



# Washington Update

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

## **PVA SUBMITS COMMENTS TO INCREASE SAFETY & DIGNITY IN AIR TRAVEL FOR WHEELCHAIR & SCOOTER USERS**

In mid-June, PVA submitted [comments](#), supported by 55 state and national disability rights organizations, to the long-awaited Notice of Proposed Rulemaking (NPRM), [Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs](#). The NPRM seeks to strengthen the [Air Carrier Access Act](#), to ensure passengers who use wheelchairs or scooters can travel safely and with dignity.

The NPRM addresses additional protections for air travel passengers who use wheelchairs and scooters by clarifying existing airline requirements and adding new ones, as well as overall expanding the rights of passengers with disabilities. The NPRM addressed topics such as: requirements for safe and dignified assistance; prompt enplaning, deplaning, and connecting assistance; mishandled wheelchairs and assistive devices; passenger notifications; prompt return of delayed wheelchairs or scooters; prompt repair or replacement of damaged wheelchairs or scooters; loaner wheelchair accommodations; enhanced training for airline personnel and contractors; standards for on-board wheelchairs; size standards for lavatories on twin-aisle aircraft; and reimbursement of fare differences.

The NPRM also builds upon new requirements included in the [FAA Reauthorization Act of 2024](#). The new law

requires enhanced training requirements for personnel who perform manual transfers to and from aisle chairs and personnel who load and unload wheelchairs and scooters from the cargo. PVA's comments explained that these training requirements should be further enhanced by requiring more frequent and detailed training.

The U.S. Department of Transportation (DOT) will now review the comments received and make any needed changes to the proposed language. We are hopeful that in light of the critical need to make improvements that DOT will issue a final rule before the end of the year.

## **VETERANS ADVOCATES CONTINUE TO PUSH FOR SENATOR ELIZABETH DOLE OMNIBUS LEGISLATION**

Action on H.R. 8371, the Senator Elizabeth Dole 21st Century Veterans Healthcare and Benefits Improvement Act, continues to be delayed due to election year politics and concerns about community care provisions in the bill. H.R. 8371 combines several bipartisan and bicameral proposals to reform and improve the delivery of healthcare, benefits, and services at the VA for veterans, their families, and survivors into a single package. Provisions in H.R. 8371 would expand economic opportunities for veterans, improve mental health care access, and facilitate better oversight of the VA by Congress. Most importantly, the bill includes the entire Elizabeth Dole Home Care Act, which would



expand overall access to VA home and community-based services and remove the cap on how much VA can spend on home care for veterans, a specific concern for those with catastrophically disabilities.

On June 25, Senator Elizabeth Dole, PVA CEO Carl Blake, and representatives for other veterans advocacy organizations held a [press conference](#) calling on the House of Representatives to pass the bill without further delay. Later in the week, CEO Blake and leaders of other veterans service organizations (VSO) met with House Veterans' Affairs Committee Ranking Member Mark Takano (D-CA) regarding his concerns about H.R. 8371, specifically, what he and other members of his caucus believe are efforts to expand community care access. VSO leaders reiterated their strong, united support of the bill and their position that it does not significantly expand access to such care. They also noted the human toll of not acting on veterans who need the help the bill's provisions will provide now.

Veterans advocates continue to meet with key House leaders as we seek to find a path forward for H.R. 8371 before the August recess. We also need your help in moving this bill forward. Please [send a message](#) to your Representative in support of quick passage of this important legislation.

### SENATE FINANCE COMMITTEE HOLDS HEARING ON WORK & SOCIAL SECURITY BENEFITS

On June 18, the Senate Finance Committee held a full committee hearing titled, "[Work and Social Security Benefits: Addressing Challenges and Creating Opportunities](#)." The hearing centered around discussions on how to update and strengthen Social Security programs in order to make it easier for people with significant disabilities who want to return to the workforce. The panel included witnesses from the Social Security Administration (SSA), Congressional Research Service (CRS), U.S. Government Accountability Office, and National Council of Social Security Management Associations.

