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APPROVED
DEC 22 1974

ACTION

THE WHITE HOUSE
WASHINGTON

Last Day: December 23

Postals in Colorado 12/23
To ARCHIVES 12/24

MEMORANDUM FOR THE PRESIDENT

FROM: KEN COLE

SUBJECT: Enrolled Bill S. 2363 - Disabled Veterans' and Servicemen's Automotive and Adaptive Equipment Amendments of 1974

Attached for your consideration is S. 2363, sponsored by Senators, Cranston, Hartke and Randolph, which:

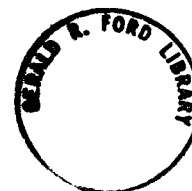
- Broadens eligibility for VA's program of automobile and adaptive equipment grants;
- increases the amount of the basic grant from \$2,800 to \$3,300;
- requires new driver training programs;
- makes certain technical changes in the program; and
- authorizes expanded research and development in rehabilitation equipment and devices.

OMB recommends approval and provides you with additional information in its enrolled bill report (Tab A).

Bill Timmons and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign S. 2363 (Tab B).



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 18 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2363 - Disabled Veterans' and
Servicemen's Automobile and Adaptive Equipment
Amendments of 1974

Sponsors - Sen. Cranston (D) California,
Sen. Hartke (D) Indiana, and Sen. Randolph (D)
West Virginia

Last Day for Action

December 23, 1974 - Monday

Purpose

Broadens eligibility for VA's program of automobile and adaptive equipment grants; increases the amount of the basic grant; requires new driver training programs; makes certain technical changes in the program; and authorizes expanded research and development in rehabilitation equipment and devices.

Agency Recommendations

Office of Management and Budget

Approval

Veterans Administration
Department of Health, Education,
and Welfare

Approval

Defers to VA (Informally)

Discussion

The VA program of basic automobile assistance grants provides financial aid to certain service-disabled veterans and servicemen for the purchase and maintenance of specially-equipped automobiles. To be eligible, the beneficiaries must have lost, or lost the use of, one or both feet or hands, or have suffered a specified permanent impairment of vision. The program was originally established in 1946 for World War II veterans and subsequently has been extended to veterans of the Korean and Vietnam conflicts.



The major provisions of S. 2363 would, effective February 1, 1975:

- remove an existing discriminatory eligibility requirement which applies to Vietnam Era veterans,
- extend eligibility to certain peacetime veterans,
- increase the basic automobile grant from \$2,800 to \$3,300,
- require VA to conduct driver training programs at all VA hospitals and, where appropriate, at regional offices and other medical facilities for veterans eligible for automobile grants or otherwise determined to need such training,
- expand the definition of the term "adaptive equipment,"
- authorize VA's Department of Medicine and Surgery to carry out an expanded program of research and development in the field of adaptive equipment and rehabilitation devices in cooperation with the Rehabilitation Services Administration in HEW.

During congressional deliberations on this legislation, VA generally supported most of its provisions, but opposed an increase in the basic grant and requested flexibility in determining where driver training would be conducted. HEW has no objection to the research provisions.

All the provisions of the bill are explained in detail in the attached letter from VA. The following discusses briefly the changes in eligibility and the basic assistance grant.

Eligibility. Under current law, veterans of World War II or the Korean conflict, and eligible servicemen disabled during those wars or in the Vietnam Era, need only show that the required disability was service-connected to be eligible for the automobile and adaptive equipment program. However, veterans of the Vietnam Era and servicemen whose disability was incurred after January 31, 1955 (end of Korean conflict) and up to the start of the Vietnam Era must establish that the disability was "a direct result of the performance of military duty." S. 2363 would remove the present inequity



by permitting all eligible veterans and servicemen to qualify on the same basis. This provision is similar to draft legislation submitted to the Congress by VA in March of 1973.

S. 2363 would also extend eligibility to peacetime veterans who served between World War II and the Korean conflict-- from January 1, 1947 to June 26, 1950. The Administration did not have an opportunity to comment on this provision, which accounts for much of the added cost estimated in fiscal years 1975 and 1976 under the bill.

The Committee reports on this legislation state that these eligibility amendments are consistent with past congressional action abandoning a wartime-peacetime distinction in other VA programs.

Basic assistance grant. In its report to the Senate Veterans Affairs Committee on S. 2363 on March 12, 1974, the VA stated: "According to the Bureau of Labor Statistics, the average price of new automobiles has not increased since the automobile allowance was last increased in January of 1971. Therefore, we do not favor the increase from the current \$2,800 to the \$3,300 figure proposed by this bill."

As of October 1974, BLS data indicate that the average price of new automobiles has risen by 8.4 percent since the last increase in the allowance. VA's attached letter states that "It thus appears that the increase proposed by S. 2363 would be excessive."

The Senate Committee report, however, indicates that figures supplied to the Committee by GM's Chevrolet Division show that the list price of a 1974 Chevrolet of the type needed by those eligible for the automobile grant was over \$4,000. Accordingly, the Committee believes that the \$500 increase in the bill "is fully justified."

Cost. VA estimates that S. 2363 will cost an added \$14.3 million in fiscal year 1975 and \$20.4 million in fiscal year 1976, in large part reflecting the newly-eligible veterans with service between World War II and the Korean conflict. The cost is then estimated to decrease to \$5.1 million in fiscal year 1977. These figures do not include the effect of equalizing the criteria for eligibility, which VA cannot estimate at this time.



Recommendations

VA states that the enrolled bill would provide an excessive increase in the automobile allowance, and questions the practicality of requiring special driver training courses "at every hospital." The Administrator recommends approval, nevertheless, "in view of other features of the measure which are considered desirable and reasonable."

* * * * *

While the cost of S. 2363 in fiscal years 1975 and 1976 is above current spending plans, it is difficult to argue against extending automobile assistance benefits to veterans of the 1947-1950 peacetime period. Their eligibility would be based on serious service-connected disabilities. In addition, the wartime/peacetime distinction in other VA benefit programs has been increasingly blurred, and post-1955 peacetime veterans are already entitled to these benefits. Furthermore, assuming the Chevrolet information cited above, the basic grant increase in the bill would not appear to be unreasonable.

Accordingly, we concur with the VA in recommending approval of S. 2363.

Wilfred H. Rowmel

Assistant Director for
Legislative Reference

Enclosures



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 780

Date: December 16, 1974

Time: 6:30 p.m.

FOR ACTION: Roger Semerad
 Bill Timmons *oh*
 Phil Areeda *oh*

cc (for information): Warren Hendriks
 Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 19

Time: 2:00 p.m.

SUBJECT:

Enrolled Bill S..2363 - Disabled Veterans' and
 Servicemen's Automobile and Adaptive Equipment Amendments
 of 1974

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
 For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 780

Date: December 16, 1974

Time: 6:30 p.m.

FOR ACTION: Roger Semerad ✓
 Bill Timmons
 Phil Areeda

cc (for information): Warren Hendriks
 Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 19

Time: 2:00 p.m.

SUBJECT:

Enrolled Bill S. 2363 - Disabled Veterans' and
 Servicemen's Automobile and Adaptive Equipment Amendments
 of 1974

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

*I recommend signing
 of Enrolled Bill S. 2363.*

Regullant 12/17/74

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
 For the President

THE WHITE HOUSE
WASHINGTON
December 17, 1974

MEMORANDUM FOR: MR. WARREN HENDRIKS
FROM: WILLIAM E. TIMMONS *WET*
SUBJECT: Action Memorandum - Log No. 780
Enrolled Bill S. 2363 - Disabled Veterans'
and Servicemen's Automobile and Adaptive
Equipment Amendments of 1974

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 780

Date: December 16, 1974

Time: 6:30 p.m.

FOR ACTION: Roger Semerad
Bill Timmons
Phil Areeda ✓

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 19

Time: 2:00 p.m.

SUBJECT:

Enrolled Bill S. 2363 - Disabled Veterans' and
Servicemen's Automobile and Adaptive Equipment Amendments
of 1974

ACTION REQUESTED:

- | | |
|---|--|
| <input type="checkbox"/> For Necessary Action | <input checked="" type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

*Sign
P. Areeda*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President



VETERANS ADMINISTRATION
OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS
WASHINGTON, D.C. 20420

DECEMBER 12 1974

The Honorable
Roy L. Ash
Director, Office of
Management and Budget
Washington, D. C. 20503

Dear Mr. Ash:

I am pleased to respond to the request from the Assistant Director for Legislative Reference for a report on the enrolled enactment of S. 2363, 93d Congress, the proposed "Disabled Veterans' and Servicemen's Automobile and Adaptive Equipment Amendments of 1974".

The measure would (1) authorize monetary assistance for the purchase of an automobile and provide necessary adaptive equipment for certain veterans and servicemen who served after January 31, 1955, under the same eligibility criteria as are now applicable to members of the Armed Forces who served during the Vietnam era and veterans of World War II and the Korean conflict; (2) extend eligibility to veterans and servicemen whose requisite disabilities were incurred or aggravated during service between World War II and the Korean conflict; (3) expand the concept of adaptive equipment; (4) increase the amount of the automobile grant from \$2,800 to \$3,300; (5) provide special driver training courses for persons eligible for an automobile and adaptive equipment and for certain veterans not eligible therefor; (6) authorize the Administrator to obtain insurance on automobiles or other conveyances (not owned by the Government) used in conducting the driver training courses and to obtain personal liability and property damage insurance for all persons taking such

The Honorable Roy L. Ash

courses; and (7) would designate certain responsibilities relating to research and development of adaptive equipment and adapted conveyances to be assumed by the Veterans Administration.

Enclosed for your ready reference are copies of the reports of the committees of Congress which considered the bill. (H. Rept. No. 93-1494; S. Rept. No. 93-1276.) They contain Veterans Administration reports on the measure which were furnished after clearance by your Office.

Clauses (1) and (2) of section 2 would amend section 1901(1) of title 38, United States Code, to authorize monetary assistance for the purchase of an automobile and necessary adaptive equipment, for veterans and servicemen serving after January 31, 1955, under the same eligibility criteria as apply to veterans of World War II and the Korean conflict.

Under the current law relating to automobiles and adaptive equipment, veterans of World War II or the Korean conflict, and certain members of the Armed Forces with a requisite disability acquired during service in World War II, the Korean conflict or the Vietnam era, need only show that such disability is service connected. On the other hand, veterans of the Vietnam era with a requisite disability incurred in such service, and servicemen with such disability incurred in any other period of service after January 31, 1955 (not during Vietnam era), must establish that the disability was "a direct result of the performance of military duty."

In March 1973, we recommended to Congress legislation that would authorize automobiles and adaptive equipment for Vietnam veterans under the same conditions as apply to veterans of World War II and the Korean conflict. This bill would accomplish our proposal and, in addition, would extend the same criteria to those persons serving during peacetime after January 31, 1955 (end of the Korean conflict).

The Honorable Roy L. Ash

In reporting to the Senate Committee on an earlier version of S. 2363, we advised that we had no objection to the additional feature respecting service after January 31, 1955.

Clauses (1) and (2) of section 2 would also extend eligibility for automobile assistance and adaptive equipment to veterans and servicemen whose requisite disabilities are attributed to service between World War II and the Korean conflict. This further liberalization of the law to extend entitlement to veterans and servicemen who incurred the qualifying disability during a period of peacetime service does not appear unreasonable. Recently, we have seen a trend to equalizing Veterans Administration monetary benefits based on peacetime service with those based on wartime service. This is demonstrated by Public Law 92-328 which provided for the equalization of peacetime rates of disability compensation with wartime rates effective July 1, 1973, and Public Law 93-295 which equalized peacetime rates of death compensation with wartime rates effective May 1, 1974.

Clause (3) of section 2 provides that the term "adaptive equipment" includes, but is not limited to, power steering, power brakes, power window lifts, power seats, and special equipment (power lifters) necessary to assist the eligible person into and out of the automobile or conveyance; air-conditioning equipment when such equipment is necessary to the health and safety of the veteran and to the safety of others, regardless of whether the automobile is to be operated by the eligible person or by another person; and any modification of the size of the interior space of the automobile or other conveyance if needed because of the eligible person's physical condition in order for such person to enter or operate the vehicle.

Presently, if a veteran cannot operate the automobile he is not entitled to any adaptive equipment. S. 2363 would not change this limitation except with respect to air-conditioning, as discussed below. Power lifters are not

The Honorable Roy L. Ash

currently available as adaptive equipment, but would become so under the bill. Such lifters may be authorized currently, however, under either section 612 or 617 of chapter 17, title 38, United States Code, which provides for hospital, domiciliary and medical care.

With respect to air-conditioning, it is currently available under chapter 39 only to the eligible person if he drives the automobile. Under the proposal, it would be available, as adaptive equipment, even if the eligible person cannot drive the automobile himself, when air-conditioning is determined necessary to his health and safety, and to the safety of others. Air-conditioning may presently be furnished for a veteran who cannot drive his automobile, however, under either section 612 or 617 of chapter 17, supra.

The expansion of the concept of adaptive equipment proposed by clause (3) of section 2 appears to be a reasonable extension of the current program.

Section 3 of S. 2363 would amend section 1902 of title 38, United States Code, by increasing the maximum monetary amount to be paid by the Veterans Administration toward the purchase of an automobile from \$2,800 to \$3,300, including all state, local, and other taxes. Public Law 91-666, enacted on January 11, 1971, increased the automobile allowance from \$1,600 to \$2,800. According to the Bureau of Labor Statistics, as of October 1974, the average price of new automobiles has increased 8.4 percent since the automobile allowance was last raised, in January of 1971. It thus appears that the increase proposed by S. 2363 would be excessive.

Additionally, section 3 would authorize the Veterans Administration to provide, repair, replace or reinstall adaptive equipment in a vehicle previously acquired by the eligible person--that is, before the acquisition of an automobile with Veterans Administration assistance. At present the equipment benefit is restricted to vehicles subsequently acquired. We reported favorably to the House and Senate Committees (May 31, 1974, and October 11, 1974, respectively) on a separate measure,

The Honorable Roy L. Ash

H. R. 12367, intended to accomplish the adaptive equipment feature described immediately above.

Section 4 of the Act would require the Administrator to provide directly, or by contract, special driver training courses at every Veterans Administration hospital and, where appropriate, at Regional Offices or other medical facilities of the Veterans Administration to instruct eligible beneficiaries. It also authorizes the Administrator to make such training course available to any veteran who he determines is in need of the special training. In our letter of March 12, 1974, to the Chairman, Committee on Veterans' Affairs, United States Senate, we stated that, rather than requiring training programs at "every hospital and, where appropriate, at Regional Offices and other medical facilities", we preferred that the Administrator have the option of determining where training would be given. Training could then be provided at selected hospitals where the need would be greatest and where the most expertise in this type of training could be marshalled.

Section 4 of the Act also authorizes the Administrator to obtain insurance on automobiles and other conveyances (not owned by the Government) used in conducting the training courses, and to obtain personal liability and property damage insurance for all persons taking such courses. We note the Act was amended to incorporate the parenthetical clause exempting Government-owned vehicles from this provision of the Act.

Section 5 of the Act would place within the Department of Medicine and Surgery the responsibility for research activities involving the development of adaptive equipment and adaptive conveyances to meet the standards of safety and quality prescribed in 38 U.S.C. 1903(d). Additionally, it would provide for Veterans Administration support for the production and distribution of devices and conveyances so developed. The amendment would further provide for the consultation and cooperation by the Chief Medical Director with the Secretary of Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration. In our letter of May 6, 1974, to the Chairman, Committee on Veterans' Affairs, United States Senate, we favored this portion of the Act.

The Honorable Roy L. Ash

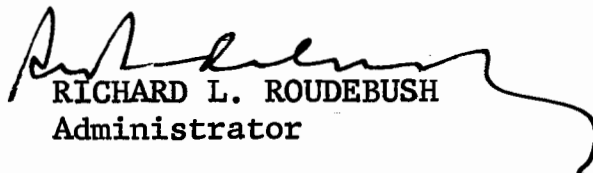
Section 6 sets forth effective dates. With one exception, all provisions of the measure would be effective February 1, 1975. The portion of section 3 relating to adaptive equipment for vehicles acquired prior to acquisition of an automobile with Veterans Administration assistance would be retroactive to the date adaptive equipment was first authorized, January 11, 1971.

Sufficient data are not available upon which to base an estimate of the cost of section 2 with regard to furnishing automobiles and adaptive equipment to persons disabled after January 31, 1955, not as a direct result of performance of military duty. It is estimated that the costs of the remaining features of the bill would be approximately as follows:

<u>FISCAL YEAR</u>	<u>COST</u> (in millions)
1975	\$14.3
1976	20.4
1977	5.1
1978	6.7
1979	6.9

As mentioned above, S. 2363 would provide an excessive increase in the automobile allowance. Also, we question the practicality of the requirement for special driver training courses "at every hospital". Nevertheless, in view of other features of the measure which are considered desirable and reasonable, I recommend that the President approve S. 2363.

Sincerely,


RICHARD L. ROUDEBUSH
Administrator

Enclosure



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Honorable Roy L. Ash
Director, Office of Management
and Budget
Washington, D. C. 20503

DEC 16 1974

Dear Mr. Ash:

This is in response to Mr. Rommel's request of December 11, 1974, for a report on S. 2363, an enrolled bill "To amend chapter 39 of title 38, United States Code, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces."

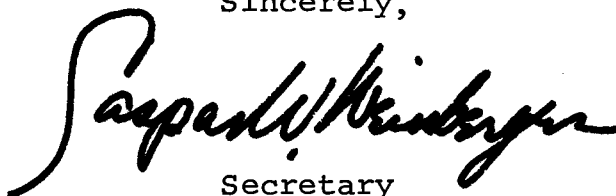
The only portion of the enrolled bill which relates to this Department is section 5(a) which amends chapter 39 of title 38, United States Code, relating to veterans' benefits, to add a new section requiring that in the carrying out of prosthetic and orthopedic appliance research under section 216 of that title and medical research under section 4101 of that title, the Administrator of the Veterans' Administration shall consult and cooperate with the Secretary of Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration of this Department. Such consultation and cooperation would be in connection with programs carried out under section 3(b) of the Rehabilitation Act of 1973 (relating to the development and support of innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems), section 202(b)(2) of such Act (relating to the establishment and support of Rehabilitation Engineering Research Centers), and section 405 of such Act (relating to the Secretarial responsibilities for planning, analysis, promoting utilization of scientific advances, and information clearinghouse activities).

Honorable Roy L. Ash

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The Department has no objection to the above-described provision of the enrolled bill. The Department stands ready to cooperate to the fullest extent possible with the Veterans' Administration in the field of research and development in rehabilitation technology. On the question of the desirability of the enactment of the enrolled bill, the Department defers to the Veterans' Administration.

Sincerely,

A handwritten signature in black ink, reading "Sargent Shriver". The signature is written in a cursive style with a large initial "S".

Secretary

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 13 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2363 - Disabled Veterans' and Servicemen's Automobile and Adaptive Equipment Amendments of 1974

Sponsors - Sen. Cranston (D) California,
Sen. Hartke (D) Indiana, and Sen. Randolph (D)
West Virginia

Last Day for Action

December 23, 1974 - Monday

Purpose

Broadens eligibility for VA's program of automobile and adaptive equipment grants; increases the amount of the basic grant; requires new driver training programs; makes certain technical changes in the program; and authorizes expanded research and development in rehabilitation equipment and devices.

Agency Recommendations

Office of Management and Budget

Approval

Veterans Administration
Department of Health, Education,
and Welfare

Approval

Defers to VA (Informal)

Discussion

The VA program of basic automobile assistance grants provides financial aid to certain service-disabled veterans and servicemen for the purchase and maintenance of specially-equipped automobiles. To be eligible, the beneficiaries must have lost, or lost the use of, one or both feet or hands, or have suffered a specified permanent impairment of vision. The program was originally established in 1946 for World War II veterans and subsequently has been extended to veterans of the Korean and Vietnam conflicts.



The major provisions of S. 2363 would, effective February 1, 1975:

- remove an existing discriminatory eligibility requirement which applies to Vietnam Era veterans,

- extend eligibility to certain peacetime veterans,

- increase the basic automobile grant from \$2,800 to \$3,300,

- require VA to conduct driver training programs at all VA hospitals and, where appropriate, at regional offices and other medical facilities for veterans eligible for automobile grants or otherwise determined to need such training,

- expand the definition of the term "adaptive equipment,"

- authorize VA's Department of Medicine and Surgery to carry out an expanded program of research and development in the field of adaptive equipment and rehabilitation devices in cooperation with the Rehabilitation Services Administration in HEW.

During congressional deliberations on this legislation, VA generally supported most of its provisions, but opposed an increase in the basic grant and requested flexibility in determining where driver training would be conducted. HEW has no objection to the research provisions.

All the provisions of the bill are explained in detail in the attached letter from VA. The following discusses briefly the changes in eligibility and the basic assistance grant.

