



# Washington Update

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

## VA FUNDING SHORTFALL UPDATE

Last month, we reported that Senator Sherrod Brown (D-OH) had introduced legislation seeking to cover a \$2.883 billion shortage in VA's fiscal year (FY) 2024 mandatory accounts that fund disability compensation, survivor, and education benefits. The Veterans Supplemental Appropriations Act, 2024 would not only provide the needed funding, but would also require VA to report on potential cost savings measures within VA Central Office, direct the Government Accountability Office to review the circumstances that led to the budget shortfall, and instruct the VA to submit a revised budget for FY 2025.

Efforts to fast track the bill through the upper chamber before the August recess ended when a handful of Senators objected to considering the bill, prior to examining why the shortfall existed in the first place. As a result, the Senate Veterans' Affairs Committee will likely hold a hearing in early September to assess the cause of the shortfall and identify potential corrective actions. Congress needs to pass legislation addressing the funding gap before September 20. [Take action now](#) to let your members of Congress know that this shortfall must be addressed as soon as possible.

## ADVOCACY DURING THE AUGUST CONGRESSIONAL RECESS

The House and Senate are only holding pro forma sessions during the month of August, so lawmakers are home working in state and local district offices. A pro forma session is a brief meeting of the chamber (e.g., a few minutes) where no formal legislative business is conducted. As a general rule, your elected officials are usually more accessible when they are in their states and districts and we encourage members to take advantage of that. Plan to attend town hall meetings or meet with them in their local offices. They may also be attending parades and other community celebrations so be sure to keep an eye out for these opportunities as well. Each of these venues offer great opportunities for you to introduce yourself to your elected officials and share your concerns with them. As a reminder, [check out PVA's policy priorities for the August recess](#).

## SVAC CHAIRMAN PUSHES DOD AND VA LEADERSHIP TO IMPROVE MST CLAIMS PROCESS

Senator Jon Tester (D-MT), Chairman of the Senate Veterans' Affairs Committee (SVAC), recently sent letters to leadership of the VA and Department of Defense (DOD) urging them to take immediate action to improve support for servicemembers and veterans who have experienced military sexual trauma (MST).



The Chairman shared concerns that in the Fiscal Year 2023 Annual Report on Sexual Assault in the Military there was no mention of the policies implemented to improve awareness of services offered to MST survivors. A similar letter was sent to VA and DOD leadership last year after a scathing report issued by the Government Accountability Office highlighting the need to improve communication, outreach, and support for servicemembers who experienced MST.

In response to last year's letter, department leadership committed to increasing resources for survivors, but those improvements were missing from the latest Annual Report, which led to the most recent letter. One of the new policies implemented at DOD provides free and confidential counseling services to servicemembers through VA Vet Centers; however, there is no mention of this new benefit in the annual report.

MST claims processed by the VA have been a battleground for veterans service organizations (VSO) who are frustrated with the Veterans Benefits Administration's (VBA) handling of these claims. The average wait time for an MST claim is currently more than 300 days and VSOs believe that VBA has the staff and resources to decrease that timeline.

PVA supports S. 1028/H.R. 2441, the Servicemember and Veteran Empowerment and Support Act (SAVES) of 2023, which would greatly expand and improve access to benefits for MST survivors by lessening the burden of evidence required for related disability claims. If you would like to send a message to your member of Congress urging them to support the SAVES Act, you can send it through [PVAAction Force](#).

### LOUISIANA FACES LAWSUIT OVER NEW ABSENTEE BALLOT LAWS

On July 10, Disability Rights Louisiana [filed](#) a lawsuit alleging Louisiana's new voting laws violate the Voting Rights Act of 1965 (VRA). The complaint claims that [Act No. 380](#) and [Act No. 317](#) violate the VRA by prohibiting anyone from assisting delivery of more than one absentee ballot. The complaint also alleges that [Act No. 712](#) and [Act No. 302](#) violate the VRA by prohibiting

anyone from serving as a witness and assisting on more than one ballot. All four laws impose criminal penalties on perpetrators. Section 208 of the VRA gives voters with disabilities the right to receive assistance by a person of their choice. In the complaint, Disability Rights Louisiana requests that the judge issue a statewide injunction to stop the implementation and enforcement of the law to protect the voting rights of people with disabilities.