Testifying on behalf of the SSA was Susan B. Wilschke, Associate Commissioner of the Office of Research,

Demonstration, and Employment Support. Ms. Wilschke discussed barriers that beneficiaries face when attempting to return to work. Some of these barriers include, complex program rules, wage reporting requirements, and fear of overpayments. Ms. Wilschke also took time to highlight actions made under Commissioner Martin O'Malley's leadership to support beneficiaries who attempt to work. Such as, efforts to reduce and better manage overpayments, commissioning a new evaluation to assess the effectiveness of the Ticket to Work program, and the recent publication of a proposed rule for the Payroll Information Exchange.

Significant time was spent discussing the negative impact of outdated asset limits on Supplemental Security Income (SSI) beneficiaries. Senator Elizabeth Warren (D-MA) gave Ms. Wilschke a hypothetical. She asked what would happen if an SSI beneficiary that works and receives an average SSI payment, saved a little over the \$2,000 asset limit in an effort to rent an apartment. Ms. Wilschke answered that the beneficiary would no longer be eligible for benefits. Even being a few dollars over the asset limit, could result in a loss of benefits. Senator Warren called for the passage of the SSI Restoration Act, which would raise the asset limit, fix outdated rules, and allow the SSA to spend less of its budget administering the SSI program. PVA, along with many other disability organizations, supports the SSI Restoration Act.

Another popular topic was SSA's reliance on outdated occupational data for disability determinations involving vocational assessments. Senator Bill Cassidy (R-LA) asked William Morton from CRS how SSA's outdated vocational dictionary negatively impacts beneficiaries' ability to either stay in the work force or get their Social Security Disability Insurance benefits. Mr. Morton answered that some people may be denied or granted benefits improperly and that updating the data would allow for more accuracy. Mr. Morton stated that CRS was waiting to see what SSA was going to do next to solve this issue. It appears the SSA just responded by eliminating 114 outdated occupations from its occupational data on June 24 (see **News of Note** article).

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## DOJ'S JUNE VOTING ACCESS EFFORTS

June has been a busy month for the U.S. Department of Justice (DOJ) in regards to ensuring voting access. On June 10, the DOJ filed a [statement of interest](#) (SOI) in an Alabama federal court case challenging the state's criminalization and restrictions on who can assist voters with disabilities when casting an absentee ballot. The SOI clarifies that Section 208 of the Voting Rights Act (VRA) guarantees voters' choice of assistor and preempts state laws that interfere with that guarantee.

On June 17, the DOJ [announced](#) that it [filed a SOI](#) in an Ohio federal court case also challenging the state's restrictions on voting assistance. The SOI states that Ohio's voting assistance restrictions and failure to make reasonable modifications violate Section 208 of the VRA and the Americans with Disabilities Act, respectively. The department recognizes that voters with disabilities may face difficulties with absentee voting when states put restrictions on who may assist in returning a marked absentee ballot. The SOI points out that Ohio's absentee voting law is so broad that it even excludes caregivers and domestic partners from providing assistance.

## RFI SEEKS COMMENTS ON POSSIBLE RESEARCH & DEVELOPMENT ON THE USE OF AI IN TRANSPORTATION

The U.S. Department of Transportation has issued a [Request for Information](#) (RFI) seeking input from the public on the potential use of artificial intelligence (AI) in transportation, as well as emerging challenges and opportunities in creating and deploying AI technologies across all modes of transportation. This RFI is related to funding under [Advanced Research Projects Agency - Infrastructure](#) (ARPA-I), an agency within DOT that Congress established "to support the development of science and technology solutions that overcomes long-term challenges and advances the state of the art for United States transportation infrastructure."

The RFI requests comments on how AI is currently being used in transportation; potential uses of AI to be researched and developed by ARPA-I funds; challenges of the use of AI in transportation; opportunities and challenges of using AI for autonomous vehicles; and

other possible research and development opportunities using ARPA-I funding. [Online comments](#) are due July 2.

