



# Washington Update

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

## **PVA SUBMITS STATEMENT FOR HEARING ON SURVIVORS' BENEFITS**

On January 30, the House Veterans' Affairs Committee held a full committee oversight hearing on supporting our nation's surviving military families. The first panel was witnesses from the VA which included the Under Secretary for Benefits, Josh Jacobs. The second panel was witnesses from VFW, the National Military Family Association (NMFA), and the Tragedy Assistance Program for Survivors (TAPS).

Committee members pressed VA for answers regarding claims processing delays, necessary improvements, and scrutinized the move of the Office of Survivors Assistance (OSA) to the Veterans Benefits Administration (VBA). Congress questioned the staffing capacity of OSA lamenting that the office only has three employees. VBA pushed back claiming hundreds of VA staff worked with survivors across the country, they just didn't work within the OSA office.

The second panel, comprised mostly of survivors, shared stories of loss and their frustration with VA when it came to claims processing, repeated unjust denials, and other complications experienced when attempting to access benefits. Committee members asked thoughtful questions of the second panel and were surprised by many of their experiences as they tried to access their benefits.

PVA submitted a statement for the record which highlighted the unique needs of our members and the experiences of our surviving spouses and caregivers. Our statement addressed improving access to benefits for survivors, increasing the amount of Dependency and Indemnity Compensation (DIC), providing access to additional DIC benefits for ALS surviving spouses, requiring parity for dependent children covered by the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA), and addressing the employment needs of survivors. You can find PVA's statement [here](#). You can also watch the hearing [here](#).

## **SENATE COMMERCE COMMITTEE MARKUPS UP FAA BILL**

After an eight-month delay, the Senate Commerce, Science, and Transportation Committee recently marked up its version of the FAA Reauthorization (S. 1939). As introduced, the bill includes several provisions focused on improving the air travel experience of passengers with disabilities. The committee was originally scheduled to markup the legislation last June but was forced to cancel at the last minute due to disagreements over pilot training and other non-disability-related provisions.

During the markup on February 8, the committee adopted two amendments from Senator Tammy Baldwin (D-WI) that are based on the PVA-supported Air Carrier Access Amendments Act (S. 545). The amendments focus on improving the Department of



Transportation's complaint process and addressing the need for more access standards in air travel. Similar versions of these amendments were added to the House FAA Reauthorization bill (H.R. 3935) during the House's markup in June 2023.

The current FAA Authorization expires on March 8. We will continue to work with Congress to ensure that the final bill includes meaningful provisions that will improve the safety and dignity of passengers with disabilities. Take action by contacting your members of Congress [here](#).

### **SUBCOMMITTEE ON TECHNOLOGY MODERNIZATION OVERSIGHT HEARING ON THE FUTURE OF DATA PRIVACY AND AI AT VA**

On January 29, the House Veterans' Affairs Committee, Subcommittee on Technology Modernization held an oversight hearing titled, "the Future of Data Privacy and Artificial Intelligence (AI) at VA." The purpose of the hearing was to discuss how AI will impact data and privacy within the VA. This was the committee's third hearing on this subject. Subcommittee Chairman Matt Rosendale (R-MT) indicated that VA struggles with keeping veterans' health, personal, and financial information safe. According to the Chairman, data breaches happen every few months and have taken different forms, such as contractors mailing the wrong letters to veterans and employees stealing veterans' personal information.

VA is often unaware when breaches occur and are subsequently slow to address the issue. The Chairman further noted that VA is working to use AI "for some admirable purposes" across the department. But he also warned that "using AI to predict clinical outcomes or mental health problems may be powerful, but it presents a host of ethical problems."

Gil Alterovitz, Director of the VA's National Artificial Intelligence Institute, said there's always a human in the loop that then looks at the results. He further noted that this process is a way to help VA sift through a large amount of data. But when asked by Chairman Rosendale about whether VA has "a good, consistent disclosure

process that is being utilized and being signed off by our veterans" for the use of AI tools, Alterovitz confirmed that the department does not have a process in place.

