



Washington Update

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118TH CONGRESS UNDERWAY; KEY BILLS REINTRODUCED

Now that the first session of the 118th Congress has begun, we are working with our champions on Capitol Hill to have bills that did not pass last year reintroduced. In some cases, we have to find a new sponsor because the previous sponsor is no longer in office. We are pleased to report that several pieces of legislation supporting PVA's 2023 goals have already been reintroduced in at least one chamber (House and/or Senate).

First, S. 42, the Build, Utilize, Invest, Learn and Deliver (BUILD) for Veterans Act of 2023, would reform the way VA manages its medical facilities and infrastructure projects, bolster its workforce, and save taxpayer dollars by disposing of or repurposing buildings that are vacant or unused. Particularly noteworthy is language within the bill directing VA to inform Congress on physical infrastructure needed to support veterans with unique needs like SCI/D. Inclusion of this language is a direct result of PVA's advocacy. Women veterans, veterans needing dental or long-term care, and those with traumatic brain injuries or memory loss would likely benefit from this section. Another provision requires VA to update Congress on the women veteran retrofit initiative. The directive, which passed as part of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (P.L. 116-315), required VA to prioritize the modification of its existing facilities to facilitate the provision of care to

women veterans. For more information, please click [here](#).

Next, S. 10, the VA Clinician Appreciation, Recruitment, Education, Expansion, and Retention Support (CAREERS) Act, would provide the department with more tools to compete for highly qualified medical personnel and support training for current and future VA clinicians to ensure veterans receive the highest quality of care. Others provisions seek to provide greater oversight and public transparency on VA's efforts to address vacancies. VA recently reported that it is more than halfway toward meeting its hiring goal of 52,000 health care workers this fiscal year. Workforce provisions in the RAISE Act (P.L. 117-103) and PACT Act (P.L. 117-168), which PVA helped get passed last year, have given VA more flexibility to provide competitive salaries and fill critical slots needed to care for veterans. However, more needs to be done. The text of S. 10, which was known as the WISE Act in the last Congress, can be found [here](#).

Also, the Elizabeth Dole Home and Community Based Services for Veterans and Caregivers Act has been reintroduced in the House as [H.R. 542](#). PVA aggressively sought passage of this legislation last year which would have raised the cap on how much the VA can pay for the cost of home care from 65 percent of the cost of nursing home care to 100 percent. Also, it directs VA to make key Home and Community Based Services (HCBS) like Veterans Directed Care (VDC) and Homemaker Home Health available at all medical centers and certain U.S.

territories. Other provisions allow hospitalized veterans to retain their VDC payments for their caretakers and direct VA to assist veterans who are denied participation in the VA caregiver program with enrollment in other home health services for which they are eligible. The lack of funding stopped the bill's progress in the last Congress; so, we are working with lawmakers on ways to advance the bill this year. Also, the Senate Veterans' Affairs Committee will be looking at a companion measure very soon.

Finally, the Veterans Infertility Treatment Act ([H.R. 544](#)) has also been reintroduced. This legislation would require VA to recognize infertility as a medical diagnosis to be included in the medical benefits package offered to veterans enrolled at VA. Currently, to receive treatment for infertility, a veteran must have a service-connected infertility condition, or be married to a veteran with a service-connected infertility diagnosis. Infertility treatment can come from a range of services known as Assisted Reproductive Technologies (ART), such as in vitro fertilization (IVF). The authorization for VA to provide ART is allocated annually through the appropriations package and this legislation would permanently authorize the funding to offer such services. Additionally, current VA policy blocks a veteran's ability to use donated gametes. That means if a veteran suffered a genitourinary injury, which prevents their body from producing eggs or sperm, they are not able to use this benefit, keeping many young veterans from fulfilling their dreams of starting a family.

NOMINEE ANNOUNCED FOR VA UNDER SECRETARY FOR BENEFITS

On January 23, the President [announced](#) the nomination of Joshua Jacobs to be VA's next Under Secretary for Benefits. If confirmed, Mr. Jacobs, who is already serving in an interim capacity as the Veterans Benefits Administration's (VBA) leader, would lead more than 25,000 VBA employees in the delivery of non-medical benefits programs. VBA provides disability compensation benefits to nearly six million veterans and their survivors and administers pension benefits for over 350,000 veterans and their survivors. Prior to rejoining VA in 2021, Jacobs was a Senior Associate at Booz Allen Hamilton. Jacobs also served as Senior Advisor in the

Office of the VA Secretary during the Obama Administration. The next step will be for the Senate Veterans' Affairs Committee to hold a nomination hearing.

