



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

September 29, 2021

Volume 27, Number 16

Want to Follow the Status of Priority Issues Between Updates?

Visit [PVA's VoterVoice Portal](#) to view our latest alerts and a list of key legislation and its status. Also, [sign the petition](#) to improve access to air travel in honor of the 35th anniversary of the Air Carrier Access Act.

CONGRESS APPROVES VA BENEFIT INCREASE

Congress recently approved S. 189, the Veterans' Compensation Cost-of-Living Adjustment Act of 2021, which authorizes cost-of-living increases in VA disability compensation and dependency and indemnity compensation payments for calendar year 2022. The actual rate of the increase, which has not yet been determined, will be the same as recipients of Social Security and military pension payments. Traditionally, Social Security announces any increase in mid-to-late October.

VA ISSUES INTERIM FINAL RULE EXTENDING CAREGIVER ELIGIBILITY FOR LEGACY PARTICIPANTS AND LEGACY APPLICANTS

On September 22, VA notified veterans service organizations (VSOs) that VA was publishing an [interim final rule](#) regarding eligibility of legacy participants and legacy applicants for the Program of Comprehensive Assistance for Family Caregivers (PCAFC). Dr. Colleen Richardson, PsyD, Executive Director, Caregiver Support Program, informed VSOs that the interim final rule would extend PCAFC eligibility for these individuals until September 30, 2022.

On July 30, 2020, VA published a final rule implementing the expansion of VA's PCAFC. The final rule called for all legacy participants and legacy applicants to be reassessed beginning October 1, 2020, and ending on September 30. According to Dr. Richardson, VA was unable to complete the reassessments because of the number of applications received for the PCAFC. Extending the reassessment period will give VA an additional year to complete them and ensure that all are treated equitably.

Paralyzed Veterans of America

Government Relations Department

801 18th Street, NW · Washington, DC 20006
(800) 424-8200 · (800) 795-4327 · www.pva.org

Washington Update

September 29, 2021

Volume 27, Number 16

VA defines a legacy applicant as a veteran or servicemember who submits a joint application for the PCAFC that was received by VA before October 1, 2020, and for whom a family caregiver was approved and designated on or after October 1, 2020, subject to certain criteria. A legacy participant is defined as an eligible veteran whose family caregiver was approved and designated by VA as of September 30, 2020, so long as the Primary Family Caregiver (as applicable) continues to be approved and designated as such.

One benefit of the extension is it will give any veteran and their caregiver who VA deems no longer eligible for caregiver benefits following the reassessment an additional twelve months plus an additional 60-day advance notice period and an additional 90 days of benefits before they are removed from the program. Originally, VA was to begin removing veterans and caregivers from the program who were deemed no longer eligible in February 2022.

RECONCILIATION PROVISIONS AND PEOPLE WITH DISABILITIES

House committees have completed work on portions of the large budget reconciliation package that impact people with disabilities. A comprehensive reconciliation package including these provisions, as well as \$18 billion for VA infrastructure, will need to be voted on by the full House of Representatives.

The Education and Labor Committee offered significant investments in expanding workforce development programs and other federal programs that serve veterans and people with disabilities. Provisions in its reconciliation package include:

- \$201,000,000 for the Office of Federal Contract Compliance Programs for carrying out audit, enforcement, and compliance assistance activities. Among the responsibilities of this office are enforcement of Section 503 and VEVRAA concerning contractor obligations to recruit and hire people with disabilities and targeted veterans.
- \$321,000,000 over a five-year period to rebuild the capacity of the Equal Employment Opportunity Commission for carrying out investigation, enforcement, outreach, and related activities.
- \$16,000,000,000 over a five-year period for Dislocated Worker State Grants authorized under the Workforce Innovation and Opportunity Act (WIOA), of which 20 percent is reserved for career services including individualized career services, 20 percent is reserved for providing supportive services and needs-related payments to dislocated workers, and 50 percent is reserved for training services.
- \$15,000,000,000 over a five-year period for WIOA state grants for Adult Employment and Training Activities, of which 20 percent is reserved for career services including individualized career services, 10 percent is reserved for providing supportive services and needs-related payments to adults, and 50 percent is reserved for training services.
- \$5,000,000,000 over a five-year period through September 30, 2026, for registered apprenticeship programs, youth apprenticeship programs, and pre-apprenticeship programs, with 50 percent of funds reserved for apprenticeship programs serving high numbers of individuals with barriers to employment, including individuals with disabilities, or nontraditional apprenticeship populations, and for expanding youth apprenticeships or pre-apprenticeships.

