



Washington Update

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PVA TESTIFIES ON IMPROVING THE PASSENGER EXPERIENCE

On March 23, Heather Ansley, Associate Executive Director of Government Relations, and Lee Page, Senior Associate Advocacy Director, testified on Capitol Hill in support of improving access to air travel for passengers with disabilities.

Mr. Page [testified](#) before the House Transportation and Infrastructure Subcommittee on Aviation. The hearing addressed what should be included in the next FAA Reauthorization to improve the passenger experience. His testimony was focused on the need for the Air Carrier Access Amendments Act (ACAAA) (H.R. 1267/S. 545), which would improve enforcement and require standards of access. Specifically, the bill would instruct the Secretary of Transportation, in direct consultation with the Access Board, to develop standards of access. One such standard would address allowing a wheelchair user to roll onto an airplane to a designated place where they can lock in and fly from their wheelchair or transfer into an airline seat with their chair being stowed in a closet or in the cargo hold. Airlines would be required to operate aircraft that comply with the standards five years after adoption. The measure would also refer violations of the law to the Department of Justice for further enforcement.

There were many questions from the panel about disability-related concerns. Rep. Hank Johnson (D-GA) spoke about having heard from a constituent that their

wheelchair had been mishandled. He wanted to know if better training was needed. Mr. Page noted that the bigger issue is the process required to stow a wheelchair. Rep. Robert Menendez (D-NJ) asked whether higher pay for workers would lead to better service. Mr. Page agreed that it could lead to less staff turnover. Rep. Steve Cohen (D-TN), an original ACAA cosponsor, wanted to know what was the one provision that needed to be included in the Reauthorization. Mr. Page testified that access standards are desperately needed.

Over in the Senate, Ms. Ansley testified before the Senate Commerce, Science, and Transportation Committee in a hearing titled, "[Enhancing Consumer Protections and Connectivity in Air Transportation](#)." She testified that although the last FAA Reauthorization allowed the Department of Transportation to assess triple the amount of the allowable fine for wheelchair damage or injury to a passenger with a disability, the Department has yet to assess any fines under this provision. She further testified that despite a significant focus in the last FAA Reauthorization on improving the safety and dignity of passengers with disabilities, the needle has barely moved. In fact, the percentage of wheelchairs and scooters mishandled in 2022 was the same percent as those lost, damaged, or delayed in 2019.

Like Mr. Page, she also gave a strong endorsement for the ACAA. She further noted our support for including



provisions in the Reauthorization that would require greater analysis and aggregation of wheelchair mishandling data to look for trends and facilitate development of solutions; improved access to seating accommodations; increased flight options at no additional cost if a passenger's wheelchair cannot be stowed in a particular aircraft's cargo hold; and continued research on the technological and economic feasibility of airlines implementing in-cabin wheelchair restraint systems.

In an exchange with ACAA sponsor Sen. Tammy Baldwin (D-WI), Ms. Ansley noted that airlines have been exempted from access standards that other transportation providers, including Amtrak and Greyhound, have to comply with. She also noted that we have seen no innovation or improvements in the nearly four decades since the law originally passed.

[Please contact your members of Congress and ask them to cosponsor the ACAA.](#)

HOUSE VETERANS' AFFAIRS COMMITTEE HEARING ON PENDING LEGISLATION

On March 29, PVA's Morgan Brown, National Legislative Director, testified before the House Veterans' Affairs Subcommittee on Health which was examining nine pieces of pending legislation, including H.R. 542, the Elizabeth Dole Home Care Act of 2023. Much of Mr. Brown's written statement and his entire oral presentation focused on the Dole bill. It would make urgently needed improvements to VA's Home and Community-Based Services, including several that target our concerns about current program shortfalls.

Mr. Brown spoke at length about the urgent need for Congress to raise the cap on how much the VA can pay for the cost of home care. Currently, the VA is prohibited from spending more than 65 percent of what it would cost to care for a veteran in a nursing home. He also talked about the importance of expanding access to key programs like VA's Veteran Directed Care Program and the need for a national effort to expand and strengthen the direct care workforce, so veterans can find the providers they need. He urged the Subcommittee to

work with the Congressional Budget Office and its Senate counterparts to review previous cost estimates for the legislation to verify their accuracy. He closed by stressing that this important bill addresses several major concerns for catastrophically disabled veterans, and urged Congress to pass the Elizabeth Dole Act this year. Links to a video of the hearing and PVA's testimony can be found [here](#).