Eligibility. Under current law, veterans of World War II or the Korean conflict, and eligible servicemen disabled during those wars or in the Vietnam Era, need only show that the required disability was service-connected to be eligible for the automobile and adaptive equipment program. However, veterans of the Vietnam Era and servicemen whose disability was incurred after January 31, 1955 (end of Korean conflict) and up to the start of the Vietnam Era must establish that the disability was "a direct result of the performance of military duty." S. 2363 would remove the present inequity

by permitting all eligible veterans and servicemen to qualify on the same basis. This provision is similar to draft legislation submitted to the Congress by VA in March of 1973.

S. 2363 would also extend eligibility to peacetime veterans who served between World War II and the Korean conflict-- from January 1, 1947 to June 26, 1950. The Administration did not have an opportunity to comment on this provision, which accounts for much of the added cost estimated in fiscal years 1975 and 1976 under the bill.

The Committee reports on this legislation state that these eligibility amendments are consistent with past congressional action abandoning a wartime-peacetime distinction in other VA programs.

Basic assistance grant. In its report to the Senate Veterans Affairs Committee on S. 2363 on March 12, 1974, the VA stated: "According to the Bureau of Labor Statistics, the average price of new automobiles has not increased since the automobile allowance was last increased in January of 1971. Therefore, we do not favor the increase from the current \$2,800 to the \$3,300 figure proposed by this bill."

As of October 1974, BLS data indicate that the average price of new automobiles has risen by 8.4 percent since the last increase in the allowance. VA's attached letter states that "It thus appears that the increase proposed by S. 2363 would be excessive."

The Senate Committee report, however, indicates that figures supplied to the Committee by GM's Chevrolet Division show that the list price of a 1974 Chevrolet of the type needed by those eligible for the automobile grant was over \$4,000. Accordingly, the Committee believes that the \$500 increase in the bill "is fully justified."

Cost. VA estimates that S. 2363 will cost an added \$14.3 million in fiscal year 1975 and \$20.4 million in fiscal year 1976, in large part reflecting the newly-eligible veterans with service between World War II and the Korean conflict. The cost is then estimated to decrease to \$5.1 million in fiscal year 1977. These figures do not include the effect of equalizing the criteria for eligibility, which VA cannot estimate at this time.

Recommendations

VA states that the enrolled bill would provide an excessive increase in the automobile allowance, and questions the practicality of requiring special driver training courses "at every hospital." The Administrator recommends approval, nevertheless, "in view of other features of the measure which are considered desirable and reasonable."

* * * * *

While the cost of S. 2363 in fiscal years 1975 and 1976 is above current spending plans, it is difficult to argue against extending automobile assistance benefits to veterans of the 1947-1950 peacetime period. Their eligibility would be based on serious service-connected disabilities. In addition, the wartime/peacetime distinction in other VA benefit programs has been increasingly blurred, and post-1955 peacetime veterans are already entitled to these benefits. Furthermore, assuming the Chevrolet information cited above, the basic grant increase in the bill would not appear to be unreasonable.

Accordingly, we concur with the VA in recommending approval of S. 2363.

Welford H. Rommel

Assistant Director for
Legislative Reference

Enclosures

93D CONGRESS }
2d Session }

SENATE

{ REPORT
No. 93-1276

VETERANS' AND SERVICEMEN'S AUTOMOBILE AND
ADAPTIVE EQUIPMENT AMENDMENTS OF 1974

REPORT
OF THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE
TO ACCOMPANY
S. 2363



OCTOBER 10, 1974.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1974

COMMITTEE ON VETERANS' AFFAIRS

VANCE HARTKE, Indiana, *Chairman*

HERMAN E. TALMADGE, Georgia

JENNINGS RANDOLPH, West Virginia

HAROLD E. HUGHES, Iowa

ALAN CRANSTON, California

CLIFFORD P. HANSEN, Wyoming

STORM THURMOND, South Carolina

ROBERT T. STAFFORD, Vermont

JAMES A. McCLURE, Idaho

FRANK J. BRIZZI, *Staff Director*

GUY H. McMICHAEL III, *General Counsel*

VETERANS' AND SERVICEMEN'S AUTOMOBILE AND ADAPTIVE EQUIPMENT AMENDMENTS OF 1974

OCTOBER 10, 1974.—Ordered to be printed

Mr. CRANSTON (for Mr. HARTKE), from the Committee on
Veterans' Affairs, submitted the following

REPORT

[To accompany S. 2363]

The Committee on Veterans' Affairs, to which was referred the bill (S. 2363) to amend chapter 39 of title 38, United States Code, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

COMMITTEE AMENDMENT

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Disabled Veterans' and Servicemen's Automobile and Adaptive Equipment Amendments of 1974".

Sec. 2. Section 1901 of title 38, United States Code, is amended as follows:

(1) by striking out in paragraph (1) all of that part of clause (A) beginning with "World War II," down through the end of such clause, and inserting in lieu thereof "World War II or thereafter:";

(2) by striking out in paragraph (1) all of that part of clause (B) beginning with "World War II," down through the end of such clause, and inserting in lieu thereof "World War II or thereafter.;" and

(3) by amending paragraph (2) to read as follows:

"(2) The term 'adaptive equipment' includes, but is not limited to, power steering, power brakes, power windows lifts, power seats, and special equipment necessary to assist the eligible person into and out of the automobile or other conveyance. Such term also includes (A) air-conditioning equipment when such equipment is necessary to the health and safety of the veteran and to the safety of others, regardless of whether the automobile or other conveyance is to be operated by the eligible person or is to be operated for such person by another person; and (B) any modification of the size of the interior space of the automobile

or other conveyance if needed because of the physical condition of such person in order for such person to enter or operate the vehicle.”

SEC. 3. Section 1902 of such title is amended as follows:

(1) by inserting in subsection (a) “(including all State, local, and other taxes)” after “conveyance” the second time it appears;

(2) by striking out in subsection (a) “\$2,800,” and inserting in lieu thereof “\$3,300.”; and

(3) by inserting in subsection (c) (2) “previously or” after “may”.

SEC. 4. (a) Section 1903 of such title is amended by adding at the end thereof the following new subsection:

“(e) (1) The Administrator shall provide, directly or by contract, for the conduct of special driver training courses at every hospital and, where appropriate, at regional offices and other medical facilities, of the Veterans’ Administration to instruct such eligible person to operate the type of automobile or other conveyance such person wishes to obtain with assistance under this chapter, and may make such courses available to any veteran or member of the Armed Forces, eligible for care under chapter 17 of this title, who is determined by the Administrator to need the special training provided in such courses even though such veteran or member is not eligible for the assistance provided under this chapter.

“(2) The Administrator is authorized to obtain insurance on automobiles and other conveyances (not owned by the Government) used in conducting the special driver training courses provided under this subsection and to obtain, at Government expense, personal liability and property damage insurance for all persons taking such courses without regard to whether such persons are taking the course on an in-patient or out-patient basis.”

(b) The catchline of such section is amended by adding at the end thereof a semicolon and “special training courses”.

(c) The table of sections at the beginning of chapter 39 of such title is amended by striking out

“1903. Limitations on assistance.”

and inserting in lieu thereof

“1903. Limitations on assistance; special training courses.”

SEC. 5. (a) Chapter 39 of such title is further amended by adding at the end thereof the following new section:

“§ 1904. Research and development; coordination with other Federal programs

“(a) In carrying out prosthetic and orthopedic appliance research under section 216 and medical research under section 4101 of this title, the Administrator, through the Chief Medical Director, shall provide for special emphasis on the research and development of adaptive equipment and adapted conveyances (including vans) meeting standards of safety and quality prescribed under subsection (d) of section 1903, including support for the production and distribution of devices and conveyances so developed.

“(b) In carrying out subsection (a) of this section, the Administrator, through the Chief Medical Director, shall consult and cooperate with the Secretary of Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration, Department of Health, Education, and Welfare, in connection with programs carried out under section 3(b) of the Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 357) (relating to the development and support, and the stimulation of the development and utilization, including production and distribution of new and existing devices, of innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems), section 202(b) (2) of such Act (relating to the establishment and support of Rehabilitation Engineering Research Centers), and section 405 of such Act (relating to the Secretarial responsibilities for planning, analysis, promoting utilization of scientific advances, and information clearinghouse activities).”

(b) The table of sections at the beginning of such chapter 39 is amended by inserting at the end thereof:

“1904. Research and development; coordination with other Federal programs.”

SEC. 6. The provisions of this Act shall become effective on the first day of the second calendar month following the date of enactment, except that clause (3) of section 3 shall take effect on January 11, 1971.

INTRODUCTION AND SUMMARY OF S. 2363, AS REPORTED

S. 2363, was introduced on August 3, 1973, and its printed Amendment Nos. 512 and 1006 were introduced on September 19, 1973 and March 8, 1974, respectively.

On March 13, 1974, the Subcommittee on Compensation and Pensions, chaired by Senator Herman E. Talmadge, conducted hearings covering S. 2363 and printed Amendment Nos. 512 and 1006.

The Subcommittee received testimony from Administration spokesmen including Odell Vaughn, Chief Benefits Director, Veterans' Administration. Testimony was also received from the Disabled American Veterans, American Legion, Veterans of Foreign Wars, Paralyzed Veterans of America, Blinded Veterans Association, the American Veterans of World War II, Korea and Vietnam, the Disabled Officer's Association, the Fleet Reserve Association, National Association for Uniformed Services, and the Retired Officers Association. Submitted testimony was received from the Veterans of World War I of the U.S.A., the Gold Star Wives of America, the Military Widows, and the Non-Commissioned Officers Association of the United States.

By agreement of the Subcommittee on Compensation and Pensions, S. 2363, as amended, was reported without recommendation to the full Committee for its consideration. Subsequently, the full Committee on Veterans' Affairs met in executive session and unanimously approved and ordered favorably reported S. 2363, with an amendment in the nature of a substitute, to the Senate.

The reported bill would amend chapter 39 of title 38, United States Code, relating to automobiles and adaptive equipment for certain service-connected seriously disabled veterans and members of the Armed Forces, by raising from \$2,800 to \$3,300 the maximum allowance for the purchase of specially equipped automobiles for eligible disabled veterans and servicemen; by extending benefits under this chapter to certain persons not previously eligible; by improving a number of aspects of the program relating to the definition and provision of adaptive equipment; the provision of driver training by the Veterans' Administration; and coordination of VA medical and engineering research activities with related activities of the Rehabilitation Services Administration in the Department of Health, Education, and Welfare pursuant to Public Law 93-112, the Rehabilitation Act of 1973.

BACKGROUND

Veterans' Administration Automobile Assistance Grant Program

The program of basic automobiles assistance grants—now chapter 39 of title 38—was established by the Congress in Public Law 79-663, enacted on August 8, 1946. Under that law, certain disabled veterans of World War II—with service between December 7, 1941 and December 31, 1946—were provided with, or assisted in the purchase of, an automobile or other conveyance. Public Law 82-187, enacted on October 20, 1951, extended these benefits to veterans of the Korean conflict—with service between June 27, 1950 and January 31, 1955. Public Law 90-77, effective October 1, 1967, further extended these benefits to any veteran with service after January 31, 1955, who met

eligibility requirements under a more restrictive criterion of having a disability incurred in line of duty as a direct result of performance of military duty, rather than under the standard service-connection criterion applied to World War II and Korean conflict veterans of having a disability resulting from an illness or injury sustained or aggravated in service in the line of duty.

Public Law 91-666, enacted December 31, 1970, effective on January 11, 1971, increased the maximum amount payable toward the purchase of an automobile or other conveyance from \$1,600 to the present level of \$2,800. The law, also provided for the first time for VA payment, in addition to the dollar grant, for necessary adaptive equipment, as well as for the maintenance, replacement, and installation thereof. The 1971 Act also mandated that the VA establish safety standards for that equipment in order to assure the safe operation of the automobile or other conveyance and satisfy the applicable standards of licensure by the proper licensing authority.

The following table shows the costs and number of veterans served by the program and total dollar expenditures since its inception through fiscal year 1973.

TABLE 1.—AUTOMOBILES AND OTHER CONVEYANCES FOR DISABLED VETERANS—TRENDS FROM PROGRAM INCEPTION TO THE PRESENT

Fiscal year	Benefit costs		Number of beneficiaries	
	Annual	Cumulative	Annual	Cumulative
1947.....	\$21,798,248	\$21,798,248	13,717	13,717
1948.....	9,898,579	31,696,827	6,206	19,923
1949.....	6,620,036	38,316,863	4,150	24,073
1950.....	2,174,352	40,491,215	1,363	25,436
1951.....	579,402	41,070,617	363	25,799
1952.....	1,530,363	42,600,980	959	26,758
1953.....	18,223,614	60,824,594	11,415	38,173
1954.....	4,963,237	65,787,831	3,103	41,281
1955.....	2,856,107	68,643,938	1,788	43,069
1956.....	1,933,019	70,576,957	1,210	44,279
1957.....	1,006,387	71,583,344	630	44,909
1958.....	766,973	72,350,317	480	45,389
1959.....	701,355	73,051,672	439	45,828
1960.....	624,313	73,675,985	391	46,219
1961.....	706,224	74,382,209	442	46,661
1962.....	668,837	75,051,046	419	47,080
1963.....	1,017,823	76,068,869	637	47,717
1964.....	1,287,528	77,356,397	807	48,524
1965.....	1,144,004	78,500,401	716	49,240
1966.....	929,755	79,430,156	582	49,822
1967.....	827,998	80,258,154	518	50,340
1968.....	3,467,763	83,725,917	2,170	52,510
1969.....	4,931,648	88,657,565	3,086	55,595
1970.....	5,856,799	94,514,364	3,665	59,261
1971.....	6,642,228	101,156,592	2,969	62,230
1972.....	10,539,775	111,696,367	3,265	65,495
1973.....	16,809,081	118,505,448	1,705	67,200

¹ Includes \$19,503 for research safety standards.

Since passage of Public Law 91-666, a number of difficulties have arisen in the administration of the provisions of chapter 39 other than the basic grant authority. S. 2363 and its amendments, now embodied in the reported bill, were introduced in order to seek to rectify those difficulties, which are enumerated and discussed below, as well as to provide a cost-of-living increase in the basic grant and equalize eligibility and the service-connection criteria among all veterans of all periods of service since World War II.

Basic Grant Increase

In the reported bill, the amount of the grant is increased from \$2,800 to \$3,300. In the 1970 Senate-passed bill, the amount approved was \$3,000, which was based on the cost of the average size American automobile in 1970 which was between \$3,000 and \$4,000. The increased amount proposed in the reported bill, based on the same data, amounts to only a ten-percent increase over the 1970 Senate-approved amount. The Administration, in opposing this provision of the bill while generally supporting the rest of S. 2363, as reported, asserts that average automobile prices have not risen in the last three to four years. The Committee finds this position unacceptable, however, because the type of vehicle the disabled veteran needs must be the crucial question and not the cost of the average automobile to the average consumer. Figures provided to the Committee by the Chevrolet Division of the General Motors Corporation show that the list price of a 1974 standard two-door model of automobile with power steering, power brakes, automatic transmission, and air-conditioning was over \$4,000. This generally is the type of vehicle needed by those eligible under chapter 39 and includes the most basic adaptive equipment as newly defined in the reported bill. The Committee believes that, even when adjusted for the removal of the excise tax which was in effect in 1971, the \$500 increase proposed in S. 2363 is fully justified.

Adaptive Equipment

In implementing Public Law 91-666, the VA was unable to define clearly the meaning and scope of the term "adaptive equipment" which it was directed to provide to eligible persons under the revised chapter 39. The implementing instructions that were initially issued by the VA did not make clear to the regional offices exactly who was eligible, and for what equipment. Cases were brought to the attention of the Committee where World War II veterans who applied for adaptive equipment were told that since they had already used their grant they were not eligible for reimbursement of costs and maintenance of adaptive equipment—an interpretation clearly at variance with section 1902(b).

Compounding the difficulty in administration of the chapter, as revised by Public Law 91-666, was the VA's apparent indecision as to whether the Department of Veterans' Benefits or the Department of Medicine and Surgery would decide upon chapter 39 eligibility for adaptive equipment. Problems arose due to the medical determinations which needed to be made as to whether a particular person indeed needed certain equipment in order to operate the automobile safely. These difficulties were further compounded when several regional offices interpreted eligibility requirements differently and also issued different equipment under chapter 39 than did others. Illustrating that difficulty is the following table, compiled by a survey of three regional offices of the VA conducted by the Paralyzed Veterans of America in January of 1972, one year after enactment of Public Law 91-666:

TABLE 2.—VARIANCE OF VA REGIONAL OFFICE INTERPRETATIONS OF ADAPTIVE EQUIPMENT TO BE PROVIDED BY THE VETERANS' ADMINISTRATION UNDER PUBLIC LAW 91-666

The following adaptive equipment is/is not being granted under the adaptive equipment section of Public Law 91-666, as the VA regional offices noted, according to a survey conducted by the Paralyzed Veterans of America:

Type of equipment	New York	Los Angeles	Miami
Automatic transmission.....	Yes.....	Yes.....	Yes.....
Power brakes.....	Yes.....	Yes.....	Yes.....
Power steering.....	Yes.....	Yes.....	Yes.....
Power seats.....	Yes.....	Yes.....	Yes.....
Tilt steering wheel.....	Yes.....	Yes.....	Yes.....
Hand controls.....	Yes.....	Yes.....	Yes.....
Air-conditioning.....	Yes ¹	No.....	Yes. ¹
Power windows.....	Some quadriplegics.....	Yes.....	Yes. ²
Rear window defogger.....	Yes.....	No.....	No.....
Power door locks.....	No.....	No.....	No.....

¹ Must be proven to be necessary.

² Only have quadriplegics as example. January 1972.

Thus, the Committee believed that, although many of these irregularities seemed eventually to have been administratively clarified, there was a definite need for a more precise statutory definition of "adaptive equipment" under chapter 39. Specifically, the reported bill authorizes the payment for certain power assist equipment should it be required for the safe operation of the vehicle. This includes air-conditioning, power seats, and power window lifts.

The Committee is also convinced that it is necessary to specify that "adaptive equipment" is to include such equipment as an eligible person may need to get in or out of a vehicle purchased with chapter 39 funds, or vehicles previously or subsequently acquired. The definition was expanded to include equipment necessary to enter and leave the vehicle as well as increase the interior space, so as to allow, for example, a person to enter and drive the vehicle or other conveyance while seated in a wheelchair.

A VA General Counsel's opinion, dated December 5, 1972, issued after enactment of Public Law 91-666 and upon request of the Chief Medical Director for clarification, had indicated in part:

. . . [A]lthough a powered lifter may be useful and necessary to get into an automobile, it is not directly related to actual operation of the automobile. . . .

For the foregoing reasons, it is my opinion that section 1902(b) does not encompass authority to furnish the equipment described in your [the Chief Medical Director's] memorandum. We should emphasize, however, that the holding that the powered lifters in question may not be provided under section 1902(b) in no way limits the Administrator's authority to provide such lifters to eligible veterans in appropriate cases under chapter 17 of title 38 [as medical care].

The Committee finds this most restrictive opinion unacceptable and of dubious merit. Why should an automobile and all adaptive equipment be provided to a veteran, only to deny him the necessary equipment to enter and leave the vehicle? As an answer to this rhetorical question, the Committee has adopted the language which would mandate that such equipment be provided under chapter 39 when necessary to assist the eligible person into and out of the conveyance.

Eligibility

The reported bill would remove the more restrictive line-of-duty/direct-performance-of-duty criterion presently imposed on the

Vietnam era veteran after he is discharged from active duty in the Armed Forces (as well as on any post-Korean conflict veteran). The Senate version of the bill which later became Public Law 91-666 had eliminated this more restrictive criterion when passed in 1970 for veterans of the Vietnam era. The administration has proposed legislation which would remove this distinction as well. (That draft proposal is set forth later in this report with the other agency reports submitted to the Committee on this legislation.)

Presently, a veteran who served after January 31, 1955—the end of the Korean conflict service period—must have been injured or sustained an illness in the direct performance of duty in order to qualify for chapter 39 benefits. Those who served during World War II and the Korean conflict need only satisfy a normal service-connection criterion as to the time of the onset of the condition producing the disability. This inequity as to post-Korean conflict *veterans* is made the more inexplicable since those with post-August 4, 1964 service (that is, Vietnam era) who apply for the grant prior to being discharged from the service need only meet the service-connection requirement, while those with the same service period who apply after they are discharged must meet the strict performance-of-duty requirement. The Committee believes that these variations are inequitable, and has amended the law consistent with recent congressional action to equalize benefits for similarly circumstanced disabled veterans.