Washington Update

September 29, 2021

Volume 27, Number 16

- \$300,000,000 for a five-year Competitive Integrated Employment Transformation Grant Program to states to assist employers who hold special certificates issued under section 14(c) of the Fair Labor Standards Act that allow them to pay workers with disabilities below minimum wage, to transform their business and program models to provide for competitive integrated employment and payment of at least the minimum wage applicable in that state or the prevailing wage under federal law.
- \$1,480,000,000 for grants to eligible entities to promote recruitment, education, training, retention, and career advancement for direct care workers. Eligible entities receiving a grant must use the grant funds to provide competitive wages, benefits, and other supportive services, including transportation, childcare, dependent care, workplace accommodations, and workplace health and safety protections, to the direct care workers served by the grant.
- \$5,000,000 to fund a national technical assistance center through the Department of Health and Human Services' Administration for Community Living to develop and disseminate evidence-based strategies for recruitment, education and training, retention, and career advancement of direct care workers and provide recommendations for activities to further support paid and unpaid family caregivers.
- \$10,000,000 to carry out the Assistive Technology Act of 1998, which improves access to assistive technology that enables people with disabilities to live and work in their communities.

The Energy and Commerce Committee was responsible for several initiatives of longstanding interest to the disability community. Among those are permanent extension of protection against spousal impoverishment for individuals whose partners receive Medicaid home and community-based services (HCBS) and permanent funding for the Money Follows the Person Rebalancing Demonstration to help states transition people out of institutions and into HCBS. The committee also reported out several high-profile new Medicare benefits including coverage of dental services beginning January 1, 2028, hearing aids beginning October 1, 2023, and routine eye exams, glasses, and contact lenses beginning October 1, 2022.

The Financial Services Committee included an array of proposals designed to increase the inventory of affordable and accessible housing including \$35 billion for the HOME Investment Partnerships Program to fund the construction, purchase, or rehabilitation of affordable homes for low-income people. This section also provides a set-aside of \$37 billion for activities under the national Housing Trust Fund to support the preservation and creation of new rental homes affordable to the lowest income households. The Section 811 Supportive Housing for People with Disabilities program would receive \$1 billion for project-based rental assistance to very low- and extremely low-income persons with disabilities to live independently in integrated housing settings with community-based supports and services. The Fair Housing Initiatives Program would receive \$1 billion to expand fair housing oversight and enforcement capacity.

The Transportation and Infrastructure Committee authorized over \$9 billion in grants to support access to affordable housing and the enhancement of mobility for residents in disadvantaged communities or neighborhoods, in persistent poverty communities, or for low-income riders generally. Among the activities eligible for funding would be projects to upgrade the

Washington Update

September 29, 2021

Volume 27, Number 16

“accessibility of bus or rail public transportation services for persons with disabilities, including individuals who use wheelchairs, in disadvantaged communities or neighborhoods.”

The Committee on Ways and Means had some of the most consequential tasks. For low- and moderate-income taxpayers, including many people with disabilities, some of the most important provisions include:

- A non-refundable credit for caregiver expenses, up to \$4,000, equal to 50 percent of the qualified expenses paid or incurred by a qualified care recipient [as defined in the IRS code] during the taxable year through 2025. The amount of the credit is phased out for taxpayers with adjusted gross income over \$75,000. The care recipient must be certified by a Medicare, Medicaid, or CHIP-enrolled provider as having long-term care needs expected to last for at least 180 consecutive days and live in a personal residence, not an institutional care facility.
- An increase in the Work Opportunity Tax Credit (WOTC) to 50 percent for the first \$10,000 in wages, through December 31, 2023, for most WOTC targeted groups. The increase is also available for qualified wages earned by a WOTC target group employee in his or her second year of employment (current law allows WOTC to be claimed only on first-year wages). Among targeted groups are vocational rehabilitation (VR) clients who have been referred to the employer while receiving, or after completing vocational rehabilitation services: (1) under an individualized, written plan for employment under a State VR plan; (2) under a rehabilitation plan for veterans carried out under Chapter 31 of Title 38, U.S. Code; or (3) under an individual work plan developed and implemented by an employment network under Social Security. For WOTC qualified veterans, however, the annual limitation on first-year wages and second-year wages eligible for the tax credit ranges from \$12,000 to \$24,000.
- A nonrefundable credit of up to \$2,000 for amounts paid or incurred for qualified access technology for use by a qualified blind individual—either the taxpayer or the taxpayer’s spouse or dependent. The credit is indexed and expires after 2026.
- A new program of up to 12 weeks paid family and medical leave benefits for all workers.
- Making permanent the modifications to the child and dependent care tax credit (“CDCTC”) made for 2021 in the American Rescue Plan. Those modifications make the credit fully refundable and increase the maximum credit rate. The amount of child and dependent care expenses that are eligible for the credit are increased to \$8,000 for one qualifying individual and \$16,000 for two or more qualifying individuals (such that the maximum credits are \$4,000 and \$8,000).

