



Washington Update

Check out the [PVAction Force](#) page to view alerts and a list of key legislation.

HOUSE COMMITTEE MOVES ELIZABETH DOLE HOME CARE ACT FORWARD

In the final days before August recess, the [House Veterans' Affairs Committee marked up](#) one of PVA's top priorities for 2023. Action on the Elizabeth Dole Home Care Act (H.R. 542) had been delayed since last Congress because of a very high price tag placed on it by the Congressional Budget Office (CBO) concerning the cap on VA purchased home care. Under current law, VA is prohibited from spending on home care more than 65 percent of what it would cost if the veteran was provided nursing home care. When VA reaches this cap, the only alternatives are to place the veteran into a VA or community care facility or rely on the veteran's caregivers, often family, to bear the extra burden.

PVA urged the Veterans' Affairs committees in the House and Senate to work with VA to provide accurate data to CBO as we believed the score was incorrect. After a bipartisan, bicameral effort, CBO adjusted the cost of the provision. This allowed the bill to move forward. If passed, the bill would take the cap from 65 percent to 100 percent of the cost of nursing home care. It would also allow the VA Secretary to go above 100 percent of the cost of such care for veterans with ALS, spinal cord injuries, and other similar conditions.

The Elizabeth Dole Home Care Act would also expand VA's home and community-based programs, including the Veteran Directed Care (VDC) program. It would

further require VA to allow catastrophically disabled caregivers in the VDC program to pay their caregiver when hospitalized. Although PVA was able to get VA to move forward and implement this provision without legislative action, we want to ensure the requirement is in law.

The next step is for the bill to pass both the House and Senate. We will be working with Congress to ensure that this legislation continues to move forward.

DOT ISSUES LONG-AWAITED LAVATORY RULE AT WHITE HOUSE GATHERING

On July 26, the Department of Transportation (DOT) released the long-awaited rule on accessible lavatories on larger single-aisle aircraft. PVA's Chief Policy Officer Heather Ansley was at the White House for the announcement. The release of the final rule, which still needs to be officially published in the federal register, represents decades of advocacy by PVA and other disability organizations to require a wheelchair accessible lavatory on single-aisle aircraft. Twin-aisle aircraft are already required to have such a lavatory.

The rule reflects much of the agreement reached during a 2016 negotiated rulemaking between airlines, aircraft manufacturers, and disability stakeholders. PVA participated in the negotiated rulemaking. The agreement required at least one wheelchair accessible



lavatory on larger single-aisle aircraft (maximum seating capacity of at least 125 seats) reachable by an on-board wheelchair. The lavatory must accommodate a passenger with a disability, a caregiver, and the on-board wheelchair behind a closed door. Airlines were given approximately two decades to comply, which we accepted in 2016 in order to have a date certain after which the requirement would finally go into effect.

In the final rule released at the White House, DOT retained the lavatory requirements previously outlined but decreased the amount of time airlines have to comply. We had asked DOT to recognize the lengthy delay from the date of the agreement to the final rule in assigning a timeframe for compliance. The final rule requires airlines to comply within 10-12 years. We are pleased that DOT shortened the compliance time.

The final rule also includes required features for on-board wheelchairs, including the need for a padded seat and backrest and arm supports that are structurally sound but permit unobstructed transfers. The on-board wheelchair must also be the height of the aircraft seat and have wheel locks that permit safe transfers. These chairs will be required on planes with a maximum seating capacity of 125 passengers for planes delivered on or after three years from the date the final rule is published in the federal register. If the on-board wheelchair won't fit in a non-accessible lavatory with the passenger and allow the door to close, then airlines must provide a visual barrier to allow the lavatory to be used with the door open. Flight attendants will also need to be trained to assist passengers on the on-board wheelchair to and from the lavatory.

To read the final rule, click [here](#).

PVA PARTICIPATES IN VSO ROUNDTABLE WITH HOUSE MINORITY LEADERS

On July 17, PVA attended a veterans organization roundtable hosted by House Minority Leader Hakeem Jeffries (D-NY) and House Committee on Veterans' Affairs Ranking Member Mark Takano (D-CA). Much of the conversation focused on the PACT Act (P.L. 117-168), which expanded VA health care and benefits for veterans exposed to burn pits, Agent Orange, and other

toxic substances. PVA's Chief Policy Officer Heather Ansley urged the Minority Leader to place emphasis on passing the Elizabeth Dole Home Care Act, which greatly expands access to VA's home and community-based services and increases other long-term care options for veterans with spinal cord injuries and disorders. Independent Budget partner VFW expressed the need to invest in VA infrastructure. This is also a top priority for PVA as we seek to protect access to VA specialty health care.

HOUSE COMMITTEE SCRUTINIZES VA DISABILITY EXAMS PROCESS

PVA was invited to submit its views for a July 27 House Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs hearing looking at VA's disability exams process. Our statement for the record highlighted a noticeable difference in quality and accuracy between disability exams conducted by VA's specialty providers and those conducted by VA's contracted claims vendors.

When a veteran with MS or ALS receives a VA conducted exam, they are normally evaluated by a neurologist, a doctor who specializes in treating diseases of the nervous system. From our experience, this greatly enhances the likelihood of getting a proper exam, and significantly decreases the chance of errors. However, in the case of VA contracted exams, a veteran with MS may be examined by a family practitioner, pediatrician, obstetrician, or other provider who may have little to no expertise with the disease. These inadequate contractor exams can result in lengthy claim processing times, VA Rating Decisions that provide a lesser degree of benefits, and necessitate the need for lengthy appeals.

