

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3471
OFFERED BY MR. BENISHEK OF MICHIGAN**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Veterans Mobility
3 Safety Act of 2016”.

**4 SEC. 2. PERSONAL SELECTIONS OF AUTOMOBILES AND
5 ADAPTIVE EQUIPMENT.**

6 Section 3903(b) of title 38, United States Code, is
7 amended—

8 (1) by striking “Except” and inserting “(1) Ex-
9 cept”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(2) The Secretary shall ensure that to the extent
13 practicable an eligible person who is provided an auto-
14 mobile or other conveyance under this chapter is given the
15 opportunity to make personal selections relating to such
16 automobile or other conveyance.”.

1 **SEC. 3. COMPREHENSIVE POLICY FOR THE AUTOMOBILES**
2 **ADAPTIVE EQUIPMENT PROGRAM.**

3 (a) **COMPREHENSIVE POLICY.**—The Secretary of
4 Veterans Affairs shall develop a comprehensive policy re-
5 garding quality standards for providers who provide modi-
6 fication services to veterans under the automobile adaptive
7 equipment program.

8 (b) **SCOPE.**—The policy developed under subsection
9 (a) shall cover each of the following:

10 (1) The Department of Veterans Affairs-wide
11 management of the automobile adaptive equipment
12 program.

13 (2) The development of standards for safety
14 and quality of equipment and installation of equip-
15 ment through the automobile adaptive equipment
16 program, including with respect to the defined dif-
17 ferentiations in levels of modification complexity.

18 (3) The consistent application of standards for
19 safety and quality of both equipment and installation
20 throughout the Department.

21 (4) The certification of a provider by a third
22 party organization or manufacturer if the Secretary
23 designates the quality standards of such organiza-
24 tion or manufacturer as meeting or exceeding the
25 standards developed under this section.

1 (6) The education and training of personnel of
2 the Department who administer the automobile
3 adaptive equipment program.

4 (7) The compliance of the provider with the
5 Americans with Disabilities Act of 1990 (42 U.S.C.
6 12101 et seq.) when furnishing automobile adaptive
7 equipment at the facility of the provider.

8 (c) UPDATES.—Not later than one year after the date
9 of the enactment of this Act, the Secretary shall update
10 Veterans Health Administration Handbook 1173.4, or any
11 successor handbook or directive, in accordance with the
12 policy developed under subsection (a). Not less frequently
13 than once every six years thereafter, the Secretary shall
14 update such handbook, or any successor handbook or di-
15 rective.

16 (d) CONSULTATION.—The Secretary shall develop the
17 policy under subsection (a), and revise such policy under
18 subsection (c), in consultation with veterans service orga-
19 nizations, the National Highway Transportation Adminis-
20 tration, industry representatives, manufacturers of auto-
21 mobile adaptive equipment, and other entities with exper-
22 tise in installing, repairing, replacing, or manufacturing
23 mobility equipment or developing mobility accreditation
24 standards for automobile adaptive equipment.

1 (e) CONFLICTS.—In developing and implementing the
2 policy under subsection (a), the Secretary shall minimize
3 the possibility of conflicts of interest, to the extent prac-
4 ticable.

5 (f) BIENNIAL REPORT.—

6 (1) IN GENERAL.—Not later than one year
7 after the date on which the Secretary updates Vet-
8 erans Health Administration Handbook 1173.4, or
9 any successor handbook or directive, under sub-
10 section (c), and biennially thereafter through 2022,
11 the Secretary shall submit to the Committees on
12 Veterans' Affairs of the House of Representatives
13 and the Senate a report on the implementation and
14 facility compliance with the policy developed under
15 subsection (a).

16 (2) CONTENTS.—The report required by para-
17 graph (1) shall include the following:

18 (A) A description of the implementation
19 plan for the policy developed under subsection
20 (a) and any revisions to such policy under sub-
21 section (c).

22 (B) A description of the performance
23 measures used to determine the effectiveness of
24 such policy in ensuring the safety of veterans

1 enrolled in the automobile adaptive equipment
2 program.

3 (C) An assessment of safety issues due to
4 improper installations based on a survey of re-
5 cipients of adaptive equipment from the De-
6 partment.

7 (D) An assessment of the adequacy of the
8 adaptive equipment services of the Department
9 based on a survey of recipients of adaptive
10 equipment from the Department.

11 (E) An assessment of the training provided
12 to the personnel of the Department with respect
13 to administering the program.

14 (F) An assessment of the certified pro-
15 viders of the Department of adaptive equipment
16 with respect to meeting the minimum standards
17 developed under subsection (b)(2).

18 (g) DEFINITIONS.—In this section:

19 (1) The term “automobile adaptive equipment
20 program” means the program administered by the
21 Secretary of Veterans Affairs pursuant to chapter
22 39 of title 38, United States Code.

23 (2) The term “veterans service organization”
24 means any organization recognized by the Secretary

1 for the representation of veterans under section
2 5902 of title 38, United States Code.