PLANET FITNESS AND THE COALITION FOR INCLUSIVE FITNESS ANNOUNCE ACCESSIBLE EXERCISE EQUIPMENT COMMITMENT

Planet Fitness, Inc. and the Paralyzed Veterans of America, National Council on Independent Living, and American Council of the Blind (collectively “Coalition for Inclusive Fitness” or the “Coalition”) recently announced a commitment to expand access to accessible exercise equipment.

Washington Update

September 29, 2021

Volume 27, Number 16

The Coalition is focused on working with global organizations to build inclusive health communities that provide people with disabilities equal access to, and opportunities for, healthy living. Planet Fitness is committed to providing inclusive equipment in all new stores and adding it to existing stores across the country as franchise owners replace current offerings, as inclusive commercial grade equipment becomes available for purchase.

Planet Fitness will enhance the amount and variety of accessible equipment provided at its clubs by adding new inclusive equipment that conforms with ASTM standards as it becomes commercially available for purchase after clearing through a due diligence process, in accordance with set phased-in time parameters.

This equipment will include:

- An inclusive dual cable strength machine that allows a person to perform multiple exercises from a seated position, including from a wheelchair.
- A recumbent cardio machine where movement of the arms can move the legs, and vice-versa, and, in addition, the seat can be removed so it can be operated from a wheelchair.
- Multiple cardio machines, which, depending upon availability, can include: treadmills, elliptical devices, upright bikes and/or recumbent bikes.
- All new cardio machines will have inclusive features including raised tactile buttons and the ability to receive audible instructions and performance feedback through headphones. This will enable blind users to operate cardio machines independently.

Planet Fitness will also include the inclusive fitness symbol on all accessible equipment, share information about the roll-out of accessible equipment on its website (as it becomes available in its clubs), and continue its practice of providing customer service regarding the use of accessible equipment.

NEWS OF NOTE

- VA Offers Debt Assistance to Veterans Affected by Natural Disasters

VA's Debt Management Center (DMC) can provide temporary financial relief for veterans unable to make payments towards their VA benefit debt because of a natural disaster. The relief window for each disaster may vary and assistance must be requested by the veteran. VA's DMC is currently offering temporary financial relief from collection on VA benefit debt due to hardships related to Hurricane Ida and the California Wildfires. The relief window is from September 1, 2021, through November 30, 2021. If veterans impacted by a natural disaster have a VA benefit debt and need temporary financial relief from collection, they can contact VA Debt Management Center [online](#) or call 1-800-827-0648.

Washington Update

September 29, 2021

Volume 27, Number 16

- DOJ Files Statement of Interest in Self-Service Kiosk Lawsuit

On September 20, the U.S. Department of Justice filed a Statement of Interest clarifying that Title III of the Americans with Disabilities Act requires that public accommodations provide auxiliary aids and services so that individuals with disabilities can fully and equally enjoy all of their services, including services provided through visual and electronic means on self-service kiosks. The Statement of Interest was filed in the Julian Vargas and American Council of the Blind v. Quest Diagnostics Clinical Laboratories, Inc. et al. lawsuit in the Central District of California. Defendants provide health care and diagnostic testing services at over 2,100 patient services centers. Plaintiffs allege that Defendants require patients to use an electronic, self-service kiosk to check in, input personal information, choose where to wait, and perform other tasks. No staff are allegedly present in the check-in area, so patients with vision impairments must ask strangers for assistance or bring companions. The Statement of Interest explains that Title III prohibits public accommodations from denying individuals with disabilities the full and equal enjoyment of their services, including services provided through visual and electronic means, because of the absence of auxiliary aids and services.