We expressed our belief that disability claims examinations for veterans with spinal cord injuries and disorders and other complex disabilities should only be conducted by VA providers specializing in the field of medicine for the disability being claimed. In the instances where they are not, a veteran should have the right, and VA contractors should have the ability, to schedule them with a provider actually practicing in the field of medicine for the condition under consideration.

You can view a recording of the hearing [here](#).

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HOUSE PASSES MILCON/VA BILL

The House approved its version of the Fiscal Year 2024 Military Construction, Veterans Affairs, and Related Agencies Act (MILCON/VA) (H.R. 4366) on July 27, making it the first appropriations bill to clear either chamber of Congress. The \$317.4 billion measure funds VA as well as military construction projects. The full chamber considered and accepted 40 amendments lawmakers had posed to the bill prior to holding their final vote. Some of these additions to the final bill could be beneficial to PVA members. They include provisions encouraging VA's Office of Rural Health to increase efforts to improve transportation to medical care for rural veterans; providing increased funding to improve accessibility for in-home health care services for veterans; additional funding for medical and prosthetic research for veterans; and providing greater support to states for the construction of facilities to care for veterans.

The next step for this important measure is the Senate, which is presently developing its own version of the bill. The upper chamber could continue with their own efforts, amend the House bill and send it back, or pass the House bill as is. The first two options would eventually lead to a joint conference, so the two chambers can resolve their differences and agree to a final bill. Regardless which option they choose, Congress has already started its August recess so we will have to wait until the fall before the MILCON/VA bill is finalized.

SENATE HEARING CONSIDERS PENDING LEGISLATION

On July 12, the Senate Veterans' Affairs Committee held a hearing examining several veterans' health-related bills. PVA submitted a statement for the record. Bills considered included S. 495, the Expanding Veterans' Options for Long Term Care Act. This legislation would require the VA Secretary to carry out a pilot program to provide assisted living services to a rapidly growing population of aging and/or disabled veterans who are not able to live safely at home, but who do not yet require skilled nursing care. This legislation is a priority for PVA as we seek to expand access to VA long-term services and supports.

Other bills addressed included those that would require the VA to implement a series of reforms and improvements to the new electronic health record system before it can deploy it to other VA medical facilities. The Committee also considered three bills that address access to community care. PVA expressed concern about expanding access to community care and codifying access standards as we believe such care should only be offered when needed services are unavailable at VA facilities, or when it is based on sound medical judgement in the best interest of the veteran. We are concerned that such efforts could actually harm the ability of VA to continue providing critically needed specialty health care services.

The complete list of bills reviewed by the Committee and a video of the hearing can be found [here](#).

ADDITIONAL HVAC HEARINGS

July has been a busy month for the House Veterans' Affairs Committee (HVAC).

On July 12, the [Subcommittee on Oversight and Investigations \(O&I\) held a pending legislation hearing](#). Some of the legislation discussed focused on topics, such as restoring the VA Accountability Act, which would allow the VA to remove staff that fails to perform adequately; improving the disability benefits questionnaire to improve the benefits claims process, and enhancing training for the VA Office of Inspector General.

On July 13, the [Economic Opportunity \(EO\) and the Technology Modernization subcommittees held a joint hearing on oversight of the Digital GI Bill program](#). In this contentious hearing, the subcommittees grilled folks from the VA Education Division and the tech companies that have built the updated systems. Congress questioned VA about the delayed rollout schedule despite receiving adequate funding to ensure its timely execution.

A little later in the month, on July 18, there was an [HVAC legislative hearing](#). The legislation discussed impacts veterans living with a fiduciary and their access to firearms as well as a bill that seeks to change the

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effective date for the discontinuance of pension in the event of a veteran's death.

Finally, on July 20, the O&I and Technology Modernization subcommittees held a [joint oversight hearing titled, "VA Contracting: Challenges in Competition and Conflicts of Interest."](#) The subcommittees challenged VA on contract diversity and questioned if the Department is free of conflicts of interest.

NEWS OF NOTE

Veteran Volunteers Wanted

[The Quality of Life \(QL+\) Program](#) is seeking veterans with disabilities who would benefit from having custom specialized devices built for them to help with their active lifestyle or simply to enhance their everyday life. The QL+ program has helped everyone from Paralympic athletes to veterans looking to improve their ability to return to the everyday activities that may be tougher for them as a result of their injuries or illnesses. Some projects have included hiking prosthetics, kayak and bike lifts, wheelchair tire cleaners, specialized archery equipment, and even a rollerblading attachment for a prosthetic leg. Any veteran with a disability (it doesn't have to be service-related) is eligible to apply for this free program. Click on the [link](#) to learn more.

Important PACT Act Deadline Approaching Rapidly

The Honoring Our Promise to Address Comprehensive Toxics Act of 2022 or "PACT Act (P.L. 117-168) is the biggest expansion of veteran health care and benefits in generations. VA is encouraging all eligible veterans and survivors to file a claim — or submit their intent to file a claim — for PACT Act-related benefits now. If you notify VA of your intent to file before August 10, 2023, you may be able to get retroactive payments to August 10, 2022, when the PACT Act became law. Click [here](#) to learn more or contact your PVA service officer.

ADVOCACY AND COMMITTEE ACTION

Advocacy During August Recess

Congress has officially departed for its August recess, which traditionally is a 5+ week-long break from legislative activity that allows members of the House and Senate to reconnect with their constituents, spend time with family, and travel independently or as part of congressional delegations (CODELs) on diplomatic or fact-finding efforts. Much of the time, they will be working out of their state and local offices, which makes it a lot easier for PVA members to meet with them. We will be running a number of campaigns on key legislative priorities through [PVAAction Force](#) during the break, but encourage members and chapters to take the extra step to meet face-to-face with their elected officials.

Upcoming Veterans' Committee Activities

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

