

119TH CONGRESS  
2D SESSION

# S. 3739

To direct the Secretary of Veterans Affairs to carry out a demonstration project on coverage by the Department of Veterans Affairs of over-the-counter hearing aids, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2026

Mrs. BLACKBURN (for herself, Mr. SCHIFF, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To direct the Secretary of Veterans Affairs to carry out a demonstration project on coverage by the Department of Veterans Affairs of over-the-counter hearing aids, 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 “Veterans Hearing Aid  
5 Improvement Act of 2026”.

1 **SEC. 2. DEMONSTRATION PROJECT ON COVERAGE BY DE-**  
2 **PARTMENT OF VETERANS AFFAIRS OF OVER-**  
3 **THE-COUNTER HEARING AIDS.**

4 (a) ESTABLISHMENT OF DEMONSTRATION  
5 PROJECT.—Beginning not later than one year after the  
6 date of the enactment of this Act, the Secretary of Vet-  
7 erans Affairs (in this section referred to as the “Sec-  
8 retary”) shall commence a project (in this section referred  
9 to as the “demonstration project”) to demonstrate and  
10 evaluate the fiscal impact of covering FDA-cleared, over-  
11 the-counter hearing aids under section 1707(b) of title 38,  
12 United States Code, in the same or similar manner as cov-  
13 erage is provided for prescription hearing aids under such  
14 section.

15 (b) DURATION.—The Secretary shall carry out the  
16 demonstration project for a period of two years.

17 (c) ELIGIBLE PARTICIPANTS.—A veteran is eligible  
18 to participate in the demonstration project if—

19 (1) the veteran is enrolled in the system of an-  
20 nual patient enrollment established and operated  
21 under section 1705(a) of title 38, United States  
22 Code;

23 (2) an audiologist determines, through a clinical  
24 evaluation of the veteran, that—

1 (A) furnishing an over-the-counter hearing  
2 aid to the veteran for mild-to-moderate hearing  
3 loss is medically necessary;

4 (B) the veteran has no red flag conditions  
5 or contraindications for over-the-counter hear-  
6 ing aid use, as specified by the Food and Drug  
7 Administration; and

8 (3) the veteran has access to a mobile phone  
9 device and mobile data or Wi-Fi, or any successor  
10 technology, to operate over-the-counter hearing aid  
11 functionality.

12 (d) LOCATIONS.—The Secretary shall carry out the  
13 demonstration project at not fewer than two medical facili-  
14 ties of the Department of Veterans Affairs selected by the  
15 Secretary across different Veterans Integrated Services  
16 Networks and that have a demonstrated ability to reduce  
17 access barriers and provide services to a diverse veteran  
18 population in both rural and urban settings and sur-  
19 rounding areas.

20 (e) PROJECT DESIGN.—

21 (1) IN GENERAL.—The Secretary shall design  
22 the demonstration project to demonstrate the effec-  
23 tiveness of FDA-cleared, over-the-counter hearing  
24 aids compared to professionally fitted prescription  
25 hearing aids by an audiologist according to the

1        audiological best practices of the Department of Vet-  
2        erans of Affairs, including the fiscal impact on the  
3        Department of providing permanent coverage of  
4        over-the-counter hearing aids under section 1707(b)  
5        of title 38, United States Code.

6            (2) DESIGN ELEMENTS.—

7            (A) IN GENERAL.—The Secretary shall en-  
8        sure the demonstration project includes the fol-  
9        lowing study groups:

10            (i) An FDA-cleared, over the counter  
11        hearing aid group.

12            (ii) An audiologist-fitted prescription  
13        hearing aid group.

14            (B) PARTICIPANTS.—The Secretary shall  
15        allocate an approximately equal number of par-  
16        ticipants in the demonstration project to each  
17        group specified in subparagraph (A).

