



Paralyzed Veterans
of America

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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PVA COVID-19 RESPONSE WEBINAR

On **April 9 at 2:00 p.m. ET**, PVA will hold a **webinar for chapters and members** about our **response to the coronavirus**, including our efforts to work with policy makers in Washington, DC and in VA SCI/D Centers and Regional Offices around the country. This webinar is specifically meant for member participation, so we would encourage you to share this as widely as possible among your chapter members. We hope to hear from the members about their experiences and will provide them the opportunity to submit questions to the National staff that are working on the COVID-19 pandemic response. **Participants must register in order to participate in the webinar.** Information about how to register for the webinar is below. After registering, you will receive a confirmation email containing information about joining the webinar. The webinar will be recorded.

Register in advance for this webinar:

https://pva.zoom.us/webinar/register/WN_6vjPvL7NSkq1qPUf7Dh4Cg

In the meantime, please visit PVA's COVID-19 response webpage for the latest information:

<https://pva.org/covid-19/>.

\$2 TRILLION CORONAVIRUS RELIEF BILL INCLUDES PROVISIONS IMPACTING VETERANS WITH DISABILITIES

On March 27, President Trump signed into law H.R. 748, the "Coronavirus Aid, Relief, and Economic Security Act," or CARES Act. The CARES Act is the third piece of legislation passed by Congress to address the COVID-19 pandemic.

The legislation provided VA with nearly \$20 billion to respond to the coronavirus. Of that amount, approximately \$14.4 billion was provided for VA medical services to address increased demand for health care at VA facilities. \$2.1 billion was provided for community care to meet emergency room and urgent care demands related to the virus.

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Also included in the bill were several authorities to assist VA in meeting veterans' needs:

- **Telemental Health Services for Isolated Veterans:** Expands telehealth services for veterans to provide them with mental health services during this time. This provision gives VA the ability to enter into agreements with telecommunications companies to provide temporary, complimentary fixed and mobile broadband services.
- **Treatment at State Homes During Public Health Emergency:** Continues payments and provides resources to State Homes during this public health emergency.
- **Modifications to Veteran Directed Care Program:** Modifies the veteran directed care program by temporarily waiving the in-person home visit requirements to enroll in the program and permits veterans to receive telephone and telehealth visits as an alternative.
- **Prosthetic Appliances through Non-Department Providers:** Ensures veterans with limb loss can utilize community-based prosthetic providers.
- **Waivers of Pay Caps for VA Employees During Public Health Emergencies:** Waives federal pay caps for VA employees responding during COVID-19 emergencies, so they can be compensated for all hours worked.
- **Personal Protective Equipment for VA Home Health Workers:** Requires VA to provide personal protective equipment to VA community-based home health workers.
- **Clarification of Treatment of Payments for Purposes of Eligibility for Veterans Pension and other Veterans Benefits:** Ensures that veterans receiving a 2020 Recovery Rebate under the *CARES Act* do not suffer a loss or reduction of any VA benefits.
- **Telehealth for Case Managers and Homeless Veterans:** Expands telehealth capabilities for case managers and homeless veterans participating in the HUD-VASH program.
- **Financial Assistance for Supportive Services for Very Low-Income Veteran Families:** Waives any limits on grant amounts and rates for Per Diem payments for temporary housing to maximize social distancing within the vulnerable homeless veteran population.
- **Modifications to Comprehensive Service Programs for Homeless Veterans:** Waives funding limits for financial assistance for supportive services for very low-income veteran families in permanent housing during the public health emergency.
- **Grants for Construction of State Extended Care Facilities:** Supports modifications or alterations to existing care facilities in state homes to help respond to the coronavirus.

The legislation also contained a number of provisions important to people with disabilities and their families including:

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Departments of Labor, Health and Human Services, Education – \$172.1 billion for additional investments in healthcare, state and local government prevention efforts, purchasing medical supplies, vaccine development and supports for a host of education and social services programs. Highlights include:

- \$4.3 billion to the Centers for Disease Control and Prevention to support federal, state, and local public health agencies to prevent, prepare for, and respond to the coronavirus.
- \$100 billion for new grants to hospitals, public entities, not-for-profit entities, and Medicare and Medicaid enrolled suppliers and institutional providers to cover unreimbursed health care-related expenses or lost revenues attributable to the public health emergency resulting from the coronavirus.
- \$955 million for a number of Administration for Community Living (ACL) programs including \$50,000,000 for Aging and Disability Resource Centers and \$85,000,000 for Centers for Independent Living.
- \$200 million to the Centers for Medicare & Medicaid Services (CMS) to assist nursing homes with infection control and support states' efforts to prevent the spread of coronavirus in nursing homes.
- \$360 million for Department of Labor programs that provide training and supportive services for dislocated workers, seniors, migrant farmworkers, and homeless veterans.

Policy changes within the bill included a section allowing payment for direct support professionals to aid individuals with disabilities in hospital settings in order to reduce lengths of stay, extension of the Money Follows the Person program through November 30, 2020 and a requirement that Medicare Part D plans provide up to a 90-day supply of prescription medications, if requested, by a beneficiary during the emergency period.

The Department of Housing and Urban Development received over \$7 billion to minimize evictions and lessen the impact on housing insecurity caused by job loss and other consequences related to COVID-19.

As part of the CARES Act, eligible persons will also be able to receive a cash payment of up to \$1,200 (\$2,400 for those married filing jointly) called a Recovery Rebate. The CARES Act instructs the Treasury to issue Recovery Rebates based on a person's 2018 or 2019 income tax filing. If a person has not filed taxes in either year, the legislation allows the use of a person's Form SSA-1099 or Form RRB-1099. On Wednesday, Treasury Secretary Steven Mnuchin said that recipients of Social Security retirement, disability, and survivor benefits who are not required to file a tax return will receive their payments without further action on their part. PVA and other disability and veterans service organizations have called on the Administration to ensure that similarly situated veterans who receive VA benefits also receive their rebates without needing to file a return.

