



Washington Update

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

ACCESSIBLE DROP-OFF ZONES COMING TO CAPITOL HILL

At the beginning of December, the Committee on House Administration's Modernization Subcommittee sent a letter to the Capitol Police, the Architect of the Capitol, and the House Sergeant at Arms requesting "a preliminary study to identify possible drop off and pick up locations on level ground" for members of the public with mobility impairments.

In May 2021, PVA's Chief Policy Officer Heather Ansley testified before the House Select Committee on Modernization of Congress on making the House more accessible to the disability community. In her testimony, she mentioned the challenges faced by PVA's members, and others with mobility limitations when they visit the Capitol and neighboring office buildings. Ansley specifically highlighted how the barriers start at the curb and called for designated drop off (or pick up) zones near all accessible entrances, among other improvements.

While the exact locations of these drop-off zones are currently being determined, a short-term fix is expected to be in place in early 2024, ahead of the springtime tourist and advocacy season. More permanent solutions are actively in the works and will be realized in the weeks and months ahead.

HVAC HOLDS FULL COMMITTEE MARKUP

On December 5, the House Veterans' Affairs Committee (HVAC) held a full committee markup discussing bills that advanced from the Economic Opportunity (EO) and Disability Assistance and Memorial Affairs (DAMA) Subcommittees.

All of the bills discussed, several of which are being tracked by PVA, successfully advanced through the markup. PVA priority, H.R. 3790, the Justice for ALS Veterans Act, was among those bills that is now ready for the House floor. As a reminder, surviving spouses of a service-connected veteran may be eligible for dependency and indemnity (DIC) benefits. The current rate for DIC is \$1,562. For veterans that lived for at least eight-years with their service-connected injury, spouses may be eligible for the DIC "kicker," an additional \$331 each month. The Justice for ALS Veterans Act would authorize the surviving spouse of a veteran who dies from ALS to receive the DIC "kicker" in the event their spouse died before the eight-year requirement.

Other DAMA-related bills addressed in the markup include one that would address disparities for women veterans who served in combat when seeking VA benefits, one that seeks to improve transparency at the Board of Veterans' Appeals, a fraud reimbursement bill, and also a bill that ensures a veteran's claims cannot be denied simply because they miss a compensation and pension (C&P) exam.



From the EO Subcommittee there were bills that would improve several aspects of VA education benefits, including increasing transparency around institutions of higher learning, expanding the housing allowance during summer sessions, and decreasing barriers for women veterans applying to the Edith Nourse Rogers STEM Scholarship. There were also other bills that would improve the transition process, address portability of some licenses for medical providers who offer C&P exams, and allow veterans to use the Auto Grant to cover the cost of shipping their adaptive vehicle.

You can see the full list of bills and view the markup [here](#).

NDAА CLEARС CONGRESS

After months of work, on December 13, the Senate overwhelmingly voted to pass the National Defense Authorization Act (NDAA). After reviewing the 3,000-page conference report they voted 87-13 in favor of the \$886.3 billion defense package. The next day, the House approved the bill by a vote of 310-118.

Within the NDAA are the specifics for the Department of Defense budget, as well as changes to existing policies, the organization of defense agencies, and guidance for how military funding can be spent. The NDAA covers many aspects of military and family life such as pay, benefits, TRICARE, even the exchange and commissary. Several provisions within the NDAA also apply to veterans. The NDAA also contained a 5.2 percent pay raise for service members, the largest increase in military pay in more than 20 years.

When it comes to veterans' provisions, there are a few items to mention. There's an extension of the Troops-to-Teacher program, a section that would allow remarried surviving spouses access to the commissary, and another that would allow the Department of Labor's Veterans' Employment and Training Service to participate in the VA-Department of Defense Joint Executive Committee, which will hopefully improve the transition process for service members.

Another provision within the NDAA, which was promoted by PVA, is an increase from \$20 million to \$30 million for minor construction projects for health care facilities. It will also allow for regular increases of the threshold as the cost of construction increases. This change is critical to ensuring VA is better able to address its infrastructure needs.

