

Committee Print

(Reflecting the actions of the Committee on Veterans' Affairs
on October 29, 2019)

116TH CONGRESS
1ST SESSION

H. R. 4771

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.

IN THE HOUSE OF REPRESENTATIVES

A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

17 (3) by adding at the end the following new sub-
18 paragraph (C):

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

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

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

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

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

7 (c) REPORTING.—

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

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

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

14 (C) by adding at the end the following new
15 subparagraph:

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

18 “(i) the number of hearings scheduled
19 under such section;

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

22 “(iii) any statistical difference in outcomes
23 between cases heard under such section and
24 those held at the principal location of the Board

1 or by picture and voice transmission at a facil-
2 ity of the Department.”.

3 (2) ONE-TIME REPORTING REQUIREMENTS.—

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

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

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

21 (ii) a timeline for conducting such
22 outreach; and

23 (iii) information related to the advan-
24 tages and potential technological challenges

1 of conducting hearings under such sub-
2 paragraph.

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

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

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

- 1 service organizations and such other stakeholders as the
- 2 Secretary considers appropriate.