



# Washington Update

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

## **2024 COLA ANNOUNCED FOR VETERANS AND SOCIAL SECURITY BENEFITS**

The Social Security Administration announced on October 12 that Social Security benefits will receive a 3.2 percent cost-of-living adjustment (COLA) increase starting in 2024. The increase is reflective of the effects of inflation. On June 14, the President signed legislation ensuring that certain veterans' disability compensation programs will receive the same COLA. Military and federal employment retirement benefits will also be increased.

## **UPDATE ON THE VETERANS OMNIBUS PACKAGE**

Work continues on a special package of veterans-related provisions that leaders of the House and Senate Veterans' Affairs Committees hope to advance before the end of the year. Much of the current work is being done by the staffs of the two committees and they are near agreement on the final language of the Elizabeth Dole Home Care Act, which we hope will be included in the larger package. There is considerable work to do on other provisions, including how to pay for them; so, it will be a while before the omnibus package is turned over to the committee leaders for final negotiations.

## **PVA WEIGHS IN ON VA'S FIDUCIARY PROGRAM**

Late last month, PVA submitted a statement for a House Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs (DAMA) hearing looking at VA's Fiduciary Program. Testifying before the Subcommittee was Kevin Friel, VA's Deputy Director of Pension and Fiduciary Services, and Lisa Van Haeren, Director of Claims and Fiduciary, Division of the Office of Audits and Evaluations for the VA Office of Inspector General (OIG).

Members of the Subcommittee voiced concerns about abuse and fraud that may be experienced by veteran beneficiaries who are assigned a VA fiduciary. Additionally, the VA and the OIG were questioned about processes of approval for a fiduciary, misuse allegations, and ways to improve the redistribution of misused funds to beneficiaries.

PVA's statement focused on the standardization of the disability benefits questionnaires (DBQ) that ask questions about mental deficiencies, the qualifier for the assignment of fiduciary services. We also highlighted data around fraud and misuse allegations from the VA Annual Benefits Report. Lastly, we stressed the need for additional support and outreach from the Pension and Fiduciary Program for fiduciaries who also act as a caregiver. Caregivers often encounter several barriers to accessing fiduciary support due to their numerous responsibilities.



You can watch a video of the DAMA hearing [here](#).

### **PVA JOINS COMMENTS TO DOJ NPRM ON ADA TITLE II WEB AND MOBILE APP ACCESSIBILITY**

PVA recently joined more than 260 disability rights organizations in submitting [comments](#) to a [notice of proposed rulemaking](#) (NPRM) issued by the U.S. Department of Justice (DOJ). The NPRM addressed accessibility requirements for websites and mobile apps under Title II of the Americans with Disabilities Act (ADA). Under Title II, state and local governments' services, programs, and activities must be accessible for people with disabilities. The NPRM proposed specific technical accessibility standards for services, programs, and activities offered by state and local government entities to the public through websites and mobile apps. Notably, the NPRM did not include websites and mobile apps used solely by private businesses, which are governed by Title III of the ADA. However, many state and local governments use third-party websites and apps for services, such as transportation, voting, public feedback, and social media.

PVA and the disability rights advocates applauded DOJ for addressing the significant issue of website and mobile app accessibility barriers, but also rebutted the six broad exceptions proposed, which included exceptions for third-party platforms. The comments addressed the need to include all programs and services, even third-party platforms, to ensure all persons with disabilities can participate in government services and activities.

DOJ will now review and address the comments submitted before issuing a final rule.

### **SUPREME COURT HEARS ORAL ARGUMENT ON ADA HOTEL WEBSITE TESTER CASE**

On October 4, the U.S. Supreme Court held an oral argument on *Acheson Hotels, LLC v. Laufer*. Deborah Laufer, a mobility assistive device user and self-deemed "tester," regularly visits hotel websites checking whether they have information on the physical accessibility of the hotel. Under the Americans with

Disabilities Act (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. When Laufer visited the hotel's website, she found no accessibility information and sued, though she had no plans to reserve a room at the hotel. The district court dismissed the case, but the circuit court ruled in her favor. Acheson Hotels then filed a petition to the Supreme Court to review the case. PVA joined a brief to the Court, with 17 other disability rights organizations, to explain the importance of lawsuits as a means to enforce the ADA.

The initial question before the Court was whether a "tester" can bring a lawsuit for a hotel's failure to provide accessibility information on their website. However, due to developments in the case, the Court added a consideration of whether the case was moot. A case is moot when there is no longer an actual controversy and the parties have no interest in the outcome. Since the case was initially filed, the hotel owner sold the hotel and the hotel's website was updated. After the Court granted the petition for review, Laufer dismissed her case before the district court, which nullified the circuit court's decision. Both parties and the Solicitor General agreed that the case is moot. However, Acheson Hotels argued the Court should still issue an opinion for future cases.

The Court's opinion on tester standing for hotel website compliance, or website ADA compliance in general, could have a major impact on a person with a disability's right to file an ADA case in court. However, during the oral argument, several of the justices deemed the case to be "dead." The Court has the option to rule the case as moot and not issue an opinion. The [transcript](#) and [recording](#) for the oral argument are posted on the Supreme Court's website.

