



# Washington Update

**REMINDER:** PVA National President Robert Thomas testifies before the House and Senate Veterans' Affairs Committees on March 6 at 10:00 am ET. Watch [here](#).

## **DOT RELEASES PROPOSED RULE TO IMPROVE THE AIR TRAVEL EXPERIENCE OF WHEELCHAIR USERS**

The Department of Transportation (DOT) has published a [notice of proposed rulemaking](#) on ensuring safe accommodations for wheelchair users in air travel. The proposed rule is based in large part on [PVA's February 2022 DOT petition](#) to initiate rulemaking authority, as well as follow up letters on the topic. The changes proposed by DOT include several vital steps that would dramatically improve the air travel experience for people with disabilities. Specifically, they would clarify airlines' obligations and responsibilities to individuals with disabilities; better enforce violations and administrative penalties onto airlines that mishandle assistive devices; and improve airline processes for returning, repairing, and replacing mishandled wheelchairs, to include informing wheelchair users about the location of their device during transit and allowing them to choose their own repair company, if their wheelchair or scooter is damaged. The changes would also mandate critical hands-on training on a regular basis to any airline staff or contractors who physically assist passengers with mobility disabilities or handle battery-powered assistive devices. PVA will be submitting comments in response to the proposal.

## **FY 2024 APPROPRIATIONS UPDATE**

Congress continues to struggle with the Fiscal Year (FY) 2024 budget process. As the expiration of the continuing resolution approached for four bills, including the bill funding VA, Congress passed another continuing resolution that would give them until March 8 to try and finalize them. Congress also extended the deadline for the other four bills from March 8 to March 22. It's hoped that Congress will be able to use the additional time to finalize the FY 2024 bills without having to pass another continuing resolution.

## **INDEPENDENT BUDGET RECOMMENDATIONS FOR FY 2025 AND 2026 RELEASED**

While Congress remains focused on passing this year's funding, The Independent Budget (IB) which is formulated by PVA, DAV, and VFW is looking to the future. On February 22, the IB released, "[The Independent Budget Recommendations for the Department of Veterans Affairs for Fiscal Years 2025 and 2026](#)." The report serves as a comprehensive roadmap to ensure VA is fully funded and capable of carrying out its mission to serve veterans and their families, both now and in the future.



The IB's recommendations, coupled with the Administration's fiscal year (FY) 2025 budget proposal, still yet to be released, will be used to guide Congress with its spending decisions for the coming year. For FY 2025, the IB veterans service organizations are recommending \$151.8 billion for the Veterans Health Administration (VHA) to ensure that all veterans choosing VA for their care receive timely and high-quality medical services. The IB report details specific funding levels and targeted increases for VHA programs, including a \$2.8 billion increase to fill clinical and support care vacancies across VHA and a \$1 billion boost in long-term care to account for the increasing number of aging veterans and their need for essential services. We also called on Congress to significantly increase funding for VA's major and minor construction programs, and recommend a total of \$6.1 billion for FY 2025.

To view The IB's full budget recommendations, please visit [independentbudget.org](https://independentbudget.org).

### **PVA SUBMITS JOINT COMMENTS FOR DOJ'S PROPOSED RULE ON ACCESSIBLE MEDICAL EQUIPMENT UNDER THE ADA**

PVA, in conjunction with the Consortium for Constituents with Disabilities (CCD), submitted [joint comments](#) in response to the Department of Justice's (DOJ) [notice of proposed rulemaking](#) on accessible medical diagnostic equipment (MDE) under [Title II](#) of the Americans with Disabilities Act (ADA). MDE includes equipment like medical examination tables, weight scales, dental chairs, x-ray machines, mammography equipment, and other imaging equipment. Title II of the ADA prohibits discrimination in healthcare services that receive state and local government funds.

The proposed rule outlines specific scoping standards and technical requirements for MDE. The requirements are based on the [standards](#) published by the U.S. Access Board in 2017. The Access Board's standards are not enforceable under the ADA until the DOJ adopts them. However, the 2017 standards did not include a requirement for the [low transfer height](#), but the Access Board is expected to publish this final rule in the near future.

