access standards.
- Direct VA to create a pilot program to allow veterans to schedule their own community care appointments with community care providers. The program would be implemented in at least two Veterans Integrated Services Networks (VISNs). The pilot program is approved for an 18-month duration, with conditions for extension if successful, and must begin within a year of the law's enactment.
- Establish a deadline of 180 days for the filing of claims for payment of veterans' non-service connected emergency treatment. Veterans may not be held liable for payment if a claim was submitted after 180 days due to administrative effort by either the individual or entity, or VA.
- Direct a Government Accountability Office (GAO) report on the rural and highly rural transportation programs, including services provided, effectiveness of the program, staffing assessment, and program assets.
- Prevent VA from imposing or collecting copayments for a veteran's first three mental health care outpatient visits each calendar year, beginning 180 days after the law's enactment.
- Call for a review of data that is publicly available on the Access to Care VA website and for VA to consult with veterans service organizations, veterans, and caregivers of veterans to gather insights about potential modifications that could help improve users' understanding and use of the data.
- Require VA to determine whether a previously identified service-connected injury or ailment served as a principal or contributing factor for veterans who died from COVID-19 when survivors file for Dependency and Indemnity Compensation.
- Authorize VA to extend the time limitation for use of VA education benefit programs whenever schools must close due to emergency and other situations.
- Direct GAO to conduct a study on waste, fraud, and abuse of the VA Beneficiary Travel program.
- Create a five-year, five-site pilot program whereby the VA Beneficiary Travel program will provide mileage reimbursement in advance of confirmed medical appointments for low-income veterans. This program is intended to provide support to veterans for whom the cost of gas to and from health care appointments can mean forgoing necessary medical care. Another five-year pilot will provide veterans with financial support for transportation to and from Vet Center appointments.
- Requires VA to develop a strategy for the long-term care of veterans, identifying current and future needs based on demographic data and availability of services. This strategy would be required to consider the needs of an increasingly diverse aging veteran population - including women veterans, veterans with traumatic brain injury, veterans with memory loss, and other groups with unique needs. The bill requires VA to report its finding to Congress by mid-December 2023.

Multiple provisions will improve access to mental health care, ensure patient safety, and improve VA's project management, planning, and prioritization functions over its information technology programs.

Two provisions stand out among the rest because they directly correlate with PVA legislative goals. The first allows VA over the next five years to pay for up to 900 veterans to receive care in a Medical Foster Home (MFH). For more than two decades, VA has been



allowed to refer veterans to an MFH home but until now they have not been allowed to pay for it. We believe this change, albeit temporary, would help veterans and the VA alike by giving greater access to non-institutional long-term care and reducing costs for long-term care, allowing more veterans to receive needed assistance.

The one provision most likely to impact PVA members makes the VA clothing allowance automatic until the VA determines the veteran is no longer eligible to receive the benefit or declines to receive it. The way the program was being administered placed an unnecessary burden on the veteran, as well as VA who must process each of these claims. We have been working with Congress for over a year to get this changed. We thank Senators Catherine Cortez Masto (D-NV) and John Boozman (R-AR) and Representatives Mike Levin (D-CA) and Barry Moore (R-AL) for championing this issue which led to making this important change.

The Consolidated Appropriations Act also included several initiatives long sought by the disability community. The Medicaid Money Follows the Person program was extended through September 30, 2027, and funded at \$450 million a year. This program seeks to provide long-term services and supports to Medicaid beneficiaries in the community rather than in an institution. The agreement also extended through that date important spousal impoverishment protections under the Medicaid home and community-based services (HCBS) program.

Provisions in the ABLE Age Adjustment Act were also included in the omnibus. The ABLE Act, which was passed several years ago, allows individuals with disabilities to place earnings, income, and other assets in an ABLE account in order to preserve their access to certain federal means tested benefits such as Medicaid. This measure changes ABLE eligibility requirement to include individuals whose disability began before age 46 (up from age 26 in current law). These changes will become effective in 2025.

