

**STATEMENT OF RONALD BURKE  
EXECUTIVE DIRECTOR, PENSION AND FIDUCIARY SERVICE  
VETERANS BENEFITS ADMINISTRATION (VBA)  
DEPARTMENT OF VETERANS AFFAIRS (VA)  
BEFORE THE  
HOUSE COMMITTEE ON VETERANS AFFAIRS  
SUBCOMMITTEE ON DISABILITY AND MEMORIAL AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES**

**October 22, 2019**

Good morning, Chair Luria, Ranking Member Bost, and Subcommittee Members. Thank you for providing us the opportunity to discuss the Department of Veterans Affairs' (VA) commitment to providing all Veterans, their families, and survivors with timely, accurate, and fair decisions on their benefits claims and appeals. I want to thank the Subcommittee for considering legislation on critical issues such as debt management, remedying fiduciary misuse, and expanding access to telehearings before the Board of Veterans' Appeals (Board), among other important topics. In this testimony we are providing background information on many of our ongoing efforts and strategies for addressing these important issues, so that we can provide context for our analysis of the proposals before the Subcommittee today.

**H.R. 592**

H.R. 592, the "Protect Veterans from Financial Fraud Act of 2019," would ensure that VA repays the misused benefits of Veterans with fiduciaries and provides an appeals process for determinations of Veterans' mental capacity. VA supports this bill if amended and can provide technical assistance.

Section 2 would authorize VA to reimburse all beneficiaries in the fiduciary program who have experienced benefits misuse by a fiduciary, regardless of the number of individuals the fiduciary served. VA supports extending such protections to individuals whose fiduciaries served fewer than ten Veterans. However, VA has concerns about the applicability date of the provision. As written, this paragraph would require the Veterans Benefits Administration (VBA) to determine the misuse date of the funds and would have to follow a different reimbursement process depending on if the funds were misused prior to or on/after the effective date of the bill. VA recommends that this language be changed to, "(b) Application – The amendments made by subsection (a) shall apply with respect to the misuse of benefits by a fiduciary discovered on or after the date of the enactment of this Act." Benefit costs for section 2 are estimated to be \$3.5 million in 2021, \$19.2 million over five years, and \$43.1 million over ten years.

Section 3 would provide appeal rights in accordance with chapters 71 and 72 of title 38, United States Code, for determinations made by VA regarding mental competence for VA benefits purposes. VA believes that this provision is

unnecessary, as these determinations are already appealable in accordance with chapters 71 and 72 of title 38. In addition, a beneficiary found to be incompetent can submit medical evidence to VBA at any time and request that VA find the beneficiary competent.

### **H.R. 628**

H.R. 628, the Working to Integrate Networks Guaranteeing Member Access Now (WINGMAN) Act, would require VA to provide a permanent, full-time congressional staffer designated by a Member of Congress with remote, read-only access to VBA's electronic records of the Member's constituents. The bill states that no more than two staffers of the Member may be designated. Staffers designated under this provision must satisfy the requirements to be recognized by VA as an agent or attorney but may not actually be recognized as an agent or attorney to assist Veterans with their benefits claims. VA may not impose any other requirements before treating a designated staffer as a covered congressional employee authorized to electronically access VBA's records.

VA opposes this bill for several reasons. First, it improperly conflates the concept of access to claims records, which is addressed in chapter 57 of title 38, United States Code, with the concept of recognizing individuals to act as agents and attorneys in the preparation, presentation, and prosecution of benefits claims before VA, which is addressed in chapter 59 of title 38.

The purpose of VA's recognition is to ensure that claimants for VA benefits have responsible, qualified representation in the preparation, presentation, and prosecution of claims for Veterans' benefits. The laws governing recognition do not address the issue of access to claimants' records, which are governed separately by privacy and information security laws. Instead, the provisions in chapter 59 of title 38, United States Code, and VA's implementing regulations address the regulation and oversight of persons providing representation before VA, including the ethical standards of professional conduct for representatives, requirements for continuing legal education, and whether fees may be charged in a particular case. Making congressional staffers' access subject to the criteria for recognition as an agent or attorney would subject them to provisions that are not relevant to their official duties as congressional staffers.

