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# Washington Update

Visit the [PVAAction Force](#) page to view our latest alerts and a list of key legislation and its status.

## PVA NATIONAL PRESIDENT CHARLES BROWN TESTIFIES BEFORE CONGRESS

On March 8, PVA National President Charles Brown testified before a joint session of the House and Senate Veterans' Affairs Committees to present PVA's 2022 legislative priorities. In his statement to the Committees, President Brown focused on three critically important issues that Congress must address for catastrophically disabled veterans: 1) improved access to specialty systems of care, 2) expanded access to home and community-based services, and 3) increased access to benefits that promote the health, safety, and independence of catastrophically disabled veterans. To view the hearing, click [here](#). To read President Brown's full written statement, click [here](#).

## VA RELEASES AIR RECOMMENDATIONS

On March 14, VA released its recommendations to the Asset and Infrastructure Review (AIR) Commission to modernize and realign the VA health care system. The AIR Commission was authorized by the VA MISSION Act, which was signed into law in 2018. PVA National President Charles Brown released a [statement](#) noting our "grave concerns" with VA's recommendations that some of VA's

spinal cord injury and disorder (SCI/D) system of care centers be closed or consolidated. Mr. Brown further stated that, "We need to understand the data providing the justification for these recommendations as there are many unmet specialized needs for veterans with SCI/D, particularly inpatient long-term care."

Although VA's recommendations have been released, the AIR Commission has not yet been confirmed by the Senate. Earlier in March, President Biden announced his nomination of PVA Executive Director Carl Blake to the Commission. The Senate Veterans' Affairs Committee will be holding a confirmation hearing for nominees in the coming weeks.

Once the AIR Commission members have been confirmed, they will review VA's recommendations. As part of the review process, the Commission will hold public hearings, visit VA facilities, meet with employees and VA partners – and, most important, listen to veterans – to help them assess VA's recommendations. The Commission will then forward their recommendations, with any changes deemed necessary, to the President, who will determine whether or not to submit those recommendations to Congress. If the President

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submits them, Congress can then accept those recommendations by inaction or reject them by passing a joint resolution of disapproval. If approved, VA must begin implementing them within three years.

## CONGRESS RESOLVES FY 2022 FUNDING

President Biden has signed a \$1.5 trillion omnibus spending bill that provides a substantial increase in VA funding for fiscal year (FY) 2022. The bill provides VA with \$112.6 billion in discretionary spending and \$157 billion in mandatory spending. Also, it provides advanced appropriations for FY 2023, including \$111.3 billion for veterans medical care and \$161 billion for veterans benefits. Specific provisions in the bill provide:

- \$97.5 billion for VA medical care including:
  - \$13.2 billion for mental health;
  - \$2.2 billion for veteran homelessness prevention;
  - \$1.4 billion for the caregivers program;
  - \$840 million for women's health; and
  - \$327 million for rural health.
- \$5.5 billion for information technology systems;
- \$3.5 billion for Veterans Benefits Administration operating expenses and claims processors;
- \$2.2 billion for VA infrastructure;
- \$882 million for medical and prosthetics research, including in areas such as toxic exposures, traumatic brain injury, and precision oncology;
- \$239 million for VA's Office of Inspector General to conduct ongoing oversight and investigations of waste, fraud, and abuse; and
- \$125 million for the Veteran Employment Through Technology Education Courses (VET TEC) pilot program, which provides tuition and housing assistance to veterans in high-tech, high demand career training.

In addition, the language of H.R. 5575, the VA Nurse and Physician Assistant RAISE Act was included in the omnibus package. This bill increases the pay cap on salaries for nurses, advanced practice registered nurses, and physician assistants employed by VA which will help the department

attract and retain top health care talent to ensure veterans receive timely, high-quality care. Passage of this legislation was one of PVA's top priorities for 2022, and it is an important element of a 10-part [human infrastructure plan](#) VA released last month.

A detailed summary of the FY 2022 Military Construction and Veterans Affairs, and Related Agencies Appropriations bill is available [here](#).

## FUNDING AGREEMENT BOOSTS SPENDING ON DISABILITY PROGRAMS

The funding agreement recently signed by President Biden also contained numerous provisions of interest to the disability community, including significant investments in health care, employment, and housing programs. Elements of those agency budgets are highlighted below. In addition, the budget saw a return of earmarks. In a list of projects under congressionally directed spending, the Reno, Nevada received \$1.056 million for American with Disabilities Act (ADA) upgrades in city parks.