[Please contact your members of Congress and ask them to cosponsor the Elizabeth Dole legislation.](#)

HVAC HOLDS VA BUDGET HEARING

The House Veterans' Affairs Committee (HVAC) held a hearing on March 23, titled, "U.S. Department of Veterans Affairs Budget Request for Fiscal Years 2024 and 2025." The VA Secretary faced the full committee and presented justification for the proposed VA budget. If passed, the proposed budget would be the largest VA budget in history.

Several themes arose from the questions, including oversight and implementation of the PACT Act and its toxic exposure fund (TEF). Several members also highlighted community care access, access to gender-specific care for women veterans, infrastructure spending, and veteran homelessness.

The VA is requesting a total of \$325.1 billion for fiscal year (FY) 2024, a 5.4 percent increase above FY 2023 levels. Per the VA, the budget request provides \$142.8 billion in discretionary funding and resources for health care, benefits, and national cemeteries. Additionally, there is \$182.3 billion in mandatory funding for benefit programs, including compensation and pension, readjustment benefits, housing and insurance, and continued funding for the TEF.

The Independent Budget Veterans Service Organizations (PVA, DAV, and VFW) submitted a [statement](#) for the record. You can watch the hearing [here](#).

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PVA PRESENTS ON PASSENGERS WITH DISABILITIES' AIR TRAVEL RIGHTS

On March 23, Danica Gonzalves, Advocacy Attorney, presented at the [Jacobus tenBroek Disability Law Symposium](#) on the air travel rights of passengers with disabilities and the discrimination they face. The Symposium is considered the leading disability law conference that brings together nationally renowned disability rights advocates to examine issues; explore strategies; and pursue integration, social equality, and personal dignity for individuals with disabilities and the disability rights community. During the presentation, disability rights advocates learned about the turmoil passengers with disabilities experience and how legislation and regulations can improve air travel. Advocates also received vital information on how to enforce passengers with disabilities' rights and hold air carriers accountable by filing complaints, and the importance of the pending laws and rulemaking.

VA ADOPTS INCLUSIVE MOTTO

After several years of debate, the VA has opted for an updated and more inclusive mission statement. The motto, adopted 64 years ago, was from President Lincoln's second inaugural address: "To care for him who shall have borne the battle and for his widow, and his orphan."

At the Military Women's Memorial at Arlington National Cemetery on March 16, the VA Secretary announced VA's plan to update the motto to be more representative of the population VA serves. The new motto, "To fulfill President Lincoln's promise to care for those who have served in our nation's military and for their families, caregivers, and survivors," reflects that change.

The VA currently provides care and benefits to 50,000 caregivers, 600,000 survivors, and more than 600,000 women veterans. The speakers, who reflected those populations, thoughtfully reflected on what the changing of the motto meant to them and the communities they represent.

PVA's own Charles McCaffery, Director of the Veterans Career Program, spoke about his experience as a survivor.

You can watch the program [here](#).

REAUTHORIZATION OF THE WOMEN VETERAN TASK FORCE

On March 23, the House Veterans Affairs' Committee voted to reauthorize the Women Veteran Task Force. The Task Force was created during the Spring of 2019 in response to veterans service organizations advocating on behalf of the needs of women veterans.

Work done by the Task Force has included the passage of the Deborah Sampson Act, the largest expansion of women's health care at VA, as well as oversight of other policies that impact women veterans. The Committee voted unanimously to reauthorize the Task Force for another six months.

Rep. Aumua Amata Coleman Radewagen (R-American Samoa) will take the lead as Chair and Rep. Julia Brownley (D-CA) will be the Ranking Member. Together, they will work to ensure the bipartisan nature of the Task Force and will take their leads from topics highlighted by work done by the various subcommittees. PVA is looking forward to working with the Women Veteran Task Force on behalf of our women members.

SVAC HOLDS HEARING VA'S ELECTRONIC HEALTH RECORD MODERNIZATION

On March 15, the Senate Veterans' Affairs Committee (SVAC) held a hearing titled, "[Examining the Future Path of VA's Electronic Health Record Modernization Program](#)." VA's main witness was Dr. Neil Evans, M.D., Acting Program Executive Director, Electronic Health Record Modernization Integration Office. Dr. Evans recognized the challenges with VA's efforts to modernize the Department's electronic health record (EHR) system. Yet, they remain fully committed to the ongoing modernization and deployment of it. He noted that VA has made significant progress from their first go-live in Spokane, Washington. He concluded his remarks

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by stating that their top priority continues to be advancing a culture of safety and high reliability, with the goal of zero incidents of patient harm.