The Committee made it very clear when the legislation which was ultimately enacted as Public Law 91-666 passed the Senate that it expected the VA to make every effort to have active duty servicemen apply for their chapter 39 benefits prior to being discharged. The statistics provided to the Committee, showing increased expenditures which appear in the following table, seem to indicate that this effort has been made and proven productive. However, this does not rectify the discrimination against those who were either not reached by the VA prior to discharge, or were discharged prior to the effective date of the 1971 Act, including all those post-Korean conflict veterans discharged prior to August 5, 1964.

TABLE 3.—AUTOMOBILE EXPENDITURES UNDER PUBLIC LAW 91-666

Automobiles	Fiscal year—			
	1971	1972	1973	1974
Autos-veterans.....	\$5,829,609.94	\$7,072,136.92	\$4,275,052.51	\$2,849,935
Adaptive equipment-veterans.....	38,244.34	1,269,256.64	1,685,312.69	1,471,177
Maintenance and repair-veterans.....		234,086.27	415,651.83	439,427
Servicemen.....	758,480.96	1,787,742.84	365,896.43	197,583
Adaptive equipment-servicemen.....	15,892.70	176,290.04	47,645.14	32,028
Maintenance and repair-servicemen.....		262.60	20.00	1,451
Total.....	6,642,227.94	10,539,775.31	6,789,578.60	4,991,601
Autos purchased.....	2,969	3,265	1,705	676
Autos maintained and/or equipped.....	191	4,378	4,696	3,559

The reported bill would thus specify only one service-connection criterion and would make it applicable both as to all veterans regardless of whether they served during or after World War II, and as to all active-duty servicemen seeking chapter 39 benefits while on active duty. Specifically, the reported bill would make chapter 39 eligibility

for veterans who served during the so-called "peace-time" period between February 1, 1955 and August 4, 1964, dependent on the same standard service-connection criterion as for "war-time" service during World War II and the Korean conflict and, as applied to active-duty servicemen, serving during the Vietnam era. Moreover, for the first time chapter 39 eligibility would be provided to veterans (as well as servicemen) whose service was in the "peace-time" period between World War II and the Korean conflict—from January 1, 1947 to June 26, 1950.

These amendments are consistent with past congressional action concerning other Veterans' Administration programs which have abandoned a wartime/peacetime distinction. Following extensive study, Congress adopted a new program of dependency and indemnity compensation, the Servicemen and Veterans Service Benefits Act of 1956 (Public Law 84-881) in which no distinction is made between wartime or peacetime service for the payment of compensation for service-connected deaths. In Public Law 91-101, Congress also voted to expand medical benefits to make any veteran—wartime or peacetime—over 65 years of age eligible for Veterans' Administration hospital care and related outpatient care for non-service-connected disabilities without having to show financial inability. Then, in Public Law 93-82, the Veterans' Health Care Expansion Act of 1973, the Congress removed the peacetime/wartime distinction for purposes of basic eligibility for VA health care under chapter 17.

In the 92d Congress, peacetime/wartime rates of compensation for service-connected disabled veterans were equalized by Public Law 92-328. And, in the 93d Congress, Public Law 93-295 eliminated the wartime/peacetime distinctions for death compensation cases.

Finally, the Committee also notes that amendments to the educational assistance program passed twice by both Houses of Congress would equalize disability criteria for the purposes of chapter 31 vocational rehabilitation eligibility.

Accordingly, the Committee believes that to retain a wartime/peacetime distinction or to apply different criteria for the purposes of determining eligibility for benefits under chapter 39, would be both arbitrary and inequitable.

Adaptive Equipment for Vehicles Previously Acquired

In Public Law 91-666, the Congress liberalized the authority of the Administrator of Veterans Affairs with respect to the repair, replacement and reinstallation of adaptive equipment deemed necessary for the operation of an automobile purchased by certain disabled veterans with monetary assistance from the VA. The amendment added by that law authorized the Administrator to "provide, repair, replace or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may *subsequently* have acquired." (emphasis added). H.R. 12367 would further extend this authority to an automobile or other conveyance *previously* or *subsequently* acquired.

Recently a case came to the Committee's attention in which the veteran bought a 1970 automobile and received the appropriate assistance and equipment; however, it did not prove satisfactory in operation and he therefore sold it and returned to driving an earlier automobile he bought in 1964. In order to properly operate that automobile

he had adaptive equipment placed on it and sought reimbursement from the VA. Unfortunately, in view of the literal language of the law, the VA had no choice but to deny his request for reimbursement because he did not buy this first car *subsequent* to his automobile grant.

In reporting to the Committee on this provision in the House bill, H.R. 12367, the VA indicated it is aware of the specific case involved and made the following observation:

In contemplation of the situation, such as in the above case, we feel that enactment of the proposed measure would be beneficial to veterans in similar circumstances and equitable. Therefore, we discern no reasonable basis for objecting thereto.

The Veterans' Administration in its report also stated that there is no data readily available upon which to base an estimate of the cost of the measure if enacted. The Committee accepts this statement but feels that it is obvious that, by the very nature of the limited type of cases it would affect, the cost would be relatively insignificant.

Driver Training

In its testimony, the VA indicated that it presently was operating driver training programs at only 18 of its 170 (now 172) hospitals. The Committee understands that there are presently plans to activate 100 more programs in the near future. Consistent with the Committee's intent to make such training reasonably accessible to all those eligible under the program, the reported bill would require the availability of a driver training program at all VA hospitals, and, where appropriate, at VA regional offices and other medical facilities. These programs could be either directly run by the VA, or contracted for with approved driver training schools. The reported bill provides sufficient flexibility to the VA by allowing the Administrator the ability to contract for driver training and to arrange for areawide sharing of driver training personnel and equipment.

The Committee strongly believes that those who are so seriously disabled as to require an automobile to be operated with adaptive equipment must receive the best possible driver training including use of all necessary adaptive equipment they may or will need when training is completed.

Safety Standards for Adaptive Equipment

Despite repeated urging and requests from the Committee, to date—three and a half years after enactment of Public Law 91-666—the adaptive equipment safety standards mandated in that Act to be established by the VA have yet to be published.

As early as September 10, 1971, Senator Cranston, as Chairman of the Subcommittee on Health and Hospitals, wrote the Administrator expressing concern over the lack of compliance with the new law. His letter stated in part:

"I respectfully urge that you establish an intra-agency committee [under the Chief Medical Director] reporting directly to you or the Deputy Administrator to establish policies with respect to the implementation of the new adaptive devices provisions and to insure their effective implementation."

In his response on October 28, 1971, the Administrator set forth some of the difficulties the VA had been experiencing with the new law, and agreed with the proposed intra-agency committee concept. The complete exchange of correspondence is set forth in this report under the section entitled "Agency Reports", *infra*.

On November 22, 1971, this intra-agency committee was established under the chairmanship of Dr. John D. Chase, then Associate Deputy Chief Medical Director, and now Chief Medical Director. On April 26, 1974, the Committee received a letter from the VA stating that these standards of quality and safety are now ready for review by the manufacturers, the States, and Federal agencies, and inviting participation and suggestions by the Congressional Committees. (This letter and the Chief Medical Director's Memorandum of November 22, 1971, are set forth in an Appendix to this report.) These proposed standards are still pending in this review more than five months later.

While appreciating the difficulties encountered in setting forth such standards, the Committee is deeply concerned that it has taken the VA so long to start to move toward compliance with the section 1903(d) requirement of establishing minimum standards of safety and quality for adaptive equipment provided under the chapter. It can only be assumed, since VA witnesses indicated that no chapter 39 payments had been disallowed to date because of the substandard nature of equipment requested, that many veterans were reimbursed, for example, for hand controls which will not meet the VA's criteria for safety when they are ultimately established. Figures supplied by the VA indicate that only \$19,503 has been spent in research for safety standards, and all of that in FY 1973. The Committee strongly urges the VA to request and expend all the funds necessary to achieve compliance with this requirement to establish adaptive equipment standards, written into law in 1971—within the next few months.

Research and Development

The reported bill also contains new authority under chapter 39 for the VA to carry out an expanded program of research and development in the field of adaptive equipment, adapted conveyances, and rehabilitation devices generally.

In testimony before the Subcommittee on March 13, the VA stated that no funds had been expended in coordination with the Rehabilitation Services Administration (RSA) or the Social and Rehabilitation Services Administration (SRS) in HEW over the last three fiscal years. The VA, however, has itself expended the following amounts for rehabilitation R&D during that period:

TABLE 4.—VA REHABILITATION RESEARCH AND DEVELOPMENT EXPENDITURES

	Fiscal year 1972	Fiscal year 1973	Fiscal year 1974 (projected costs)
Hardware.....	\$14,555	\$6,266	\$60,595
Vehicles.....	22,955	16,387	20,792
Service agreements and contracts.....		2,500	3,250
Personnel costs.....	8,240	28,727	39,919
Travel costs.....	910	100	280
Total.....	46,660	53,940	124,836
Grand total.....	225,436		

¹ Includes adaptive equipment, driving simulators, and a highly specialized Instron testing machine.

The Committee feels strongly that these kinds of expenditures should be coordinated with other relevant Federal agency programs to assure that duplication of effort is avoided and that a full sharing of information is achieved to the benefit of disabled veterans and others who can benefit from rehabilitation equipment and devices.

Major new authority was granted last year in the Rehabilitation Act of 1973 (P.L. 92-112) to RSA in the Department of Health, Education, and Welfare to mount a large rehabilitation research and development program and to coordinate with the activities of other Federal agencies in the field of research and development and in rehabilitation technology. The new section 1904 which the reported bill proposes to add to chapter 39 is intended to provide the VA with the necessary statutory authority to make it a full and equal partner in such development efforts.

The Committee feels strongly that much needs to be done in the field of research and development in rehabilitation technology in order to develop the types of equipment, devices, and vehicles which will help handicapped veterans and other persons to become as independent as possible, so they may fully participate in family and community life. Certainly, the seriously disabled veteran deserves that chance, and only through the fullest cooperation and efforts of all agencies in the Federal Government will the maximum potential for research and development in rehabilitation technology be realized. It is thus vitally important that the VA participate and cooperate with HEW's program efforts in this field by bringing to bear the expertise it has already gained and the facilities for testing it has already developed, a cooperative interchange which the Committee is convinced will be of great value for handicapped veterans and all handicapped persons in the Nation.

COST ESTIMATES OF S. 2363, AS REPORTED

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510), the Committee estimates, based on figures supplied by the Veterans' Administration, that S. 2363, as reported, will cost \$28.2 million in the first year, decreasing to \$5.2 million in the fifth year.

The full five-year costs are set forth in the table below :

TABLE 5.—VA ESTIMATES OF 5-YEAR COST OF S. 2363, AS REPORTED

Fiscal year:	Cost (millions)
1975	\$28.2
1976	3.1
1977	3.2
1978	4.9
1979	5.2
Total, 5-year cost	44.6

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes cast in

person or by proxy of the Members of the Committee on Veterans' Affairs on a motion to report S. 2363, with an amendment in the nature of a substitute, favorably to the Senate:

Yeas—9

Vance Hartke
Herman E. Talmadge
Jennings Randolph
Harold E. Hughes
Alan Cranston

Clifford P. Hansen
Strom Thurmond
Robert T. Stafford
James A. McClure

Nays—0

SECTION-BY-SECTION ANALYSIS AND EXPLANATION OF S. 2363,
AS REPORTED

Section 1

This section provides that the proposed Act may be cited as the "Disabled Veterans' and Servicemen's Automobile and Adaptive Equipment Amendments of 1974".

Section 2

Clause (1) amends that part of the definition of "eligible person" contained in clause (A) of paragraph (1) of section 1901 of title 38, relating to the definition of eligible veterans under chapter 39, to include within that definition (in addition to veterans of service during World War II) any veteran of service thereafter. The effect of the amendment is, first, to extend eligibility for benefits under chapter 39 to veterans of service between the date of termination of World War II (December 31, 1946, as set forth in section 101(8)) and the date of the beginning of the Korean conflict (June 27, 1950, as set forth in section 101(9)). Second, the amendment would provide that all eligibility under chapter 39 for veterans will be determined based on a single service-connection standard (the disability is the result of an injury incurred or a disease contracted in or aggravated by active service) rather than the more restrictive criterion presently applied to post-Korean conflict veterans or veterans of the Vietnam era (the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty).

Clause (2) amends that part of the definition of "eligible person" contained in clause (B) of paragraph (1) of section 1901 to make eligibility for chapter 39 benefits for active duty members of the Armed Forces identical to the eligibility under clause (A), as revised by the reported bill, upon their discharge as veterans. That is, first, eligibility will extend to veterans of service during World War II or thereafter without regard to any war or peacetime distinction; and second, post-Korean conflict veterans who served prior to the beginning of the Vietnam era (August 5, 1964, as set forth in section 101(29)) would have the same eligibility criterion (i.e. "service connected" rather than "line-of-duty") as servicemen and veterans who served during the Vietnam era.

Clause (3) deletes entirely present paragraph (2) of section 1901 which established a special additional period of eligibility (approximately 7 months) for chapter 39 benefits for veterans with service

immediately following World War II. This additional eligibility extension is unnecessary in view of the amendment made by clause (1) of this section of the reported bill, described above. This clause adds a replacement paragraph (2) in order to define the term "adaptive equipment" to include, but not be limited to, power steering, power brakes, power windows, power seats, and other special equipment necessary to assist the eligible person into and out of the vehicle; as well as air-conditioning equipment necessary to the health and safety of the veteran and of the safety of others, regardless of whether or not the eligible person is operating the vehicle or the vehicle is being operated for such person by another person, and any modification of the interior space of the vehicle necessary because of the physical condition of the eligible person as necessary for such person to enter or operate the vehicle.

Section 3

This section amends section 1902, relating to automobile and adaptive equipment assistance.

Clause (1) specifies in subsection (a) that the automobile assistance payment specified in that subsection shall include all State, local, and other taxes.

Clause (2) raises the maximum amount of that payment in subsection (a) from the present \$2,800 to \$3,300, an increase dictated by the increase in the cost of the average size vehicle appropriate for use by persons eligible for assistance under chapter 39 since the last increase in the maximum payment amount, enacted in Public Law 91-666 in 1970.

Clause (3) amends subsection (c) to provide for, as to vehicles previously required as well as replacement vehicles for vehicles acquired using a chapter 39 grant, the provision, repair, replacement, or reinstallation by the Veterans' Administration of adaptive equipment for an automobile or other conveyance.

Section 4

Subsection (a) amends section 1903, relating to limitations on assistance under chapter 39, by adding a new subsection (e) at the end thereof. The new subsection directs the Administrator to provide, directly or by contract, for the conduct of special driver training courses at every VA hospital and, where it is deemed appropriate, at VA regional offices and VA medical facilities other than hospitals, for the purpose of instructing each person eligible for chapter 39 assistance to operate the type of automobile or conveyance which such person wishes to obtain with chapter 39 assistance. The section further authorizes the Administrator to make such courses available to any veteran or member of the Armed Forces who requires such special training even though the particular veteran or member does not qualify for chapter 39 assistance. New subsection (e) also provides authority to the Administrator (1) to purchase insurance on automobiles and other conveyances which are not owned by the Government and which are to be used in conducting the special driver training courses provided for under the first paragraph of the new subsection, and (2) to obtain, at Government expense, personal liability and property damage insurance for all persons taking such courses, whether on an in-patient

or out-patient basis. This latter authority does not extend to conveyances owned by the Government consistent with the traditional Government policy that the Government acts as its own insurer in the case of its own vehicles.

Subsections (b) and (c) amend the catchline of such section 1903 as well as the table of sections at the beginning of chapter 39 to reflect the inclusion of the authority for "special training courses", as provided for in the new subsection (e), added by section 4(a) of the reported bill.

Section 5

Subsection (a) adds at the end of chapter 39 a new section 1904, which is described below :

§ 1904. Research and development; coordination with other Federal programs

Subsection (a). Provides that the Administrator, in carrying out prosthetic and orthopedic appliance research under section 216 and medical research under section 4101, shall, through the Chief Medical Director, provide for special emphasis on the research and development of adaptive equipment and adapted conveyances (including vans) which meet standards of safety and quality prescribed by the Administrator under subsection (d) of present section 1903. This subsection (a) further specifies that such activities shall include support for the production and distribution of devices and conveyances developed as a result of such research activities.

Subsection (b). Provides that the Administrator, in carrying out the research and development activities required under subsection (a) of the new section, shall, through the Chief Medical Director, consult and cooperate with the Secretary of Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration (a position specified in section 3 of the Rehabilitation Act of 1973, Public Law 93-112), in connection with (1) programs carried out under section 3(b) of that Public Law (programs designed to develop and support, and stimulate the development and utilization of, including production and distribution of new and existing devices, innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge for the purpose of solving rehabilitation problems); (2) programs carried out under section 202(b)(2) of such Act (programs for the establishment and support of Rehabilitation Engineering Research Centers); as well as activities carried out under section 405 of that Act (imposing upon the Secretary of Health, Education, and Welfare a special responsibility for planning, analyzing, promoting utilization of scientific advances, and carrying out information clearinghouse activities). The Committee believes that activities carried out by the Secretary and the Commissioner are extremely relevant to the appropriate research and development activities required under subsection (a) of the new section and that the Veterans' Administration can both contribute to, and profit from, programs carried out under the authorities in the Rehabilitation Act of 1973, particularly those cited in the provision itself.

Subsection (b) amends the table of sections at the beginning of chapter 39 to reflect the addition of new section 1904.

Section 6

This section provides that the provisions of the reported bill shall become effective on the first day of the second calendar month following the date of enactment, except for the amendment to section 1902 (c) with respect to adaptive equipment for vehicles previously acquired, which is made effective on January 11, 1971, the effective date of Public Law 91-666.

AGENCY REPORTS

The Committee requested and received reports on the bill and several printed amendments pending before it from the Veterans' Administration and the Office of Management and Budget. These reports follow:

[No. 96]

COMMITTEE ON VETERANS' AFFAIRS, U.S. SENATE

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., March 12, 1974.

HON. VANCE HARTKE,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are pleased to respond to your request for a report on S. 2363, 93d Congress, as amended by Amendment No. 512, submitted on September 19, 1973.

The bill as so amended proposes to amend chapter 39 of title 38, United States Code, to (1) authorize monetary assistance for the purchase of an automobile and provide necessary adaptive equipment for veterans and servicemen serving after January 31, 1955, under the same eligibility criteria as are applicable to veterans of World War II and the Korean conflict; (2) expand the concept of adaptive equipment; (3) increase the amount of the automobile grant from \$2,800 to \$3,300; (4) provide special driver training courses for persons eligible for automobile assistance and certain veterans not eligible therefor; and (5) authorize the Administrator to obtain insurance on automobiles or other conveyances used in conducting the driver training courses and to obtain personal liability and property damage insurance for all persons taking such courses.

Subsections (a) and (b) of the first section of the amended bill would amend section 1901(1) of title 38, United States Code, to authorize monetary assistance for the purchase of an automobile and necessary adaptive equipment for veterans and servicemen serving after January 31, 1955, under the same eligibility criteria as are applicable to veterans of World War II and the Korean conflict. Prior to the enactment of Public Law 91-666 on January 11, 1971, the Veterans' Administration was authorized by 38 United States Code 1901 to pay an automobile allowance of \$1,600 to veterans entitled to disability compensation for loss, or permanent loss of use, of one or both hands or one or both feet, or permanent impairment of vision of both eyes to a prescribed degree, which resulted from service in World War II or the Korean conflict. The automobile benefit was also made available to a veteran who incurred a disability of the described nature in the line of duty in service after January 31, 1955, if such disability was shown to have been "a direct result of the performance of military duty."

Public Law 91-666 increased the automobile allowance to \$2,800 and authorized adaptive equipment necessary to insure safe operation of the vehicle. The law also extended the class of eligible persons to include certain persons who apply while still in service. A serviceman with a prescribed disability incurred in World War II, the Korean conflict, or the Vietnam era, need only establish that such disability

was service connected. If the disability was incurred in service after January 31, 1955, a veteran, as distinguished from a serviceman, is eligible only if it was a "direct result of the performance of military duty."

In March 1973, we recommended to Congress legislation that would authorize automobiles and adaptive equipment for Vietnam veterans under the same conditions as apply to veterans of World War II and the Korean conflict. This bill would accomplish our proposal and, in addition, would extend the same criteria to those persons serving after January 31, 1955 (end of the Korean conflict), up to August 5, 1964 (beginning of the Vietnam era). We have no objection to the additional feature of this measure. We would, however, suggest that the word "eligible" in line 7, page 1 of the bill, be deleted as unnecessary and confusing.

Subsection (c) of the first section would further amend section 1901 of title 38, United States Code, by adding a new paragraph providing that the term "adaptive equipment" includes, but is not limited to, power steering, power brakes, power window lifts, power seats, and special equipment (power lifters) necessary to assist the eligible person into and out of the automobile or conveyance; air-conditioning equipment when such equipment is necessary to the health and safety of the veteran and to the safety of others, regardless of whether the automobile is to be operated by the eligible person or by another person; and any roof modification of the automobile or other conveyance if needed because of the eligible person's physical condition.