MEDICAL PROVIDERS AGREE TO PROVIDE WHEELCHAIR TRANSFER SERVICES

The U.S. Department of Justice (DOJ) [settled](#) with Barnett Dulaney Perkins Eye Centers (BDP) and American Vision Partners (AVP) based on a lawsuit alleging the eye surgery providers refused to provide services to patients needing wheelchair transfer assistance. In December 2021, DOJ [sued](#) BDP, who operates 24 locations, alleging the eye surgery provider refused transfer assistance to wheelchair users, in violation of the Americans with Disabilities Act (ADA). According to the complaint, BDP required patients to hire third-party medical support personnel to transport them to and from BDP's facilities and provide transfer assistance using gurneys or stretchers, which patients were required to remain on during surgery. In April 2022, DOJ [amended](#) the complaint to add AVP and claimed the providers even outright denied patients needing transfer assistance.

Under the settlement agreement, the medical providers must end their policy of denying patients needing transfer assistance. BDP and AVP must also engage in an interactive process with patients to discuss transfer assistance options and give consideration to the patient's preference. If a patient needs third-party transfer assistance, the provider must pay for it. In addition, the providers are required to disclose which locations have accessible medical equipment and train staff on safe transfer techniques.

HUD TO PUBLISH UPDATE TO AFFIRMATIVELY FURTHERING FAIR HOUSING RULE

The Department of Housing and Urban Development (HUD) will soon publish a Notice of Proposed Rulemaking that builds on and refines HUD's 2015 rule to implement the Fair Housing Act's requirements that HUD ensure recipients of its funding affirmatively further fair housing (AFFH). The Fair Housing Act prohibits discrimination in housing to a number of



protected classes, including people with disabilities.

In a recent briefing to housing stakeholders, officials with HUD's Fair Housing and Equal Opportunity Office reviewed the highlights of the proposed rule which will include requirements for adoption of Equity Plans detailing community demographics, degree of segregation and integration, access to community assets, access to affordable housing and policies, and practices impacting fair housing. The proposed rule will also outline a more robust set of requirements for community engagement on fair housing needs and annual progress reports to HUD by funding recipients. These annual progress reports and Equity Plans will be posted on the HUD website allowing for public comment on them. Information on the upcoming rule and how to comment can be found [here](#).

CBP WILL TRANSITION TO ACCESSIBLE GLOBAL ENTRY KIOSKS BY THE END OF 2023

After receiving a member complaint, PVA filed a complaint with the U.S. Department of Homeland Security, Office of Civil Rights and Civil Liberties (CRCL) regarding inaccessible [Global Entry](#) kiosks, in violation of [Section 508](#) of the Rehabilitation Act. Section 508 requires all information and communication technology, such as kiosks, used by federal agencies to be accessible for employees and members of the public. The complaint centered on the Global Entry kiosks at the Fort Lauderdale-Hollywood International Airport (FLL). A member attempted to use the kiosks, but the camera on the kiosk was too high to capture his picture. The member, who uses a wheelchair, was forced to raise himself up from a seated position using his arms, which then required an unknown fellow traveler to push the button to take his picture. PVA argued the height of the cameras made the kiosks inaccessible for wheelchair users.

After communications with CRCL, the U.S. Customs and Border Protection (CBP) agreed to replace all inaccessible kiosks with new touchless kiosks, featuring a swivel camera, that can capture pictures of travelers seated in wheelchairs by the end of 2023. In addition, CBP requested an expedited work ticket to retrofit the cameras at FLL. CBP will also issue more frequent

reminders to officers on how to assist Global Entry members. Of note, if any Global Entry member needs additional assistance, they can ask the Global Entry Officers for "head of line" privileges.

PVA ADVOCACY RESULTS IN HOTEL UPDATING ITS RESERVATION WEBSITE AND PROVIDING MORE ACCESSIBLE ROOMS

Upon receiving information from a member, PVA reviewed the reservation system and accessible rooms of The Peabody Memphis in Memphis, Tennessee.