VA HOLDS WOMEN ADVISORY COMMITTEE MEETING

In mid-December, VA's Advisory Committee on Women Veterans met for a meeting. The sessions are open to the public and the links are provided to all attendees to listen in to the discussion. Advisory Committee participants receive briefings on unique efforts that VA is making to engage women veterans.

The first day included briefings from the National Cemetery Administration, the Veterans Benefits Administration, the Intimate Partner Violence Assistance Program, and the Office of Women's Health. All presentations focused on unique efforts each program is making to increase engagement from women veterans.

The second day included updates on the Women Veteran Call Center, veteran homelessness, assault and harassment prevention and the Office of Transition and Economic Development initiatives. The second day also included time to address public comments.

FTA OPENS PUBLIC FORUM FOR IDEAS AND VOTES ON PUBLIC TRANSPORTATION ACCESSIBILITY

The Federal Transit Administration (FTA) opened an [online forum](#) for members of the public to share ideas, insights, and experiences for research, technology, and innovation to help make public transit safer, more climate-friendly, and equitable. The forum will collect ideas, comments, and votes to inform its strategic plan and transit research and funding. The public can post ideas, upvote an idea to raise it as an issue to be addressed, and give kudos. All participants must register [online](#).



The Consortium for Constituents with Disabilities Transportation Task Force posted several innovation and research ideas. Posted ideas include: [Research & Innovation to Increase the Safety of Pedestrian with Disabilities and Lower Fatalities and Injuries](#); [Research on the Location, Availability, and Cost of Public Transportation Options](#); [Safety & Equity Concerns of Autonomous Vehicles](#); [Data Collection on Accessible Complete Streets](#); [Data on the Connection Between Accessible, Affordable Public Transportation and Economic Growth for People with Disabilities](#); and [Research on How Accessible, Affordable Transportation Can Connect People with Disabilities for Community Engagement](#).

The forum is open until January 5, 2024.

WIOA REAUTHORIZATION BILL INTRODUCED

In July 2014, the Workforce Innovation and Opportunity Act (WIOA) was signed into law to help job seekers access employment, education, training, and support services to ensure successful engagement in the labor market and match employers with a skilled labor force. It has been almost 10 years since it was passed, and advocates have been working hard to make essential updates to WIOA.

Earlier this month, the House Committee on Education and the Workforce leadership, Representatives Virginia Foxx (R-NC) and Robert C. “Bobby” Scott (D-VA), introduced H.R. 6655, A Stronger Workforce for America Act, which makes improvements to WIOA.

The bill contains a number of provisions strengthening the focus of workforce programs on those with barriers to employment and specifically includes people with disabilities among those targeted; adds assistive technology as an allowable use of funds to accommodate those with disabilities for delivery of services; increases authorization of appropriations under the Rehabilitation Act of 1973 for supported employment services for individuals with the most significant disabilities; and includes under the definition of dislocated workers eligible for services the caregivers

or survivors of veterans with service-connected disabilities.

On December 12, the House Committee on Education and the Workforce discussed H.R. 6655 at a pending legislation hearing. You can watch the hearing [here](#).

SUPREME COURT FINDS ADA TESTER CASE IS MOOT

After hearing oral arguments, the U.S. Supreme Court recently found the case in [Acheson Hotels, LLC v. Laufer](#) to be moot. Deborah Laufer, a person with a disability and self-deemed “tester,” regularly visits hotel websites checking whether they have the information required by the Americans with Disabilities Act (ADA). Under the ADA [reservation rule](#), hotels must identify and describe the accessibility features of the hotel and guest rooms.

When Laufer visited the website of the hotel in this case, it failed to have any information on accessibility and she sued in district court. The district court dismissed her case finding Laufer did not have [standing](#) to sue because she never planned on visiting the hotel and suffered no harm. Laufer appealed to the Court of Appeals who found that Laufer suffered harm because she did not receive the information the ADA required. The hotel appealed to the Supreme Court.