You can watch a video of the hearing [here](#).

### **EXPANSION OF IVF SERVICES FOR SERVICE MEMBERS AND VETERANS**

Last August, the National Organization for Women - New York City (NOW-NYC), filed a federal lawsuit against the Department of Defense (DOD) and the VA, because of discriminatory policies around access to in vitro fertilization (IVF). NOW-NYC partnered with the Yale Law School's Veterans Legal Services Clinic to bring the suit forward.

The lawsuit highlighted that existing policies were discriminatory against service members and veterans on the basis of sex, orientation, marital status, and/or the cause of their infertility diagnosis.

Longstanding policies for DOD and VA require service members and veterans to be able to produce their own genetic material and allow only heterosexual married couples to access the benefit. PVA has long advocated for legislation which would increase access to IVF for veterans who have been left out due to the restrictive policies at VA.

In late January, DOD announced that it had advised the court that it has ended the marriage requirement as well as the ban on the use of donated genetic materials. This means that service members can now use donated materials to help facilitate IVF and that single people looking to start a family may access the benefit. A few days later, VA made a similar announcement stating that it will also remove the ban on donated materials and the marriage requirement for the benefit.

These changes will allow for more service members and veterans to access IVF but there is still more work to be done. PVA believes that infertility treatment should be included in the medical benefits package offered by VA considering how difficult it is to prove service connection for the diagnosis. We will continue to work

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with Congress to address inequities around the policies as well as to gain clarity on how the new policies will be implemented.

### **SVAC HOLDS OVERSIGHT HEARING ON VET CENTERS**

On January 31, the Senate Veterans' Affairs Committee (SVAC) held an oversight hearing focused on supporting the mental health needs of service members, veterans and their families through Vet Centers. There are 300 Vet Centers across the country and in US territories, and they offer a unique opportunity to engage with mental health support outside of the larger VA health care system for veterans and their families.

The committee members leaned on the head of Readjustment Services, Michael Fisher, who oversees all Vet Centers; the VA Office of Inspector General (OIG); and the Government Accountability Office (GAO). Several recommendations have been put forward by OIG and GAO that the VA seems to be struggling to implement. Mr. Fisher stressed that Readjustment Counseling Services are working diligently to roll out the suggestions.

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

### **NEWS OF NOTE**

#### **Detroit VA Medical Center to Offer Voter Registration Assistance to Veterans**

Voter registration assistance will be offered at the John D. Dingell VA Medical Center in Detroit to eligible individuals who receive certain VA services. The designation from the State of Michigan arises from the National Voter Registration Act which requires states to designate all offices in the state that either provide public assistance or provide state-funded programs primarily engaged in providing service for persons with disabilities as voter registration agencies. In addition, states may request that federal agencies or non-governmental agencies accept a designation. The VA Regional Office in Detroit and the Saginaw VA Medical Center have also been officially designated under the

agreement with the State of Michigan. This is a nonpartisan effort to help veterans exercise their fundamental right to vote. Staff will not take any action or make any statement that may lead the applicant to believe that a decision to register or not to register has any bearing on the availability of VA services or benefits.

#### **DOJ Files SOI Case Alleging Georgia Voting Law Discriminates Against Voters with Disabilities**

The U.S. Department of Justice (DOJ) has filed a statement of interest (SOI) clarifying the proper legal framework for addressing the equal opportunity and reasonable modification Americans with Disabilities Act (ADA) claims raised in *In Re Georgia SB 202*. The case is a consolidated lawsuit challenging restrictions on absentee and in-person voting under Georgia Senate Bill SB 202. The DOJ explains that under the ADA, voters with disabilities must have an equal opportunity to vote by a particular method as do voters without disabilities; furthermore, the equal opportunity requirement is separate from the requirement that public entities make reasonable modifications. The DOJ requests that the court consider the frameworks for evaluating claims to enforce equal opportunity and reasonable modification requirements of ADA Title II set forth in the SOI.

