

May 19, 2016

The Honorable Johnny Isakson, Chairman
The Honorable Richard Blumenthal, Ranking Minority Member
Committee on Veterans Affairs
United States Senate
Washington, DC 20510

Dear Chairman Isakson and Ranking Member Blumenthal:

We are writing to share our concerns about the Veterans Mobility Safety Act of 2016 (H.R. 3471) and a possible Senate companion bill currently under consideration by your Committee. We support the notion of ensuring that veterans' vehicles are safe to operate when they've benefited from accessibility modifications paid for by the VA. However, the House Committee-reported bill (which has been circulated on the Senate side as a "discussion draft") still necessitates some minor improvements and we urge you not to facilitate Senate passage of this legislation until the flaws are cured.

Specifically, we believe that the bill: (1) needs a more robust conflict of interest provision related to the use of a third party certification organization for the new safety standards and (2) should differentiate better between simple and complex modifications of vehicles, as explained below. Simple changes to the bill could accomplish these goals and ensure that a new regulatory regime does not create more problems for veterans and the businesses that service them.

Thousands of disabled veterans each month are provided vehicle lifts and/or fully modified vehicles, based upon the degree of their mobility limitations. This benefit permits them to be able to maintain as much freedom to go about their daily lives as they deserve. Veterans with limited mobility (as opposed to no mobility) are often able to have their needs satisfied with an exterior lift that is installed on their vehicles via a standard trailer hitch and which allows for the transport of a scooter or power wheelchair. Under current law, the vast majority of these lifts are installed in the driveway of the veteran's home in as little as 30 minutes, as opposed to an equipment dealer's place of business, which is far more convenient for veterans and their families. These driveway installations are completed by our installers that have been trained and certified by the manufacturers of the equipment.

We are troubled that special interests will continue to seek a monopoly at the expense of our ability to provide home installation by our certified technicians. Home service has historically worked quite well because disabled veterans do not have to contend with weather, traffic, parking, and wait times as they would in a brick and mortar commercial establishment. However, we believe the legislation reflects the significant influence of a trade group that represents only a portion of the industry and which wants to shift to a more centralized installation process for the benefit of its own members. The trade group has stated that it plans on seeking the VA's designation as a third party certification organization, which is patently unfair when you consider that it is dominated by three large national chains and their owners have veto power over the independent dealers in the association.

We need the Senate to amend this legislation to prohibit an organization from becoming a certifying body if it is comprised of members that engage in the same commercial activities as other companies that would have to seek certification. There are plenty of independent and neutral third party organizations that could certify compliance with new standards, in addition to the manufacturers in our field. There is no reason for Congress to depart from its usual custom of enacting conflict of interest provisions for third party accreditation in other contexts that prohibit such self-dealing. The current bill provision is insufficient to protect manufacturers, dealers, and their veteran customers from market manipulation.

Another way to ensure the continued ability of veterans to receive home installations is to modify the bill to distinguish specifically between installations of wheelchair and scooter lifts to the outside of the vehicle and the more complex vehicle modifications that change the structure or controls of a vehicle. Exterior lifts for unoccupied motorized wheelchairs or scooters are fundamentally different as they do not directly affect the operation of, or alter the structure of the vehicle and thus should not be included in such new regulations.

Thank you for taking our views into consideration as the Senate considers the Veterans Mobility Safety Act of 2016.

Sincerely,

Independent Auto Lift Dealers of America