Labor-Health and Human Services-Education and Related Agencies - The bill provides a total of \$108.3 billion for Labor, Health and Human Services, Education, and Related Agencies, an increase of \$11.3 billion above the fiscal year (FY) 2021 enacted level. Of this amount, the bill includes:

- \$2.9 billion for Workforce Innovation and Opportunity Act State Grants;
- \$235 million for Registered Apprenticeships;
- \$399 million for Home and Community-Based Supportive Services;
- \$60.5 million for the Homeless Veterans Reintegration Program;
- \$25 million to implement the Accelerating Access to Critical Therapies for ALS Act;
- \$6.5 billion for Substance Abuse and Mental Health Services Administration (SAMHSA);
- \$2.3 billion for the Administration for Community Living (ACL), including:
  - \$967 million for Senior Nutrition programs;

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- \$399 million for Home and Community-Based Supportive Services;
- \$205 million for Family and Native American Caregivers Services;
- \$36 million for Grants for Native Americans; and
- \$8.1 million for the Lifespan Respite Program.

Transportation, Housing and Urban Development and Related Agencies - the FY 2022

Transportation, and Housing and Urban Development, and Related Agencies funding bill provides funding of \$81 billion, an increase of \$6.4 billion – more than eight percent – above 2021. This includes a discretionary increase of \$4 billion for the Department of Housing and Urban Development (HUD) and \$1.6 billion for the Department of Transportation. The agreement takes into account that funding appropriated in the Infrastructure Investment and Jobs Act that will be used to bring Amtrak-served stations into compliance with the ADA. Agencies within this account will receive:

- \$11 billion in funding for new affordable housing, critical health, safety, and maintenance improvements to ensure the safety and quality of public and low-income housing, and community development activities, including:
  - \$360 million to construct over 4,000 new affordable housing units for seniors and persons with disabilities and
  - \$1.5 billion in direct funding to states and local governments through the HOME Investment Partnerships Program, and significantly increases investments in distressed neighborhoods through the Choice Neighborhoods Initiative program.
- \$13.9 billion for Project-based Rental Assistance to continue to house more than 1.2 million very low and low-income households nationwide. An additional \$1 billion is provided for Housing for the Elderly to build approximately 2,200 new affordable housing units for low-income seniors and \$352 million for

- Housing for Persons with Disabilities to construct approximately 1,800 new affordable housing units for persons with disabilities;
- A combined \$55 million for the HUD/VA Supportive Housing for Homeless Veterans and Native American Veterans programs; and
  - \$85 million for increased enforcement of Fair Housing and Equal Opportunity.

**VA MOVING TO ADD RARE CANCERS TO PRESUMED SERVICE CONNECTED LIST**

Recently, VA [announced](#) it intends to propose adding certain rare respiratory cancers to the list of [presumed service-connected disabilities](#) in relation to military environmental exposure to particulate matter. The cancers under consideration include:

- Squamous cell carcinoma of the larynx;
- Squamous cell carcinoma of the trachea;
- Adenocarcinoma of the trachea;
- Salivary gland-type tumors of the trachea;
- Adenosquamous carcinoma of the lung;
- Large cell carcinoma of the lung;
- Salivary gland-type tumors of the lung;
- Sarcomatoid carcinoma of the lung; and
- Typical and atypical carcinoid of the lung.

VA intends to focus its rule on the rare respiratory cancers listed above in veterans who served any amount of time in the Southwest Asia theater of operations and other locations. VA will invite and consider public comments as part of this process. Once rulemaking is complete, VA will conduct outreach to impacted veterans and survivors to inform them about their potential eligibility for benefits.

**HOUSE PASSES HONORING OUR PACT ACT**

On March 3, the House voted to [pass the Honoring our PACT Act](#) (H.R. 3967) by a vote of 256-174. The PACT Act is comprehensive legislation addressing health care and benefits for veterans exposed to toxic substances in service. The day before passage of this landmark legislation, Associate Legislative Director Roscoe Butler attended a press conference on Capitol Hill in support of the measure. House Committee on



Veterans' Affairs Chairman Mark Takano (D-CA), Speaker Nancy Pelosi, other members of Congress, Jon Stewart, and leaders of major veterans service organizations also participated in the event.

## **ADVOCATES FIGHT TO PRESERVE RECOURSE FOR UNINTENTIONAL DISCRIMINATION**

Joining forces, PVA and thousands of disability rights advocates moved to safeguard individuals with disabilities from unintentional discrimination under the Americans with Disabilities Act (ADA). In *Payan v. Los Angeles Community College District* (LACCD), blind students won a discrimination case at the federal district court regarding inaccessible class materials, websites, and databases. LACCD appealed to the Ninth Circuit Court of Appeals, arguing that the ADA does not cover "disparate impact." Disparate impact is when the discrimination is unintentional. For example, when something appears neutral, but actually has an adverse effect on individuals with disabilities. The students were again successful at the Circuit Court, which held that the ADA covers both intentional and unintentional discrimination.

LACCD planned to appeal to the Supreme Court. If the Supreme Court ruled that the ADA did not cover disparate impact, future plaintiffs would need to prove that the discrimination was intentional. PVA submitted a letter urging LACCD to abandon their plans. In addition, more than 10,000 individuals from over 800 organizations signed a petition pleading LACCD to not appeal. On March 2, two days before the appeal deadline, the LACCD Board of Trustees voted unanimously to not appeal and pursue a mediated settlement instead. The parties were required to meet by March 14 for settlement talks. If a settlement can be reached, it must still be approved by the LACCD Board at its April 13 meeting. If a settlement is not approved, the case could go back to the district court for re-trial.