18        (f) MEASUREMENT OF BENEFITS.—To the maximum  
19        extent possible, in carrying out the demonstration project,  
20        the Secretary shall measure both self-reported benefits  
21        and speech recognition in noise among a diverse veteran  
22        population and evaluate the fiscal impact over a two-year  
23        follow-up period of permanent coverage of over-the-  
24        counter hearing aids under section 1707(b) of title 38,  
25        United States Code, for the FDA-cleared, over-the-counter

1 hearing aids found under the demonstration project to be  
2 most beneficial.

3 (g) CONSULTATION.—In conducting the demonstra-  
4 tion project, the Secretary shall consult with organizations  
5 that represent consumers with mild-to-moderate hearing  
6 loss and other stakeholder organizations.

7 (h) REPORTS.—

8 (1) INTERIM REPORT.—Not later than one year  
9 after the commencement of the demonstration  
10 project, the Secretary shall submit to the Committee  
11 on Veterans' Affairs of the Senate and the Com-  
12 mittee on Veterans' Affairs of the House of Rep-  
13 resentatives a report that describes the progress and  
14 preliminary findings from the demonstration project.

15 (2) FINAL REPORT.—

16 (A) IN GENERAL.—Not later than 180  
17 days after the last day of the demonstration  
18 project and after solicitation and consideration  
19 of formal written input on the project from or-  
20 ganizations specified under subsection (g), the  
21 Secretary shall submit to the Committee on  
22 Veterans' Affairs of the Senate and the Com-  
23 mittee on Veterans' Affairs of the House of  
24 Representatives a final report on the project.

1 (B) ELEMENTS.—The report required  
 2 under subparagraph (A) shall include an eval-  
 3 uation of the fiscal impact on the Department  
 4 of Veterans Affairs of providing permanent cov-  
 5 erage of over-the-counter hearing aids under  
 6 section 1707(b) of title 38, United States Code,  
 7 and such other findings and recommendations  
 8 as the Secretary determines appropriate.

9 (i) FDA-CLEARED, OVER-THE-COUNTER HEARING  
 10 AID DEFINED.—In this section, the term “FDA-cleared,  
 11 over-the-counter hearing aid” means a device—

12 (1) cleared by the Food and Drug Administra-  
 13 tion;

14 (2) fully regulated by the Food and Drug Ad-  
 15 ministration under section 520(q) of the Federal  
 16 Food, Drug, and Cosmetic Act (21 U.S.C. 360j(q));  
 17 and

18 (3) that contains features that allow personal-  
 19 ization through technology, such as hearing tests,  
 20 software, and smart phone applications.

21 **SEC. 3. COMPTROLLER GENERAL STUDY AND REPORT ON**  
 22 **VETERANS HEARING AID BENEFITS.**

23 (a) STUDY.—The Comptroller General of the United  
 24 States shall conduct a study on the furnishing to veterans  
 25 with mild-to-moderate hearing loss under section 1707(b)

1 of title 38, United States Code, of assistance for hearing  
2 aids and related examinations.

3 (b) ELEMENTS.—The study required under sub-  
4 section (a)—

5 (1) shall include an examination of—

6 (A) the number of individuals in the  
7 United States with mild-to-moderate hearing  
8 loss who need hearing aids;

9 (B) the medical coverage of such individ-  
10 uals relating to obtaining hearing aids; and

11 (C) the effectiveness of such medical cov-  
12 erage in meeting such need; and

13 (2) may include an examination of contract de-  
14 sign for purchasing hearing aid devices.

15 (c) REPORT.—

16 (1) IN GENERAL.—Not later than 18 months  
17 after the date of the enactment of this Act, the  
18 Comptroller General shall submit to Congress a re-  
19 port on the study conducted under subsection (a).

20 (2) RECOMMENDATIONS.—The report required  
21 under paragraph (1) shall include such recommenda-  
22 tions on changes to programs and benefits of the  
23 Department of Veterans Affairs, including the estab-  
24 lishment of new programs and benefits, as would

- 1 meet the needs of veterans with mild-to-moderate
- 2 hearing loss.

