



# Washington Update

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

## APPROPRIATIONS UPDATE

The House and Senate remain far apart on a spending deal to keep the federal government funded and fully operational beyond September 30. The White House has started warning federal agencies they should be prepared to close. In the event that happens, VA medical care will continue unabated, as will burials at VA cemeteries. Disabled veterans, their dependents, and survivors will continue to receive their payments from the VA and appeals will be processed. However, VA regional offices would have to close and services like career counseling, transition assistance, and cemetery grounds maintenance would be unavailable. If you need assistance or support, please reach out to your local PVA National Service Officer, or call the PVA benefits hotline at 1-866-734-0857.

## DOT SETTLEMENT ANNOUNCED IN RESPONSE TO COMPLAINT OF DISABILITY RIGHTS ADVOCATE ENGRACIA FIGUEROA

On September 28, PVA and three other disability organizations issued a [joint statement](#) in response to a [settlement agreement](#) between the U.S. Department of Transportation (DOT) and United Airlines following a complaint from the late disability rights advocate Engracia Figueroa.

In July 2021, Figueroa returned home to Los Angeles after speaking at a rally in Washington, D.C. and

discovered the airline had severely damaged her custom wheelchair. Stuck in a low-quality manual wheelchair for five hours at the airport, the airline sent her home in an ill-fitting loaner chair. After spending weeks in an improper chair fighting for the airline to fix her wheelchair, Figueroa developed pressure ulcers that became infected and spread to her bones. Despite emergency surgeries, she passed away on October 31, 2021.

The DOT settlement with United requires the airline to undertake a number of efforts to improve the air travel experience of wheelchair users. Specifically, the settlement requires the airline to:

- Roll out a flight filter on its booking engine to make it easier for passengers who use wheelchairs to find flights where their wheelchairs can fit and be safely transported.
- Refund the fare difference for passengers with wheelchairs that use the flight filter when the passenger's preferred flight cannot accommodate their wheelchair and the flight that they travel on with their wheelchair is more expensive.
- Conduct a pilot program to explore whether additional equipment, such as a medical wheelchair or other form of moveable or non-moveable chair, can be utilized to safely accommodate passengers waiting for loaner



wheelchairs because of damage or delay to their personal wheelchairs during a flight.

- Provide passengers whose wheelchairs were damaged or delayed accommodation options, including United ensuring the timely delivery of the loaner wheelchair to the passenger, as part of the pilot program.
- Seek feedback from each passenger who checks a wheelchair for transport in the aircraft cargo compartment. United will take the feedback into consideration when developing and enhancing its practices and procedures for handling wheelchairs.

The joint statement released by PVA says that, "While nothing can erase the pain and suffering Engracia endured, nor bring her back to her family and community, we recognize the actions that United Airlines will be required to take as part of the settlement with the [DOT] and see it as an important first step forward in acknowledging the challenges and real dangers that many people with disabilities encounter when they travel by air." It further states, however that "much more needs to be done to increase air travel accessibility and prevent injury and loss of life."

#### **VETERAN FAMILIES HEALTH SERVICES ACT REINTRODUCED**

On September 14, Sen. Patty Murray (D-WA), Sen. Tammy Duckworth (D-IL), Rep. Rick Larsen (D-WA), and Rep. Sara Jacobs (D-CA) introduced the PVA-supported Veteran Families Health Services Act of 2023 (H.R. 5492/S. 2801). This legislation would help servicemembers and veterans build their families by allowing for cryopreservation before deployments, providing adoption assistance, and increasing access to IVF and other forms of Assisted Reproductive Technologies (ART).

Increasing access to ART and other infertility treatments is a priority for PVA. Veterans should have access to a full medical benefits package through VA to ensure that they have the care and support needed to grow their families.

You can find the legislation [here](#) and can read Sen. Murray's press release [here](#).

#### **HOUSE PASSES FOUR VETERANS-RELATED BILLS**

On September 21, the House passed four veterans-related bills. They included H.R. 1530, the Veterans Benefits Improvement Act, which would improve VA benefits accessibility by requiring VA to publish disability benefit questionnaires on the VA's website for use by a veteran's private provider. It also requires a report on improving access to travel reimbursement pay for veterans living abroad who must attend a disability exam. Other provisions in the bill will improve communication regarding the scheduling of disability exams between contractors, veterans, and the veteran's accredited representative.

Another bill, the Isakson-Roe Education Oversight Expansion Act (H.R. 3981), would strengthen reporting requirements imposed on entities that are recipients of GI Bill education benefits. This bill requires educational entities to self-report any noncompliance within 30 days. Schools that have not reported any compliance issues and are found not to be compliant may face additional penalties. It also requires the VA to create a previously mandated database of risk-based surveys within 180 days to ensure programs receiving federal funds are legitimate and properly serving their veteran populations.

The two remaining bills strengthen benefits for children of Vietnam veterans born with spina bifida (S. 112) and designate the VA clinic in Gallup, New Mexico, as the Hiroshi "Hershey" Miyamura VA Clinic (S. 475). H.R. 1530 and H.R. 3981 will be headed to the Senate for their consideration, whereas S. 112 and S. 475 are headed to the President for his signature.