With regard to agencies beyond VA, the omnibus funds the Administration on Community Living at \$2.5 billion, an increase of \$220 million above the FY 2022 enacted level. This amount includes:

- \$1.1 billion for Senior Nutrition programs, an increase of \$100 million above the FY 2022 enacted level
- \$410 million for HCBS, an increase of \$11 million above the FY 2022 enacted level

Within the appropriations for the Departments of Transportation and Housing and Urban Development (HUD) were the following:

- Assistance for low-income and disabled veterans - The agreement directs HUD to combine the \$1,000,000 provided for the veterans housing rehabilitation and modification pilot program with available carryover balances from FY 2023. The agreement encourages HUD to increase awareness about this program and the funding opportunities among veterans, veterans service organizations, and eligible entities, and to maximize the number of awards in the next notice of funding availability.
- ADA accessibility at Amtrak stations - The agreement directs Amtrak to submit an updated report to the House and Senate Committees on Appropriations no later than July 28, 2023, detailing the ADA stations program plan and timeline to make the remaining 292 stations ADA compliant and accessible.

The budget agreement acknowledges the Department of Labor's (DOL) efforts to incentivize states to reduce barriers to entry into licensed occupations and increase license portability to facilitate mobility of workers in such occupations, with an emphasis on transitioning service members, veterans, and military spouses. It also urges the DOL Employment and Training Administration, in collaboration with the Department of Health and Human Services, to support the expansion of the skilled care workforce to provide HCBS to older adults and people with disabilities.

The Office of Disability Employment Policy received a modest increase of \$2.5 million to a level of \$43 million for FY 2023. DOL's Homeless Veterans Reintegration Program, was funded at \$65.5 million for an increase of \$5 million above the FY 2022 enacted level. The Jobs for

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Veterans State Grants (JVSG) program received \$185 million. JVSG supports disabled veterans' outreach program specialists working at the local level through American Job Centers. Other DOL programs targeted at veterans and transitioning service members were funded at the following levels: \$34.3 million for the Transition Assistance Program and \$3.4 million for the National Veterans' Employment and Training Services Institute.

The Social Security Administration (SSA) received a much-needed increase of \$785 million with directions from the Appropriations Committee to undertake "a multi-year sustained effort" to address the backlogs in disability claims processing and long waits for people to speak with someone at the call centers. Unfortunately, efforts to include improvements to the Supplemental Security Income (SSI) program, including increasing asset limits, did not make it into the final package. The agreement also encourages SSA to expand outreach to potential beneficiaries, prioritizing underserved communities and individuals most likely to need support and urges SSA to ensure its policies and procedures for closing field offices and resident stations include at least 120 days advance notice to the public, SSA employees, Congress, and other stakeholders.

In report language, Congress expressed support for agency efforts to improve administrative processes that reduce overpayments, including in the Ticket to Work program, which can create significant challenges as beneficiaries attempt to return to work. In addition, SSA is asked to detail in its FY 2024 budget request its efforts in implementing an Occupational Information System and Medical-Vocational Guidelines to move away from the outdated Dictionary of Occupational Titles.

## NEWS OF NOTE

### Rep. Mike Bost Will Lead HVAC in the 118th

On January 10, Representative Mike Bost (R-IL) was officially selected as Chairman of the House Committee on Veterans' Affairs (HVAC) for the 118th Congress. PVA Executive Director Carl Blake released a statement expressing our desire to work with Chairman Bost to

ensure the needs of catastrophically disabled veterans are fully met.

### NDAA for FY 2023 Passed

The President signed H.R. 7776, the James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2023, at the end of December. Unlike previous years, this year's NDAA did not include a lot of veterans-related provisions of interest to PVA members. On the positive side, it does not direct any new TRICARE fees or copays. It also directs the Department of Defense (DOD) to brief Congress and provide a report on the department's planned reductions of military medical personnel which could adversely affect access to care for TRICARE beneficiaries. The briefing is due no later than February 1, 2023, with the formal report due by May 31, 2023. Another provision in the bill creates an open season for the military Survivor Benefit Plan (SBP) through 2023. This will provide eligible individuals a rare opportunity to opt in or opt out of the SBP.

The FY 2023 NDAA also requires the director of each VA to conduct an annual locality pay survey and rates of basic pay for covered positions at their facilities. VA as a whole would then be required to compile and submit this information to Congress, along with a report to help ensure the department's pay rates remain competitive in the local labor market. The VA also is required to conduct a comprehensive study of Vet Center operations and to work with other federal agencies like DOD and the Department of Labor on transition, employment, and women veteran issues, as well as potential exposure to hazardous substances. You can find the complete bill text [here](#).

## HEARINGS & COMMITTEE ACTION

### Upcoming Veterans' Affairs Committee Action

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

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