Currently, if a veteran cannot operate the automobile he is not entitled to any adaptive equipment. S. 2363 would not change this present limitation except with respect to air-conditioning, as discussed below. Power lifters are not currently available as adaptive equipment, but would become so under the bill. Such lifters, however, may be authorized currently under either section 612 or 617 of chapter 17, title 38, United States Code, which provides for hospital, domiciliary and medical care.

The bill would also expand the concept of adaptive equipment to include any modification of the automobile roof "if needed by the eligible person because of his physical condition." The intent of the quoted language is not entirely clear. Presumably, it is designed to authorize the modification in those instances where the qualifying service-connected condition of the eligible person is such as to require the modification to permit him to enter and operate the conveyance. If the intent is otherwise, the language in question should be clarified.

With respect to air-conditioning, it is currently available under chapter 39 only to the eligible person if he drives the automobile. Under the proposal, it would be available even if he cannot drive the automobile himself, but it is determined that it is necessary to his health and safety, and to the safety of others.

The expansion of the concept of adaptive equipment proposed by subsection (c) appears to be a reasonable extension of the current program. Accordingly, we have no objection to its favorable consideration.

Section 2 of S. 2363 would amend section 1902 of title 38, United States Code, by increasing the maximum monetary amount available for purchase of an automobile from \$2,800 to \$3,300, including all State and local and other taxes. Public Law 91-666, enacted into law

on January 11, 1971, increased the automobile allowance from \$1,600 to \$2,800 and authorized adaptive equipment necessary to insure safe operation of the vehicle. According to the Bureau of Labor Statistics, the average price of new automobiles has not increased since the automobile allowance was last increased in January of 1971. Therefore, we do not favor the increase from the current \$2,800 to the \$3,300 figure proposed by this bill.

Section 3 of the bill would require the Administrator to provide directly, or by contract, special driver training courses at every Veterans' Administration hospital and, where appropriate, at regional offices or other medical facilities of the Veterans' Administration, to instruct persons who are eligible for an automobile under chapter 39 of title 38, United States Code, to operate the type of automobile or other conveyance he obtains with assistance under such chapter. It also authorizes the Administrator to make such training course available to any veteran who he determines is in need of the special training. In addition, the bill would authorize the Administrator to obtain insurance on the automobiles and conveyances used in conducting the training courses, and to obtain personal liability and property damage insurance for all persons taking such courses.

The Veterans' Administration has been providing the type of driver training programs contemplated by this bill as part of its medical rehabilitation program. Furthermore, the Comptroller General of the United States, in a Decision dated May 16, 1972 (B-175086), stated that Veterans' Administration medical care funds could be expended, as a necessary component of the Veterans' Administration's medical rehabilitation program, to provide automobile liability insurance coverage for disabled veteran patients being given Veterans' Administration conducted driver training. Such insurance coverage has now been obtained. Thus, it would appear that the purposes sought to be accomplished by this section of the bill can generally be achieved without the need of the specific language proposed.

While we would have no objection to having specific reference to this program contained in the law, we question several aspects of the current proposal. For example, rather than requiring these training programs at "every hospital and, where appropriate, at regional offices and other medical facilities," we think it preferable to afford the Administrator maximum flexibility, so that the training can be provided at selected hospitals where the need would be greatest and where the most expertise in this type of training could be marshalled. Accordingly, we would suggest that lines 2 and 3 on page 3 of the bill be deleted. Furthermore, the bill would appear to authorize insurance on all automobiles used in conducting driver training courses even though they might be Government owned. This would, of course, be inconsistent with the settled policy of the United States to assume its own risks and losses in both tort matters and damage to its own property. For this reason, we would suggest that language be added to the proposed subparagraph (2) of the new subsection (e) of section 1903 of title 38, limiting the insurance provision to situations where non-Government owned vehicles are used.

Our present training program is conducted as part of the medical care and treatment authorized by chapter 17 of title 38, United States Code, and is therefore limited to those veterans eligible for care under such chapter. The new proposal would broaden eligibility

for the training programs to include veterans eligible for the automobile allowance under chapter 39, and any other veteran who needs it. It is conceivable that at least in this last category of veteran, the new authority could authorize training to veterans not now eligible for medical care and, therefore, not now eligible for the training programs already being conducted.

There is no data available upon which to base an estimate of the cost of subsections (a) and (b) of the first section of the bill, as amended. It is estimated that the cost of the remainder of the bill would be approximately as follows:

Fiscal year:	<i>Additional cost (in millions)</i>
1974.....	\$2.6
1975.....	2.9
1976.....	3.1
1977.....	3.2
1978.....	3.5

For the foregoing reasons, the Veterans' Administration opposes enactment of section 2 of S. 2363, and, subject to the recommended changes, favors enactment of sections 1 and 3.

Advice has been received from the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

DONALD E. JOHNSON,
Administrator.

[No. 116]

COMMITTEE ON VETERANS' AFFAIRS, U.S. SENATE

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., April 1, 1974.

HON. VANCE HARTKE,
*Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request of August 7, 1973, for the views of this Office on S. 2363, a bill to amend chapter 39 of title 38, United States Code, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

S. 2363 would modify the provisions of title 38 relating to the furnishing of specially equipped automobiles and adaptive equipment for disabled veterans. Section 1 of S. 2363 would authorize automobiles and adaptive equipment for peacetime and Vietnam veterans under the same conditions as applied to veterans of World War II and the Korean conflict. It would also expand the concept of adaptive equipment. Section 2 would increase the maximum amount available for the purchase of an automobile from \$2,800 to \$3,300. Section 3 would require the VA Administrator to provide special driver training courses at VA hospitals, other medical facilities and regional offices, where appropriate. It would also authorize the Administrator to obtain insurance on the automobile and personal liability and property damage insurance for persons taking such courses.

In its report on S. 2363, the Veterans' Administration stated its reasons for opposing enactment of section 2 of S. 2363 and for recommending changes in sections 1 and 3. We concur with the views expressed by the VA in its report. Accordingly, we would favor enactment of sections 1 and 3 of S. 2363, if amended. We would oppose enactment of section 2.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

[No. 133]

COMMITTEE ON VETERANS' AFFAIRS, U.S. SENATE

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., May 6, 1974.

HON. VANCE HARTKE,
Chairman, Committee on Veterans' Affairs,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This will respond to your request for a report by the Veterans' Administration on an amendment intended to be proposed by Mr. Cranston to S. 2363, 93d Congress, a bill to amend chapter 39 of title 38, United States Code, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

The amendment would have the effect of placing within the Department of Medicine and Surgery the responsibility for research activities involving the development of adaptive equipment and adapted conveyances (including vans), to meet standards of safety and quality prescribed in 38 U.S.C. 1903(d), a part of chapter 39. Additionally, it would provide for the VA involvement in the development and support for the production and distribution of devices and conveyances so developed. The amendment would further provide for the consultation and cooperation by the Chief Medical Director with the Secretary of Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration.

Public Law 91-666 added the provisions for the furnishing of adaptive equipment, in addition to an increased automobile allowance, for eligible veterans. Although research was not statutorily authorized, in order to develop the standards of safety and quality required by section 1903(d) of title 38, some research was initiated for adaptive equipment purposes. The proposed amendment would specifically authorize research for adaptive equipment and, additionally, would authorize research for adapted conveyances (including vans). Moreover, the scope of our mission would be broadened to include the development and support for the production and distribution of devices and conveyances so developed.

The cost of the proposed amendments cannot be estimated until the scope and scheduling of the projects authorized can be determined within the specific budgets for prosthetics research. Nevertheless, these projects would center upon three major categories: research, development, and evaluation. The following brief explanation of each of the above-mentioned categories will reflect our views and plans in the matter.

(a) Research. Contracts with laboratories in university settings would evaluate neuromuscular and neurosensory deficiencies as they affect vehicle operation. The research would be fundamental on the human factors of the disabilities with relation to the driving situation, access and egress, hardware redesign including seating and control configuration, all in consideration of the attained state of the art. We contemplate the participation of physicians, Ph. D. level physiologists, biologists, engineers, technicians, and support services. Each group would have an assigned disability or series of disabilities for this fundamental research.

(b) Development. This category would be divided into in-house work at the VA Prosthetics Center and selected VA hospitals with known capability, and development by contract. Specific problem areas in hardware, vehicle modifications, access and egress considerations, techniques, and vehicle operation modes would be included in the in-house aspect. We are presently involved to a great extent in this area. The proposed VA tentative standards and specifications for automotive driving aids for standard passenger automobiles (VAPC-A74C4-5T) is another example of development already in progress.

The contractual portion would be conducted at university settings similar to the research aspect and would include engineers, technicians, and support people who would be either assigned special projects by request for proposals, or by VA-generated contracts depending on the complexity of the project and the engineering capability of the group.

(c) The evaluation area is already well along at the VA Prosthetics Center. However, the field of automotive controls for the severely disabled is so dynamic at this time that new van configurations, control systems, and access and egress modes are being discovered in the private sector constantly. At present about 10 companies that modify vans have been identified. When the estimate of 10 civilian disabled to each veteran is considered, the evaluations must be conducted at VA spinal cord injury centers to insure that as many types of disabilities as possible are considered.

In view of the beneficial purposes sought to be accomplished and the VA involvement in the general area, we favor the subject amendment to S. 2363.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

DONALD E. JOHNSON,
Administrator.

[No. 13]

COMMITTEE ON VETERANS' AFFAIRS, U.S. SENATE

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., March 13, 1973.

HON. SPIRO T. AGNEW,
President of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill "To amend chapter 39 of title 38, United States Code, to provide the same eligibility criteria for automobiles and adaptive equipment for Vietnam era veterans as are applicable to veterans of World War II and the Korean conflict." We request that it be introduced and considered for enactment.

Prior to the enactment of Public Law 91-666 on January 11, 1971, the Veterans' Administration was authorized by 38 U.S.C. 1901 to pay an automobile allowance of up to \$1,600 to veterans entitled to disability compensation for loss, or permanent loss of use, of one or both hands or one or both feet, or permanent impairment of vision of both eyes to a prescribed degree, which resulted from service in World War II or the Korean conflict. The automobile benefit was also made available to a veteran who incurred a disability of the described nature in line of duty in service after January 31, 1955, if such disability was shown to have been "a direct result of the performance of military duty."

Public Law 91-666 increased the automobile allowance to \$2,800, and authorized adaptive equipment necessary to insure safe operation of the vehicle. That law also extended the class of eligible persons to include certain persons who apply while still in service. A serviceman with a prescribed disability incurred in World War II, the Korean conflict, or the Vietnam era, need only establish that such disability was service connected. If the disability was incurred in other than Vietnam era service after January 31, 1955, the serviceman is eligible only if it was "a direct result of the performance of military duty." The mentioned 1971 statute made no change in the qualifications specified for veterans of service after January 31, 1955.

It is thus apparent that the current provisions respecting automobiles and adaptive equipment are discriminatory with regard to veterans of the Vietnam era. Veterans of World War II or the Korean conflict, and certain persons still in service, need not meet the "direct result of the performance of military duty" requirement. They may qualify merely upon the basis of an accidental injury which happened to occur in line of duty while the individual was in service. A veteran of the Vietnam era, however, who was discharged before a qualifying disability had been established and/or an application filed, is barred from receiving monetary assistance for the purchase of an automobile, and necessary adaptive equipment, notwithstanding the existence of

one of the serious disabilities specified by the law, unless it can be proven that the disability was "a direct result of the performance of military duty."

This proposal would amend section 1901 of title 38, United States Code, to authorize monetary assistance for the purchasing of an automobile, and necessary adaptive equipment, for veteran of the Vietnam era merely upon showing that the qualifying disability occurred in line of duty during such service. It would thus remove the present discrimination against veterans of the Vietnam era.

The Veterans' Administration believes that such veterans should receive the automobile benefit and necessary adaptive equipment under the same conditions as apply to veterans of World War II and the Korean conflict.

There is no data readily available upon which to base an estimate of the cost of the measure, if enacted.

Advice has been received from the Office of Management and Budget that there is no objection to the submission of the draft bill to the Congress.

Sincerely,

DONALD E. JOHNSON,
Administrator.

Enclosure.

A BILL To amend chapter 39 of title 38, United States Code, to provide the same eligibility criteria for automobiles and adaptive equipment for Vietnam era veterans as are applicable to veterans of World War II and the Korean conflict

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (A) of paragraph (1) of section 1901 of title 38, United States Code be amended by—

(1) striking "World War II or the Korean conflict" and inserting in lieu thereof "World War II, the Korean conflict, or the Vietnam era"; and

(2) inserting the words "any other" immediately before the words "active military, naval, or air service performed after January 31, 1955".

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., September 10, 1971.

HON. DONALD E. JOHNSON,
*Administrator of Veterans' Affairs,
Veterans' Administration, Washington, D.C.*

DEAR MR. ADMINISTRATOR: I am writing with respect to implementation of Public Law 91-666, the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970 which, as Chairman of the Subcommittee on Veterans Affairs, I managed through the Senate last winter.

As you will recall, as a result of an amendment which I introduced in committee, that act amended 38 U.S.C. § 1902 to require in subsection (b) thereof that in addition to an automobile allowance you provide each person eligible for benefits under chapter 39 with the "adaptive equipment deemed necessary to ensure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and so as to satisfy the applicable standards of licensure as established by the State of his residency or other licensing authority." In addition, the same Senate amendment directed in subsection (c) of § 1902 that you shall "repair, replace or reinstall all adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired" under chapter 39 and shall "provide, repair, replace or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may subsequently have acquired."

Finally, the committee amendment added a subsection (d) in § 1903 directing that you prescribe minimum standards of safety and quality for all adaptive equipment provided under chapter 39. As to standards of safety and quality for adaptive equipment, I note with disappointment the statement in Transmittal Sheet 466 (signed by the Deputy Administrator by your direction) that issuance of "standards of safety [and] . . . of standards of quality must . . . await accumulation of experience." I fully understand the desire to accumulate experience with this program, but I believe the clear direction and intention of section 1903(d) is that you are to prescribe centrally the adaptive equipment to be provided under chapter 39. This requirement was designed to be a new and additional protection for the eligible veteran or serviceman acting as a consumer. I strongly urge you to direct that such safety and quality standards be developed forthwith. If necessary for DM&S to have new personnel toward that end, the Senate committee report anticipated that possibility in stating (page 7): "The Administrator would, under the provisions of the committee substitute, establish safety and quality standards for adaptive equipment. Such safety and quality standards are already established for prosthetic devices provided by the Administrator as part of medical treatment under chapter 17, section 612(d) of title 38 United States Code. It is believed that the same capability within the Veterans' Administration Department of Medicine and Surgery can be effectively employed, with the addition of a few personnel positions, which the committee recommends, to carry out a similar quality control program for the automobile adaptive devices which the Administrator would pro-

vide under the revised chapter 39 contained in the committee substitute.”

It was the intention of the Senate, and so far as I am aware, the House, that these new authorities with respect to the provision, replacement, repair, installation, and reinstallation of adaptive equipment were to ensure that the full expenses of all vehicular adaptive devices necessary for the health and safety of the disabled veteran were provided directly by the Veterans' Administration utilizing quality control standards. Consistent with the legislative intent, it is quite reasonable to expect that as to the most seriously disabled paraplegic or quadriplegic veteran the cost of providing necessary adaptive devices and related items might actually exceed the \$2,800 maximum automobile allowance provided under section 1902(a).

I have discussed this new program with various individuals knowledgeable about the affairs of severely disabled veterans as well as those who have had considerable experience with converting conveyances to provide for self-transportation by even the most severely disabled veterans. It seems to me that there inevitably will arise some significant questions with regard to the implementation of the above provisions enacted in P.L. 91-666 and that consideration of these matters by the Veterans' Administration might become somewhat protracted since so many different offices and divisions are involved. Such questions would very likely be entailed in Central Office consideration of applications (on VA Form 10-2641) for approval of special equipment not included in Exhibit A of Circular 10-71-115 costing in excess of \$500.

Specifically, it seems to me that the following VA divisions, services and offices all have an interest, expertise, and function with respect to the effective operation of this new program:

Physical Medicine and Rehabilitation Service, Department of Medicine and Surgery (DM&S).

Prosthetic and Sensory Aids Service, DM&S.

Spinal Cord Injury Service, DM&S.

Engineering Service, DM&S.

Assistant Chief Medical Director for Professional Services, DM&S.

Chief Medical Director, DM&S.

Department of Veterans Benefits.

General Counsel.

In view of the above, I respectively urge that you establish an intragency committee reporting directly to you or the Deputy Administrator to establish policies with respect to the implementation of the new adaptive devices provisions and to ensure their effective implementation in order that the severely disabled veterans who are the beneficiaries of chapter 39 will be more fully, quickly, and compassionately served and will be afforded thereby the maximum self-mobility under chapter 39.

I would also like to bring to your attention the need to advise all potentially eligible servicemen of their possible eligibility for assistance under this chapter. You will recall that at the time of the bill's enactment by Congress, the Senate—very reluctantly—agreed to accept the restrictive House eligibility standard—limiting eligibility for automobiles and adaptive devices only to those veterans of the

Vietnam era who had incurred the injury in line of duty—which was not made applicable to Vietnam era servicemen, on the understanding that the Administrator of Veterans Affairs would do everything possible to ensure that every serviceman who might possibly be eligible for assistance under this revised chapter 39 be fully advised of his possible eligibility and be urged to file an application for assistance prior to his separation or retirement.

I would greatly appreciate learning what efforts have been made by the VA and the Department of Defense to organize a system of alerting such servicemen of their potential eligibility and assisting them in filing an application prior to their discharge.

In general (and except as noted above), the procedures adopted by the Veterans' Administration (VAR Transmittal Sheet 466 (April 16, 1971) and DM&S Circular No. 10-17-115 (June 4, 1971)) in implementing the provisions of P.L. 91-666 seem to adhere to the intent described in the legislative history. I am very gratified with the response shown by the Veterans' Administration and wish to express my appreciation for the cooperation, alacrity and dedication displayed by the VA in acting upon this measure.

Thank you very much for your continuing cooperation with the Subcommittee.

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals.

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., October 28, 1971.

HON. ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have your letter of September 10, regarding implementation of the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970.

It was recognized at the outset that the implementation of the law could not be treated routinely. Safety and quality standards for the adaptive equipment, unlike those already developed in the Veterans' Administration for other types of prosthetic devices, involve not only the safety of handicapped drivers, but also the safety of others on the highways. The Department of Medicine and Surgery, through its Prosthetics and Sensory Aids Service has, therefore, entered upon a special program of study and development of adaptive equipment conducted principally at our Prosthetics Center in New York City. Additional technical personnel have been assigned to the Center for this purpose, and necessary funds have been allocated.

Our Washington people and those in the Prosthetics Center have consulted with agencies outside the Veterans Administration working in related fields. These have included the Traffic Engineering Safety Department of the American Automobile Association, and the Institute for Rehabilitation Medicine at New York University Medical Center (whose resources are pooled with those of the Center for Safety at New York University). Such cooperation has been wel-

comed, mutually, and promises to benefit all drivers with handicaps like those of the veterans and servicemen.

In June of this year, Veterans' Administration representatives attended a seminar on Driver-Training for the Physically Handicapped conducted by the New York University Medical Center Institute for Rehabilitation Medicine. The seminar emphasized the limitations of commercially available adaptive equipment; lack of scientific evaluation of the hardware; absence of specifications, standards, or national coordination at the private, state or federal level; and non-involvement of the medical community in adaptive equipment prescription and checkout. Participation of the Veterans' Administration was hailed by faculty and attendees at the seminar as a milestone in the overall handicapped driver program.

In summary, our engineering people feel that too little is known about adaptive equipment for automobiles to rush into the development of quality standards without full investigation of the available market. Upon completion of our evaluation of existing equipment, we will set appropriate standards of safety and quality and develop valid specifications to attain them. In the interim, should details of progress be desired, may I suggest that members of your staff contact Dr. Robert E. Stewart, Director, Prosthetic and Sensory Aids Service.

Your suggestion for an intra-agency committee to ensure effective implementation of the adaptive devices provisions of the law appeals to me. I am asking the Chief Medical Director to give me his recommendations for membership, functions, and responsibilities, of such a committee to be chaired by him, or his designee.

Veterans' Administration Contact Representatives visit all military hospitals in the United States to provide benefit counseling and personalized individual assistance to disabled servicemen. In the military hospital program, these representatives, working with the military personnel, identify patients being admitted early in their period of hospitalization; an interview is scheduled, and, all appropriate applications are completed. This program has been in operation since late 1966. With the passage of the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970, a directive was issued to our representatives at military hospitals to review their records of patients to insure that each disabled serviceman who had potential eligibility had filed the appropriate application and that the application was forwarded to our regional office for development.