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Despite these provisions, the legislation failed to include a number of important policies considered critical by the disability advocacy community including increased support for home and community-based programs, transportation services for people with disabilities, dissemination of assistive technology, and stronger protections for people with disabilities in state and local responses to the pandemic. We will be working to include these and additional veterans benefits in subsequent packages.

NEWS ITEMS OF NOTE

- **DOT Holds First Meeting of ACAA Advisory Committee**

On March 10-11, the Department of Transportation held the first meeting of the Air Carrier Access Act Advisory Committee (ACAA Advisory Committee). The FAA Reauthorization Act of 2018 required the Secretary to establish an Advisory Committee on the Air Travel Needs of Passengers with Disabilities. The ACAA Advisory Committee will advise the Secretary about improving the air travel experience of passengers with disabilities. Heather Ansley, Associate Executive Director of Government Relations, is one of 19 representatives of the disability, veterans, air carrier, and other stakeholder communities on the committee.

During the March meeting, committee members reviewed the Department's first draft of the airline passengers with disabilities bill of rights that was required under the FAA Reauthorization Act. Other issues discussed by participants included assistance at airports and on aircraft and related airline training programs; ticketing practices; seating accommodations, including pre-flight seat assignments and bulkhead seating; and stowage of assistive devices. PVA Senior National President Charles Brown spoke to the committee about challenges faced by passengers with disabilities and PVA member Peter Axelson discussed the work of the RESNA committee working to reduce damage to wheelchairs in air travel. The next official meeting of the committee will be held in the fall. In the meantime, subcommittees will continue to work on issues discussed at the meeting.

- **PVA Submits Statement to VA's Caregiver Advisory Committee**

On March 25, VA's Family Caregiver and Survivor Advisory Committee held a virtual meeting. The purpose of the Committee is to advise the VA Secretary on matters related to: the needs of veterans' families, caregivers, and survivors. PVA's comments focused on the expansion of the caregiver program. We encouraged the committee to do everything it can to ensure phase one of the caregiver expansion is implemented no later than June 2020. We also asked that VA complete phase two of the expansion by October 1, 2021. Veterans should not be punished because VA was not successful in meeting the certification deadline imposed by Congress, which would have required VA to initiate phase two on October 1, 2021.

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- Critics Argue that Funding in the COVID-19 Bill Is Not Sufficient to Protect Elections

State officials and voting rights advocates say the \$400 million included in the stimulus package to safeguard elections is far less than the amount states will need to implement voting by mail across the nation. The \$2 trillion stimulus package that was signed into law on March 27 contains \$400 million to address one of the most uncertain impacts of the coronavirus outbreak — its potential to wreak havoc with voting, including the presidential election in November.

The figure falls far short of what state officials and voting rights experts have said is needed to ensure a safe and accurate count if the virus keeps millions of people away from polling places in primary elections and on Election Day. The \$400 million in the stimulus package is one-fifth of the \$2 billion that voting experts said was needed and that some Democrats had sought. The money could only be used to help states create and staff new polling places to reduce crowding, or to increase opportunities to register online and vote by mail. A panel of experts convened by the Brennan Center to look at the impact of the coronavirus on the elections concluded that it would cost \$1.4 billion to ensure that every voter received a mail-in ballot, and hundreds of millions more to staff and process the ballot count and to educate voters.

- Stories Needed for Fair Housing Lawsuit

PVA will be joining a lawsuit currently underway in the U.S. Court of Appeals for the Second Circuit. The case is *Francis v. Kings Park Manor, Inc., et al.*, and involves the enforcement of the civil rights of tenants in protected classes, including those with spinal cord injury or disease and other disabilities, to occupy their rented homes in quiet enjoyment without being harassed by other tenants on the basis of their having a disability.

Mr. Francis had been repeatedly harassed by a neighbor tenant on the basis of his race and complained to the landlord several times about it. On appeal of a denial of his lawsuit to enforce a Department of Housing and Urban Development regulation (HUD rule) that holds landlords accountable for harassment of a tenant by another tenant where the harassment is based on the tenant's being a member of a protected class, the Second Circuit upheld the HUD rule and found that a landlord must take reasonable steps to stop harassment of a tenant based on that tenant's being in a protected class when the landlord knows, or should have known, about the harassment. Then, in a surprising move, the court withdrew that decision and issued a new decision finding that the landlord had not violated the HUD rule and questioned whether the HUD rule even applied. The court has now set the case for another review before all 13 judges, which is extremely rare.

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PVA hopes to educate the court about the importance of enforcing the HUD rule in cases of neighbor-on-neighbor harassment on the basis of disability, in addition to race and other protected classes. In order to do this, we will need to provide the court with examples of such harassment. We are asking PVA chapters and members to spread the word and let us know if you have experienced disability-based harassment from a neighbor in your apartment or condo. Please send your responses to either PVA General Counsel Len Selfon (lens@pva.org) or AED, Government Relations Heather Ansley (heathera@pva.org).

- Veterans' GI Bill Benefits to Continue During COVID-19 Pandemic

On March 21, President Trump signed into law S. 3503, which will allow VA to continue providing the same level of education benefits to students having to take courses online due to the coronavirus outbreak. The law gives VA temporary authority to continue GI Bill payments uninterrupted in the event of national emergencies, allowing for continued payment of benefits even if the program has changed from resident training to online training. GI Bill students will continue receiving the same monthly housing allowance payments they received for resident training until December 21, or until the school resumes in-person classes. Students receiving GI Bill benefits are not required to take any action.