In providing remote read-only access to VBA records to a Veteran's agent or attorney, VA requires satisfaction of different criteria that are unrelated to, and without regard for, the individual's status as being "recognized." Although VA does provide read-only electronic access to recognized attorneys and agents who meet other relevant qualifications, the requirement that a congressional employee satisfy the criteria for recognition as an agent or attorney would have no logical relationship to the goals of ensuring access in a manner that is efficient, effective, and appropriately safeguards the security of the records. Incorporating a new proposed section in chapter 59, which pertains solely to claims representation, and requiring congressional staffers to satisfy the same criteria required by VA for recognition of agents and attorneys can only create confusion about "recognition" in general and the role of congressional

staffers in the claims process. Moreover, making the requirements for congressional employees to gain access to claimant records a function of VA's recognition program would unnecessarily complicate the operation of that program.

This bill includes a requirement that VA provide to each Veteran who submits a claim an opportunity to permit a covered congressional employee access to all of his or her records through direct access to VBA databases. This is unnecessary from a privacy or confidentiality perspective as there are longstanding methods, such as authorizations to release information, for Congress to obtain the consent of a VA claimant to disclose information to a congressperson and their staff. Moreover, the bill appears to impose a new burden on VA to contact every Veteran to "provide them an opportunity to permit" access to VBA databases by a congressional staffer. This requirement would delay the Veteran's claim since VA would be required in many cases to send additional letters to claimants to solicit their consent. Further, it imposes a significant burden on VA to modify claims forms and corporate systems to track these consents. The extent of this burden would be partially dependent on if, and when, a congressional seat was to change hands. In those cases, VA would be required to resolicit consent with regard to the staffers of the newly selected Member of Congress because the Veterans' decision to authorize access to their VA records could change based on who is holding the congressional seat.

Furthermore, based on the current capabilities of VA systems, this bill, if implemented, would provide congressional staff who assist constituents of a Member of Congress with greater access to VA records than is provided to a VA employee. Under the Privacy Act, Federal employees may access private records only when necessary to perform their duties. This bill would impose no similar restriction on access by congressional staff. This generally means that a Veteran's record could be accessed by the congressional employee at any time without being targeted to the particular Veteran's specific needs. From a privacy and information security standpoint, granting congressional staff unrestricted access to the private information of Veterans and other VA claimants who have permitted such access with the understanding that it would be used to provide claim assistance could have serious unintended negative consequences for Veterans and their families who have entrusted VA with their personal medical and other information.

Similarly, although a Veteran's authorization or consent to disclose information to a congressional staffer under the Privacy Act and other applicable confidentiality laws would provide sufficient authority for VA to provide access to VBA databases, the WINGMAN Act confuses the Veteran's or other VA claimant's right to control the appropriate disclosure of information with their ability to control the access or available means to disclose the information. The bill removes the read-only form of congressional staff access from under the information security requirements of the Federal Information Security Modernization Act of 2014 (FISMA), the E-Government Act of 2002, 38 United States Code (U.S.C.) chapter 57, subchapter III, Information Security, and security baseline standards required by the National Institute of Standards and

Technology (NIST). In effect, this legislation exempts congressional staff access to broad VBA databases from all requirements for VA to provide information security. Such an exemption from Federal information security requirements would be unprecedented.

Additionally, VA would be required to address serious technological obstacles to implement this bill. Currently, the VBA system provides access to one representative per Veteran or claim and for only the records of a Veteran who has specifically authorized access. To implement the WINGMAN Act, VA would need to redesign its system architecture to allow more than one representative per Veteran or claim, which would require extensive time, monetary expense, and manpower. Absent such system changes, in order to provide the type of electronic access to congressional staff contemplated by the bill, VA would have to displace the electronic access of current representatives—Veterans Service Organization representatives, private attorneys, and claims agents—causing substantial administrative burdens on VA and hardships on those representing Veterans and the Veterans they represent, while also interfering with the relationship between Veterans and their representatives.

