

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4771

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 13, 2019

Received; read twice and referred to the Committee on Veterans' Affairs

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## AN ACT

To amend title 38, United States Code, to permit appellants to appear in cases before the Board of Veterans' Appeals by picture and voice transmission from locations other than facilities of the Department of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “VA Tele-Hearing Mod-  
5 ernization Act”.

6 **SEC. 2. HEARINGS BEFORE THE BOARD OF VETERANS’ AP-**  
7 **PEALS BY MEANS OF TELECONFERENCE**  
8 **FROM LOCATIONS OTHER THAN FACILITIES**  
9 **OF THE DEPARTMENT OF VETERANS AF-**  
10 **FAIRS.**

11 (a) IN GENERAL.—Section 7107(c)(2) of title 38,  
12 United States Code, is amended—

13 (1) in subparagraph (A), by inserting “or sub-  
14 paragraph (C) of this paragraph” after “subpara-  
15 graph (B) of such paragraph”;

16 (2) in subparagraph (B), by inserting “or sub-  
17 paragraph (C) of this paragraph” after “subpara-  
18 graph (A) of such paragraph”; and

19 (3) by adding at the end the following new sub-  
20 paragraph (C):

21 “(C)(i) Upon notification of a Board hearing under  
22 subparagraph (A) or (B) of paragraph (1), the appellant  
23 may alternatively request a hearing by picture and voice  
24 transmission—

25 “(I) at a location selected by the appellant; and

1           “(II) via a secure internet platform established  
2           and maintained by the Secretary that protects sen-  
3           sitive personal information from a data breach.

4           “(ii) If an appellant makes a request under clause  
5 (i), the Board shall grant such request.”.

6           (b) DEADLINE FOR IMPLEMENTATION.—The Sec-  
7 retary shall implement the amendments made by sub-  
8 section (a) not later than 180 days after the date of the  
9 enactment of this Act.

10          (c) REPORTING.—

11           (1) ANNUAL REPORTING REQUIREMENTS.—Sec-  
12 tion 7101(d)(2) of such title is amended—

13           (A) in subparagraph (E), by striking “;  
14           and” and inserting a semicolon;

15           (B) in subparagraph (F), by striking the  
16           period at the ending and inserting “; and”; and

17           (C) by adding at the end the following new  
18           subparagraph:

19           “(G) with respect to hearings scheduled under  
20           section 7107(c)(2)(C) of this title—

21           “(i) the number of hearings scheduled  
22           under such section;

23           “(ii) the number of hearings under such  
24           section that were cancelled; and

1           “(iii) any statistical difference in outcomes  
2           between cases heard under such section and  
3           those held at the principal location of the Board  
4           or by picture and voice transmission at a facil-  
5           ity of the Department.”.

6           (2) ONE-TIME REPORTING REQUIREMENTS.—

7           The first report required to be submitted under sec-  
8           tion 7101(d) of title 38, United States Code, shall  
9           include the following information with respect to  
10          hearings scheduled under subparagraph (C) of para-  
11          graph (2) of subsection (c) of section 7101 of such  
12          title, as added by subsection (a):

13                 (A) An outline of the outreach the Sec-  
14                 retary of Veterans Affairs plans to conduct to  
15                 inform veterans, families of veterans, survivors  
16                 of veterans, veterans service organizations, mili-  
17                 tary service organizations, congressional case-  
18                 workers, advocates for veterans, and such other  
19                 stakeholders as the Secretary considers appro-  
20                 priate about hearings scheduled under such  
21                 subparagraph, including—

22                         (i) a description of the resources re-  
23                         quired to conduct such outreach;

24                         (ii) a timeline for conducting such  
25                         outreach; and

1 (iii) information related to the advan-  
2 tages and potential technological challenges  
3 of conducting hearings under such sub-  
4 paragraph.

5 (B) A description of any modifications to  
6 the information technology systems of the Vet-  
7 erans Benefits Administration and the Board of  
8 Veterans' Appeals required to carry out hear-  
9 ings under such subparagraph, including cost  
10 estimates and a timeline for making such modi-  
11 fications.

12 (C) A detailed description of the intra-  
13 agency partnership between the Board of Vet-  
14 erans' Appeals and the telehealth program of  
15 the Veterans Health Administration as the  
16 Board conducts hearings under such subpara-  
17 graph, including best practices, a risk assess-  
18 ment overview, risk mitigation efforts, and a  
19 plan for ongoing collaboration and information  
20 sharing.

21 (d) COLLABORATION.—In developing the capacity  
22 and procedures to conduct hearings under subparagraph  
23 (C) of paragraph (2) of subsection (c) of section 7101 of  
24 title 38, United States Code, as added by subsection (a),  
25 the Secretary of Veterans Affairs shall collaborate with,

