



# Washington Update

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

## FEDERAL FUNDING UPDATE

Congress is back in session and much of their effort in September is focused on passing the 12 annual funding bills or a continuing resolution to keep the government open. The specter of a government shutdown has resurfaced, but we are hopeful lawmakers will act to prevent that from happening. As a reminder, much of VA is largely protected in the event of a shutdown thanks to the work of PVA and our veterans service organization partners to secure advance appropriations for the Department. We will be watching the budgetary process closely and provide updates when appropriate.

## VETERANS OMNIBUS PACKAGE BEGINS TO TAKE SHAPE

The leaders of the House and Senate Veterans' Affairs Committees met during the August recess and reached an informal agreement on rules they will use to compile a package of veterans-related legislation into a single bill for passage later this year. They have yet to decide exactly which provisions would be included in the omnibus, but all four leaders have expressed a desire to include the Elizabeth Dole Home Care Act (H.R. 542/S. 141). We also understand that other provisions might focus on education, VA's electronic health record modernization project, and VA employee accountability. The Committees expressed hope in having the bill put together and passed prior to Veterans Day. Although

that is an ambitious timeline, PVA will focus on advocating for its passage prior to the end of the year.

## HHS ISSUES PROPOSED RULE TO UPDATE LAW THAT PROHIBITS DISABILITY DISCRIMINATION

The U.S. Department of Health and Human Services (HHS) [issued](#) a proposed rule to update its prohibition against discrimination on the basis of disability under [Section 504](#) of the Rehabilitation Act of 1973. Section 504, passed 50 years ago, prohibits disability discrimination in programs and activities run by federal agencies or that receive federal financial assistance. HHS is [proposing to amend](#) its existing regulations to outline obligations that are not explicitly addressed in Section 504. The proposed rule covers access to medical care, including nondiscrimination in life-sustaining care and participation in clinical trials; enforceable standards for medical equipment, including accessible weight scales and heights for medical diagnostic equipment; and the integration of people with disabilities into a setting most appropriate for their needs. The proposed rule also seeks to improve consistency with the developments of the Americans with Disabilities Act, such as requirements to maintain accessible features of facilities and equipment, permitting individuals to use powered-driven mobility devices in areas open to the public, and accessibility design standards for facilities. The comment period is open until November 13.



## **SUPREME COURT WILL HEAR ADA HOTEL WEBSITE TESTER CASE IN OCTOBER**

The oral argument for the U.S. Supreme Court case, *Acheson Hotels, LLC v. Laufer*, will be held on October 4. The question before the Court is whether a “tester” can bring a lawsuit for a hotel’s failure to provide accessibility information on their website. Deborah Laufer, a mobility assistive device user and self-deemed “tester,” regularly visits hotel websites checking whether they have information about physical accessibility. Under the Americans with Disabilities Act’s (ADA) reservation rule, hotels must identify and describe the accessibility features of the hotel and guest rooms in enough detail for a guest to decide if the hotel will meet their needs. Laufer found that the hotel had no accessibility information on the website and sued, though she had no plans to reserve a room at that hotel.

The Court’s opinion could impact when an individual has the right to sue under the ADA. PVA joined a brief to the Court, with 17 other disability rights organizations, to explain the importance of ADA lawsuits. Although PVA actively encourages advocates to work with the company and use other avenues for advocacy, the Supreme Court’s ruling could determine when a person has the right to sue under the ADA. The audio and transcript of the oral argument will be posted on the Court’s website.

## **PVA AND CCD URGE AMTRAK TO HOLD NEW, ACCESSIBLE PUBLIC HEARING**

Amtrak held a [hybrid public meeting](#) on Wednesday, August 30, to discuss accessibility for riders with disabilities, focusing on their new long-distance trainsets. After the meeting, Amtrak accepted comments on their website only until September 8. Unfortunately, Amtrak did not robustly advertise the hearing or the opportunity to submit feedback on their main webpages nor contact customers that had purchased tickets with disability accommodations in the past. As a result, very few people attended the hearing.

Danica Gonzalves, PVA Advocacy Attorney, attended the public hearing in person. Ms. Gonzalves is also a co-chair for the [Consortium for Constituents with Disabilities](#) (CCD) Transportation Task Force. On September 8, Ms. Gonzalves and fellow CCD Transportation Task Force co-chairs sent a letter with feedback to Amtrak. The letter emphasized how Amtrak failed to fully include passengers with disabilities in their public hearing. The CCD Transportation Task Force co-chairs urged Amtrak to hold a new, accessible public hearing that was widely advertised to riders with disabilities and reopen the comment period for feedback.

## **THE REHAB ACT TURNS 50**

September 26 marks the 50th anniversary of the passage of the [Rehabilitation Act of 1973](#), which prohibits discrimination on the basis of disability in programs receiving federal financial assistance or conducted by federal agencies, in federal employment, and in the employment practices of federal contractors. A powerful law in its own right, the law also paved the way for the Americans with Disabilities Act and other advancements in disability rights.