The CCD comments urged DOJ to quickly issue a final rule for accessible MDE. Inaccessible MDE may deny mobility device users access to certain types of medical exams or treatment, cause a delay in receiving medical treatment because they must find a provider with accessible equipment, receive inequitable services, or are given subpar medical exams because the provider cannot thoroughly examine the person without accessible equipment. CCD agreed DOJ should adopt the Access Board's standards, but also require a 17-inch low transfer height. Despite the proposal that providers must only have 10-20 percent of their MDE be accessible, CCD urged DOJ to require 100 percent accessible MDE. The comments also advocated for proper staff training on the use of the accessible MDE to ensure the safety of personnel and patients.

### **PVA SUBMITS JOINT COMMENTS TO DOT'S REQUEST FOR INFORMATION ON TRANSIT FACILITY ACCESS**

PVA, along with the Consortium for Constituents with Disabilities (CCD) Transportation Task Force submitted [joint comments](#) to the Department of Transportation's (DOT) [request for information](#) (RFI) on accessibility requirements for transit facilities. The RFI posed questions on possible changes to accessibility requirements for transit facilities under the Americans with Disabilities Act (ADA). The RFI was specifically seeking comments on updating requirements for vertical access, like elevators and long ramps between platforms; communications, such as how people with sensory disabilities can receive information about the facility and schedules; and wayfinding, considering how people can use technology to navigate transit stations and their travels.

The CCD Transportation Task Force comments urged DOT to revise the ADA standards so people with disabilities can independently and safely use transportation services equally to those without disabilities. The comments recommended DOT implement requirements to increase options for vertical access, reduce elevator outages, and better communication systems for notifying riders of any elevator outages. The CCD Transportation Task Force recommended DOT require at least two methods for





vertical access, implement specific elevator maintenance requirements, and develop alert and communications systems for directing riders to accessible entrances and exits. The comments also addressed the need for additional accessible parking spaces and removing barriers on accessible routes.

### **HOUSE COMPANION FOR THE VETERANS ACCESSIBILITY ACT INTRODUCED**

After a long wait, the Veterans Accessibility Act (S. 2516/H.R. 7342) has a House companion bill. As a reminder, the Veterans Accessibility Act would authorize an Advisory Committee that focuses on improving the overall accessibility of VA's infrastructure, websites, health care, benefits, and other services. Additionally, the Advisory Committee would examine accessibility when it comes to community care. The bill requires that veterans service organizations and other experts make up the members of the committee in order to provide input in areas noted for improvement.

Now that the bill has been introduced in both chambers, PVA is looking forward to hitting the Hill and working to pass this important piece of legislation that should improve all aspects of the VA for our members. If you'd like to tell your members of Congress to support the Veterans Accessibility Act, you can go to [PVAAction Force](#) and send them a message.

### **LEGISLATION INTRODUCED TO MAKE VOTING AND RUNNING FOR PUBLIC OFFICE MORE ACCESSIBLE TO PEOPLE WITH DISABILITIES**

On February 7, U.S. Senators Bob Casey (D-PA), Chairman of the U.S. Senate Special Committee on Aging, and Amy Klobuchar (D-MN), Chairwoman of the U.S. Senate Rules Committee, introduced a package of legislation to make American democracy more accessible for people with disabilities; namely, the Accessible Voting Act (S. 3748), the Removing Access Barriers to Running for Elected Office for People with Disabilities Act (S. 3747), and the AID (Accessibility and Inclusion to Diversify) Local Government Leadership Act (S. 3749).

The [Accessible Voting Act](#) will establish new programs for ensuring voting accessibility, including creating a national resource center on accessible voting and expanding the number of options for casting a ballot in federal elections. The [Removing Access Barriers to Running for Elected Office for People with Disabilities Act](#) would clarify to federal agencies administering disability benefits that campaigning for an elected office does not disqualify a person from receiving disability benefits. Finally, [the AID Local Government Leadership Act](#) would provide local governments with an ongoing accommodations fund to ensure current and future elected officials with disabilities have access to needed accommodations to perform their duties.

PVA supports these bills which recognize that for many Americans with disabilities, certain barriers make it disproportionately difficult to vote, run for elected office, or serve in local government.

### **HVAC SUBCOMMITTEE HOLDS OVERSIGHT HEARING ON VA HOME LOAN PROGRAM**

On February 15, the Economic Opportunity Subcommittee for the House Veterans' Affairs Committee (HVAC) held an oversight hearing on the VA Home Loan Program and how it is performing in a competitive housing market. Front and center among the discussion was the housing affordability crisis and how the VA Home Loan Program is working for veterans who often face unique challenges due to stigma around the benefit and the misconceptions that it is more difficult to navigate than other home loan programs.