PVA discovered that the hotel did not offer online reservations for accessible rooms. Instead, the hotel required guests needing accessible rooms to call for a reservation. Title III of the Americans with Disabilities Act (ADA) mandates hotels offer [reservations for accessible rooms](#) in the same manner as non-accessible rooms. If non-accessible rooms can be reserved online, the hotel must also offer accessible room reservations online. Under the ADA, covered hotels must also offer a specific number of accessible rooms, including a specified number with roll-in showers, depending on the year the hotel was built or altered.

PVA also determined that since the hotel was recently altered, the hotel needed to increase the number of accessible rooms. In response to our inquiry, the hotel acknowledged that requiring guests to call to reserve an accessible room violated the ADA. In addition, the hotel agreed to renovate several rooms to be accessible, to meet the number required for altered hotels, with next year's budget. Due to PVA's advocacy, accessible rooms can now be reserved online and the hotel will soon offer more accessible rooms for guests with disabilities.

NEWS OF NOTE

National Alliance for Caregiving Survey for Caregivers

The National Alliance for Caregiving wants to get a pulse check on the mental well-being of family caregivers. Specifically, they would like to know the following from family caregivers:

- What joys have you experienced as a caregiver?

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- How are you feeling about being a caregiver?
- What are challenges you have faced as a caregiver?
- What are concerns you have about providing care?

Caregivers can call, text, or submit comments online. The responses will inform policy and practice efforts to improve support for family caregivers. All messages left will be anonymous, with only the transcript being used to help the Alliance advocate for change. Click [here](#) to get started.

Free Emergency Mental Health Care

VA recently [announced](#) that veterans in acute suicidal crisis can go to any VA or non-VA health care facility for emergency health care at no cost – including inpatient or crisis residential care for up to 30 days and outpatient care for up to 90 days. The change went into effect on January 17, and veterans do not need to be enrolled in the VA system to use this benefit.

Women Veteran Task Force Reauthorized

The new Chairman of the House Veterans' Affairs Committee (HVAC) Representative Mike Bost (R-IL) has reauthorized the Women Veteran Task Force which is a positive signal for women veteran priorities in the 118th Congress. The Task Force will operate under House rules for tasks force authorization which means it will be reauthorized for six months. We trust that the value of the Task Force will quickly become clear, triggering future reauthorizations.

HVAC Members Announced

After a short delay, the members of the House Veterans' Affairs Committee (HVAC) have been announced.

Returning members of the Republican majority are Chairman Mike Bost (IL-12), Rep. Amata Coleman Radewagen (American Samoa), Rep. Jack Bergman (MI-01), Rep. Nancy Mace (SC-01), Rep. Matt Rosendale (MT-02), Rep. Mariannette Miller-Meeke (IA-01). Joining HVAC for the first time are Rep. Greg Murphy (NC-03), Rep. Scott Franklin (FL-18), Rep.

Derrick Van Orden (WI-03) Rep. Morgan Luttrell (TX-08), Rep. Juan Ciscomani (AZ-06), Rep. Eli Crane (AZ-02), Rep. Keith Self (TX-03), and Rep. Jen Kiggans (VA-02).

Returning Democrat members include Ranking Minority Member Mark Takano (CA-39), Rep. Julia Brownley (CA-26), Rep. Mike Levin (CA-49), Rep. Chris Pappas, Rep. Frank Mrvan (IN-01), and Rep. Sheila Cherfilus-McCormick (FL-20). New Democrat members on HVAC will be Rep. Delia Ramirez (IL-03), Rep. Chris Deluzio (PA-17), Rep. Morgan McGarvey (KY-03), Rep. Greg Landsman (OH-01), and Rep. Nikki Budzinski (IL-13).

PVA looks forward to working with the new HVAC members to ensure that veterans with SCI/D are justly represented in the 118th Congress.

VETS Act Signed into Law

On December 27, 2022, the President signed into law the [Veterans Eligible to Transfer School Credit \(VETS\) Act](#). If a veteran's educational institution closed or was disapproved:

- Students may certify in writing that they're transferring fewer than 12 credits; then VA will restore benefits and issue a certificate of eligibility.
- If 12 or more credits are transferred, then VA will not issue a new certificate of eligibility.
- VA can rescind restored benefits, based on information provided by the new school.

If you are transferring Post-9/11 GI Bill benefits to a dependent, the VETS Act removes the requirement to specify the period for which the transfer will be effective.

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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