Due to the above-described limitations on VA systems, the only way VA could provide the access contemplated by this bill in the near term would be if the bill language is modified to permit VA to provide congressional staffers with unfettered access to all Veterans' electronic claims records, as opposed to limited access based on power of attorney code, which would obviously be harmful to the privacy of Veterans who had not consented to or permitted such access, in violation of the existing privacy laws, and beyond the scope of the current version of the subject bill.

In addition, the bill prohibits VA from obligating or expending more than \$10 million for the period of fiscal years 2019 through 2022 for the purposes of this bill. However, VA estimates that, for the period of fiscal years 2020 through 2022, implementation will require VA to expend an estimated \$145.8 million.

## **H.R. 1030**

H.R. 1030, the "Veteran Spouses Equal Treatment Act," would amend provisions of title 38, United States Code, relating to VA's recognition of marriages as valid.

Current section 101(3) and (31) of title 38, U.S.C., limit the definitions of "surviving spouse" and "spouse" for purposes of title 38 to only a person of the opposite sex of the Veteran. The language in these provisions is substantively identical to the language in section 3 of the Defense of Marriage Act (DOMA), 1 U.S.C. § 7, which the Supreme Court, in *United States v. Windsor*, 570 U.S. 744, 775 (2013), declared to be unconstitutional because it discriminates against legally-married, same-sex couples. On September 4, 2013, the United States Attorney General informed Congress that the President had directed the Executive Branch to cease enforcement of sections 101(3) and (31) of title 38 to the extent that those provisions preclude the recognition of legally-valid marriages of same-sex couples. Pursuant to this direction, VA is no longer

enforcing the title 38 provisions to the extent that they require a “spouse” or a “surviving spouse” to be a person of the opposite sex. Therefore, VA supports this bill as a means to amend the law to be consistent with the Supreme Court’s decision and current practice.

VA supports the general intent of section 2(b) of the bill to revise the criteria for determining the validity of a marriage. Section 103(c) of title 38, United States Code, which provides that, in determining whether or not a person was a spouse of a Veteran, “marriage shall be proven as valid for the purposes of all laws administered by the Secretary according to the law of the place where the parties resided at the time of the marriage or the law of the place where the parties resided when the right to benefits accrued,” is specific to title 38 and is different than the standard used by nearly all other Federal agencies, including the Department of Defense. However, while VA supports the bill’s intent to change to the current marriage-validity criteria, VA is concerned that the marriage-validity criteria in section 2(2) of the bill may be overly restrictive. For example, VA notes that the bill is silent as to the applicability of tribal law to marriage validity. Under section 103(c), tribal law would be considered as “the law of the place where the parties resided.” However, VA would only consider the law of the “State” in determining if a marriage is valid for the purpose of Veterans’ benefits. This could lead to the exclusion of some couples with valid marriages under tribal law. VA welcomes the opportunity to work with the Committee on this bill.

Since VA is currently using the amended definition to define marriage, no costs or savings are associated with the proposed bill.

#### **H.R. 1424**

H.R. 1424, the “Fallen Warrior Battlefield Cross Memorial Act,” would provide that VA may not prohibit the display of the “Fallen Soldier Display” in any national cemetery, subject to standards established by the Secretary. The bill defines the “Fallen Soldier Display” as a “memorial monument in honor of fallen members of the Armed Forces that may include a replica of an inverted rifle, boots, helmets, and identification tag.”

VA has no objection to the passage of H.R. 1424 in its current form because it allows VA to exercise discretion to establish standards for the display of these monuments, which VA refers to as “fallen soldier displays.” However, we believe the legislation is unnecessary because VA has an existing policy that allows for acceptance of such memorials and includes standards, such as those related to size and construction materials, that allow these monuments to be displayed in a manner that would enhance the appearance and operation of the national cemeteries.

In recent years, VA has noted an increased interest in donations of the fallen soldier display to several national cemeteries. However, review and acceptance of these donation offers was inconsistent across cemeteries, based on varying interpretations of the National Cemetery Administration’s (NCA) long-standing policy, established to facilitate a reflective and peaceful atmosphere for

visitors, that prohibits acceptance of donations of military equipment or implements of war in VA national cemeteries as well as NCA guidelines that restricted acceptance of memorials featuring actual or realistic replicas of ordnance.