I sincerely hope that the foregoing information will allay any misgivings you may have had about our administration of the letter and spirit of the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970.

Sincerely,

DONALD E. JOHNSON, *Administrator.*

CHANGES IN EXISTING LAW MADE BY S. 2363, AS REPORTED

In accordance with subsection 4 of Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italics*, existing law in which no change is proposed is shown in *roman*):

TITLE 38—UNITED STATES CODE

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PART II. GENERAL BENEFITS

* * * * *

CHAPTER 39—AUTOMOBILES AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES

Sec.

1901. Definitions.

1902. Assistance for providing automobile and adaptive equipment.

1903. Limitations on assistance; *special training courses*.1904. *Research and development; coordination with other Federal programs.*

§ 1901. Definitions

For purposes of this chapter—

(1) The term “eligible person” means—

(A) any veteran entitled to compensation under chapter 11 of this title for any of the disabilities described in subclause (i), (ii), or (iii) below, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during [World War II, or the Korean conflict; or if the disability is the result of an injury incurred disease contracted in or aggravated by active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.] *World War II or thereafter:*

(i) The loss or permanent loss of use of one or both feet;

(ii) The loss or permanent loss of use of one or both hands;

(iii) The permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity or more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye; or

(B) any member of the Armed Forces serving on active duty who is suffering from any disability described in subclause (i), (ii), or (iii) of clause (A) of this paragraph if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during [World War II, the Korean conflict, or the Vietnam era; or if such disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.] *World War II or thereafter.*

[(2) The term “World War II” includes, in the case of any eligible person, any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.]

(2) The term "adaptive equipment" includes, but is not limited to, power steering, power brakes, power window lifts, power seats, and special equipment necessary to assist the eligible person into and out of the automobile or other conveyance. Such term also includes (A) air-conditioning equipment when such equipment is necessary to the health and safety of the veteran and to the safety of others, regardless of whether the automobile or other conveyance is to be operated by the eligible person or is to be operated for such person by another person; and (B) any modification of the size of the interior space of the automobile or other conveyance if needed because of the physical condition of such person in order for such person to enter or operate the vehicle.

§ 1902. Assistance for providing automobile and adaptive equipment

(a) The Administrator, under regulations which he shall prescribe, shall provide or assist in providing an automobile or other conveyance to each eligible person by paying the total purchase price of the automobile or other conveyance (*including all State, local, and other taxes*) or **[\$2,800,] \$3,300**, whichever is the lesser, to the seller from whom the eligible person is purchasing under a sales agreement between the seller and the eligible person.

(b) The Administrator, under regulations which he shall prescribe, shall provide each eligible person the adaptive equipment deemed necessary to insure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and so as to satisfy the applicable standards of licensure established by the State of his residency or other proper licensing authority.

(c) In accordance with regulations which he shall prescribe, the Administrator shall (1) repair, replace or reinstall adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired in accordance with the provisions of this chapter, and (2) provide, repair, replace, or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may *previously* or subsequently have acquired.

(d) If an eligible person cannot qualify to operate an automobile or other conveyance, the Administrator shall provide or assist in providing an automobile or other conveyance to such person, as provided in subsection (a) of this section, if the automobile or other conveyance is to be operated for the eligible person by another person.

§ 1903. Limitations on assistance; special training courses

(a) No eligible person shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter, and no payment shall be made under this chapter for the repair, maintenance, or replacement of an automobile or other conveyance.

(b) Except as provided in subsection (d) of section 1902 of this title, no eligible person shall be provided an automobile or other conveyance under this chapter until it is established to the satisfaction of the Administrator, in accordance with regulations he shall prescribe, that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and will satisfy the applicable standards of licensure to

operate the automobile or other conveyance established by the State of his residency or other proper licensing authority.

(c) An eligible person shall not be entitled to adaptive equipment under this chapter for more than one automobile or other conveyance at any one time.

(d) Adaptive equipment shall not be provided under this chapter unless it conforms to minimum standards of safety and quality prescribed by the Administrator.

(e) (1) *The Administrator shall provide, directly or by contract, for the conduct of special driver training courses at every hospital and, where appropriate, at regional offices and other medical facilities, of the Veterans' Administration to instruct each eligible person to operate the type of automobile or other conveyance such person wishes to obtain with assistance under this chapter, and may make such courses available to any veteran or member of the Armed Forces, eligible for care under chapter 17 of this title, who is determined by the Administrator to need the special training provided in such courses even though such veteran or member is not eligible for the assistance provided under this chapter.*

(2) *The Administrator is authorized to obtain insurance on automobiles and other conveyances (not owned by the Government) used in conducting the special driver training courses provided under this subsection and to obtain, at Government expense, personal liability and property damage insurance for all persons taking such courses without regard to whether such persons are taking the course on an in-patient or out-patient basis.*

§ 1904. Research and development; coordination with other Federal programs

(a) *In carrying out prosthetic and orthopedic appliance research under section 216 and medical research under section 4101 of this title, the Administrator, through the Chief Medical Director, shall provide for special emphasis on the research and development of adaptive equipment and adapted conveyances (including vans) meeting standards of safety and quality prescribed under subsection (d) of section 1903, including support for the production and distribution of devices and conveyances so developed.*

(b) *In carrying out subsection (a) of this section, the Administrator, through the Chief Medical Director, shall consult and cooperate with the Secretary of Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration, Department of Health, Education, and Welfare, in connection with programs carried out under section 3(b) of the Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 357) (relating to the development and support, and the stimulation of the development and utilization, including production and distribution of new and existing devices, of innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems), section 202(b)(2) of such Act (relating to the establishment and support of Rehabilitation Engineering Research Centers), and section 405 of such Act (relating to the Secretarial responsibilities for planning, analysis, promoting utilization of scientific advances, and information clearinghouse activities)."*

APPENDIX

U.S. GOVERNMENT MEMORANDUM

NOVEMBER 22, 1971.

To: Administrator. (00)

From: Chief Medical Director. (111G)

Subject: Intra-Agency Committee on implementation of the Adaptive Devices Provisions of PL 91-666.

1. In response to your memo regarding the subject intra-agency committee, we recommend that it be called "The Adaptive Equipment Committee" and the organization and the functional responsibilities be established as follows:

(a) *Membership:*

(1) *Regular members.*—Designates of:

Office of the Chief Medical Director, Chairman Prosthetic and Sensory Aids Service, Recording Secretary and Alternate Chairman. (DM&S)

Physical Medicine and Rehabilitation Service. (DM&S)

Spinal Cord Injury Service. (DM&S)

Legal and Legislative Staff. (DM&S)

Finance Service. (Controller)

Compensation Pension and Education Service. (DVB)

(2) *As needed members.*—Designates of:

General Counsel.

Program Planning and Budget Service. (DVB)

Supply Service. (DM&S)

Engineering Service. (DM&S)

(b) *Meetings.*—The committee will meet at the call of the chairman, or recording secretary, when sufficient business has accumulated to require committee participation.

(c) *Functions and Responsibilities.*—The committee will:

(1) Review unusual requests submitted by veterans, field stations, service organizations or other interested persons, and:

(a) Render a procedural judgment or decision within the context of the established VA Regulations and published procedures.

(b) Recommend referral to the Office of the General Counsel for official opinion.

(2) Review all unusual situations related to the furnishing or installation of adaptive equipment which may be brought to the attention of the Administrator by any source, and:

(a) Render a judgment or decision within the context of the established VA Regulations and published procedures.

(b) Recommend a change in the VA Regulations to the Department of Veterans Benefits, if indicated.

(c) Recommend a change in the published operating procedures to the appropriate department office within VA Central Office.

(d) Recommend referral to the Office of the General Counsel of the problem, for official opinion.

(3) Discuss and attempt to resolve any other problems related to the furnishing of adaptive equipment to eligible beneficiaries, which are not clearly covered by directive.

(d) *Standards*.—Review proposals for minimum standards of safety and quality of adaptive equipment as presented or suggested by any source, and submit recommendations.

(e) *Dissemination of Information*.—Upon instruction from the committee chairman, as the result of committee actions, the recording secretary will be responsible for:

(1) Preparation of requests to the General Counsel for opinions, through appropriate channels.

(2) Preparation of communications to appropriate Central Office department directors recommending regulation or directive changes.

(3) Preparation of communications to VA field stations in response to inquiries.

(4) Publication of committee decisions of general interest in appropriate VA information publications.

2. Upon your acceptance of this proposal, or in consideration of alternatives offered by your office, my staff will immediately take the necessary action to organize the adaptive equipment committee, notify all interested departments and arrange for the first meeting.

M. J. MUSSER, M.D.

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., April 26, 1974.

HON. VANCE HARTKE,
Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The standards of quality and safety for automotive adaptive equipment, which are required by Public Law 91-666, are now ready for review by the manufacturers, state and federal government agencies, interested nongovernmental groups, and the automobile associations. A copy of the latest revision, with a proposed inspection form, is enclosed for your review, suggestions, and comments.

In addition, a general meeting has been planned to afford all concerned, including the manufacturers and distributors, the opportunity of discussing their ideas with each other and with representatives of the Veterans' Administration Prosthetics Center who have been assigned responsibility for the development of the standards of safety and quality.

You and interested members of your staff are invited to attend this conference, which will be held on May 17, 1974, at the Veterans' Administration Central Office, Lafayette Building, 811 Vermont Avenue, N.W., Washington, D.C. at 9:00 A.M. in Room 442. In the event you cannot be represented, may we have your ideas prior to May 10?

These standards of quality and safety will probably have far-reaching impact upon the future distribution of add-on automotive equipment for handicapped drivers, both veteran and non-veteran, in this country. State licensing agencies, automobile clubs and driver training facilities have indicated an interest in this document and there is little doubt that when it is published it will be utilized by these sources. Your participation and cooperation are therefore highly desirable.

Sincerely,

DONALD E. JOHNSON, *Administrator.*

Enclosure.

VA Driving Aid Checkout Form

1. Name of Driver: _____
2. Address: _____
3. State: _____ Zip Code: _____
4. Licensed Driver: Yes: _____ No: _____
5. Year and Type & Make of Automobile: _____
(Type: Sedan, Coupe, etc.) (Make: Ford, Chevrolet, etc.)
6. Driving Aid Employed: (Check as necessary)
 - A. Brake and Accelerator Hand-Control _____
 - B. Dimmer Switch _____
 - C. Left Foot Accelerator _____
 - D. Parking Brake _____
 - E. Steering Assists _____
 - F. Turn Signal, Right Hand Operated _____
 - G. Shift Lever, Left Hand Operated _____
7. Equipment obtained from the following manufacturer:
(Name and Address) _____
8. Trade Name of Device _____
9. Serial Nos. shown on Driving Aids: Yes: _____ No: _____
(List Serial Nos.) _____
10. Driving Aid Installer's Name and Address:

11. Approximately how many miles is the vehicle driven per year:

12. Is the vehicle generally used by non-handicapped drivers:

Yes: _____ No: _____

Inspection of Completed Installation. (Check Yes or No)

1. Are driving aids within reach of handicapped driver when lap and shoulder belts are securely fastened?

Yes: _____ No: _____

2. Are there reflective surfaces on the installed equipment that tend to reflect sunlight into the driver's eyes?

Yes: _____ No: _____

3. Are there sharp edges or projections on the equipment that might cause undue injury in the event of impact?

Yes: _____ No: _____

4. Does any part of the equipment deform permanently when it is used in simulating normal driving conditions?

Yes: _____ No: _____

5. Is rust or corrosion found on any part of the assembled and installed equipment?

Yes: _____ No: _____

6. Are all fasteners used in assembly and installation of the driving aid securely tightened?

Yes: _____ No: _____

7. Are all electrical components safe from accidental shock, short circuit, sparks, etc?

Yes: _____ No: _____

8. Does the installation permit conventional use of the vehicle by normal drivers?

Yes: _____ No: _____

9. If the installed driving aid is a brake and accelerator hand-control system, does it remain in the neutral position in the hands-off mode?

Yes: _____ No: _____

10. Are the motions required to actuate brake and accelerator controls distinctly different?

Yes: _____ No: _____

11. Can the accelerator be actuated by applying a force in the direction forward and away from the driver?

Yes: _____ No: _____

12. Has the driving aid manufacturer provided adequate instructions to permit proper installation of the equipment to the motor vehicle?

Yes: _____ No: _____

13. Does the installed equipment interfere with the collapsible feature of the automotive steering column?

Yes: _____ No: _____

14. Did the source of the driving aid provide instructions on its proper use in the motor vehicle?

Yes: _____ No: _____

15. Did the installation of the driving aid result in unnecessary modifications of the vehicle?

Yes: _____ No: _____

16. Was the driving aid inspected for quality and proper functioning by the manufacturer?

Yes: _____ No: _____

17. Is a statement of warranty included in the purchase of the driving aid?

Yes: _____ No: _____

For Use of Inspector

Installation certified as acceptable for use by the handicapped driver?

Yes: _____ No: _____

If no, explain reason for rejection: _____

Signature of Inspector: _____

Title: _____

Place and Date of Inspection: _____



VETERANS' AND SERVICEMEN'S AUTOMOBILE AND ADAPTIVE EQUIPMENT AMENDMENTS OF 1974

NOVEMBER 26, 1974.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. DORN, from the Committee on Veterans' Affairs,
submitted the following

REPORT

[To accompany S. 2363]

The Committee on Veterans' Affairs, to whom was referred the bill (S. 2363) to amend chapter 39 of title 38, United States Code, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces, having considered the same, report favorably thereon, by unanimous voice vote, without amendments, and recommend that the bill do pass.

SUMMARY

The reported bill would amend chapter 39 of title 38, United States Code, relating to automobiles and adaptive equipment for certain service-connected seriously disabled veterans and members of the Armed Forces, by raising from \$2,800 to \$3,300 the maximum allowance for the purchase of specially equipped automobiles for eligible disabled veterans and servicemen; by extending benefits under this chapter to certain persons not previously eligible; by improving a number of aspects of the program relating to the definition and provision of adaptive equipment; the provision of driver training by the Veterans' Administration; and coordination of VA medical and engineering research activities with related activities of the Rehabilitation Services Administration in the Department of Health, Education, and Welfare pursuant to Public Law 93-112, the Rehabilitation Act of 1973.

BACKGROUND

Veterans' Administration Automobile Assistance Grant Program

The program of basic automobiles assistance grants—now chapter 39 of title 38—was established by the Congress in Public Law 79-663, enacted on August 8, 1946. Under that law, certain disabled veterans of World War II—with service between December 7, 1941 and De-

ember 31, 1946—were provided with, or assisted in the purchase of, an automobile or other conveyance. Public Law 82-187, enacted on October 20, 1951, extended these benefits to veterans of the Korean conflict—with service between June 27, 1950 and January 31, 1955. Public Law 90-77, effective October 1, 1967, further extended these benefits to any veteran with service after January 31, 1955, who met eligibility requirements under a more restrictive criterion of having a disability incurred in line of duty as a direct result of performance of military duty, rather than under the standard service-connection criterion applied to World War II and Korean conflict veterans of having a disability resulting from an illness or injury sustained or aggravated in service in the line of duty.

Public Law 91-666, enacted December 31, 1970, effective an January 11, 1971, increased the maximum amount payable toward the purchase of an automobile or other conveyance from \$1,600 to the present level of \$2,800. The law, also provided for the first time for VA payment, in addition to the dollar grant, for necessary adaptive equipment, as well as for the maintenance, replacement, and installation thereof. The 1971 Act also mandated that the VA establish safety standards for that equipment in order to assure the safe operation of the automobile or other conveyance and satisfy the applicable standards of licensure by the proper licensing authority.

The following table shows the costs and number of veterans served by the program and total dollar expenditures since its inception through fiscal year 1973.

TABLE 1—AUTOMOBILES AND OTHER CONVEYANCES FOR DISABLED VETERANS—TRENDS FROM PROGRAM INCEPTION TO THE PRESENT

Fiscal year	Benefit costs		Number of beneficiaries	
	Annual	Cumulative	Annual	Cumulative
1947.....	\$21,798,248	\$21,798,248	13,717	13,717
1948.....	9,898,579	31,696,827	6,206	19,923
1949.....	6,620,036	38,316,863	4,150	24,073
1950.....	2,174,352	40,491,215	1,363	25,436
1951.....	579,402	41,070,617	363	25,799
1952.....	1,530,363	42,600,980	959	26,758
1953.....	18,223,614	60,824,594	11,415	38,173
1954.....	4,963,237	65,787,831	3,103	41,281
1955.....	2,856,107	68,643,938	1,788	43,069
1956.....	1,933,019	70,576,957	1,210	44,279
1957.....	1,006,387	71,583,344	630	44,909
1958.....	766,973	72,330,317	480	45,389
1959.....	701,355	73,051,672	439	45,828
1960.....	624,313	73,675,985	391	46,219
1961.....	706,224	74,382,209	442	46,661
1962.....	668,837	75,051,046	419	47,080
1963.....	1,017,823	76,068,869	637	47,717
1964.....	1,287,528	77,356,397	807	48,524
1965.....	1,144,004	78,500,401	716	49,240
1966.....	929,755	79,430,156	582	49,822
1967.....	827,998	80,258,154	518	50,340
1968.....	3,467,763	83,725,917	2,170	52,510
1969.....	4,931,648	88,657,565	3,086	55,595
1970.....	5,856,799	94,514,364	3,665	59,261
1971.....	6,642,228	101,156,592	2,969	62,230
1972.....	10,539,775	111,696,367	3,265	65,495
1973.....	16,809,081	118,505,448	1,705	67,200

¹ Includes \$19,503 for research safety standards

Since passage of Public Law 91-666, a number of difficulties have arisen in the administration of the provisions of chapter 39 other than the basic grant authority. S. 2363 and its amendments, now embodied in the reported bill, were introduced in order to seek to rectify those difficulties, which are enumerated and discussed below, as well as to provide a cost-of-living increase in the basic grant and equalize eligibility and the service-connection criteria among all veterans of all periods of service since World War II.

Basic Grant Increase

In the reported bill, the amount of the grant is increased from \$2,800 to \$3,300. The increased amount proposed in the reported bill is based on the cost of the average size American automobile today. The Administration, in opposing this provision of the bill while generally supporting the rest of S. 2363, as reported, advised the Senate Committee that average automobile prices have not risen in the last three to four years. Since then the VA has informally advised this Committee that as of October 19, 1974 the average price of new automobiles, as measured by the CPI, rose 8.4 percent since the Congress last increased the allowance. The Committee believes that, even when adjusted for the removal of the excise tax which was in effect in 1971, the \$500 increase proposed in S. 2363 is warranted under all the circumstances of the automobile market today.

Adaptive Equipment

In implementing Public Law 91-666, the VA, was unable to define clearly the meaning and scope of the term "adaptive equipment" which it was directed to provide to eligible persons under the revised chapter 39. The implementing instructions that were initially issued by the VA did not make clear to the regional offices exactly who was eligible, and for what equipment. Cases were brought to the attention of the Committee where World War II veterans who applied for adaptive equipment were told that since they had already used their grant they were not eligible for reimbursement of costs and maintenance of adaptive equipment—an interpretation clearly at variance with section 1902(b).

Compounding the difficulty in administration of the chapter, as revised by Public Law 91-666, was the VA's apparent indecision as to whether the Department of Veterans' Benefits or the Department of Medicine and Surgery would decide upon chapter 39 eligibility for adaptive equipment. Problems arose due to the medical determinations which needed to be made as to whether a particular person indeed needed certain equipment in order to operate the automobile safely. These difficulties were further compounded when several regional offices interpreted eligibility requirements differently and also issued different equipment under chapter 39 than did others. Illustrating that difficulty is the following table, compiled by a survey of three regional

offices of the VA conducted by the Paralyzed Veterans of America in January of 1972, one year after enactment of Public Law 91-666:

TABLE 2.—VARIANCE OF VA REGIONAL OFFICE INTERPRETATIONS OF ADAPTIVE EQUIPMENT TO BE PROVIDED BY THE VETERANS' ADMINISTRATION UNDER PUBLIC LAW 91-666

[The following adaptive equipment is/is not being granted under the adaptive equipment section of Public Law 91-666, as the VA regional offices noted, according to a survey conducted by the Paralyzed Veterans of America]

Type of equipment	New York	Los Angeles	Miami
Automatic transmission.....	Yes.....	Yes.....	Yes.....
Power brakes.....	Yes.....	Yes.....	Yes.....
Power steering.....	Yes.....	Yes.....	Yes.....
Power seats.....	Yes.....	Yes.....	Yes.....
Tilt steering wheel.....	Yes.....	Yes.....	Yes.....
Hand controls.....	Yes.....	Yes.....	Yes.....
Air-conditioning.....	Yes ¹	No.....	Yes. ¹
Power windows.....	Some quadriplegics.....	Yes.....	Yes. ²
Rear window defogger.....	Yes.....	No.....	No.....
Power door locks.....	No.....	No.....	No.....

