



# Washington Update

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## HVAC HOLDS HEARING ON VA LEADERSHIP ACCOUNTABILITY

On September 10, the House Veterans' Affairs Committee (HVAC) held a [full committee oversight hearing](#) to examine VA leadership accountability. HVAC Chairman Mike Bost (R-IL) and Ranking Member Mark Takano (D-CA) opened with passionate statements that set the tone for the hearing which sought to examine VA's funding shortfalls and the role of VA's leadership in the current state of affairs.

Testifying for the VA was the Under Secretary for Health Dr. Shereef Elnahal and Under Secretary for Benefits (USB) Josh Jacobs. They were joined by Mr. Michael Missal, VA's Inspector General, and Mr. Edward Murray, Acting Assistant Secretary for Management and the Chief Financial Officer for the VA.

Members of the Committee pushed the under secretaries for transparency about VA's budget shortfalls and explanations for the miscalculations. Dr. Elnahal testified that because of VA's decision to accelerate eligibility for all cohorts under the PACT Act who were approved on a ten-year eligibility timeline, VA ran the risk of encountering a budget shortfall as a byproduct of increased enrollment. Dr. Elnahal also noted that VA Secretary Dennis McDonough previously testified at a budget hearing where he made the

commitment to immediately alert Congress should VA have budget concerns, which the VA did in July.

USB Jacobs explained the need for the additional funding for the Veterans Benefits Administration (VBA) in his opening statement, highlighting that more than 34,000 VBA employees are delivering more benefits to more veterans than ever before. According to the USB, in fiscal year (FY) 2023, VA delivered \$163 billion in earned benefits which included \$150 billion in compensation and pension benefits to over six million veterans and survivors. Last year, VBA processed more than two million claims and this year they have processed 17 percent more claims and are projected to complete more than 2.5 million claims by the end of the FY. The VBA workforce has increased by more than 35 percent since October 2022, allowing VA to process more claims, but also increasing overall costs.

The USB further explained the complicated process of VA transferring a "pay file" to the Treasury who then delivers compensation to veterans. If the amount owed to veterans within that pay file is short by a single dollar, then Treasury would be required to hold all payments, impacting around seven million veterans. The supplemental funding that VBA requested is intended to ensure that all veterans are able to receive their compensation and pension payments on October 1.



## VETERANS ORGANIZATIONS HOLD PRESS CONFERENCE TO PUSH FUNDING FOR VA

In response to VA's budget shortfall, PVA leaders joined representatives from VFW, DAV, The American Legion, and other leading veterans organizations at a [press conference](#) on September 11 to raise concerns about the nearly \$3 billion shortfall in VA's benefits budget that would result in delay of veterans' benefits on October 1 if not addressed by September 20. PVA National President Robert Thomas spoke at the press conference regarding the importance of VA benefits for catastrophically disabled veterans. He also raised concerns about the \$12 billion shortfall for the Veterans Health Administration in fiscal year 2025, as well as the budgetary issues already causing staffing shortages and service reductions in the spinal cord injuries and disorders system of care. Following the press event, PVA announced the [release of a letter](#) signed by nearly 20 veterans organizations calling on Congress to address the funding shortfalls.

At this time, it appears the House and Senate have reached a compromise that would allow Congress to address the benefits shortfall prior to the September 20 deadline. We will continue to advocate for final passage of the benefits funding bill, as well as addressing shortfalls in the VA health care system.

## PVA ATTENDS THE VA QUADRENNIAL WOMEN VETERANS SUMMIT

At the beginning of September, PVA was invited to attend and participate in the VA's Quadrennial Women Veterans Summit in Washington, D.C. Held every four years, the Women Veterans Summit is an opportunity for women veterans, veteran organizations, and other stakeholders to come together and highlight the various programs and supports VA offers for women veterans. Staff from PVA's Research and Education program and Government Relations supported a table at the event's expo. PVA National Senior Vice President Tammy Jones also attended.

Julie Howell, Associate Legislative Director, participated in a panel discussion focused on the unique needs of

women servicemembers who are transitioning out of the military. In addition to PVA, the transition panel included representatives from a wide variety of services and supports, including the Acting Chief of the Office of Women's Health; a mental health expert from the National Center for PTSD; and Academy Women, a nonprofit dedicated to the professional development of women veterans. The conversation covered the need for increased mental health support for women veterans during their transition process, common barriers that women veterans encounter when deciding whether or not to engage with the VA, and how independent organizations can work with the VA to ensure that women veterans receive the health care and benefits they've earned.