Upon review, NCA determined that the familiarity of the fallen soldier display and its particular use of a rifle was sufficient to warrant an exception from the established policy, with some additional guidelines regarding size and construction of the monument. For example, NCA policy notes that the fallen soldier display may be a three-dimensional replica or it may be an engraved image on a stone. The policy also includes specifications regarding size and construction materials. These requirements ensure a consistency in appearance, durability of the monument, and ease of maintenance for cemetery personnel.

VA estimates that VA would not incur any significant additional cost if H.R. 1424 were enacted because VA already has statutory authority to accept donations of monuments to VA. Maintenance for donated memorials is part of VA's overall operational expenses for the national cemeteries.

### **H.R. 1911**

Section 6 of H.R. 1911, the "SFC Brian Woods Gold Star and Military Survivors Act," would expand the population of eligible beneficiaries for dependency and indemnity compensation (DIC) benefits by permitting VA to continue recognizing an individual as a surviving spouse for purposes of DIC, despite remarriage, regardless of the individual's age at the time of remarriage. Under current law, an individual will no longer be recognized as a surviving spouse for purposes of DIC if that individual remarries prior to the age of 57.

VA cites concerns with the provisions in section 6 of the bill that would require VA, within one month of the bill's enactment, to resume DIC payments to surviving spouses who previously remarried before age 57. VBA would experience a significant administrative burden related to identifying and locating all surviving spouses whose benefits were terminated due to remarriage before the age of 57. VBA does not maintain current contact information for surviving spouses whose benefits were previously terminated. Confirming the beneficiary's whereabouts would involve substantial outreach efforts and resource investment. Further, while we believe the provision for resumption of benefits necessarily must be construed to apply only to persons previously found entitled to DIC, that limitation is not expressly stated in the bill.

Benefit costs associated with section 6 are estimated to be \$7.2 million in 2021, \$43.7 million over five years, and \$109.4 million over ten years.

VA defers to the Department of Defense regarding the remainder of this bill.

## H.R. 4165

H.R. 4165, the “Improving Benefits for Underserved Veterans Act,” would require that, not later than 180 days after the date of enactment, the Secretary shall publish a report regarding Veterans who receive benefits under laws administered by the Secretary. The report would be required to contain data disaggregated by sex and minority group status. “Minority group member” is defined in section 544(d) of title 38 of the United States Code as an individual who is: Asian American, Black, Hispanic, Native American (including American Indian, Alaskan Native, and Native Hawaiian); or Pacific-Islander American.

VA does not support the bill, as currently written. Under section 1 of the bill, the title, “Improving Benefits for Underserved Veterans Act,” implies VA is not adequately serving certain groups of Veterans. Without empirical data to support this assertion, VA suggests amending the language from “Underserved Veterans” to “Minority Veterans” or “Minority and Women Veterans.”

With respect to programs administered by VA, VA already publishes data regarding minority and women Veterans. Regarding gender, the Department added several gender tables to the Annual Benefits Report 2018, available online at <https://www.benefits.va.gov/REPORTS/abr/docs/2018-abr.pdf>, for most business lines, and VA will continue to add additional gender information to the report as appropriate. Regarding minority group usage of benefits, the Department, specifically the National Center for Veterans Analysis and Statistics (NCVAS), periodically produces a report that addresses benefit usage by minority groups. The latest version can be found at [https://www.va.gov/vetdata/docs/SpecialReports/Minority\\_Veterans\\_Report.pdf](https://www.va.gov/vetdata/docs/SpecialReports/Minority_Veterans_Report.pdf). Therefore, the Department does not need additional guidance from legislation.

Moreover, typically, VA does not collect private citizen information (sex and minority group member status) when we have no business need to do so. Generally, VA cannot and should not collect information unless there is a legitimate government interest or need. The Privacy Act of 1974, which protects information held by the federal government that pertains to individuals, requires agencies to maintain “only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order,” 5 U.S.C. § 552a(e)(1). Historically, it has been VA’s policy to gather data (demographic or identifying data) only when necessary to determine benefit eligibility.

