



# Washington Update

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## **INDEPENDENT BUDGET VETERANS AGENDA RELEASED FOR 118TH CONGRESS**

PVA, DAV, and VFW—the Independent Budget (IB) veterans service organizations—released the veterans agenda for the 118th Congress on February 13. The veterans agenda includes VA budget recommendations for fiscal years 2024 and 2025 advance appropriations. The IB recommends approximately \$139.9 billion in total medical care funding for fiscal year 2024 and roughly \$157.2 billion for fiscal year 2025 advance appropriations.

The veterans agenda also includes five critical issues spanning health care, benefits, and economic opportunity. The health care critical issues are ensuring VA remains the primary provider of care and increasing and expanding extended care services and supports. The benefits critical issues are monitoring implementation of the PACT Act and reforming survivor benefits. The employment and education critical issue is ensuring the long-term success of the military-to-civilian transition.

The IB was released at a congressional briefing that included congressional staff, veterans service organizations, and other stakeholders. The full report is available [here](#).

The Administration intends to release its fiscal year 2024 budget proposal to Congress on March 9. Often seen as the start of the process to fund the government, the

President's annual proposal is to be submitted by the first Monday in February. However, this deadline has rarely been adhered to in recent years.

## **PRESIDENT'S STATE OF THE UNION REMARKS**

In his recent State of the Union address, the President urged Congress to do more to fulfill the nation's sacred obligation to service members who are sent into harm's way and take better care of them and their families when they come home. Although he did not offer any specific proposals, he expressed support for job training and job placement for veterans and their spouses when they return to civilian life, and greater efforts to prevent veteran homelessness and suicide.

The President was particularly pointed on one subject, protecting Social Security and Medicare. Recently, some members of Congress suggested cuts to both programs may be necessary to help reduce the federal deficit. The President noted these programs are a lifeline for millions of seniors and that he would not be supporting reductions in either program. The President also offered his full support for increased access to home care services for people with disabilities, including the workforce needed to serve them. The full text of his remarks can be found [here](#).

## HOTEL OWNER REQUESTS SUPREME COURT REVIEW IN ADA TESTER CASE

Acheson Hotels, LLC, filed a [request for review](#) to the U.S. Supreme Court in the case [Acheson Hotels, LLC v. Laufer](#). Deborah Laufer, a mobility assistive device user, is a self-deemed ADA “tester,” meaning she 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 website for one of the Acheson Hotels, the website had no information regarding accessibility. Laufer sued Acheson Hotels for violating the ADA.

Courts have reached different conclusions on whether an ADA tester of hotel websites can sue. To bring a lawsuit, a plaintiff must have “[standing](#).” To prove they have standing the plaintiff must show there was an [injury](#), meaning the person was harmed in some way; a connection between the injury and the defendant’s action, or lack of action; and that a court decision can remedy the injury. Several courts have held that a tester, who cannot prove they intend to stay at the hotel, does not have standing, because there was no injury or harm.

The Maine district court found Laufer did not have standing because she did not plan on visiting the hotel in the near future. The court [dismissed](#) the case. On appeal, the U.S. Court of Appeals for the First Circuit [found](#) Laufer did suffer harm from the lack of accessibility information. The First Circuit Court decided Laufer’s injury was her feelings of frustration, humiliation, and being treated as a second-class citizen. Acheson Hotels has filed a request to the U.S. Supreme Court to review the case. The hotel requests the Supreme Court decide whether an ADA tester has standing to sue a hotel for failing to provide accessibility information on their website, even if the plaintiff has no intention of visiting the hotel in the near future. The request is still pending.

## BETTER CARE BETTER JOBS ACT INTRODUCED

On January 26, Senator Bob Casey (D-PA) and Representative Debbie Dingell (D-MI) introduced the Better Care Better Jobs Act (S. 100/H.R. 547) to enhance Medicaid funding for home care and strengthen the caregiving workforce through better payment rates and training opportunities. The legislation also supports the Centers for Medicare and Medicaid Services’ oversight efforts to aid direct care workers and care recipients. Approximately 18 percent of home care workers live in poverty, many receive few or no benefits, and earn a median wage of \$13 an hour. Such circumstances have caused many home care workers to leave the field, creating a severe shortage of this valuable labor force. Supporters of the measure hope that improved working conditions for direct care workers will help to address that labor shortage and alleviate some of the burden on family caregivers. A description of the legislation can be found [here](#).

## SOCIAL SECURITY ENHANCEMENT AND PROTECTION ACT INTRODUCED

On January 31, Representative Gwen Moore (D-WI) introduced her [Social Security Enhancement and Protection Act](#) (H.R. 671). PVA has endorsed this legislation which would reinstate benefits for students up to age 26 who are children of retired, deceased, or disabled workers, increase benefits for long-time beneficiaries once they reach 20 years after retirement, increase the special minimum benefit, and eliminate the cap on Social Security payroll contributions to generate additional revenue for the Social Security system while at the same time enhancing benefits for those most in need. An [analysis](#) of Rep. Moore’s bill by Social Security actuaries estimates that its provisions would extend the life of the Social Security trust funds by 24 years to 2059.

## HOUSE BILLS ON VA’S EHRM PROJECT

House Republicans recently introduced a pair of bills addressing VA’s problematic Electronic Health Record Modernization (EHRM) project. The first bill, introduced by House Veterans’ Affairs Committee (HVAC) Chairman



Mike Bost (R-IL), would bar VA from rolling out the new system at additional VA Medical Centers until it demonstrates “significant improvement” and it requires the VA Secretary to certify the systems functionality prior to doing so. It also directs the senior leadership at prospective facilities to certify they are prepared to launch the new program at their site and that it won’t have “significant, sustained adverse effects” on patient safety, care quality, or wait times. The second bill, from Representative Matt Rosendale (R-MT), Chairman of the HVAC’s Subcommittee on Technology Modernization, provides a pathway to scrap the EHRM project altogether if its performance does not improve.