### FEDERAL COURT STRIKES DOWN RESTRICTIONS CRIMINALIZING VOTER ASSISTANCE IN OHIO BILL

On July 22, Judge Bridget Brennan of the United States District Court Northern District of Ohio filed a [ruling](#) striking down a portion of [Ohio House Bill 458](#). The bill made it a felony for anyone other than a select few members of a voter's family to assist them in submitting their absentee ballot. The American Civil Liberties Union argued that the bill blocked voters with disabilities from receiving assistance from personal caregivers, neighbors, grandchildren, and other trusted people in their lives.

Section 208 of the Voting Rights Act (VRA) gives people with disabilities the right to receive assistance by a person of the voter's choice. In the ruling, the judge stated that there is a clear violation of a federally guaranteed voting right in the case. The order permanently enjoins the state from implementing and enforcing the bill against voters with disabilities and those who assist them with absentee ballot return to the extent enforcement contradicts Section 208 of the VRA.

### DOT REQUESTS COMMENTS ON ITS EQUITY PLAN

The U.S. Department of Transportation (DOT) recently sought [comments](#) on its update to the agency's 2022 [Equity Plan](#). The Equity Plan was developed to ensure equal access to transportation for underserved communities, including people with disabilities. In 2023, DOT published the [Equity Plan Update](#), outlining steps the department took to increase transportation equity and future goals. These actions included increasing

PVA.org

@ParalyzedVeterans



Paralyzed Veterans of America



@PVA1946



@PVA1946

access to safe and accessible air travel for wheelchair and scooter users. DOT also awarded grants to increase the accessibility of legacy rail public transportation systems. In the request for comments, DOT asked what activities would be most meaningful to advance transportation equity, what activities should be expanded, and what new activities can DOT consider for the future. PVA [submitted comments](#) in response to the request.

### **DOJ REACHES SETTLEMENT WITH LOS ANGELES COUNTY ENSURING VOTING ACCESSIBILITY**

On August 1, the Department of Justice announced it reached a settlement agreement with the County of Los Angeles, the largest election jurisdiction in the country, following an investigation finding that individuals with disabilities were excluded from the county's in-person voting program. Surveys of hundreds of California polling places, going back to June 2016, revealed that an overwhelming amount had architectural barriers and prevented safe access for in-person voting. Under the settlement, the county has agreed to work with an accessibility expert to ensure voting centers are accessible or can be made accessible by implementing temporary remedial measures.

### **ACCESS BOARD ISSUES FINAL RULE ON MDE LOW-TRANSFER HEIGHT**

On July 25, the Access Board issued a [final rule](#) on the low-transfer height for medical diagnostic equipment (MDE). MDE includes equipment like medical examination tables, weight scales, dental chairs, x-ray machines, mammography equipment, and other imaging equipment. The Access Board's final rule requires exam tables and chairs to lower to a height of 17 inches so wheelchair users can independently transfer from their wheelchair to the exam table or chair.

In 2017, the Access Board published [standards](#) for accessible MDE. However, the standards did not include a specified low-transfer height. The Board determined

more research was necessary prior to finalizing this standard.

Notably, this rule is not enforceable until it is adopted by the U.S. Department of Justice and U.S. Department of Health and Human Services. Although both agencies recently published new MDE standards under [Title II of the Americans with Disabilities Act](#) and [Rehabilitation Act of 1973](#), the 17-inch requirement was not adopted. The agencies will need to proceed with the rulemaking process to adopt this new standard. The final rule is effective September 23, 2024.

### **DOJ PUBLISHES TITLE II ADA FINAL RULE ON ACCESSIBLE MDE**

The U.S. Department of Justice (DOJ) recently [published](#) a [final rule](#) 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, and mammography and other imaging equipment. Title II of the ADA prohibits discrimination in health care services, programs, and activities of state and local governments. The final rule outlines specific scoping standards and technical requirements. The requirements are based on the [standards](#) published by the U.S. Access Board in 2017.

DOJ's final rule did not adopt the Access Board's recently passed [final rule](#) requiring some MDE to lower to 17 inches. Instead, entities' have the option of acquiring MDE with a low-transfer height between 17 inches and 19 inches.