Testifying on behalf of VA was Mr. John Bell, Executive Director of the Loan Guaranty Service on behalf of the Veterans Benefits Administration. Mr. Bell defended the additional appraisal requirements for VA home loan approvals, saying it is a mischaracterization to label them burdensome. Mr. Bell also took time to highlight the difficulties in the housing market for veterans, particularly for first time home buyers. With higher interest rates and lower inventory, many veterans are facing challenges that are outside of the hands of VA, but he stressed that VA staff is there to work with veterans through each step of the process.

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Significant time was spent discussing the impact of the COVID-19 pandemic and how it impacted veteran borrowers. Tens of thousands of veterans faced foreclosure as a result of the pandemic and the VA implemented several protections to keep veterans in their homes. The protections ran out with the end of the COVID-19 emergency; however, nearly 75,000 veterans are currently at risk of losing their homes and the VA has recently implemented a foreclosure moratorium to try to prevent home loss yet again. Some HVAC members expressed concerns about the risk involved in VA picking up debt for so many at risk borrowers.

The second panel was comprised of experts from the Housing Policy Council, the Mortgage Bankers Association, and the National Consumer Law Center. All three witnesses stressed concerns over the difficulties faced by at risk veterans. Many of the witnesses urged the VA to promptly roll out the new protections being created to assist veterans to stay in their homes. Two of the witnesses suggested removing the additional appraisal required by the VA, saying that due to stigma and delays many home sellers are opting to go with non-VA home loans.

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

### **HVAC HOLDS FULL COMMITTEE OVERSIGHT HEARING ON PENDING SEXUAL HARASSMENT ALLEGATIONS**

In January, the House Veterans' Affairs Committee (HVAC) held a business meeting where the committee announced an investigation into the Office of Resolution Management, Diversity and Inclusion (ORMDI). On February 14, the full committee held a marathon oversight hearing to dig into the allegations and an independent investigation conducted by the US Postal Service, the investigative body responsible for the independent oversight.

The VA Secretary, Dennis McDonough, testified for close to three hours while members of both sides of the aisle asked probing questions about procedure, accountability, and trust. ORMDI is responsible for ensuring that staff and veteran complaints of harassment are taken seriously and they facilitate

necessary training for people accused of misconduct. Many committee members questioned the office's legitimacy if such allegations existed among its leadership team.

VA clarified communication timelines that had previously been unknown, they outlined steps being taken to improve communication channels from whistleblowers and other staff, and the Secretary defended the fact that office leadership had been removed before these allegations surfaced, a concern of some on the committee.

A second panel testified that included Ms. Cassandra Law, the incoming Deputy Assistant Secretary of Human Resources and Administration/Operations, Security and Preparedness. Ms. Law laid out new policies and procedures her office is implementing to ensure that future harassment complaints are elevated, when appropriate, to avoid situations like this in the future.

Ms. Law was joined by Mr. Bruce Gipe, Acting Assistant Secretary of the Office of Accountability and Whistleblower Protections. Mr. Gipe testified in support of the new changes being made and explained to the committee more details about the investigation that the VA has conducted.

These allegations are still being investigated and partisan feelings were on full display as committee members tossed jabs at one another during their remarks. Another hearing is likely once more information is shared with committee staff or to hear from the VA about the effectiveness of the new policies they put in place in response to the investigation.

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

### **DAMA HOLDS OVERSIGHT HEARING**

On February 14, the Disability Assistance and Memorial Affairs (DAMA) Subcommittee for the House Veterans' Affairs Committee held an oversight hearing that focused on improper payments through the compensation and pension programs administered by the VA.

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The committee leaned hard on the VA citing \$1.3 billion issued in improper payments by the Veterans Benefits Administration (VBA). Most improper payments are a result of errors such as the VA and the Social Security Administration IT platforms not communicating with each other, VBA having outdated information or data, or human mistakes. However, even with such a large amount of improper payments being issued, the VA defended their improved processes stating that these errors accounted for less than seven percent of their total payments issued.

In their testimony, VA highlighted the Payment Integrity Information Act of 2019, which required agencies to review programs that might be susceptible to significant improper payments. Over the past two years, VBA has seen an increase in improper payments and has implemented additional safeguards to reduce the errors. The VA relies heavily on data sharing capabilities with other agencies within the federal government and they took responsibility for failing to ensure that systems were able to seamlessly communicate with one another.