In October 2022, VA [announced](#) it was delaying upcoming EHR implementations of its Oracle Cerner system until June 2023 to address system challenges. Lawmakers on both sides of the Hill have made it clear they do not want the project to move forward until it can do so safely and effectively. We expect Congress to hold hearings on its status in the near future.

## NEWS OF NOTE

### Caregivers Will Receive an Increase in Their Caregiver Stipend Payment

On February 3, the VA Caregiver Program office announced that caregivers enrolled in the Program of Comprehensive Assistance for Family Caregivers will receive a 4.1 percent increase in their end of February stipend payment. This is the same increase federal employees received on January 1.

### Senate Veterans’ Affairs Committee for the 118th Congress Announced

The members of the Senate Veterans’ Affairs Committee for the 118th Congress were recently announced and they include returning Chairman Jon Tester (D-MT) and Ranking Member Jerry Moran (R-KS). Other Senators serving on the Committee are Patty Murray (D-WA); Bernie Sanders (I-VT); Sherrod Brown (D-OH); Richard Blumenthal (D-CT); Mazie Hirono (D-HI); Joe Manchin (D-WV); Krysten Sinema (I-AZ); Maggie Hassan (D-NH); Angus King (I-ME); John Boozman (R-AR); Bill Cassidy (R-

LA); Mike Rounds (R-SD); Thom Tillis (R-NC); Dan Sullivan (R-AK), Marsha Blackburn (R-TN); Kevin Cramer (R-ND); and Tommy Tuberville (R-AL).

### More Committee Leadership Lineups for the 118th Congress

Several committees that oversee legislation important to people with disabilities acquired new leadership with the seating of the 118th Congress.

The House Education and Workforce Committee (previously Education and Labor) saw Representative Virginia Foxx (R-NC) switch roles with Representative Bobby Scott (D-VA). She will now lead this Committee which has jurisdiction over numerous workforce and education programs. Rep. Scott becomes Ranking Member. The Senate Health Education and Labor (HELP) Committee is headed by Senator Bernie Sanders (I-VT) and Senator Bill Cassidy (R-LA) who replaces retired Senator Richard Burr (R-NC) as Ranking Member.

The House Judiciary Committee will now be headed by Representative Jim Jordan (R-OH) with Representative Jerry Nadler (D-NY) serving as Ranking Member. On the Senate side, Senator Dick Durbin (D-IL) chairs the Judiciary Committee with Senator Chuck Grassley (R-IA) taking the role of Ranking Member.

The House Transportation Committee, which oversees most of the nation’s travel systems from roads, to rails, to airlines, saw a similar role switch with Representative Sam Graves (R-MO) rising to chair the Committee and Representative Rick Larsen (D-WA) becoming Ranking Member. The Senate counterpart, the Commerce, Science, and Transportation Committee will be chaired by Senator Maria Cantwell (D-WA) with Senator Ted Cruz (R-TX) serving as Ranking Member.

The Ways and Means Committee, which has jurisdiction over tax matters as well as Social Security, received a new chair with the elevation of Representative Jason Smith (R-MO) to that position. Chairman Smith, who is new to Ways and Means and moving over from House Budget, beat out two other candidates for the role. Chairman Smith recently announced subcommittee chairs, picking Representative Drew Ferguson (R-GA) to





head the Social Security Subcommittee, which has jurisdiction over Social Security retirement, survivor, and disability programs. Representative Richard Neal (D-MA) and Representative John Larson (D-CT) retain seats on the Committee as Ranking Members for the full committee and the Social Security Subcommittee respectively. On the Senate side, the Finance Committee, which handles tax and Social Security matters, saw Senator Ron Wyden (D-OR) retain his chairmanship while Senator Mike Crapo (R-ID) remained as Ranking Member.

### **Free Class on Airborne Hazards and Burn Pits**

Veterans are invited to sign up for VA's free, virtual class Airborne Hazards and Burn Pits: What You Need to Know. It is being held on February 23 from 1:30 p.m. – 3:00 p.m. ET, and you can participate online through your personal computer, smart phone, or tablet. To learn more about the class and to register, click [here](#).

### **Welcome Home Vietnam War Commemoration**

The 2008 National Defense Authorization Act (Public Law 110-181) directed the Department of Defense to spearhead the nation's commemoration of the 50th anniversary of the Vietnam War. In May, Vietnam veterans, their families and many others will be gathering in Washington D.C. to observe this important milestone with formal events and many other activities. Visit [vietnamwar50th.com](http://vietnamwar50th.com) for details.

### **Veterans Health Library**

As a reminder, the [Veterans Health Library](#) has over 1,600 health sheets and 175 videos in both English and Spanish. It gives veterans access to health information to help them make informed decisions on their care. The medical content in the library aligns with the latest Department of Defense and VA clinical guidelines, and is regularly updated to include information on VA programs and resources that align with different health topics.

## **HEARINGS AND COMMITTEE ACTION**

### **Upcoming Veterans' Affairs Committee Action**

PVA's National President Charles Brown will testify before a joint session of the House and Senate Veterans' Affairs Committees on March 1. The hearing will start at 10:00 am ET and President Brown will testify on the second panel. Please visit the [House](#) and [Senate](#) Veterans' Affairs Committee webpages for information on other upcoming hearings and markups.

