

116TH CONGRESS  
1ST SESSION

# H. R. 4771

To amend title 38, United States Code, to permit appellants to appear in disability compensation cases before the Board of Veterans' Appeals by picture and voice transmission from locations other than facilities of the Department of Veterans Affairs.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 2019

Mr. CUNNINGHAM (for himself and Mr. KATKO) introduced the following bill;  
which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to permit appellants to appear in disability compensation cases before the Board of Veterans' Appeals by picture and voice transmission from locations other than facilities of the Department of Veterans Affairs.

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 “VA Tele-Hearing Mod-  
5 ernization Act”.

1 **SEC. 2. DISABILITY COMPENSATION HEARINGS BEFORE**  
2 **THE BOARD OF VETERANS' APPEALS BY**  
3 **MEANS OF TELECONFERENCE FROM LOCA-**  
4 **TIONS OTHER THAN FACILITIES OF THE DE-**  
5 **PARTMENT OF VETERANS AFFAIRS.**

6 (a) ESTABLISHMENT.—Section 7107 of title 38,  
7 United States Code, is amended—

8 (1) in subsection (c)(2)—

9 (A) in subparagraph (A), by inserting “or  
10 subparagraph (C) of this paragraph” after  
11 “subparagraph (B) of such paragraph”;

12 (B) in subparagraph (B), by inserting “or  
13 subparagraph (C) of this paragraph” after  
14 “subparagraph (A) of such paragraph”; and

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

17 “(C) Upon notification of a Board hearing under sub-  
18 paragraph (A) or (B) of paragraph (1) in a case regarding  
19 disability compensation under a law administered by the  
20 Secretary, the appellant may alternatively request a hear-  
21 ing by picture and voice transmission—

22 “(i) at a location selected by the appellant; and

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

1 If so requested, the Board shall grant such re-  
2 quest.”; and

3 (2) by adding at the end the following new sub-  
4 section (f):

5 “(f) DEFINITIONS.—In this section, the terms ‘sen-  
6 sitive personal information’ and ‘data breach’ have the  
7 meanings given those terms in section 5727 of this title.”.

8 (b) DEADLINE.—The Secretary shall implement the  
9 amendments made by subsection (a) not later than 180  
10 days after the date of the enactment of this Act.

11 (c) REPORTS.—On the day that is one year after the  
12 date on which the Secretary implements subparagraph (C)  
13 of subsection (c)(2) of such section 7107, as added by sub-  
14 section (a), and twice annually thereafter, the Secretary  
15 shall submit to the Committees on Veterans’ Affairs of  
16 the Senate and House of Representatives a report regard-  
17 ing hearings held under such subparagraph. Each such re-  
18 port shall include, with respect to the year immediately  
19 preceding the date of the report, the following:

20 (1) The number of hearings scheduled under  
21 such subparagraph.

22 (2) The number of hearings under such sub-  
23 paragraph that were cancelled and why each such  
24 hearing was cancelled.

1           (3) Any statistical difference in outcomes be-  
2       tween cases heard under such subparagraph and  
3       those held at the principal location of the Board or  
4       by picture and voice transmission at a facility of the  
5       Department.

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