PUBLIC LAW 116–137—APR. 10, 2020

VA TELE-HEARING MODERNIZATION ACT
Public Law 116–137
116th Congress

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “VA Tele-Hearing Modernization Act”.

SEC. 2. HEARINGS BEFORE THE BOARD OF VETERANS' APPEALS BY MEANS OF TELECONFERENCE FROM LOCATIONS OTHER THAN FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) In General.—Section 7107(c)(2) of title 38, United States Code, is amended—
(1) in subparagraph (A), by inserting “or subparagraph (C) of this paragraph” after “subparagraph (B) of such paragraph”;
(2) in subparagraph (B), by inserting “or subparagraph (C) of this paragraph” after “subparagraph (A) of such paragraph”; and
(3) by adding at the end the following new subparagraph (C):
“(C)(i) Upon notification of a Board hearing under subparagraph (A) or (B) of paragraph (1), the appellant may alternatively request a hearing by picture and voice transmission—
“(I) at a location selected by the appellant; and
“(II) via a secure internet platform established and maintained by the Secretary that protects sensitive personal information from a data breach.
“(ii) If an appellant makes a request under clause (i), the Board shall grant such request.”.

(b) Deadline for Implementation.—The Secretary shall implement the amendments made by subsection (a) not later than 180 days after the date of the enactment of this Act.

(c) Reporting.—
(1) Annual Reporting Requirements.—Section 7101(d)(2) of such title is amended—
(A) in subparagraph (E), by striking “; and” and inserting a semicolon;
(B) in subparagraph (F), by striking the period at the ending and inserting “; and”;
and

38 USC 7107 note.
(C) by adding at the end the following new subpara-
paragraph:
"(G) with respect to hearings scheduled under section
7107(c)(2)(C) of this title—
"(i) the number of hearings scheduled under such sec-
tion;
"(ii) the number of hearings under such section that
were cancelled; and
"(iii) any statistical difference in outcomes between
cases heard under such section and those held at the prin-
cipal location of the Board or by picture and voice trans-
mission at a facility of the Department."
(2) ONE-TIME REPORTING REQUIREMENTS.—The first report
required to be submitted under section 7101(d) of title 38,
United States Code, shall include the following information
with respect to hearings scheduled under subparagraph (C)
of paragraph (2) of subsection (c) of section 7101 of such title,
as added by subsection (a):
(A) An outline of the outreach the Secretary of Veterans
Affairs plans to conduct to inform veterans, families of
veterans, survivors of veterans, veterans service organiza-
tions, military service organizations, congressional cas-
eworkers, advocates for veterans, and such other stake-
holders as the Secretary considers appropriate about
hearings scheduled under such subparagraph, including—
(i) a description of the resources required to con-
duct such outreach;
(ii) a timeline for conducting such outreach; and
(iii) information related to the advantages and
potential technological challenges of conducting
hearings under such subparagraph.
(B) A description of any modifications to the informa-
tion technology systems of the Veterans Benefits Admin-
istration and the Board of Veterans’ Appeals required to
carry out hearings under such subparagraph, including
cost estimates and a timeline for making such modifica-
tions.
(C) A detailed description of the intra-agency partner-
ship between the Board of Veterans’ Appeals and the tele-
health program of the Veterans Health Administration as
the Board conducts hearings under such subparagraph,
including best practices, a risk assessment overview, risk
mitigation efforts, and a plan for ongoing collaboration
and information sharing.
(d) COLLABORATION.—In developing the capacity and procedures
to conduct hearings under subparagraph (C) of paragraph (2) of
subsection (c) of section 7101 of title 38, United States Code, as
added by subsection (a), the Secretary of Veterans Affairs shall
collaborate with, partner with, and give weight to the advice of
veterans service organizations and such other stakeholders as the Secretary considers appropriate.

Approved April 10, 2020.