¹ Must be proven to be necessary.

² Only have quadriplegics as example, January 1972.

Thus, the Committee believed that, although many of these irregularities seemed eventually to have been administratively clarified, there was a definite need for a more precise statutory definition of "adaptive equipment" under chapter 39. Specifically, the reported bill authorizes the payment for certain power assist equipment should it be required for the safe operation of the vehicle. This includes air-conditioning, power seats, and power window lifts.

The Committee is also convinced that it is necessary to specify that "adaptive equipment" is to include such equipment as an eligible person may need to get in or out of a vehicle purchased with chapter 39 funds, or vehicles previously or subsequently acquired. The definition was expanded to include equipment necessary to enter and leave the vehicle as well as increase the interior space, so as to allow, for example, a person to enter and drive the vehicle or other conveyance while seated in a wheelchair.

A VA General Counsel's opinion, dated December 5, 1972, issued after enactment of Public Law 91-666 and upon request of the Chief Medical Director for clarification, had indicated in part:

* * * [A]lthough a powered lifter may be useful and necessary to get into an automobile, it is not directly related to actual operation of the automobile. * * *

For the foregoing reasons, it is my opinion that section 1902(b) does not encompass authority to furnish the equipment described in your [the Chief Medical Director's] memorandum. We should emphasize, however, that the holding that the powered lifters in question may not be provided under section 1902(b) in no way limits the Administrator's authority to provide such lifters to eligible veterans in appropriate cases under chapter 17 of title 38 [as medical care].

The Committee finds this most restrictive opinion unacceptable. The Committee has adopted the language which would mandate that such

equipment be provided under chapter 39 when necessary to assist the eligible person into and out of the conveyance.

Eligibility

The reported bill would remove the more restrictive line-of-duty/direct-performance-of-duty criterion presently imposed on the Vietnam era veteran after he is discharged from active duty in the Armed Forces (as well as on any post-Korean conflict veteran). The administration has proposed legislation which would remove this distinction as well. (That draft proposal is set forth later in this report with the other agency reports submitted to the Committee on this legislation.)

Presently, a veteran who served after January 31, 1955—the end of the Korean conflict service period—must have been injured or sustained an illness in the direct performance of duty in order to qualify for chapter 39 benefits. Those who served during World War II and the Korean conflict need only satisfy a normal service-connection criterion as to the time of the onset of the condition producing the disability. This inequity as to post-Korean conflict *veterans* is made the more inexplicable since those with post-August 4, 1964 service (that is, Vietnam era) who apply for the grant prior to being discharged from the service need only meet the service-connection requirement, while those with the same service period who apply after they are discharged must meet the strict performance-of-duty requirement. The Committee believes that these variations are inequitable, and has amended the law consistent with recent congressional action to equalize benefits for similarly circumstanced disabled veterans.

The Committee made it very clear when the legislation which was ultimately enacted as Public Law 91-666 that it expected the VA to make every effort to have active duty servicemen apply for their chapter 39 benefits prior to being discharged. The statistics provided to the Committee, showing increased expenditures which appear in the following table, seem to indicate that this effort has been made and proven productive. However, this does not rectify the discrimination against those who were either not reached by the VA prior to discharge, or were discharged prior to the effective date of the 1971 Act, including all those post-Korean conflict veterans discharged prior to August 5, 1964.

TABLE 3.—AUTOMOBILE EXPENDITURES UNDER PUBLIC LAW 91-666

Automobiles	Fiscal year			
	1971	1972	1973	1974
Autos-veterans.....	\$5, 819, 609.94	\$7, 072, 136.92	\$4, 275, 052.51	\$2, 849, 935
Adaptive equipment-veterans.....	38, 244.34	1, 269, 256.64	1, 685, 312.69	1, 471, 177
Maintenance and repair-veterans.....		234, 086.27	415, 651.83	439, 427
Servicemen.....	758, 486.96	1, 787, 742.84	365, 896.43	197, 583
Adaptive equipment-servicemen.....	15, 892.70	176, 290.04	47, 645.14	32, 028
Maintenance and repair-servicemen.....		262.60	20.00	1, 451
Total.....	6, 642, 227.94	10, 539, 775.31	6, 789, 578.60	4, 991, 601
Autos purchased.....	2, 969	3, 265	1, 705	676
Autos maintained and/or equipped.....	191	4, 378	4, 696	3, 559

The reported bill would thus specify only one service-connection criterion and would make it applicable both as to all veterans regardless of whether they served during or after World War II, and as to all active-duty servicemen seeking chapter 39 benefits while on active duty. Specifically, the reported bill would make chapter 39 eligibility for veterans who served during the so-called "peace-time" period between February 1, 1955 and August 4, 1964, dependent on the same standard service-connection criterion as for "war-time" service during World War II and the Korean conflict and, as applied to active-duty servicemen, serving during the Vietnam era. Moreover, for the first time chapter 39 eligibility would be provided to veterans (as well as servicemen) whose service was in the "peace-time" period between World War II and the Korean conflict—from January 1, 1947 to June 26, 1950.

These amendments are consistent with past congressional action concerning other Veterans' Administration programs which have abandoned a wartime/peacetime distinction. Following extensive study, Congress adopted a new program of dependency and indemnity compensation, the Servicemen and Veterans Service Benefits Act of 1956 (Public Law 84-881) in which no distinction is made between wartime or peacetime service for the payment of compensation for service-connected deaths. In Public Law 91-101, Congress also voted to expand medical benefits to make any veteran—wartime or peacetime—over 65 years of age eligible for Veterans' Administration hospital care and related outpatient care for non-service-connected disabilities without having to show financial inability. Then, in Public Law 93-82, the Veterans' Health Care Extension Act of 1973, the Congress removed the peacetime/wartime distinction for purposes of basic eligibility for VA health care under chapter 17.

In the 92d Congress, peacetime/wartime rates of compensation for service-connected disabled veterans were equalized by Public Law 92-328. And, in the 93d Congress, Public Law 93-295 eliminated the wartime/peacetime distinctions for death compensation cases.

Finally, the Committee also notes that amendments to the educational assistance program passed twice by both Houses of Congress would equalize disability criteria for the purposes of chapter 31 vocational rehabilitation eligibility.

Accordingly, the Committee believes that to retain a wartime/peacetime distinction or to apply different criteria for the purposes of determining eligibility for benefits under chapter 39, would be both arbitrary and inequitable.

Adaptive Equipment for Vehicles Previously Acquired

In Public Law 91-666, the Congress liberalized the authority of the Administrator of Veterans Affairs with respect to the repair, replacement and reinstallation of adaptive equipment deemed necessary for the operation of an automobile purchased by certain disabled veterans with monetary assistance from the VA. The amendment added by that law authorized the Administrator to "provide, repair, replace or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may *subsequently* have acquired." (emphasis added).

On August 5, 1974, the House passed H.R. 12367 to further extend this authority. The House-passed bill would permit the Veterans'

Administration to provide, repair, replace, or reinstall adaptive equipment for an automobile acquired by an eligible veteran *prior* to the time that he purchased a vehicle with the assistance of Veterans' Administration, effective January 11, 1971, the date adaptive equipment was first authorized by Public Law 91-666. Present law restricts such assistance to an automobile acquired *subsequent* to provision of assistance in acquiring an automobile by VA.

The legislation was prompted by a case which came to the Committee's attention in which the veteran bought a 1970 automobile and received the appropriate assistance and equipment; however, it did not prove satisfactory in operation and he therefore sold it and returned to driving an earlier automobile he bought in 1964. In order to properly operate that automobile he had adaptive equipment placed on it and sought reimbursement from the VA. Unfortunately, in view of the literal language of the law, the VA had no choice but to deny his request for reimbursement because he did not buy this first car *subsequent* to his automobile grant.

In reporting to the Committee on this provision in the House bill, H.R. 12367, the VA indicated it is aware of the specific case involved and made the following observation :

In contemplation of the situation, such as in the above case, we feel that enactment of the proposed measure would be beneficial to veterans in similar circumstances and equitable. Therefore, we discern no reasonable basis for objecting thereto.

The Veterans' Administration in its report also stated that there is no data readily available upon which to base an estimate of the cost of the measure if enacted. The Committee accepts this statement but feels that it is obvious that, by the very nature of the limited type of cases it would affect, the cost would be relatively insignificant.

Driver Training

In its testimony, the VA indicated that it presently was operating driver training programs at only 18 of its 170 (now 172) hospitals. The Committee understands that there are presently plans to activate 100 more programs in the near future. Consistent with the Committee's intent to make such training reasonably accessible to all those eligible under the program, the reported bill would require the availability of a driver training program at all VA hospitals, and, where appropriate, at VA regional offices and other medical facilities. These programs could be either directly run by the VA, or contracted for with approved driver training schools. The reported bill provides sufficient flexibility to the VA by allowing the Administrator the ability to contract for driver training and to arrange for areawide sharing of driver training personnel and equipment.

The Committee strongly believes that those who are so seriously disabled as to require an automobile to be operated with adaptive equipment must receive the best possible driver training including use of all necessary adaptive equipment they may or will need when training is completed.

To date, three and a half years after enactment of Public Law 91-666, the adaptive equipment safety standards mandated in that

Act to be established by the Veterans' Administration have yet to be published. The Committee strongly urges the Agency to request and expend all the funds necessary to achieve compliance with this requirement to establish adaptive equipment standards, written into law in 1971, within the next few months.

Research and Development

The reported bill also contains new authority under chapter 39 for the VA to carry out an expanded program of research and development in the field of adaptive equipment, adapted conveyances, and rehabilitation devices generally.

In testimony before the Senate Subcommittee on Compensation and Pension on March 13, the VA stated that no funds had been expended in coordination with the Rehabilitation Services Administration (RSA) or the Social and Rehabilitation Services Administration (SRS) in HEW over the last three fiscal years. The VA, however, has itself expended the following amounts for rehabilitation R. & D. during that period:

TABLE 4.—VA REHABILITATION RESEARCH AND DEVELOPMENT EXPENDITURES

	Fiscal year—		
	1972	1973	1974 (projected costs)
Hardware.....	¹ \$14,555	¹ \$6,266	¹ \$60,595
Vehicles.....	22,955	16,387	20,792
Service agreements and contracts.....		2,500	3,250
Personnel costs.....	8,240	28,727	39,919
Travel costs.....	910	100	280
Total.....	46,660	53,940	124,836
Grand total.....	225,436		

¹ Includes adaptive equipment, driving simulators, and a highly specialized Instron testing machine.

The Committee feels strongly that these kinds of expenditures should be coordinated with other relevant Federal agency programs to assure that duplication of effort is avoided and that a full sharing of information is achieved to the benefit of disabled veterans and others who can benefit from rehabilitation equipment and devices.

Major new authority was granted last year in the Rehabilitation Act of 1973 (Public Law 92-112) to RSA in the Department of Health, Education, and Welfare to mount a large rehabilitation research and development program and to coordinate with the activities of other Federal agencies in the field of research and development and in rehabilitation technology. The new section 1904 which the reported bill proposes to add to chapter 39 is intended to provide the VA with the necessary statutory authority to make it a full and equal partner in such development efforts.

The Committee feels strongly that much needs to be done in the field of research and development in rehabilitation technology in order to develop the types of equipment, devices, and vehicles which will help handicapped veterans and other persons to become as independent as possible, so they may fully participate in family and community life. Certainly, the seriously disabled veteran deserves that chance, and only through the fullest cooperation and efforts of all agencies in

the Federal Government will the maximum potential for research and development in rehabilitation technology be realized. It is thus vitally important that the VA participate and cooperate with HEW's program efforts in this field by bringing to bear the expertise it has already gained and the facilities for testing it has already developed, a cooperative interchange which the Committee is convinced will be of great value for handicapped veterans and all handicapped persons in the Nation.

COST ESTIMATES OF S. 2363, AS REPORTED

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510), the Committee estimates, based on figures supplied by the Veterans' Administration, that S. 2363, as reported, will cost \$28.2 million in the first year, decreasing to \$5.2 million in the fifth year.

The full five-year costs are set forth in the table below :

TABLE 5.—VA ESTIMATES OF 5-YEAR COST OF S. 2363, AS REPORTED

Fiscal year:	Cost (millions)
1975	\$28.2
1976	3.1
1977	3.2
1978	4.9
1979	5.2
Total, 5-year cost	44.6

SECTION-BY-SECTION ANALYSIS AND EXPLANATION OF S. 2363, AS REPORTED

Section 1

This section provides that the proposed Act may be cited as the "Disabled Veterans' and Servicemen's Automobile and Adaptive Equipment Amendments of 1974".

Section 2

Clause (1) amends that part of the definition of "eligible person" contained in clause (A) of paragraph (1) of section 1901 of title 38, relating to the definition of eligible veterans under chapter 39, to include within that definition (in addition to veterans of service during World War II) any veteran of service thereafter. The effect of the amendment is, first, to extend eligibility for benefits under chapter 39 to veterans of service between the date of termination of World War II (December 31, 1946, as set forth in section 101(8)) and the date of the beginning of the Korean conflict (June 27, 1950, as set forth in section 101(9)). Second, the amendment would provide that all eligibility under chapter 39 for veterans will be determined based on a single service-connection standard (the disability is the result of an injury incurred or a disease contracted in or aggravated by active service) rather than the more restrictive criterion presently applied to post-Korean conflict veterans or veterans of the Vietnam era (the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty).

Clause (2) amends that part of the definition of "eligible person" contained in clause (B) of paragraph (1) of section 1901 to make eligibility for chapter 39 benefits for active duty members of the Armed Forces identical to the eligibility under clause (A), as revised by the reported bill.

Clause (3) deletes entirely present paragraph (2) of section 1901 which established a special additional period of eligibility (approximately 7 months) for chapter 39 benefits for veterans with service immediately following World War II. This additional eligibility extension is unnecessary in view of the amendment made by clause (1) of this section of the reported bill, described above. This clause adds a replacement paragraph (2) in order to define the term "adaptive equipment" to include, but not be limited to, power steering, power brakes, power windows, power seats, and other special equipment necessary to assist the eligible person into and out of the vehicle; as well as air-conditioning equipment necessary to the health and safety of the veteran and of the safety of others, regardless of whether or not the eligible person is operating the vehicle or the vehicle is being operated for such person by another person, and any modification of the interior space of the vehicle necessary because of the physical condition of the eligible person as necessary for such person to enter or operate the vehicle.

Section 3

This section amends section 1902, relating to automobile and adaptive equipment assistance.

Clause (1) specifies in subsection (a) that the automobile assistance payment specified in that subsection shall include all State, local, and other taxes.

Clause (2) raises the maximum amount of that payment in subsection (a) from the present \$2,800 to \$3,300, an increase dictated by the increase in the cost of the average size vehicle appropriate for use by persons eligible for assistance under chapter 39 since the last increase in the maximum payment amount, enacted in Public Law 91-666 in 1970.

Clause (3) amends subsection (c) to provide for, as to vehicles previously required as well as replacement vehicles for vehicles acquired using a chapter 39 grant, the provision, repair, replacement, or reinstallation by the Veterans' Administration of adaptive equipment for an automobile or other conveyance.

Section 4

Subsection (a) amends section 1903, relating to limitations on assistance under chapter 39, by adding a new subsection (e) at the end thereof. The new subsection directs the Administrator to provide, directly or by contract, for the conduct of special driver training courses at every VA hospital and, where it is deemed appropriate, at VA regional offices and VA medical facilities other than hospitals, for the purpose of instructing each person eligible for chapter 39 assistance to operate the type of automobile or conveyance which such person wishes to obtain with chapter 39 assistance. The section further authorizes

the Administrator to make such courses available to any veteran or member of the Armed Forces who requires such special training even though the particular veteran or member does not qualify for chapter 39 assistance. New subsection (e) also provides authority to the Administrator (1) to purchase insurance on automobiles and other conveyances which are not owned by the Government and which are to be used in conducting the special driver training courses provided for under the first paragraph of the new subsection, and (2) to obtain, at Government expense, personal liability and property damage insurance for all persons taking such courses, whether on an in-patient or out-patient basis. This latter authority does not extend to conveyances owned by the Government consistent with the traditional Government policy that the Government acts as its own insurer in the case of its own vehicles.

Subsections (b) and (c) amend the catchline of such section 1903 as well as the table of sections at the beginning of chapter 39 to reflect the inclusion of the authority for "special training courses", as provided for in the new subsection (e), added by section 4(a) of the reported bill.

Section 5

Subsection (a) adds at the end of chapter 39 a new section 1904, which is described below:

§ 1904. Research and development; coordination with other Federal programs

Subsection (a) provides that the Administrator, in carrying out prosthetic and orthopedic appliance research under section 216 and medical research under section 4101, shall, through the Chief Medical Director, provide for special emphasis on the research and development of adaptive equipment and adapted conveyances (including vans) which meet standards of safety and quality prescribed by the Administrator under subsection (d) of present section 1903. This subsection (a) further specifies that such activities shall include support for the production and distribution of devices and conveyances developed as a result of such research activities.

Subsection (b). Provides that the Administrator, in carrying out the research and development activities required under subsection (a) of the new section, shall, through the Chief Medical Director, consult and cooperate with the Secretary of Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration (a position specified in section 3 of the Rehabilitation Act of 1973, Public Law 93-112), in connection with (1) programs carried out under section 3(b) of that Public Law (programs designed to develop and support, and stimulate the development and utilization of, including production and distribution of new and existing devices, innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge for the purpose of solving rehabilitation problems); (2) programs carried out under section 202(b)(2) of such Act (programs for the establishment and

support of Rehabilitation Engineering Research Centers); as well as activities carried out under section 405 of that Act (imposing upon the Secretary of Health, Education, and Welfare a special responsibility for planning, analyzing, promoting utilization of scientific advances, and carrying out information clearinghouse activities). The Committee believes that activities carried out by the Secretary and the Commissioner are extremely relevant to the appropriate research and development activities required under subsection (a) of the new section and that the Veterans' Administration can both contribute to, and profit from, programs carried out under the authorities in the Rehabilitation Act of 1973, particularly those cited in the provision itself.

Subsection (b) amends the table of sections at the beginning of chapter 39 to reflect the addition of new section 1904.

Section 6

This section provides that the provisions of the reported bill shall become effective on the first day of the second calendar month following the date of enactment, except for the amendment to section 1902(c) with respect to adaptive equipment for vehicles previously acquired, which is made effective on January 11, 1971, the effective date of Public Law 91-666.

AGENCY REPORTS

The Committee requested and received the following report from the Veterans' Administration on H.R. 12367, which is encompassed in S. 2363:

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C. May 31, 1974.

HON. WM. JENNINGS BRYAN DORN,
*Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: We are pleased to respond to your request for a report on H.R. 12367, 93d Congress, a bill to amend title 38 of the United States Code to change the law relating to provision of adaptive equipment for automobiles used by disabled veterans and servicemen.

This bill would amend section 1902(c) of title 38, United States Code, by inserting "previously or" before "subsequently." This would permit the Veterans' Administration to provide, repair, replace or re-install adaptive equipment for any conveyance acquired by the veteran before the time he purchased a vehicle with the assistance of the Veterans' Administration. The effective date is retroactive to January 11, 1971, the date adaptive equipment was first authorized by Public Law 91-666.

Under current law, the Administrator is limited specifically by section 1902(c) to "(1) repair, replace, or reinstall adaptive equipment deemed necessary for the operation of an automobile * * * acquired in accordance with the provisions of this chapter, and (2) provide,

repair, replace or reinstall such adaptive equipment for any automobile * * * which an eligible person may *subsequently* have acquired." (Emphasis supplied.)

It would appear that this proposal contemplates a change in law respecting one particular case. In that case, in 1964 the veteran bought an automobile. In 1969 he became eligible for automobile assistance and purchased a 1970 automobile. He asserts he could not drive his 1970 automobile as well as his first automobile, and, therefore, sold it and returned to driving his 1964 automobile. He had the automatic transmission repaired on his first car, which was the only car he then had, and sought reimbursement from the Veterans' Administration. Inasmuch as the veteran did not buy this first car subsequent to his automobile grant, the Veterans' Administration had no choice but to deny his request for a reimbursement of this adaptive equipment.

It is noted that this bill does not affect the provisions of 1903(c), which limits assistance regarding adaptive equipment to one automobile at any one time. In the case referred to, the veteran no longer had his 1970 automobile, but had disposed of it and returned to the automobile he had prior to his grant to the automobile allowance.

There appears to be no reason why adaptive equipment should not be provided for a conveyance owned at the time a vehicle was acquired with the assistance of the Veterans' Administration, assuming compliance with the aforementioned statutory bar of 38 U.S.C. 1903(c).

In contemplation of the situation, such as in the above case, we feel that enactment of the proposed measure would be beneficial to veterans in similar circumstances and equitable. Therefore, we discern no reasonable basis for objecting thereto.