As improvements continue to be made over the next several months, VA will continually evaluate readiness of sites and the EHR system to ensure success. These assessments include ensuring each site has the people, processes, and technology needed to ensure a successful go live.

SVAC HOLDS HEARING ON STRENGTHENING METHODS OF RECRUITMENT AND RETENTION FOR VA'S WORKFORCE

On March 22, the Senate Veterans' Affairs Committee (SVAC) held a [hearing](#) to discuss ways to improve recruitment and retention of VA health care professionals. VA's main witness was Tracey Therit, VA's Chief Human Capital Officer. According to Ms. Therit, VA has dramatically increased its hiring of staff by holding surge events to onboard staff more quickly and increasing incentives for recruitment and retention. The nationwide onboarding event held last November allowed the Veterans Health Administration to hire more new staff in the first quarter of this fiscal year than in the same period in any other previous fiscal year. Five months into this fiscal year, VA has onboarded nearly 23,000 new hires, which well positions VA to meet its goal of 52,000 new employees this fiscal year.

[Please contact your Senators and ask them to cosponsor the VA CAREERS Act, which would help VA attract and retain top health care professionals.](#)

NEWS OF NOTE

VA Secretary Addresses CBO Proposal on Eliminating Disability Compensation for High-Earning Veterans

On March 23, the VA Secretary addressed concerns from veterans about a proposal from the Congressional Budget Office (CBO) to eliminate disability compensation for veterans who make more than \$170,000 a year. Every year, CBO makes a list of ways that the federal deficit can be addressed through

spending cuts. The VA Secretary noted that VA does not support such a proposal. Also, PVA is not aware of any efforts in Congress to move on any of the VA-related proposals, many of which have been suggested several times over the years, that are outlined in the CBO report. Rest assured, PVA and the other veterans service organizations would strongly fight any efforts to reduce veterans benefits or health care.

PVA Advocates for Swift Implementation of Law Allowing an Additional Auto Grant

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. In February, Carl Blake, Executive Director, sent a letter to the VA Secretary urging swift implementation of the law. VA's response to the letter notes that the Department is planning to issue interim guidance to facilitate implementation. We will be working closely with VA to ensure that the ability to receive an additional auto grant is soon a reality. We have also discussed our concerns about implementation with Senate Veterans' Affairs Committee Chair Jon Tester (D-MT) and House Veterans' Affairs Committee Chair Mike Bost (R-IL) and urged their intervention with VA on this issue.

VA COLA Bill Approved by Senate

On March 30, the Senate passed S. 777, the Veterans' Compensation Cost-of-Living Adjustment (COLA) Act of 2023, which would increase the rates of VA compensation for veterans with service-connected disabilities and military survivors. Under federal law, the COLA for VA's compensation and pension rates is the same percentage as for Social Security benefits. As a reminder, the Social Security Administration bases their annual COLA adjustment on the Consumer Price Index, as reported by the Bureau of Labor Statistics in late fall.

Supreme Court Will Hear ADA Hotel Website Tester Case

The U.S. Supreme Court announced that it will hear a case to determine whether a "tester" can bring a lawsuit for a hotel's failure to provide accessibility information

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on their website, when the plaintiff has no intention of actually visiting the hotel. In the case, [Acheson Hotels, LLC v. Laufer](#), Deborah Laufer, a mobility assistive device user and a self-deemed “tester,” regularly visits hotel websites checking whether they have accessibility information. Under the Americans with Disabilities Act (ADA) [reservation rule](#), hotels must identify and describe the accessibility features of the hotel and guest rooms in enough detail for a guest to decide if the hotel will meet their needs. When Laufer went on the Acheson Hotels’ website, it had no information regarding accessibility. Laufer sued the hotel for violating the ADA. Courts have different opinions on whether a tester, who cannot prove they intend to stay at the hotel, can sue. The Supreme Court will likely hear the argument in the fall, with a decision to follow sometime in 2024.

HEARINGS & MARKUPS

Upcoming Veterans’ Committee Activities

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