## NEWS OF NOTE

### Marriott Agrees to Improve Reservations for Accessible Rooms

Marriott International, Inc. reached a settlement agreement with the U.S. Attorney's Office for the District of Colorado to improve reservations for mobility accessible rooms. An investigation found Marriott's reservation systems did not list mobility accessible rooms on its website; its internal system did not guarantee reservations for mobility accessible rooms; the hotels did not have the minimum number of accessible rooms required by the Americans with Disabilities Act; and Marriott failed to provide adequate information on the accessibility of the hotels. Under the agreement, Marriott must inventory the number of mobility accessible rooms at its hotels; offer reservations for mobility accessible rooms on its website; improve the availability of information on the accessibility of the rooms and hotels; adopt policies for the reservation of mobility accessible rooms on third-party websites; and create a complaint tracking system regarding the reservation of mobility accessible rooms.

### VA Expands Its List of Toxic Exposure Presumptions

VA [recently added](#) male breast cancer, urethral cancer, and cancer of the paraurethral glands to its list of presumptive diseases covered under the Honoring our PACT Act of 2022 (P.L. 117-168). This change establishes presumptions of service connection for eligible Gulf War and post-9/11 veterans who deployed to Afghanistan, Somalia, Djibouti, Egypt, Jordan, Lebanon, Syria, Yemen, Uzbekistan, and the entire [Southwest Asia theater](#) of operations, which includes Iraq. Presumptive service connection means VA automatically assumes service connection for the disease and provides benefits to eligible veterans who have submitted claims with evidence of a diagnosis.



## Women Veteran Roundtable

At the end of June, PVA joined other veterans service organizations (VSO) and members of Congress to discuss women veterans. Several years ago, the Deborah Sampson Act (P.L. 116-315) passed, which expanded care and resources for women veterans using the VA, as well as requiring several congressionally mandated reports (CMR) to assess the impact of the legislation. The focus of this meeting was to discuss data provided by CMRs related to sexual assault and harassment on VA campuses. Over the past few years, reports of assault and harassment have been on the rise. VSOs and Congress are working on strategies and solutions to improve the experience for women veterans at VA while engaging with VA staff to improve intervention and bystander training to ensure that women veterans can use VA services free from harassment.

## PVA Advocates for Wheelchair Accessible AVs

On June 17, Danica Gonzalves, PVA Senior Advocacy Attorney, test rode an autonomous vehicle (AV) in Washington, DC. AVs are self-driven vehicles and are expanding to cities as a rideshare service. However, there are currently no wheelchair accessible AVs in the U.S. Last year, PVA and other disability rights organizations submitted a letter to the House of Representatives to emphasize the importance of accessible AVs. The letter outlined how this new emerging mode of transportation must be accessible for people with all types of disabilities. PVA will continue to work with companies, Congress, and the Administration on the development and deployment of these vehicles.

## SSA Significantly Updates Occupations List

On June 24, the Social Security Administration (SSA) announced that it will be eliminating 114 occupations from being used to support a “not disabled” finding in disability benefit determinations. The agency relies on the Dictionary of Occupational Titles (DOT) as its primary source of occupational data in making disability benefit determinations. The DOT’s latest edition was published in 1977, with small updates occurring up until 1991. The eliminated occupations have been identified as existing in very small numbers or not at all. The purpose of this

initiative is to ensure the agency only considers the most relevant occupations when assessing whether an applicant could perform other types of work.

## PVA on the Hill to Discuss Disability Employment

Ranking Member Mike Levin (D-CA) of the House Veterans’ Affairs, Economic Opportunity Subcommittee recently held a quarterly check in meeting with veterans service organizations to discuss issue areas covered by the subcommittee. PVA staff stressed the need for the VA, the U.S. Department of Labor, and Congress to strengthen and support resources and supports for disabled veterans reentering the workforce. Disabled veteran unemployment rates are often at least double that of veterans without a disability and PVA has been working with appropriate agencies to ensure that employers are providing appropriate work place accommodations and not engaging in discrimination.

## CCD Celebrates 25th Anniversary of Olmstead

On June 18, the Consortium of Constituents with Disabilities (CCD) celebrated the 25-year anniversary of *Olmstead v. L.C.* with a briefing of the landmark case and its impact. The decision held that unjustified segregation and institutionalization of people with disabilities constitutes discrimination in violation of Title II of the Americans with Disabilities Act. CCD is the largest coalition of national organizations, including PVA, working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. Panelists with lived experience took turns discussing the impact of the decision on their lives and further actions Congress must take to ensure that people with disabilities have access to community living.

## UPCOMING HEARINGS

### 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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