### **NEWS OF NOTE**

#### **Social Security Offices to Reopen Early April**

The Social Security Administration (SSA) recently announced plans to reopen local offices beginning in early April. While they continue to encourage

people to use their online portal, information about the reopening and how to contact SSA can be found [here](#).

#### **Killeen Hotel to Pay Damages to Disabled Veteran with Service Dog for Denying Access**

U.S. Attorney Ashley C. Hoff of the Western District of Texas announced that the United States has reached an agreement with the owners and managers of Executive Inn & Suites, a hotel in Killeen, Texas, to resolve allegations they violated the Americans with Disabilities Act (ADA) by denying equal access to individuals with disabilities who use service dogs.

The settlement resolves allegations initially brought by a disabled veteran who utilizes a service animal and wheelchair due to an amputation of his left leg. The veteran alleged that upon learning that the veteran was accompanied by a service dog the hotel desk clerk refused to honor his reservation because the hotel owner did not allow any type of dog. Hotel staff insisted that the veteran leave, called the local police department to escort the veteran off hotel property, and refused to refund his room rental fee.

Under the agreement, J&J Executive Suites LLC, Kyung Sang Lee and Gaesun Lee will ensure that the hotel adopts and implements a service dog policy; provides training on the service dog policy to employees and managers; and posts the service dog policy at their facilities and in their advertising. They will also pay money damages to the veteran as compensation for the effects of the discrimination and the harm he endured as a result of their actions.

#### **Taryn Williams Elected Chair of Access Board**

The U.S. Access Board elected Board Member Taryn Mackenzie Williams as its new Chair on March 7. Williams serves as Assistant Secretary of Labor for Disability Employment Policy where she advises the Secretary of Labor on how the department's policies and programs impact the employment of people with disabilities and leads the Office of Disability Employment Policy (ODEP).

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## Guide to Registered Apprenticeships for Veterans Released

ODEP, along with the U.S. Department of Labor's Veterans' Employment and Training Service and VA's Veteran Readiness and Employment program, developed the "[Connecting VR&E Participants to Registered Apprenticeship](#)" desk reference guide.

This guide supports the transition of more veterans with disabilities into registered apprenticeships and includes a list of resources, a glossary of terms and acronyms, and an appendix with veterans' benefits.

## Persons with a Disability: Labor Force Characteristics 2021

The Bureau of Labor Statistics has released "[Persons with a Disability: Labor Force Characteristics 2021](#)." This report reflects data collected as part of the Current Population Survey, a monthly sample survey that provides statistics on employment and unemployment in the United States. The report shows that in 2021, 19.1 percent of persons with a disability were employed, while the unemployment rate was 10.1 percent. It also includes charts on the employment status of persons with and without a disability by various characteristics.

## VA Resources for Women Veterans

March is Women's History Month. VA's Center for Women Veterans serves as an advocate for cultural transformation and to raise awareness of the responsibility to treat women veterans with dignity and respect. To learn more about the Center, click [here](#).

## VRRAP: Train for a Post-COVID Career

Need a new job due to the COVID-19 pandemic? Land a role in a high-demand industry with the [Veteran Rapid Retraining Assistance Program \(VRRAP\)](#). Participating veterans can receive up to 12 months of tuition and fees based on Post-9/11 GI Bill rates. Click [here](#) to find out if you are eligible and how to apply.

## UPCOMING EVENTS AND HEARINGS

### DOT to Host Public Meeting on the Problems Wheelchair Users Encounter in Air Travel

The Department of Transportation (DOT) is hosting a virtual public meeting on March 24 from 10:15 a.m. to 5:30 p.m. ET to talk about the difficulties wheelchair users encounter in air travel. During this meeting, there will be an opportunity to hear from a variety of stakeholders, including DOT officials, disability advocates, and airline representatives.

Register to attend the meeting at <https://bit.ly/36aAYKb> and submit a request to speak or have written materials discussed during the meeting at [FlyingWithWheelchairs@dot.gov](mailto:FlyingWithWheelchairs@dot.gov) by March 21. DOT is looking for your feedback on [questions](#) that address the following issues:

- Challenges encountered during air travel by wheelchair users
- Actions to prevent or minimize damaged, delayed, and lost wheelchairs
- Actions to ensure a safe transfer process
- Best practices for assisting wheelchair users when personal wheelchairs are mishandled

### SVAC Hearing on VA's Caregiver Program

On March 23 at 3:00 p.m. ET, the Senate Veterans' Affairs Committee will be holding a hearing titled "[Honoring Our Commitment: Improving VA's Program of Comprehensive Assistance for Family Caregivers](#)." PVA is concerned about the roll out of the expanded comprehensive caregiver program and will be providing a statement for the record.

### HVAC Hearings

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