### **WHITE HOUSE CELEBRATES THE 50TH ANNIVERSARY OF THE REHABILITATION ACT**

On September 25, the White House hosted an event at the U.S. Department of Education to celebrate the 50th anniversary of the Rehabilitation Act of 1973. The



Rehabilitation Act is a federal law that prohibits discrimination against people with disabilities by any federal department or agency or an entity that receives federal financial assistance from a department or agency. The event consisted of multiple panels on issues impacting people with disabilities, including housing, employment, education, and health care. There was a prominent focus on Section 504 of the Rehabilitation Act. Section 504 prohibits organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. Representatives from several agencies discussed the power of Section 504, but also the need to strengthen 504 through rulemaking and enforcement.

The following week, the White House hosted an event on the White House South Lawn for disability rights advocates to celebrate the 33rd anniversary of the ADA and 50th anniversary of the Rehabilitation Act. Advocate, Selma Blair, addressed the crowd and the President gave remarks. He praised the work of advocates, but acknowledged that the laws still fall short in ensuring people with disabilities have equal access to daily life, including employment, voting, public spaces, and health care. He noted that advocacy focused on making improvements must continue.

## NEWS OF NOTE

### Federal Funding Update

Lawmakers in Washington recently passed a continuing resolution (CR) that keeps the government running through November 17. Congress has until that date to pass some or all of the fiscal 2024 funding bills, or approve another stopgap measure for the unfunded parts of the government. Currently, the House has approved four of the 12 annual funding bills, while the Senate hasn't approved any. None of the four House bills are likely to be accepted by the Senate, and the process of funding the government remains as strained as ever. Disagreements over support for Ukraine and Israel pose new challenges for appropriators that have been seeking common ground between both chambers and individual members, making another CR highly likely.

### DOT Releases Video on The Rights of Air Travelers with Disabilities

The U.S. Department of Transportation (DOT) launched a public awareness campaign with a short, informative [video](#) to educate air travelers with disabilities on their rights. Air passengers with disabilities are protected under the Air Carrier Access Act (ACAA), which prohibits air carriers from discriminating against passengers with disabilities. In July 2022, DOT published the [Airline Passengers with Disabilities Bill of Rights](#), which outlines passengers' rights and protections under the ACAA.

DOT's [campaign](#) seeks to raise awareness of air travelers' with disabilities rights to safe, dignified, and accessible air travel. DOT is partnering with airlines, airports, and disability organizations, including PVA, to promote the video. Sharing the video is encouraged using the hashtag, #AccessibleAirTravel.

### VA Caregiver Stipends Changed to Direct Deposit

On October 1, VA ended the practice of issuing paper checks for all primary family caregivers. Payments are now being made electronically and caregivers had until that date to enroll in direct deposit in order to continue receiving stipend benefits. Click [here](#) for complete information.

### National Buddy Check Week

VA recently announced the first annual National Buddy Check Week which takes place this week. During this timeframe, VA is asking veterans to contact 10 of their fellow veterans and check in with them. The goal of this effort is to build peer-to-peer connections, improve mental health, and increase access to VA resources. Veteran family members, caregivers, and survivors are also encouraged to participate, and all of the resources that participants need can be found on [VA's National Buddy Check Week website](#).

### VMLI Rates Drop

PVA.org

@ParalyzedVeterans

 Paralyzed Veterans of America

 @PVA1946

 @PVA1946



At a time when it seems like the price of everything is increasing, VA has reduced premiums for most veterans and service members insured under the [Veterans' Mortgage Life Insurance \(VMLI\) program](#). Beginning October 1, most VMLI policyholders saw a reduction between six percent and 36 percent of their premiums, depending on their age. VA is using an updated actuarial table and interest rates adopted by the insurance industry to decrease VMLI premium rates. Veterans will see the reduced rates on their next billing cycle, starting in November, as payment of each VMLI premium is for the prior month. Click [here](#) for more information.

### **Veteran Interoperability Pledge**

Recently, VA and 13 private health care systems agreed to share data to improve the veteran experience, regardless of where veterans receive their health care — inside or outside of the VA. Through this interoperability pledge, VA and the identified health care systems will work to improve veteran health care by seamlessly exchanging information about care provided and requested; save money for veterans by ensuring that they are taking advantage of VA and community resources; and connect veterans with VA benefits, including new benefits for toxic exposure-related conditions under the [PACT Act](#). VA will safeguard the privacy and security of veteran information in this effort. The health care systems partnering with VA in this effort are Emory Healthcare, Inova, Jefferson Health, Sanford Health, University of California Davis Health, Intermountain Health, Mass General Brigham, Rush Health, Tufts Medicine, Marshfield Clinic, Kaiser Permanente Health Plan and Hospitals, University of Pittsburgh Medical Center, and Atrium Health. VA's official announcement is available [here](#).

### **WEBINARS & HEARINGS**

#### **PVA Webinar in Honor of the 50th Anniversary of the Rehabilitation Act Now Available**

In September, PVA hosted a webinar titled, "Celebrating 50 Years of Disability Rights Under the Rehabilitation Act." The webinar celebrated the 50th anniversary of

the Rehabilitation Act and educated attendees about the law, its application to the VA and other agencies, and how to advocate for accessibility compliance. The recording of the [webinar](#) and the [slide presentation](#) are available on [PVA.org](#).

#### **Upcoming Veterans' Committee Activities**

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