

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4771**

OFFERED BY Mr. Cunningham, S.C.

Strike all after the enacting clause and insert the following:

1 **SEC. 1. SHORT TITLE.**

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

4 **SECTION 2. HEARINGS BEFORE THE BOARD OF VETERANS’**
5 **APPEALS 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 paragraph (C) of this paragraph” after “subpara-
13 graph (B) of such paragraph”;

14 (2) in subparagraph (B), by inserting “or sub-
15 paragraph (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):

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

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

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

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

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

15 (c) REPORTING.—

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

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

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

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

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

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

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

5 “(iii) any statistical difference in outcomes
6 between cases heard under such section and
7 those held at the principal location of the Board
8 or by picture and voice transmission at a facil-
9 ity of the Department.”.

10 (2) ONE-TIME REPORTING REQUIREMENTS.—

11 The first report required to be submitted under sec-
12 tion 7101(d) of title 38, United States Code, shall
13 include the following information with respect to
14 hearings scheduled under subparagraph (C) of para-
15 graph (2) of subsection (c) of section 7101 of such
16 title, as added by subsection (a):

17 (A) An outline of the outreach the Sec-
18 retary of Veterans Affairs plans to conduct to
19 inform veterans, families of veterans, survivors
20 of veterans, veterans service organizations, mili-
21 tary service organizations, congressional case-
22 workers, advocates for veterans, and such other
23 stakeholders as the Secretary considers appro-
24 priate about hearings scheduled under such
25 subparagraph, including—

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

3 (ii) a timeline for conducting such
4 outreach; and

5 (iii) information related to the advan-
6 tages and potential technological challenges
7 of conducting hearings under such sub-
8 paragraph.

9 (B) A description of any modifications to
10 the information technology systems of the Vet-
11 erans Benefits Administration and the Board of
12 Veterans' Appeals required to carry out hear-
13 ings under such subparagraph, including cost
14 estimates and a timeline for making such modi-
15 fications.

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

1 (d) COLLABORATION.—In developing the capacity
2 and procedures to conduct hearings under subparagraph
3 (C) of paragraph (2) of subsection (c) of section 7101 of
4 title 38, United States Code, as added by subsection (a),
5 the Secretary of Veterans Affairs shall collaborate with,
6 partner with, and give weight to the advice of veterans
7 service organizations and such other stakeholders as the
8 Secretary considers appropriate.

Amend the title so as to read: “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.”.

