

VA Tele-Hearing Modernization Act

[Public Law 116–137]

[This law has not been amended]

■**Currency:** This publication is a compilation of the text of Public Law 116–137. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>]

■**Note:** While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

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. [38 U.S.C. 101 note] 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.".

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(b) **【38 U.S.C. 7107 note】 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

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

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

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

“(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 principal location of the Board or by picture and voice transmission at a facility of the Department.”.

(2) **【38 U.S.C. 7101 note】 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 organizations, military service organizations, congressional case-workers, advocates for veterans, and such other stakeholders as the Secretary considers appropriate about hearings scheduled under such subparagraph, including—

(i) a description of the resources required to conduct 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 information technology systems of the Veterans Benefits Administration and the Board of Veterans’ Appeals required to carry out hearings under such subparagraph, including cost estimates and a timeline for making such modifications.

(C) A detailed description of the intra-agency partnership 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) ~~【38 U.S.C. 7101 note】~~ **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.