PVA stressed that not all veterans get to experience the transition process as intended. When a servicemember experiences a catastrophic injury, or if they are diagnosed with a disease like MS, the transition is unexpected. These servicemembers are often required to prioritize medical appointments over transition courses, and they are more likely to struggle with feelings of isolation or loss of identity due to the abrupt and unexpected nature of their transition from the military.

## DOJ SETTLES COMPLAINT OVER ADA VIOLATIONS BY WASHINGTON STATE PARKS

On September 5, the Department of Justice (DOJ) [announced](#) that it has reached a settlement agreement with Washington State Parks and Recreation Commission (Washington State Parks) resolving allegations that the park facilities violate the Americans with Disabilities Act (ADA). In the original complaint, it was alleged that a camping space for people with disabilities did not have conforming conditions and resulted in injury to a camper with mobility issues. The ADA requires that structures and improvements in public facilities, such as state parks, constructed after 1992 meet certain requirements in order to allow access to people with disabilities.

The settlement requires Washington State Parks propose new policies and procedures for maintaining

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accessible features and ensuring ADA compliance of new construction and alterations in 90 days. Additionally, in a year, Washington State Parks must provide remediation plans and timelines for compliance for building and facilities that are not compliant with the ADA at that time. Washington State Parks must also establish procedures to receive complaints and use their website to post information on ADA policies. The Washington State Parks will work closely with the U.S. Attorney's Office (USAO) by logging all inspections, complaints and repairs of accessible features to be reviewed by the USAO. The USAO will receive progress reports from the Washington State Parks every six months for the seven-year term of the settlement.

### **DOT ISSUES NPRM ON PUBLIC RIGHTS-OF-WAY**

The U.S. Department of Transportation (DOT) issued a [notice of proposed rulemaking](#) (NPRM) to adopt the Access Board's [standards on public rights-of-way](#) (PROW). The Access Board published the standards in August 2023, but the standards are not enforceable until they are adopted by DOT and the U.S. Department of Justice (DOJ). Notably, DOT's enforcement authority only covers transit facilities and services. DOJ must adopt standards to enforce them on all other PROW.

If adopted, DOT's standards will apply to new construction and alterations of transit stops in the PROW. The proposed standards would be enforceable under Title II and Title III of the Americans with Disabilities Act – meaning transportation facilities owned and operated by private companies used by the general public or by cities, counties, or states. The proposed definition of a “transit stop” is a facility or area used for boarding and deboarding buses, rail cars, and other transportation vehicles that operate on a fixed or scheduled route. This definition does not include intercity rail except where a stop is located in the PROW.

Beyond the adoption of the Access Board's standards, DOT requests comments on standards for transit stops that are located in places where there are also bicycle or vehicular lanes. An example is where a bicycle lane is located between the bus stop and the sidewalk, and the boarding and deboarding area of the bus stop extends

into the bicycle lane. Since the Access Board standards do not address this specific issue, DOT requests comments and solutions. Comments can be submitted [online](#) through September 23, 2024.

### **EO SUBCOMMITTEE HOLDS OVERSIGHT HEARING ON TRANSITION**

On September 10, the Economic Opportunity (EO) Subcommittee for the House Veterans' Affairs Committee held an oversight hearing evaluating mental health support programs for separating servicemembers. Several employees of the VA testified as well as representatives from the Department of Defense (DOD), the Government Accountability Office (GAO), and the Department of Labor's Veterans' Employment and Training Service.

Discussed several times in the hearing was the new off-base transition program which was established to be a virtual resource for veterans who may not have been able to attend Transition Assistance Programs at the time of their separation and for veterans who separated years ago. Additionally, VA shared that they plan to implement a new outreach strategy in coordination with all 56 regional offices, that will be data driven and that will meet the needs of those unique communities. In 2025, targeted outreach will focus on women veterans, rural veterans, veterans experiencing homelessness, and counties that have never been engaged. VA hopes that this new outreach strategy will help inform veterans of their health care and benefits, providing additional resources to ensure that veterans understand they have support, especially for mental health care.

Congresswoman Delia Ramirez (D-IL) asked an especially relevant question to DOD and VA: what are both departments doing to ensure the success of servicemembers who transition out of military service unexpectedly, particularly due to an injury or illness? DOD stressed that each transitioning servicemember is unique in their needs and experiences and therefore they need to ensure that the training and education provided isn't treated as a one size fits all but rather that different modules are tailored for the dynamic needs of those leaving the military. Both DOD and VA mentioned



the need for continued and increased collaboration between the departments to guarantee that servicemembers are able to access information that makes sense for their needs.