There is no data readily available upon which to base an estimate of the cost of the measure, if enacted.

In view of the foregoing, the Veterans' Administration has no objection to enactment of H.R. 12367.

Advice has been received from the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

DONALD E. JOHNSON,
Administrator.

The Senate Committee requested and received reports on the bill and several printed amendments pending before it from the Veterans' Administration and the Office of Management and Budget. These reports follow:

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., March 12, 1974.

HON. VANCE HARTKE,
Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are pleased to respond to your request for a report on S. 2363, 93d Congress, as amended by Amendment No. 512, submitted on September 19, 1973.

The bill as so amended proposes to amend chapter 39 of title 38, United States Code, to (1) authorize monetary assistance for the purchase of an automobile and provide necessary adaptive equipment for veterans and servicemen serving after January 31, 1955, under the same eligibility criteria as are applicable to veterans of World War II and the Korean conflict; (2) expand the concept of adaptive equipment; (3) increase the amount of the automobile grant from \$2,800 to \$3,300; (4) provide special driver training courses for persons eligible for automobile assistance and certain veterans not eligible therefor; and (5) authorize the Administrator to obtain insurance on automobiles or other conveyances used in conducting the driver training courses and to obtain personal liability and property damage insurance for all persons taking such courses.

Subsections (a) and (b) of the first section of the amended bill would amend section 1901(1) of title 38, United States Code, to authorize monetary assistance for the purchase of an automobile and necessary adaptive equipment for veterans and servicemen serving after January 31, 1955, under the same eligibility criteria as are applicable to veterans of World War II and the Korean conflict. Prior to the enactment of Public Law 91-666 on January 11, 1971, the Veterans' Administration was authorized by 38 United States Code 1901 to pay an automobile allowance of \$1,600 to veterans entitled to disability compensation for loss, or permanent loss of use, of one or both hands or one or both feet, or permanent impairment of vision of both eyes to a prescribed degree, which resulted from service in World War II or the Korean conflict. The automobile benefit was also made available to a veteran who incurred a disability of the described nature in the line of duty in service after January 31, 1955, if such disability was shown to have been "a direct result of the performance of military duty."

Public Law 91-666 increased the automobile allowance to \$2,800 and authorized adaptive equipment necessary to insure safe operation of the vehicle. The law also extended the class of eligible persons to include certain persons who apply while still in service. A serviceman with a prescribed disability incurred in World War II, the Korean conflict, or the Vietnam era, need only establish that such disability was service connected. If the disability was incurred in service after January 31, 1955, a veteran, as distinguished from a serviceman, is eligible only if it was a "direct result of the performance of military duty."

In March 1973, we recommended to Congress legislation that would authorize automobiles and adaptive equipment for Vietnam veterans under the same conditions as apply to veterans of World War II and the Korean conflict. This bill would accomplish our proposal and, in addition, would extend the same criteria to those persons serving after January 31, 1955 (end of the Korean conflict), up to August 5, 1964 (beginning of the Vietnam era). We have no objection to the additional feature of this measure. We would, however, suggest that the word "eligible" in line 7, page 1 of the bill, be deleted as unnecessary and confusing.

Subsection (c) of the first section would further amend section 1901 of title 38, United States Code, by adding a new paragraph providing that the term "adaptive equipment" includes, but is not limited to, power steering, power brakes, power window lifts, power seats, and special equipment (power lifters) necessary to assist the eligible person into and out of the automobile or conveyance; air-conditioning equipment when such equipment is necessary to the health and safety of the veteran and to the safety of others, regardless of whether the automobile is to be operated by the eligible person or by another person; and any roof modification of the automobile or other conveyance if needed because of the eligible person's physical condition.

Currently, if a veteran cannot operate the automobile he is not entitled to any adaptive equipment. S. 2363 would not change this present limitation except with respect to air-conditioning, as discussed below. Power lifters are not currently available as adaptive equipment, but would become so under the bill. Such lifters, however, may be authorized currently under either section 612 or 617 of chapter 17, title 38, United States Code, which provides for hospital, domiciliary and medical care.

The bill would also expand the concept of adaptive equipment to include any modification of the automobile roof "if needed by the eligible person because of his physical condition." The intent of the quoted language is not entirely clear. Presumably, it is designed to authorize the modification in those instances where the qualifying service-connected condition of the eligible person is such as to require the modification to permit him to enter and operate the conveyance. If the intent is otherwise, the language in question should be clarified.

With respect to air-conditioning, it is currently available under the modification to permit him to enter and operate the conveyance. Under the proposal, it would be available even if he cannot drive the automobile himself, but it is determined that it is necessary to his health and safety, and to the safety of others.

The expansion of the concept of adaptive equipment proposed by subsection (c) appears to be a reasonable extension of the current program. Accordingly, we have no objection to its favorable consideration.

Section 2 of S. 2363 would amend section 1902 of title 38, United States Code, by increasing the maximum monetary amount available for purchase of an automobile from \$2,800 to \$3,300, including all State and local and other taxes. Public Law 91-666, enacted into law on January 11, 1971, increased the automobile allowance from \$1,600 to \$2,800 and authorized adaptive equipment necessary to insure safe operation of the vehicle. According to the Bureau of Labor Statistics, the average price of new automobiles has not increased since the automobile allowance was last increased in January of 1971. Therefore, we do not favor the increase from the current \$2,800 to the \$3,300 figure proposed by this bill.

Section 3 of the bill would require the Administrator to provide directly, or by contract, special driver training courses at every Veterans' Administration hospital and, where appropriate, at regional

offices or other medical facilities of the Veterans' Administration, to instruct persons who are eligible for an automobile under chapter 39 of title 38, United States Code, to operate the type of automobile or other conveyance he obtains with assistance under such chapter. It also authorizes the Administrator to make such training course available to any veteran who he determines is in need of the special training. In addition, the bill would authorize the Administrator to obtain insurance on the automobiles and conveyances used in conducting the training courses, and to obtain personal liability and property damage insurance for all persons taking such courses.

The Veterans' Administration has been providing the type of driver training programs contemplated by this bill as part of its medical rehabilitation program. Furthermore, the Comptroller General of the United States, in a Decision dated May 16, 1972 (B-175086), stated that Veterans' Administration medical care funds could be expended, as a necessary component of the Veterans' Administration's medical rehabilitation program, to provide automobile liability insurance coverage for disabled veteran patients being given Veterans' Administration conducted driver training. Such insurance coverage has now been obtained. Thus, it would appear that the purposes sought to be accomplished by this section of the bill can generally be achieved without the need of the specific language proposed.

While we would have no objection to having specific reference to this program contained in the law, we question several aspects of the current proposal. For example, rather than requiring these training programs at "every hospital and, where appropriate, at regional offices and other medical facilities," we think it preferable to afford the Administrator maximum flexibility, so that the training can be provided at selected hospitals where the need would be greatest and where the most expertise in this type of training could be marshalled. Accordingly, we would suggest that lines 2 and 3) on page 3 of the bill be deleted. Furthermore, the bill would appear to authorize insurance on all automobiles used in conducting driver training courses even though they might be Government owned. This would, of course, be inconsistent with the settled policy of the United States to assume its own risks and losses in both tort matters and damage to its own property. For this reason, we would suggest that language be added to the proposed subparagraph (2) of the new subsection (e) of section 1903 of title 38, limiting the insurance provision to situations where non-Government owned vehicles are used.

Our present training program is conducted as part of the medical care and treatment authorized by chapter 17 of title 38, United States Code, and is therefore limited to those veterans eligible for care under such chapter. The new proposal would broaden eligibility for the training programs to include veterans eligible for the automobile allowance under chapter 39, and any other veteran who needs it. It is conceivable that at least in this last category of veteran, the new authority could authorize training to veterans not now eligible for medi-

cal care and, therefore, not now eligible for the training programs already being conducted.

There is no data available upon which to base an estimate of the cost of subsections (a) and (b) of the first section of the bill, as amended. It is estimated that the cost of the remainder of the bill would be approximately as follows:

Fiscal year:	<i>Additional cost (in millions)</i>
1974 -----	\$2.6
1975 -----	2.9
1976 -----	3.1
1977 -----	3.2
1978 -----	3.5

For the foregoing reasons, the Veterans' Administration opposes enactment of section 2 of S. 2363, and, subject to the recommended changes, favors enactment of sections 1 and 3.

Advice has been received from the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

DONALD E. JOHNSON,
Administrator.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., April 1, 1974.

HON. VANCE HARTKE,
*Chairman, Committee on Veterans' Affairs
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request of August 7, 1973, for the views of this Office on S. 2363, a bill to amend chapter 39 of title 38, United States Code, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

S. 2363 would modify the provisions of title 38 relating to the furnishing of specially equipped automobiles and adaptive equipment for disabled veterans. Section 1 of S. 2363 would authorize automobiles and adaptive equipment for peacetime and Vietnam veterans under the same conditions as applied to veterans of World War II and the Korean conflict. It would also expand the concept of adaptive equipment. Section 2 would increase the maximum amount available for the purchase of an automobile from \$2,800 to \$3,300. Section 3 would require the VA Administrator to provide special driver training courses at VA hospitals, other medical facilities and regional offices, where appropriate. It would also authorize the Administrator to obtain insurance on the automobile and personal liability and property damage insurance for persons taking such courses.

In its report on S. 2363, the Veterans' Administration stated its reasons for opposing enactment of section 2 of S. 2363 and for recommending changes in section 1 and 3. We concur with the views expressed by the VA in its report. Accordingly, we would favor enactment of sections 1 and 3 of S. 2363, if amended. We would oppose enactment of section 2.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., May 6, 1974.

HON. VANCE HARTKE,
*Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This will respond to your request for a report by the Veterans' Administration on an amendment intended to be proposed by Mr. Cranston to S. 2363, 93d Congress, a bill to amend chapter 39 of title 38, United States Code, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

The amendment would have the effect of placing within the Department of Medicine and Surgery the responsibility for research activities involving the development of adaptive equipment and adapted conveyances (including vans), to meet standards of safety and quality prescribed in 38 U.S.C. 1903(d), a part of chapter 39. Additionally, it would provide for the VA involvement in the development and support for the production and distribution of devices and conveyances so developed. The amendment would further provide for the consultation and cooperation by the Chief Medical Director with the Secretary of Health, Education, and Welfare and the Commission of the Rehabilitation Services Administration.

Public Law 91-666 added the provisions for the furnishing of adaptive equipment, in addition to an increased automobile allowance, for eligible veterans. Although research was not statutorily authorized, in order to develop the standards of safety and quality required by section 1903(d) of title 38, some research was initiated for adaptive equipment purposes. The proposed amendment would specifically authorize research for adaptive equipment and, additionally, would authorize research for adapted conveyances (including vans). Moreover, the scope of our mission would be broadened to include the development and support for the production and distribution of devices and conveyances so developed.

The cost of the proposed amendments cannot be estimated until the scope and scheduling of the projects authorized can be determined within the specific budgets for prosthetics research. Nevertheless, these projects would center upon three major categories: research, development, and evaluation. The following brief explanation of each of the above-mentioned categories will reflect our views and plans in the matter.

(a) Research. Contracts with laboratories in university settings would evaluate neuromuscular and neurosensory deficiencies as they affect vehicle operation. The research would be fundamental on the human factors of the disabilities with relation to the driving situation, access and egress, hardware redesign including seating and control configuration, all in consideration of the attained state of the art. We contemplate the participation of physicians, Ph. D. level physiologists, biologists, engineers, technicians, and support services. Each group would have an assigned disability or series of disabilities for this fundamental research.

(b) Development. This category would be divided into in-house work at the VA Prosthetics Center and selected VA hospitals with known capability, and development by contract. Specific problem areas in hardware, vehicle modifications, access and egress considerations, techniques, and vehicle operation modes would be included in the in-house aspect. We are presently involved to a great extent in this area. The proposed VA tentative standards and specifications for automotive driving aids for standard passenger automobiles (VAPC-A74C4-5T) is another example of development already in progress.

The contractual portion would be conducted at university settings similar to the research aspect and would include engineers, technicians, and support people who would be either assigned special projects by request for proposals, or by VA-generated contracts depending on the complexity of the project and the engineering capability of the group.

(c) The evaluation area is already well along at the VA Prosthetics Center. However, the field of automotive controls for the severely disabled is so dynamic at this time that new van configurations, control systems, and access and egress modes are being discovered in the private sector constantly. At present about 10 companies that modify vans have been identified. When the estimate of 10 civilian disabled to each veteran is considered, the evaluations must be conducted at VA spinal cord injury centers to insure that as many types of disabilities as possible are considered.

In view of the beneficial purposes sought to be accomplished and the VA involvement in the general area, we favor the subject amendment to S. 2363.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

DONALD E. JOHNSON,
Administrator.

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., March 13, 1973.

HON. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Transmitted herewith is a draft bill "To amend chapter 39 of title 38, United States Code, to provide the same

eligibility criteria for automobiles and adaptive equipment for Vietnam era veterans as are applicable to veterans of World War II and the Korean conflict." We request that it be introduced and considered for enactment.

Prior to the enactment of Public Law 91-666 on January 11, 1971, the Veterans' Administration was authorized by 38 U.S.C. 1901 to pay an automobile allowance of up to \$1,600 to veterans entitled to disability compensation for loss, or permanent loss of use, of one or both hands or one or both feet, or permanent impairment of vision of both eyes to a prescribed degree, which resulted from service in World War II or the Korean conflict. The automobile benefit was also made available to a veteran who incurred a disability of the described nature in line of duty in service after January 31, 1955, if such disability was shown to have been "a direct result of the performance of military duty."

Public Law 91-666 increased the automobile allowance to \$2,800, and authorized adaptive equipment necessary to insure safe operation of the vehicle. That law also extended the class of eligible persons to include certain persons who apply while still in service. A serviceman with a prescribed disability incurred in World War II, the Korean conflict, or the Vietnam era, need only establish that such disability was service connected. If the disability was incurred in other than Vietnam era service after January 31, 1955, the serviceman is eligible only if it was "a direct result of the performance of military duty." The mentioned 1971 statute made no change in the qualifications specified for veterans of service after January 31, 1955.

It is thus apparent that the current provisions, respecting automobiles and adaptive equipment are discriminatory with regard to veterans of the Vietnam era. Veterans of World War II or the Korean conflict, and certain persons still in service, need not meet the "direct result of the performance of military duty" requirement. They may qualify merely upon the basis of an accidental injury which happened to occur in line of duty while the individual was in service. A veteran of the Vietnam era, however, who was discharged before a qualifying disability had been established and/or an application filed, is barred from receiving monetary assistance for the purchase of an automobile, and necessary adaptive equipment, notwithstanding the existence of one of the serious disabilities specified by the law, unless it can be proven that the disability was "a direct result of the performance of military duty."

This proposal would amend section 1901 of title 38, United States Code, to authorize monetary assistance for the purchasing of an automobile, and necessary adaptive equipment, for veterans of the Vietnam era merely upon showing that the qualifying disability occurred in line of duty during such service. It would thus remove the present discrimination against veterans of the Vietnam era.

The Veterans' Administration believes that such veterans should receive the automobile benefit and necessary adaptive equipment under the same conditions as apply to veterans of World War II and the Korean conflict.

There is no data readily available upon which to base an estimate of the cost of the measure, if enacted.

Advice has been received from the Office of Management and Budget that there is no objection to the submission of the draft bill to the Congress.

Sincerely,

DONALD E. JOHNSON,
Administrator.

Enclosure.

A BILL To amend chapter 39 of title 38, United States Code, to provide the same eligibility criteria for automobiles and adaptive equipment for Vietnam era veterans as are applicable to veterans of World War II and the Korean conflict

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That clause (A) of paragraph (1) of section 1901 of title 38, United States Code be amended by—

(1) striking “World War II or the Korean conflict” and inserting in lieu thereof “World War II, the Korean conflict, or the Vietnam era”; and

(2) inserting the words “any other” immediately before the words “active military, naval, or air service performed after January 31, 1955”.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., September 10, 1971.

Hon. DONALD E. JOHNSON,
Administrator of Veterans' Affairs, Veterans' Administration, Washington, D.C.

DEAR MR. ADMINISTRATOR: I am writing with respect to implementation of Public Law 91-666, the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970 which, as Chairman of the Subcommittee on Veterans Affairs, I managed through the Senate last winter.

As you will recall, as a result of an amendment which I introduced in committee, that act amended 38 U.S.C. § 1902 to require in subsection (b) thereof that in addition to an automobile allowance you provide each person eligible for benefits under chapter 39 with the “adaptive equipment deemed necessary to ensure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and so as to satisfy the applicable standards of licensure as established by the State of his residency or other licensing authority.” In addition, the same Senate amendment directed in subsection (c) of § 1902 that you shall “repair, replace or reinstall all adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired” under chapter 39 and shall “provide, repair, replace or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may subsequently have acquired.”

Finally, the committee amendment added a subsection (d) in § 1903 directing that you prescribe minimum standards of safety and quality for all adaptive equipment provided under chapter 39. As to standards of safety and quality for adaptive equipment, I note with disappointment the statement in Transmittal Sheet 466 (signed by the Deputy Administrator by your direction) that issuance of “standards of safety

[and] * * * of standards of quality must * * * await accumulation of experience." I fully understand the desire to accumulate experience with this program, but I believe the clear direction and intention of section 1903(d) is that you are to prescribe centrally the adaptive equipment to be provided under chapter 39. This requirement was designed to be a new and additional protection for the eligible veteran or serviceman acting as a consumer. I strongly urge you to direct that such safety and quality standards be developed forthwith. If necessary for DM&S to have new personnel toward that end, the Senate committee report anticipated that possibility in stating (page 7) : "The Administrator would, under the provisions of the committee substitute, establish safety and quality standards for adaptive equipment. Such safety and quality standards are already established for prosthetic devices provided by the Administrator as part of medical treatment under chapter 17, section 612(d) of title 38 United States Code. It is believed that the same capability within the Veterans' Administration Department of Medicine and Surgery can be effectively employed, with the addition of a few personnel positions, which the committee recommends, to carry out a similar quality control program for the automobile adaptive devices which the Administrator would provide under the revised chapter 39 contained in the committee substitute."

It was the intention of the Senate, and so far as I am aware, the House, that these new authorities with respect to the provision, replacement, repair, installation, and reinstallation of adaptive equipment were to ensure that the full expenses of all vehicular adaptive devices necessary for the health and safety of the disabled veteran were provided directly by the Veterans' Administration utilizing quality control standards. Consistent with the legislative intent, it is quite reasonable to expect that as to the most seriously disabled paraplegic or quadriplegic veterans the cost of providing necessary adaptive devices and related items might actually exceed the \$2.800 maximum automobile allowance provided under section 1902(a).

I have discussed this new program with various individuals knowledgeable about the affairs of severely disabled veterans as well as those who have had considerable experience with converting conveyances to provide for self-transportation by even the most severely disabled veterans. It seems to me that there inevitably will arise some significant questions with regard to the implementation of the above provisions enacted in P.L. 91-666 and that consideration of these matters by the Veterans' Administration might become somewhat protracted since so many different offices and divisions are involved. Such questions would very likely be entailed in Central Office consideration of applications (on VA Form 10-2641) for approval of special equipment not included in Exhibit A of Circular 10-71-115 costing in excess of \$500.

Specifically, it seems to me that the following VA divisions, services and offices all have an interest, expertise, and function with respect to the effective operation of this new program :

Physical Medicine and Rehabilitation Service, Department of Medicine and Surgery (DM&S).

Prosthetic and Sensory Aids Service, DM&S.

Spinal Cord Injury Service, DM&S.

Engineering Service, DM&S.

Assistant Chief Medical Director for Professional Services. DM&S.

Chief Medical Director. DM&S.

Department of Veterans Benefits.

General Counsel.

In view of the above, I respectively urge that you establish an intra-agency committee reporting directly to you or the Deputy Administrator to establish policies with respect to the implementation of the new adaptive devices provisions and to ensure their effective implementation in order that the severely disabled veterans who are the beneficiaries of chapter 39 will be more fully, quickly, and compassionately served and will be afforded thereby the maximum self-mobility under chapter 39.

I would also like to bring to your attention the need to advise all potentially eligible servicemen of their possible eligibility for assistance under this chapter. You will recall that at the time of the bill's enactment by Congress, the Senate—very reluctantly—agreed to accept the restrictive House eligibility standard—limiting eligibility for automobiles and adaptive devices only to those veterans of the Vietnam era who had incurred the injury in line of duty—which was not made applicable to Vietnam era servicemen, on the understanding that the Administrator of Veterans Affairs would do everything possible to ensure that every serviceman who might possibly be eligible for assistance under this revised chapter 39 be fully advised of his possible eligibility and be urged to file an application for assistance prior to his separation or retirement.

I would greatly appreciate learning what efforts have been made by the VA and the Department of Defense to organize a system of alerting such servicemen of their potential eligibility and assisting them in filing an application prior to their discharge.