Under DOJ's final rule, at least 10 percent, but no fewer than one, of an entity's MDE must be accessible for wheelchair users. Any MDE acquired after October 8, 2024, must be accessible until the entity reaches the 10 percent requirement. Each entity must also have at least one accessible weight scale and exam table by August 9, 2026. Until the entity acquires accessible MDE, they must provide accommodations. Accommodations could include offering home visits or accessible transportation to another facility. Furthermore, staff must be trained



on how to safely operate the accessible MDE. The final rule is effective October 8, 2024.

### **POLICY CHANGES TO EXPAND ACCESS TO AFFORDABLE HOUSING FOR HOMELESS VETERANS**

Recently, the U.S. Department of Housing and Urban Development (HUD) made changes to longstanding agency policy that created barriers for disabled veterans when accessing VA Supportive Housing Vouchers, or HUD-VASH. With this policy change, HUD will no longer consider disability benefits as earned income when determining eligibility for rental assistance. This shift means thousands of disabled homeless veterans who were previously ineligible for rental assistance through the VA will now be able to find housing using the HUD-VASH program.

This change will be particularly impactful for homeless veterans who find themselves in areas with a high cost of living. Nearly 11,000 homeless veterans live in California, notoriously one of the most expensive states in the country. The shift in HUD policy will help many of them get off the streets and connect them to a case worker who can help with employment services and other VA benefits. Congress had been urging HUD to make the change, but HUD was hesitant to do so for fear that it would prohibit the most vulnerable from accessing HUD-VASH vouchers.

### **NEWS OF NOTE**

#### **Celebration of Social Security's 89th Anniversary**

On August 14, Jeremy Villanueva, Associate Legislative Director, and Anthonya James, Advocacy Attorney, attended the White House Social Security Act Anniversary event celebrating Social Security's 89th anniversary.

The invite only event was hosted by the White House Office of Public Engagement and featured Social Security Commissioner Martin O'Malley; Representative John Larson (D-CT); Theo Braddy, National Council on Independent Living Executive Director; Economist

Kathryn Edwards; and Managing Director for Justice in Aging's Economic Security team Tracey Gronniger. The event featured discussions about Social Security and its importance to older Americans and those with disabilities.

#### **Senator Casey Introduces Bills to Expand Access to ABLE Accounts**

On August 1, Senator Bob Casey (D-PA) [introduced](#) three bills that increase access to the Achieving a Better Life Experience (ABLE) program. The ABLE Act of 2014 created ABLE accounts, tax-free savings accounts for individuals with disabilities to cover qualified disability-related expenses. The funds in ABLE accounts are disregarded when determining eligibility for public assistance programs. Senator Casey's bills aim to increase awareness of ABLE accounts and allow employers to directly contribute to them.

#### **VA Launches Updated Burn Pit Registry**

Earlier this month, VA announced the launch of the redesigned [Airborne Hazards and Open Burn Pit Registry](#). The Burn Pit Registry is a database that combines veteran and servicemember data to help VA better understand, research, and ultimately improve treatment for the health challenges facing veterans exposed to airborne hazards and burn pits during their military service. To learn more about the registry and the relaunch, click [here](#).

#### **Senate Approves Resolution on GI Bill Anniversary**

Prior to the August recess, the Senate passed a resolution recognizing the 80th anniversary of the Servicemen's Readjustment Act, also known as the GI Bill. Since being signed into law by President Franklin D. Roosevelt in 1944, the GI Bill has provided critical education and housing benefits to millions of veterans and helped ease their transition from military to civilian life. You can find the text of the resolution [here](#).





## WEBINARS, SURVEYS, & HEARINGS

### **Webinar Recording Now Available: Protecting Disability Rights Through Regulation**

On July 23, Senior Advocacy Attorney Danica Gonzalves and Advocacy Attorney Anthonya James dove into administrative advocacy and the importance of reviewing and responding to proposed regulations. The webinar titled, “Protecting Disability Rights Through Regulation,” covered ways to use administrative advocacy when it comes to the federal rulemaking process and how groups and individuals can participate in it. You can watch a recording of the webinar [here](#).

### **Accessible Air Travel: Survey**

The Human Engineering Research Laboratories in Pittsburgh is conducting a national survey about accessible air travel. The study aims to estimate the pent-up demand for air travel among mobility device users and identify the specific needs and pain points experienced during their travel. Your participation will provide valuable insights that can help improve the accessibility and overall travel experience for mobility device users. The survey should take no more than 20 minutes to complete. To take the survey, please [click here](#).

### **Veterans’ Committee Activities**

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