#### **DOJ Finds Four Texas County Election Websites Inaccessible to People with Disabilities**

The U.S. Department of Justice (DOJ) recently announced its findings that four Texas counties violated Title II of the Americans with Disabilities Act by maintaining election websites that discriminate against individuals with vision or manual disabilities. The Department issued public letters to Colorado County, Runnels County, Smith County, and Upton County, detailing its findings and asking the counties to work with the Civil Rights Division and their respective U.S. Attorneys' Offices to resolve the identified civil rights violation.

#### **DOJ Secures Agreement with Medstar to Prevent Further Exclusion of Necessary Support Persons**

The U.S. Department of Justice (DOJ) recently filed a complaint and proposed consent decree resolving





allegations that MedStar Health, a leading health care provider in Maryland and Washington D.C., failed to modify its visitor restrictions so that individuals with certain disabilities that affect their ability to independently access medical care could be accompanied by their support persons. As a result, those individuals with disabilities were unable to receive equal care without the assistance of their support persons. In the consent decree filed in the U.S. District Court for the District of Maryland, MedStar Health has agreed to revise its policies to ensure compliance with the Americans with Disabilities Act, train its workforce on the new policies, and report to the department on any further exclusion of support persons.

### **FEMA Announces Major Reforms to its Individual Assistance Program**

The Federal Emergency Management Agency (FEMA) has introduced reforms to its Individual Assistance (IA) program that will go into effect on March 22, 2024. The goal of the reforms is to make disaster recovery more equitable and efficient. While FEMA's IA reforms made several changes that help anyone who experiences a disaster, changes also included accessibility improvements that effect survivors with disabilities. Survivors with disabilities can now use FEMA funding to make certain accessibility improvements to homes damaged by a declared disaster. Previously, FEMA could only help with accessibility items directly damaged by the disaster or that were not present before the disaster but are required due to a disaster-caused disability. Survivors with disabilities can now improve their living conditions by making their homes even more accessible than they were pre-disaster.

### **VA Reviewing Whether Psychedelics Can Treat PTSD and Depression**

Last month, the VA issued a [press release](#) announcing that the department has issued a request for applications for proposals from its network of VA researchers, in collaboration with academic institutions, to study the use of certain psychedelic compounds in treating posttraumatic stress disorder (PTSD) and depression.

Through this new research opportunity, VA intends to gather definitive scientific evidence on the potential efficacy and safety of psychedelic compounds such as Methylendioxyamphetamine (MDMA) and psilocybin when used in conjunction with psychotherapy to treat veterans with PTSD and depression. This is the first time since the 1960s that VA is funding research on such compounds.

Lykos Therapeutics recently announced that the U.S. Food and Drug Administration (FDA) has accepted its new drug application for MDMA used in combination with psychological intervention provided by a qualified healthcare provider for individuals with PTSD. The FDA has granted the application priority review and has assigned a target action date of August 11, 2024. If approved, this would be the first MDMA-assisted therapy and psychedelic-assisted therapy available to treat individuals with PTSD in the U.S.

## **WEBINARS & HEARINGS**

### **Upcoming Webinar on PVA's 2024 Policy Priorities to Prepare for our National President's Testimony**

Join us on February 27 at 3:00 PM ET for a webinar about how you can advocate for our 2024 policy priorities during PVA's upcoming congressional testimony. The webinar, which is open to the public, will feature a special intro by PVA National President Robert Thomas and an overview of our 2024 policy priorities, key legislation, and a preview of National President Thomas' testimony. We will also discuss ways you can get involved and a toolkit that can be used to help us spread the word on issues important to PVA members, their families, and caregivers.

To attend the webinar, please register by clicking [here](#). We look forward to your participation!

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

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

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