In addition, the Rehab Act created the Independent Living Services program, the Centers for Independent Living program, and the National Institute on Disability, Independent Living, and Rehabilitation Research, all of which are part of the Administration for Community Living (ACL) today.

While there is still work to be done, the law shepherded a new era in disability rights and it serves as a cornerstone in a foundation we continue to build upon today. Updates on actions being taken in honor of the anniversary will be shared via [ACL Updates](#).

## **LEGISLATION ESTABLISHING ADVISORY COMMITTEE ON ACCESSIBILITY IN VA INTRODUCED IN THE SENATE**

Prior to the August recess, Senator Bob Casey (D-PA) and Senator Rick Scott (R-FL) introduced S. 2516, the Veterans Accessibility Act of 2023. This legislation would

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create a VA advisory committee to assess the accessibility of electronic information, buildings, facilities, structures, services, and benefits, as well as care furnished by health care providers. The committee would be tasked with collecting recommendations to improve compliance to federal accessibility laws such as sections 501, 504, and 508 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and other laws to ensure equal access to buildings, benefits, and services for people with disabilities.

PVA supports the legislation and worked extensively on the draft bill. We are currently supporting efforts to have this legislation introduced in the House.

### **VA HOLDS CONFERENCE ON WOMEN'S HEALTH**

At the beginning of September, VA held the Women's Health Services Research Conference. This is the second time the event has been held. It brings VA providers from across the country together to discuss new research being conducted around women's health.

Topics covered included using evidence-based interventions to treat post-partum depression, mental health concerns, aging care and menopause treatment, as well as suicide prevention and labor force participation. Several breakout sessions were held that focused on a range of fields such as reproductive health, addressing trauma and harassment, delivering women veterans' health care in rural areas, as well as engagement and retention of women within the VA system of care.

This was the first conference dedicated to women's health held in nine years and VA hopes to hold the event more frequently in the future. The research conducted by VA on women's health has lasting implications in the broader health care arena.

### **NEWS OF NOTE**

**September is National Voter Registration Month**

The National Association of Secretaries of State (NASS) wants to remind citizens that September is [National Voter Registration Month](#). Every September since 2002, NASS recognizes this month to encourage voter registration and to recommend existing voters check and update their registration status, if needed.

Learn more about your state's voter registration requirements and much more by visiting [canivote.org](http://canivote.org), a nonpartisan website created by NASS to help equip voters with the election information they need.

### **DOJ Finds Two New Jersey VA Homes Subject Residents to Harm and Risk to Deadly Infections**

The U.S. Department of Justice (DOJ) Civil Rights Division and U.S. Attorney's Office for the District of New Jersey recently [concluded an investigation](#) of two veterans' homes, operated by the New Jersey Department of Military and Veterans Affairs. DOJ investigated the facilities to determine whether there was a pattern or practice of a deprivation of constitutional rights, under a federal law that applies to state and local government-run residential institutions. The investigation found the homes have inadequate infection control practices and inadequate medical care, compounded by a lack of effective management and oversight, that exposed residents to unreasonable harm and risk for serious and deadly infections. The investigation determined these practices resulted in increased resident deaths.

Following its investigation, DOJ [recommended](#) the state implement adequate infection control procedures, systematically provide medical and physical care consistent with accepted professional standards, maintain valid and reliable quality management data, and implement oversight and accountability mechanisms. DOJ plans to work with the New Jersey Department of Military and Veterans Affairs to improve the conditions in these homes and ensure veterans and their families receive the care they need and deserve.

**U.S. Access Board Staff Present on Designing Accessible EV Charging Stations**

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Earlier this year, the Joint Office of Energy and Transportation hosted a webinar titled, “Designing for Accessible EV Charging Stations.” The [recording](#) is now publicly available. The webinar included a presentation by U.S. Access Board Transportation Systems Engineer Juliet Shoultz, who discussed design recommendations for accessible electric vehicle (EV) charging stations. Shoultz reviewed applicable Americans with Disabilities Act, Architectural Barriers Act, and Section 508 of the Rehabilitation Act requirements and new recommendations for making EV charging stations accessible as promulgated in the Board’s technical assistance document Design Recommendations for Accessible Electric Vehicle Charging Stations.

## WEBINARS & HEARINGS

### Upcoming PVA Webinar

On September 28, at 2:00 p.m. ET, PVA will host a webinar titled, “Celebrating 50 Years of Disability Rights Under the Rehabilitation Act.” Join PVA’s Government Relations team in celebrating the 50th anniversary of the Rehabilitation Act, to learn about the law, its application to the VA and other agencies, and how to advocate for accessibility compliance.

Please register in advance for this webinar: [https://pva.zoom.us/webinar/register/WN\\_YMFOsbgrQEyibUKkQItsNg](https://pva.zoom.us/webinar/register/WN_YMFOsbgrQEyibUKkQItsNg). After registering, you will receive a confirmation email containing information about joining the event.

It will be recorded for those unable to attend the live presentation.

### Upcoming Veterans’ Committee Activities

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