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

## **HUD REACHES SETTLEMENT WITH LA OVER ALLEGATIONS OF MISUSE OF HUD GRANT FUNDS**

In 2017, the U.S. Government intervened in a whistleblower lawsuit under the False Claims Act. The U.S. alleged a decade long failure by the City of Los Angeles (LA) to follow federal accessibility laws. The case was originally initiated by an LA resident and wheelchair user and nonprofit disability rights advocacy group, the Fair Housing Council of San Fernando Valley. As a recipient of grant funds from the Department of Housing and Urban Development (HUD) for multifamily affordable housing, the city must comply with federal accessibility laws. These laws prohibit discrimination against people with disabilities and under them LA must implement housing-related accessibility requirements.

In its complaint, the U.S. alleged that the city failed to build and rehabilitate affordable multifamily housing units and maintain a publicly available list of accessible units and their accessibility features. The U.S. also alleged that on an annual basis, LA knowingly and falsely certified to HUD that it complied with grant requirements. In June, HUD and the city reached a [settlement](#) where the city agreed to pay \$38.2 million to resolve allegations. The False Claims Act allows private parties to sue on behalf of the government and share in any recovery. Therefore, the parties that initiated the lawsuit may be awarded a portion of the settlement.

## **ACCESS BOARD PUBLISHES NPRM ON EV CHARGING STATIONS**

The Access Board issued a [notice of proposed rulemaking](#) (NPRM) on the accessibility of electric vehicle (EV) charging stations. In July 2022, the Access Board published, "[Design Recommendations for Accessible Electric Vehicle Charging Stations](#)," which

included recommendations, but not specific enforceable requirements. In releasing the NPRM, the Access Board seeks to amend the Americans with Disabilities Act – which applies to places of public accommodation and state and local entities – and the Architectural Barriers Act – which applies to EV charging stations owned or managed by or on behalf of the federal government. However, enforcement agencies, such as the U.S. Department of Transportation and U.S. Department of Justice, must adopt the standards for them to be enforceable.

The proposed specifications will address the accessibility of EV charging stations, including: scoping (accessible routes, signs, and EV charging stations); EV chargers; EV charging spaces associated with the accessible EV charger; and communication elements and features. These guidelines cover new construction and alterations of existing chargers. The purpose of this proposed rule is to set minimum guidelines to ensure that EV charging stations are readily accessible to and usable by persons with disabilities, including both physical access to the EV charging station and access to the interface to operate and pay for the charging session.

Comments can be submitted [online](#) through November 4, 2024. PVA is requesting stories from wheelchair users who own, use, or experienced accessibility issues with EVs and charging stations. If you or another wheelchair user you know owns, uses an EV, or was deterred from using an EV because of accessibility issues, please contact Danica Gonzalves, PVA Senior Advocacy Attorney, at [DanicaG@PVA.org](mailto:DanicaG@PVA.org).

## **NEWS OF NOTE**

### **PVA Participates in Forum on Accessible Air Travel**

On September 11, Heather Ansley, Chief Policy Officer, presented at the All Wheels Up Global Forum on Wheelchair Accessible Air Travel at the U.S. Department of Transportation's (DOT) Volpe Center in Cambridge, Massachusetts. The forum included leaders from the U.S. and Canadian governments, as well as the air travel industry, medical professionals, and the disability community. Ansley discussed the disability provisions

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included in the 2024 FAA Reauthorization Act and participated in a question and answer session with U.S. DOT officials. PVA was also a sponsor of the event.

### **National Voter Registration Day**

National Voter Registration Day (NVRD) is September 17. This nonpartisan civic holiday is the country's largest single-day voter registration drive. It is devoted to getting every eligible citizen registered to vote. Organizations all over the country join in a coordinated effort to register eligible voters. To learn more about NVRD, find or become a partner organization, please visit <https://nationalvoterregistrationday.org/>.

### **VA Health Care Outperforms Non-VA Care**

On September 3, the VA announced that the department's hospitals outperformed non-VA hospitals in two major independent, nationwide reviews for patient satisfaction and care quality. More information is available [here](#).

### **Court Action on Case Involving Homeless Veterans**

In early September, the VA was ordered to establish 750 emergency shelter beds and 1,800 subsidized apartments by 2030 at the VA's west Los Angeles campus by the U.S. District Court in the Central District of California. A class-action lawsuit was filed on behalf of disabled veterans experiencing homelessness in Los Angeles county and veterans at imminent risk of losing their housing.

## **WEBINARS, SURVEYS, & HEARINGS**

### **Upcoming Webinar—Facets of Advocacy Series: Using the Judicial System to Protect Disability Civil Rights**

On September 17 at 3:00 PM ET, join our Government Relations Advocacy Attorneys as they dive into advocacy through the justice system. We will be having a special guest, Jeremiah Frei-Pearson, join us to speak on his efforts to work through the judicial system to increase transportation access for

people with disabilities. Please register for 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.