In general (and except as noted above), the procedures adopted by the Veterans' Administration (VAR Transmittal Sheet 466 (April 16, 1971) and DM&S Circular No. 10-17-115 (June 4, 1971)) in implementing the provisions of P.L. 91-666 seem to adhere to the intent described in the legislative history. I am very gratified with the response shown by the Veterans' Administration and wish to express my appreciation for the cooperation, alacrity and dedication displayed by the VA in acting upon this measure.

Thank you very much for your continuing cooperation with the Subcommittee.

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals.

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., October 28, 1971.

HON. ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have your letter of September 10, regarding implementation of the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970.

It was recognized at the outset that the implementation of the law could not be treated routinely. Safety and quality standards for the adaptive equipment, unlike those already developed in the Veterans' Administration for other types of prosthetic devices, involve not only the safety of handicapped drivers, but also the safety of others on the highways. The Department of Medicine and Surgery, through its Prosthetics and Sensory Aids Service has, therefore, entered upon a special program of study and development of adaptive equipment conducted principally at our Prosthetics Center in New York City. Additional technical personnel have been assigned to the Center for this purpose, and necessary funds have been allocated.

Our Washington people and those in the Prosthetics Center have consulted with agencies outside the Veterans' Administration working in related fields. These have included the Traffic Engineering Safety Department of the American Automobile Association, and the Institute for Rehabilitation Medicine at New York University Medical Center (whose resources are pooled with those of the Center for Safety at New York University). Such cooperation has been welcomed, mutually, and promises to benefit all drivers with handicaps like those of the veterans and servicemen.

In June of this year, Veterans' Administration representatives attended a seminar on Driver-Training for the Physically Handicapped conducted by the New York University Medical Center Institute for Rehabilitation Medicine. The seminar emphasized the limitations of commercially available adaptive equipment; lack of scientific evaluation of the hardware; absence of specifications, standards, or national coordination at the private, state or federal level; and non-involvement of the medical community in adaptive equipment prescription and checkout. Participation of the Veterans' Administration was hailed by faculty and attendees at the seminar as a milestone in the overall handicapped driver program.

In summary, our engineering people feel that too little is known about adaptive equipment for automobiles to rush into the development of quality standards without full investigation of the available market. Upon completion of our evaluation of existing equipment, we will set appropriate standards of safety and quality and develop valid specifications to attain them. In the interim, should details of progress be desired, may I suggest that members of your staff contact Dr. Robert E. Stewart, Director, Prosthetic and Sensory Aids Service.

Your suggestion for an intra-agency committee to ensure effective implementation of the adaptive devices provisions of the law appeals to me. I am asking the Chief Medical Director to give me his recommendations for membership, functions, and responsibilities, of such a committee to be chaired by him, or his designee.

Veterans' Administration Contact Representatives visit all military hospitals in the United States to provide benefit counseling and personalized individual assistance to disabled servicemen. In the military hospital program, these representatives, working with the military

personnel, identify patients being admitted early in their period of hospitalization; an interview is scheduled, and, all appropriate applications are completed. This program has been in operation since late 1966. With the passage of the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970, a directive was issued to our representatives at military hospitals to review their records of patients to insure that each disabled serviceman who had potential eligibility had filed the appropriate application and that the application was forwarded to our regional office for development.

I sincerely hope that the foregoing information will allay any misgivings you may have had about our administration of the letter and spirit of the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970.

Sincerely,

DONALD E. JOHNSON,
Administrator.

CHANGES IN EXISTING LAW MADE BY S. 2363, AS REPORTED

In compliance with clause 3 of the rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

TITLE 38—UNITED STATES CODE

* * * * *

PART II. GENERAL BENEFITS

* * * * *

Chapter 39—Automobiles and adaptive equipment for certain disabled veterans and members of the armed forces

Sec.

1901. Definitions.

1902. Assistance for providing automobile and adaptive equipment.

1903. Limitations on assistance; *special training courses.*

1904. *Research and development; coordination with other Federal programs.*

§ 1901. Definitions

For purposes of this chapter—

(1) The term "eligible person" means—

(A) any veteran entitled to compensation under chapter 11 of this title for any of the disabilities described in subclause (i), (ii), or (iii) below, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during [World War II, or the Korean conflict; or if the disability is the result of an injury incurred disease contracted in or aggravated by active military, naval, or air service per-

formed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty: **】** *World War II or thereafter:*

(i) The loss or permanent loss of use of one or both feet;
 (ii) The loss or permanent loss of use of one or both hands;
 (iii) The permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity or more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye; or

(B) any member of the Armed Forces serving on active duty who is suffering from any disability described in subclause (i), (ii), or (iii) of clause (A) of this paragraph if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during **【**World War II, the Korean conflict, or the Vietnam era; or if such disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.**】** *World War II or thereafter.*

【(2) The term "World War II" includes, in the case of any eligible person, any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.**】**

(2) The term "adaptive equipment" includes, but is not limited to, power steering, power brakes, power window lifts, power seats, and special equipment necessary to assist the eligible person into and out of the automobile or other conveyance. Such term also includes (A) air-conditioning equipment when such equipment is necessary to the health and safety of the veteran and to the safety of others, regardless of whether the automobile or other conveyance is to be operated by the eligible person or is to be operated for such person by another person; and (B) any modification of the size of the interior space of the automobile or other conveyance if needed because of the physical condition of such person in order for such person to enter or operate the vehicle.

§ 1902. Assistance for providing automobile and adaptive equipment

(a) The Administrator, under regulations which he shall prescribe, shall provide or assist in providing an automobile or other conveyance to each eligible person by paying the total purchase price of the automobile or other conveyance (*including all State, local, and other taxes*) or **【**\$2,800,**】** \$3,300, whichever is the lesser, to the seller from whom the eligible person is purchasing under a sales agreement between the seller and the eligible person.

(b) The Administrator, under regulations which he shall prescribe, shall provide each eligible person the adaptive equipment deemed necessary to insure that the eligible person will be able to operate

the automobile or other conveyance in a manner consistent with his own safety and the safety of others and so as to satisfy the applicable standards of licensure established by the State of his residency or other proper licensing authority.

(c) In accordance with regulations which he shall prescribe, the Administrator shall (1) repair, replace or reinstall adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired in accordance with the provisions of this chapter, and (2) provide, repair, replace, or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may *previously* or subsequently have acquired.

(d) If an eligible person cannot qualify to operate an automobile or other conveyance, the Administrator shall provide or assist in providing an automobile or other conveyance to such person, as provided in subsection (a) of this section, if the automobile or other conveyance is to be operated for the eligible person by another person.

§ 1903. Limitations on assistance; *special training courses*

(a) No eligible person shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter, and no payment shall be made under this chapter for the repair, maintenance, or replacement of an automobile or other conveyance.

(b) Except as provided in subsection (d) of section 1902 of this title, no eligible person shall be provided an automobile or other conveyance under this chapter until it is established to the satisfaction of the Administrator, in accordance with regulations he shall prescribe, that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and will satisfy the applicable standards of licensure to operate the automobile or other conveyance established by the State of his residency or other proper licensing authority.

(c) An eligible person shall not be entitled to adaptive equipment under this chapter for more than one automobile or other conveyance at any one time.

(d) Adaptive equipment shall not be provided under this chapter unless it conforms to minimum standards of safety and quality prescribed by the Administrator.

(e) (1) *The Administrator shall provide, directly or by contract, for the conduct of special driver training courses at every hospital and, where appropriate, at regional offices and other medical facilities, of the Veterans' Administration to instruct each eligible person to operate the type of automobile or other conveyance such person wishes to obtain with assistance under this chapter, and may make such courses available to any veteran or member of the Armed Forces, eligible for care under chapter 17 of this title, who is determined by the Administrator to need the special training provided in such courses even though such veteran or member is not eligible for the assistance provided under this chapter.*

(2) *The Administrator is authorized to obtain insurance on automobiles and other conveyances (not owned by the Government) used in conducting the special driver training courses provided under this subsection and to obtain, at Government expense, personal liability and*

property damage insurance for all persons taking such courses without regard to whether such persons are taking the course on an in-patient or out-patient basis.

§ 1904. Research and development; coordination with other Federal programs

(a) In carrying out prosthetic and orthopedic appliance research under section 216 and medical research under section 4101 of this title, the Administrator, through the Chief Medical Director, shall provide for special emphasis on the research and development of adaptive equipment and adapted conveyances (including vans) meeting standards of safety and quality prescribed under subsection (d) of section 1903, including support for the production and distribution of devices and conveyances so developed.

(b) In carrying out subsection (a) of this section, the Administrator, through the Chief Medical Director, shall consult and cooperate with the Secretary of Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration, Department of Health, Education, and Welfare in connection with programs carried out under section 3(b) of the Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 357) (relating to the development and support, and the stimulation of the development and utilization, including production and distribution of new and existing devices, of innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems), section 202(b) (2) of such Act (relating to the establishment and support of Rehabilitation Engineering Research Centers), and section 405 of such Act (relating to the Secretarial responsibilities for planning, analysis, promoting utilization of scientific advances, and information clearinghouse activities)."

* * * * *

APPENDIX

U.S. GOVERNMENT MEMORANDUM

NOVEMBER 22, 1971.

To: Administrator. (00)
From: Chief Medical Director. (111G)
Subject: Intra-Agency Committee on implementation of the Adaptive Devices Provisions of Public Law 91-666.

1. In response to your memo regarding the subject intra-agency committee, we recommend that it be called "The Adaptive Equipment Committee" and the organization and the functional responsibilities be established as follows:

(a) *Membership:*

(1) *Regular members.*—Designates of:

Office of the Chief Medical Director, Chairman Prosthetic and Sensory Aids Service, Recording Secretary and Alternate Chairman. (DM&S)

Physical Medicine and Rehabilitation Service. (DM&S)

Spinal Cord Injury Service. (DM&S)

Legal and Legislative Staff. (DM&S)

Finance Service. (Controller)

Compensation Pension and Education Service. (DVB)

(2) *As needed members.*—Designates of:

General Counsel.

Program Planning and Budget Service. (DVB)

Supply Service. (DM&S)

Engineering Service. (DM&S)

(b) *Meetings.*—The committee will meet at the call of the chairman, or recording secretary, when sufficient business has accumulated to require committee participation.

(c) *Functions and Responsibilities.*—The committee will:

(1) Review unusual requests submitted by veterans, field stations, service organizations or other interested persons, and:

(a) Render a procedural judgment or decision within the context of the established VA Regulations and published procedures.

(b) Recommend referral to the Office of the General Counsel for official opinion.

(2) Review all unusual situations related to the furnishing or installation of adaptive equipment which may be brought to the attention of the Administrator by any source, and:

(a) Render a judgment or decision within the context of the established VA Regulations and published procedures.

(b) Recommend a change in the VA Regulations to the Department of Veterans Benefits, if indicated.

(c) Recommend a change in the published operating procedures to the appropriate department office within VA Central Office.

(d) Recommend referral to the Office of the General Counsel of the problem, for official opinion.

(3) Discuss and attempt to resolve any other problems related to the furnishing of adaptive equipment to eligible beneficiaries, which are not clearly covered by directive.

(d) *Standards*.—Review proposals for minimum standards of safety and quality of adaptive equipment as presented or suggested by any source, and submit recommendations.

(e) *Dissemination of Information*.—Upon instruction from the committee chairman, as the result of committee actions, the recording secretary will be responsible for:

(1) Preparation of requests to the General Counsel for opinions, through appropriate channels.

(2) Preparation of communications to appropriate Central Office department directors recommending regulation or directive changes.

(3) Preparation of communications to VA field stations in response to inquiries.

(4) Publication of committee decisions of general interest in appropriate VA information publications.

2. Upon your acceptance of this proposal, or in consideration of alternatives offered by your office, my staff will immediately take the necessary action to organize the adaptive equipment committee, notify all interested departments and arrange for the first meeting.

M. J. MUSSER, M.D.

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., April 26, 1974.

HON. VANCE HARTKE,
Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The standards of quality and safety for automotive adaptive equipment, which are required by Public Law 91-666, are now ready for review by the manufacturers, state and federal government agencies, interested nongovernmental groups, and the automobile associations. A copy of the latest revision, with a proposed inspection form, is enclosed for your review, suggestions, and comments.

In addition, a general meeting has been planned to afford all concerned, including the manufacturers and distributors, the opportunity of discussing their ideas with each other and with representatives of the Veterans' Administration Prosthetics Center who have been assigned responsibility for the development of the standards of safety and quality.

You and interested members of your staff are invited to attend this conference, which will be held on May 17, 1974, at the Veterans' Administration Central Office, Lafayette Building, 811 Vermont Avenue, N.W., Washington, D.C. at 9:00 A.M. in Room 442. In the event you cannot be represented, may we have your ideas prior to May 10?

These standards of quality and safety will probably have far-reaching impact upon the future distribution of add-on automotive equipment for handicapped drivers, both veteran and non-veteran, in this country. State licensing agencies, automobile clubs and driver

training facilities have indicated an interest in this document and there is little doubt that when it is published it will be utilized by these sources. Your participation and cooperation are therefore highly desirable.

Sincerely,

DONALD E. JOHNSON,
Administrator.

Enclosure.

VA Driving Aid Checkout Form

1. Name of Driver: _____
2. Address: _____
3. State: _____ Zip Code: _____
4. Licensed Driver: Yes: _____ No: _____
5. Year and Type & Make of Automobile: _____
(Type: Sedan, Coupe, etc.) (Make: Ford, Chevrolet, etc.)
6. Driving Aid Employed: (Check as necessary)
 - A. Brake and Accelerator Hand-Control _____
 - B. Dimmer Switch _____
 - C. Left Foot Accelerator _____
 - D. Parking Brake _____
 - E. Steering Assists _____
 - F. Turn Signal, Right Hand Operated _____
 - G. Shift Lever, Left Hand Operated _____
7. Equipment obtained from the following manufacturer:
(Name and Address) _____
8. Trade Name of Device _____
9. Serial Nos. shown on Driving Aids: Yes: _____ No: _____
(List Serial Nos.) _____
10. Driving Aid Installer's Name and Address:

11. Approximately how many miles is the vehicle driven per year:

12. Is the vehicle generally used by non-handicapped drivers:

Yes: _____ No: _____

Inspection of Completed Installation. (Check Yes or No)

1. Are driving aids within reach of handicapped driver when lap and shoulder belts are securely fastened?

Yes: _____ No: _____

2. Are there reflective surfaces on the installed equipment that tend to reflect sunlight into the driver's eyes?

Yes: _____ No: _____

3. Are there sharp edges or projections on the equipment that might cause undue injury in the event of impact?

Yes: _____ No: _____

4. Does any part of the equipment deform permanently when it is used in simulating normal driving conditions?

Yes: _____ No: _____

5. Is rust or corrosion found on any part of the assembled and installed equipment?

Yes: _____ No: _____

6. Are all fasteners used in assembly and installation of the driving aid securely tightened?

Yes: _____ No: _____

7. Are all electrical components safe from accidental shock, short circuit, sparks, etc?

Yes: _____ No: _____

8. Does the installation permit conventional use of the vehicle by normal drivers?

Yes: _____ No: _____

9. If the installed driving aid is a brake and accelerator hand-control system, does it remain in the neutral position in the hands-off mode?

Yes: _____ No: _____

10. Are the motions required to actuate brake and accelerator controls distinctly different?

Yes: _____ No: _____

11. Can the accelerator be actuated by applying a force in the direction forward and away from the driver?

Yes: _____ No: _____

12. Has the driving aid manufacturer provided adequate instructions to permit proper installation of the equipment to the motor vehicle?

Yes: _____ No: _____

13. Does the installed equipment interfere with the collapsible feature of the automotive steering column?

Yes: _____ No: _____

14. Did the source of the driving aid provide instructions on its proper use in the motor vehicle?

Yes: _____ No: _____

15. Did the installation of the driving aid result in unnecessary modifications of the vehicle?

Yes: _____ No: _____

16. Was the driving aid inspected for quality and proper functioning by the manufacturer?

Yes: _____ No: _____

17. Is a statement of warranty included in the purchase of the driving aid?

Yes: _____ No: _____

For Use of Inspector

Installation certified as acceptable for use by the handicapped driver?

Yes: _____ No: _____

If no, explain reason for rejection: _____

Signature of Inspector: _____

Title: _____

Place and Date of Inspection: _____



Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

To amend chapter 39 of title 38, United States Code, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disabled Veterans' and Servicemen's Automobile and Adaptive Equipment Amendments of 1974".

SEC. 2. Section 1901 of title 38, United States Code, is amended as follows:

(1) by striking out in paragraph (1) all of that part of clause (A) beginning with "World War II," down through the end of such clause, and inserting in lieu thereof "World War II or thereafter:";

(2) by striking out in paragraph (1) all of that part of clause (B) beginning with "World War II," down through the end of such clause, and inserting in lieu thereof "World War II or thereafter.;" and

(3) by amending paragraph (2) to read as follows:

"(2) The term 'adaptive equipment' includes, but is not limited to, power steering, power brakes, power window lifts, power seats, and special equipment necessary to assist the eligible person into and out of the automobile or other conveyance. Such term also includes (A) air-conditioning equipment when such equipment is necessary to the health and safety of the veteran and to the safety of others, regardless of whether the automobile or other conveyance is to be operated by the eligible person or is to be operated for such person by another person; and (B) any modification of the size of the interior space of the automobile or other conveyance if needed because of the physical condition of such person in order for such person to enter or operate the vehicle."

SEC. 3. Section 1902 of such title is amended as follows:

(1) by inserting in subsection (a) "(including all State, local, and other taxes)" after "conveyance" the second time it appears;

(2) by striking out in subsection (a) "\$2,800," and inserting in lieu thereof "\$3,300,;" and

(3) by inserting in subsection (c) (2) "previously or" after "may".

SEC. 4. (a) Section 1903 of such title is amended by adding at the end thereof the following new subsection:

"(e) (1) The Administrator shall provide, directly or by contract, for the conduct of special driver training courses at every hospital and, where appropriate, at regional offices and other medical facilities, of the Veterans' Administration to instruct such eligible person to operate the type of automobile or other conveyance such person wishes to obtain with assistance under this chapter, and may make such courses available to any veteran or member of the Armed Forces, eligible for care under chapter 17 of this title, who is determined by the Administrator to need the special training provided in such courses even though such veteran or member is not eligible for the assistance provided under this chapter.

“(2) The Administrator is authorized to obtain insurance on automobiles and other conveyances (not owned by the Government) used in conducting the special driver training courses provided under this subsection and to obtain, at Government expense, personal liability and property damage insurance for all persons taking such courses without regard to whether such persons are taking the course on an in-patient or out-patient basis.”.

(b) The catchline of such section is amended by adding at the end thereof a semicolon and “**special training courses**”.

(c) The table of sections at the beginning of chapter 39 of such title is amended by striking out

“1903. Limitations on assistance.”

and inserting in lieu thereof

“1903. Limitations on assistance ; special training courses.”.

SEC. 5. (a) Chapter 39 of such title is further amended by adding at the end thereof the following new section :

“§ 1904. Research and development ; coordination with other Federal programs

“(a) In carrying out prosthetic and orthopedic appliance research under section 216 and medical research under section 4101 of this title, the Administrator, through the Chief Medical Director, shall provide for special emphasis on the research and development of adaptive equipment and adapted conveyances (including vans) meeting standards of safety and quality prescribed under subsection (d) of section 1903, including support for the production and distribution of devices and conveyances so developed.

“(b) In carrying out subsection (a) of this section, the Administrator, through the Chief Medical Director, shall consult and cooperate with the Secretary of Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration, Department of Health, Education, and Welfare, in connection with programs carried out under section 3(b) of the Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 357) (relating to the development and support, and the stimulation of the development and utilization, including production and distribution of new and existing devices, of innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems), section 202(b) (2) of such Act (relating to the establishment and support of Rehabilitation Engineering Research Centers), and section 405 of such Act (relating to the Secretarial responsibilities for planning, analysis, promoting utilization of scientific advances, and information clearinghouse activities).”.

S. 2363—3

(b) The table of sections at the beginning of such chapter 39 is amended by inserting at the end thereof:

“1904. Research and development; coordination with other Federal programs.”.

SEC. 6. The provisions of this Act shall become effective on the first day of the second calendar month following the date of enactment, except that clause (3) of section 3 shall take effect on January 11, 1971.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

December 11, 1974

Dear Mr. Director:

The following bills were received at the White House on December 11th:

S. 2193 ✓	H.R. 7730 ✓
S. 2363 ✓	H.R. 8352 ✓
S. 3906 ✓	H.R. 8824 ✓
S. 4040 ✓	H.R. 11929 ✓
H.R. 6274 ✓	H.R. 14214 ✓
H.R. 6925 ✓	H.R. 17026 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D.C.