The Court granted review of the case to determine whether an ADA tester can bring a lawsuit for a hotel’s failure to provide accessibility information. However, due to developments in the case, the Court added a consideration of whether the case was [moot](#) since the owner sold the hotel, the hotel posted the information, and Laufer dropped the initial case. Both sides argued the case was moot, but the case still went to [oral argument](#) in October. On December 5, the Court unanimously [ruled](#) the case as moot and remanded the case to the circuit court, where it will be dismissed. The Court’s decision explained that though this case is moot, they are open to review a future ADA tester case since the circuit courts are still split on whether an ADA tester has standing.



DOJ FILES STATEMENT OF INTEREST IN CASE ALLEGING CHICAGO'S AFFORDABLE RENTAL HOUSING ACTIVITIES DISCRIMINATE AGAINST INDIVIDUALS WITH DISABILITIES

On May 13, 2018, a lawsuit, [Access Living of Metropolitan Chicago v. City of Chicago, No. 1:18-cv-03399 \(N.D. Ill.\)](#), was filed alleging that the city of Chicago's affordable housing program is inaccessible to people with disabilities. The complaint—filed in the U.S. District Court for the Northern District of Illinois on behalf of Access Living—alleges that since 1988 the city directed hundreds of millions of dollars of federal funding to private developers to create an Affordable Rental Housing Program that does not comply with the accessibility requirements of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act (Section 504), and the Fair Housing Act.

The city filed a summary judgment motion on September 29, 2023, claiming that it had no liability because it did not own or operate the buildings. Access Living filed an [opposition brief](#) on November 17, 2023, rebutting all of the city's claims.

On December 12, 2023, the U.S. Department of Justice (DOJ) filed a [Statement of Interest](#) in this case. The Statement of Interest clarifies the correct interpretation of whether Chicago's affordable rental housing activities are a covered service, program, or activity under Section 504 and Title II of the ADA. The Statement of Interest explains that Chicago is liable for the accessibility of its program or activity even when it contracts with private developers to build affordable housing.

NEWS OF NOTE

DOT Issues RFI on Transit Facility Access

The U.S. Department of Transportation (DOT) has issued a [request for information \(RFI\)](#) for comments on whether to change the accessibility requirements for transportation facilities under the Americans with Disabilities Act. DOT is specifically looking at changing requirements for vertical access, like elevators and long ramps between platforms; communications, such as in how people who are deaf and/or blind can receive

information about upcoming trains; and wayfinding, considering how people can use technology to navigate transit stations. The department will also accept comments on any other standards that govern rails stations, bus stops, and transfer stations, such as parking lots, fare vending machines, and accessible paths of travel. Comments can be submitted online through January 5, 2024.

CCD Celebrates 50th Anniversary

The [Consortium for Constituents with Disabilities](#) (CCD) celebrated its 50-year anniversary with a briefing on disability rights on Capitol Hill. 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. PVA's Advocacy Attorney, Danica Gonzalves, spoke at the briefing, explaining federal disability discrimination laws, including the Americans with Disabilities Act and the Rehabilitation Act of 1973. Ms. Gonzalves touched on several pressing issues including inaccessible medical treatment and equipment, wheelchair accessible transportation, and hotel beds. Ms. Gonzalves stressed the need for oversight and enforcement of current laws. She emphasized that lawmakers must consider the direct experiences of people with disabilities before passing new laws.

WEBINARS & HEARINGS

Reminder: Advocacy Training Webinars Available

PVA's five-part series, "The 5 W's: The who, what, where, why, and when of our government and the art of advocacy," is now on [PVA.org](#). You can learn more about the [Fundamentals of Government](#), the [Legislative Process](#), [Stakeholders of Advocacy](#), [Understanding the Issues and Becoming a Change Agent](#), and [Connecting the Dots](#). If you have any questions about the series, please contact PVA Grassroots Advocacy Manager Lisa Elijah at LisaE@PVA.org.

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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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