

Public Law 116–137
116th Congress

An Act

Apr. 10, 2020
[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.

VA Tele-Hearing
Modernization
Act.
38 USC 101 note.

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.”.

38 USC 7107
note.

(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

(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) 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):

38 USC 7101
note.

(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 caseworkers, 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.

Timeline.

(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.

Cost estimates.
Timeline.

(C) A detailed description of the intra-agency partnership between the Board of Veterans’ Appeals and the telehealth 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.

Assessment.
Plan.

(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

Procedures.
38 USC 7101
note.

veterans service organizations and such other stakeholders as the Secretary considers appropriate.

Approved April 10, 2020.

LEGISLATIVE HISTORY—H.R. 4771:

CONGRESSIONAL RECORD:

Vol. 165 (2019): Nov. 12, considered and passed House.

Vol. 166 (2020): Mar. 25, considered and passed Senate.