- Reach Out During Suicide Prevention Month

During Suicide Prevention Month, VA is encouraging veterans to reach out for peer-to-peer support, clinical care, or counseling. If you are looking for peer-to-peer support, clinical care, counseling, or something else, you can find help or provide it in the following ways:

- Call, text, or email a friend or family member to ask for support through a tough time. Veterans can find ways to get started on [REACH OUT](#).
- Connect with a fellow veteran to talk about what they are going through.
- Use these resources to find support through life challenges:
 - [VA Solid Start](#): Qualified Solid Start representatives will call veterans three times in their first year of separation to walk through the benefits available to them.
 - [MyVA411](#): Veterans, their families, and caregivers can call 1-800-MyVA411 (800-698-2411) to easily access information on VA benefits and services.
 - [Make the Connection](#): More than 600 veterans and family members from across the country have shared their stories of strength and recovery. It only takes a few seconds to find a story to which veterans can relate.
 - [SAMHSA Behavioral Health Treatment Services](#): This tool, which is confidential and anonymous, allows people to search by ZIP code for local treatment facilities that focus on substance use/addiction and/or mental health issues.

Washington Update

September 29, 2021

Volume 27, Number 16

- [Self-Check Assessment](#): People cope with stressful situations in different ways. This confidential, anonymous risk assessment can show if stress and depression are affecting veterans.
- [National Call Center for Homeless Veterans](#): Veterans who are homeless or at risk of homelessness can get free, confidential support through the National Call Center for Homeless Veterans. Call or chat online 24 hours a day, seven days a week.

If you find yourself in crisis, do not hesitate to reach out for immediate help. Emergency care is available by calling 911 or going to your nearest emergency department. The Veterans Crisis Line is available 24/7 and can be reached by calling 1-800-273-8255 (Press 1 if you are a veteran) or chat online [here](#) or text 838255.

- VA Offering COVID-19 Booster Shots to Certain Veterans and Employees

VA is now offering COVID-19 booster shots to individuals who completed their Pfizer-BioNTech primary series six or more months ago. Vaccines are being offered to veterans receiving care at VA and employees, prioritizing those persons who are 65 and older, residents of long-term care facilities, and people 50-64 years with underlying conditions. As supply and capacity permits, VA will then offer booster doses to all other veterans, spouses, caregivers, and CHAMPVA recipients. For more information, click [here](#).

WEBINARS AND BRIEFINGS

- Upcoming PVA Webinar for the 35th Anniversary of the Air Carrier Access Act: Updates on Efforts to Improve Air Travel for People with Disabilities

On **October 12 from 2:00-3:00 pm ET**, PVA will host a webinar to provide updates on efforts to improve air travel for people with disabilities. October 2nd is the 35th anniversary of the Air Carrier Access Act (ACAA). PVA has been involved in the push to improve access to air travel for people with disabilities since before the passage of the ACAA. Although the ACAA prohibits discrimination against people with disabilities in commercial air travel, little progress has been made in improving the process for people with disabilities, particularly those who use wheelchairs. This webinar will provide updates on our efforts to make improvements to the process, including addressing wheelchair damage, ensuring lavatory access, and exploring the possibility of flying in your wheelchair. We will also have tips for how to navigate air travel today while we work for a better tomorrow. This webinar will be recorded.

To register, please click [here](#).

Washington Update

September 29, 2021

Volume 27, Number 16

- U.S. Access Board Holds Public Briefing on Report on Feasibility of Wheelchair Securement Systems in Passenger Aircraft

The U.S. Access Board recently held a public briefing on the results of a Board-sponsored study on the feasibility of installing wheelchair securement systems on passenger aircraft conducted by the Transportation Research Board (TRB). The event featured presentations by the TRB Study Committee Members: Chair Dr. Alan M. Jette, Professor and Dean Emeritus of Boston University; Gary Weissel, Founder and Managing Officer of Tronos Aviation Consulting; Naomi Armenta, Principal Planner at Nelson/Nygaard; and Miriam Manary, Lead Research Engineer of University of Michigan Transportation Research Institute (UMTRI). Presenters discussed the findings and recommendations from their two-year research study and final report, "[Technical Feasibility of a Wheelchair Securement Concept for Airline Travel: A Preliminary Assessment](#)."

Dr. Jette reviewed the overall task of assessing and evaluating the technical feasibility for equipping passenger aircraft with in-cabin securement systems for power and manual wheelchairs. He explained that the Committee examined the design, engineering, and safety requirements for installation and use of securement systems, injury criteria limits, and the implications on FAA regulations and policies on airworthiness, crashworthiness, and other safety requirements. Weissel discussed the results, including door width clearances, interior modifications, maneuvering space, and WC-19 compliant wheelchairs. The presenters concluded with recommendations for next steps in moving forward with researching and implementing in-cabin wheelchair securement systems in passenger aircraft.

A [recording](#) of the session is available on the Board's [YouTube Channel](#). The Committee's report and presentation, as well as other information on the study, are available on the [Board's Aircraft webpage](#). To receive updates on aircraft wheelchair access, sign up for the [Board's News e-subscription](#).