Joining the VA witness panel was Ms. Lasheeco Graham, the newly appointed Chief Financial Officer of the Office of Financial Management at VBA. Ms. Graham has been in her new role for a month. She outlined ways in which VBA will improve oversight and implementation of new procedures aimed to reduce improper payments moving forward.

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

## NEWS OF NOTE

### Census Bureau Decides to Keep Current Disability Questions for the 2025 ACS

On October 20, 2023, the Census Bureau posted a [request for comments](#) on the Bureau's proposed changes to the 2025 American Community Survey (ACS) questions. The Bureau received more than 12,000 comments on several common themes such as desire for more public engagement and concern that the existing and proposed questions do not measure more or all types of disabilities. Recently, the Bureau [announced](#)

that they, along with the National Center for Health Statistics (NCHS), have reviewed the feedback and plan to retain the current ACS disability questions for collection year 2025. In spring 2024, the Bureau will publish a 30-day Federal Register notice summarizing the proposed 2025 ACS content, which will not include any changes to the existing disability questions. The Bureau will then review the feedback and submit the final proposed content for the Office of Management and Budget's (OMB) review and approval. Additionally, this spring, the Bureau, NCHS, and OMB plan on having a meeting with federal agency disability stakeholders, disability community representatives, data users, researchers, and disability advocates. The purpose is to discuss data needs and data uses surrounding the topic of disability.

### American Cruise Lines Agrees to Increase Wheelchair Accessibility

The U.S. Attorney's Office for the District of Connecticut reached a settlement agreement with American Cruise Lines, Inc., to resolve complaints alleging the passenger vessels were not accessible for wheelchair users. The six complaints alleged American Cruise Lines, who owns and operates 17 passenger vessels, failed to provide cruise ships that were fully accessible for passengers who use wheelchairs, failed to have safe embarkation and disembarkation procedures for wheelchair users, and failed to provide wheelchair-accessible ground transportation for shore excursions.

Under the settlement agreement, the company must increase accessibility on all ships and implement accessibility standards and policies to provide greater access during the cruises. The agreement requires the company to submit a comprehensive remediation plan to improve accessibility within 18 months, which the U.S. Attorney's Office will review and approve before renovations begin. The agreement also requires American Cruise Lines to provide safe and accessible boarding and disembarking procedures, staff training, and implement publicly available accessibility request and reservation procedures.

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## VA ANNOUNCES 2024 EQUITY ACTION PLAN

On February 14, the VA released its [2024 Agency Equity Action Plan](#) to help ensure that the department delivers on its promise to provide world-class care and benefits to all veterans, their families, caregivers, and survivors — regardless of their age, race, ethnicity, sex, gender identity, religion, disability, sexual orientation, or geographic location.

As a part of this effort, the VA also released the [findings of a new study](#) investigating disparities in grant rates for disability compensation for mental health conditions. This study found that recently separated Black veterans have grant rates better than or equal to other veterans when they apply for disability compensation benefits within the first year of leaving the military and use a VA-accredited veterans service organization (VSO). This is a critical discovery because — while Black veterans receive VA benefits at higher rates than other veterans — their grant rates are lower for mental health conditions.

In response to this new data, the VA will be visiting 15 or more Department of Defense installations to work with transitioning service members, updating their Transition Assistance Program curriculum that is provided to all transitioning service members, updating VA Solid Start scripts to inform recently transitioned service members of their earned benefits, working directly with VSOs to engage with Black veterans, and doing direct outreach to encourage Black veterans to file for disability compensation benefits within the first year of discharge and utilize VA-accredited VSOs when filing a claim.

To learn more, [read](#) VA's full release.

## WEBINARS & HEARINGS

### Promote the Vote: Voting Rights and Accessibility Requirements

On March 20 at 3:00 p.m. ET, PVA will host a webinar titled, "Promote the Vote: Voting Rights and Accessibility Requirements." Please join PVA's Government Relations team as we discuss the federal

laws protecting the rights of voters with disabilities and resources pertaining to accessible voting.

During this webinar, PVA will provide an overview of how the Americans with Disabilities Act and other federal laws help ensure fairness throughout the voting process, from voter registration to election day. We will also discuss the main barriers to accessibility in the voting process and methods to overcome these barriers.

Voting is one of our nation's most fundamental rights, and veterans with disabilities deserve to execute it.

To attend the webinar, please register by clicking [here](#).

### Upcoming Veterans' Committee Activities

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