#### **HOUSE COMMITTEES SCRUTINIZE VA'S ELECTRONIC HEALTH RECORD MODERNIZATION EFFORT**

In mid-September, the House Appropriations Subcommittee on Military Construction and Veterans Affairs (MILCON/VA) and the House Veterans' Affairs

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Committee (HVAC) held oversight hearings on VA's Electronic Health Record (EHR) modernization project. In May 2018, VA awarded Cerner a contract to replace its current EHR systems with the commercial off-the-shelf solution, Cerner Millennium. Late in 2021, Cerner merged with another digital information system provider, Oracle, and has since become known as Oracle Cerner. Currently, just five of VA's major medical facilities are using the new EHR because problems with user experience, patient safety, and frequent blackouts forced VA to pause any further rollouts until these issues are resolved.

Witnesses from VA and Oracle participated in the [hearing before the MILCON/VA Subcommittee](#) and did their best to convince lawmakers that progress is being made to correct problems with the new system. However, members of the Subcommittee were skeptical, with multiple expressions of concern over the cost of the project, delays, user dissatisfaction, and lack of transparency over what is being done and what still needs to be done throughout the question and answer session.

Lawmakers' frustrations with the EHR project were more visible during the HVAC hearing. Chairman Mike Bost (R-IL) expressed a lack of confidence in Oracle Cerner and that the VA made the project worse by requiring customization. He made it clear that the VA should not deploy the new EHR to any more sites until the current problems are resolved and the five original sites are fully operational.

Similar sentiments were expressed by HVAC Ranking Member Mark Takano (D-CA) who noted that legislation, such as a new bill introduced by him and the Chairman, was needed to provide additional tools to oversee the program. Questions over costs, patient safety, diminished provider productivity and satisfaction using the system, interoperability between the Department of Defense and the VA, training, and overall usability of the system dominated the question and answer portion of the hearing. Among those issues, diminished provider productivity and satisfaction stood out because none of the VA facilities using the new system have yet to achieve the same level of productivity and satisfaction it

had with the Veterans Health Information Systems Technology and Architecture (Vista). You can watch a video of the HVAC hearing [here](#).

### **EO SUBCOMMITTEE HOLDS HEARING ON VA EDUCATION BENEFITS**

On September 20, the House Veterans' Affairs Committee, Economic Opportunity (EO) Subcommittee held a hearing titled, "Less is More: The Impact of Bureaucratic Red Tape on Veterans Education Benefits."

The focus of the discussion was risk-based surveys that are intended to be administered when a VA-approved campus falls out of compliance. In 2017, with the passage of the Forever GI Bill, State Approving Agencies (SAA) were tasked with evaluating the risk of programs that harm student veterans, have improper financial practices, and those identified as potential bad actors. The Isakson Roe Act in 2020 improved the survey model which rolled out in 2022. SAAs and other oversight partners say that the VA is not working within the intent of the law, often assigning surveys to schools that are compliant.

Testifying at the hearing was VA Education Service Director Joe Garcia; Dr. Joe Wescott, the National Legislative Director for the National Association of State Approving Agencies; and several organizations representing student veterans, college campus programs, and school certifying officials.

The hearing can be watched [here](#).

### **NEWS OF NOTE**

#### **Survey Open to Provide Input on Global War on Terrorism Memorial**

The Global War on Terrorism Memorial Foundation is committed to building the most inclusive war memorial in history, telling the entire story of how our nation has waged this multigenerational war, and giving a voice to all whom this conflict has impacted.



For the first time ever, you can #HelpDesignHistory and give your input on the design of a memorial to be built on the National Mall in Washington, D.C. The campaign will run for 22 days, representing 22 years of America's ongoing fight against terrorism. As part of this campaign, respondents can provide their thoughts, inspiration, and dreams for a memorial that will honor all those impacted by the Global War on Terrorism, including uniformed and non-uniformed military personnel, civilians, their families, and everyday men and women who have sacrificed to protect our freedom.

Take the design survey [here](#). The survey will run through October 17.

### **VA Seeking Feedback on Awareness on Veterans' Burial Options**

The VA is asking veterans, their family, friends, caregivers, and survivors to complete a [survey](#) about burial options, concerns, or desires. Survey respondents will help the VA understand awareness of burial options and benefits, end-of-life, and survivor benefits. The survey can be completed in a few minutes and can be shared with others.

## **WEBINARS & HEARINGS**

### **Access Board Will Host Free Webinar on New Public Rights of Way Final Rule**

On October 5, from 2:30-4:00 p.m. E.T., the U.S. Access Board, in partnership with the Great Lakes ADA Center, will host a free [webinar](#) on the new [public rights-of-way](#) final rule. The webinar will be [livestreamed](#). A recording of the webinar and the presentation materials will be available in the Great Lakes ADA Center's [online archives](#) the following week.

The rule's standards cover accessibility for newly constructed or altered facilities or routes, so they are useable and readily accessible for people with disabilities. The rule includes standards for pedestrian access routes, including sidewalks and shared-use paths; accessible pedestrian signals; crosswalks; transit stops, boarding areas, and transit shelters; and on-street

parking. Other [notable changes](#) are a modified definition of "alteration," defining "developed," slopes ratios and percentages requirements, and passenger loading zones. The Access Board's enforcement authority extends only to federal facilities. The standards will not apply to states, counties, or cities until adopted by the U.S. Department of Justice and the U.S. Department of Transportation.

### **Upcoming Veterans' Committee Activities**

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