In addition, it is unclear what data elements Congress is seeking to meet this requirement. Moreover, VA is concerned about the value of and the public perceptions gained from publishing aggregate benefits data without the proper context also being provided. For example, merely providing counts of Hispanic Veterans in receipt of disability compensation would not prove valuable unless other comprehensive comparative analyses were conducted, taking into account variables such as Veteran population, geography, culture, age, etc.

While VA supports efforts to improve the delivery of benefits to minority Veterans, the aim and title of the bill, as well as the reporting requirements

contained in the bill, are unclear. VA does not support this bill since this data collection is not necessary for the delivery of benefits to Veterans.

### **H.R. 4183**

H.R. 4183, the “Identifying Barriers and Best Practices Study Act,” would require the Government Accountability Office (GAO), not later than 36 months after the bill’s enactment, to complete a study on disability and pension benefits provided to Reserve Component (RC) members. In conducting the study, GAO would review various quantitative and qualitative data between January 1, 2008, and December 31, 2018, and would provide Congress a preliminary report not later than 18 months after the date of the enactment of this bill.

VA does not oppose the bill, which aims to identify barriers and best practices as it pertains to the administration of compensation and pension benefits for RC members. However, VA has concerns with section 2, paragraph (a)(2).

Paragraph (a)(2)(A) would require a comparison of disability percentages between RC members and Veterans who served in the regular components of the Armed Forces. VA notes concerns on this approach as many RC members have prior active duty service for which service-connected injuries or illnesses were incurred. It is not clear how such comparisons, without delineating such prior service, will be meaningful. Further, in comparing grant and denial rates between these cohorts, as stipulated in paragraph (a)(2)(D), VA notes the statutory requirements (see 38 U.S.C. § 101(21) through (27)) necessary to establish Veteran status for purposes of receiving service connection for a claimed disability for a RC member, whose duty involves part-time duty, versus those Veterans who performed full-time duty in the Armed Forces.

Further, paragraph (a)(2)(C) of the bill would require a comparison by military occupational specialty (MOS) such as pilots, special forces, and Veterans who underwent diving or flight physicals. VA notes that such data elements are not stored in its corporate databases, and any efforts to conduct such analyses would require labor-intensive reviews of individual claims records in order to ascertain the Veteran’s MOS. VA defers to the DoD on the availability of lists of service members and Veterans who served in a certain MOS.

### **H.R. 4360**

H.R. 4360, the “VA Overpayment Accountability Act,” would require VA to correct erroneous information submitted to consumer reporting agencies, provide certain notifications to persons who are entitled to benefits under a program administered by VA who incur debts to the United States due to participation in that program, track certain metrics relating to debts arising from participation in a VA benefits program, and conduct an audit of erroneous payments.

While VA appreciates the intent of this bill and is continuing to work with Committee staff to mature VA debt management, VA does not support this bill in its current form. We believe some provisions are duplicative of current laws, such



as the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act of 2019, enacted September 21, 2018, the Veterans Benefits and Transition Act of 2018, enacted December 31, 2018, and the Economic Growth, Regulatory Relief, and Consumer Protection Act, enacted May 24, 2018.

Further, other provisions present technical and implementation issues as detailed below. Regarding Section 2 (a), which would require VA to correct erroneous reporting to consumer reporting agencies, we concur that expeditious resolution of erroneous reporting is essential; however, VA has already implemented robust procedures to do so.

In accordance with the Debt Collection Improvement Act of 1996 (DCIA), VA submits debt information to consumer reporting agencies. When we discover our characterization of the debt to be erroneous, we use the Online Solution for Complete and Accurate Reporting (eOSCAR) in partnership with Equifax, Experian, Innovis and Transunion to electronically and expeditiously repair Veteran credit. Where the need is immediate, we also provide Veterans with a letter addressed to their creditor explaining the error.

While VA is authorized to use third-party debt collectors, the Department remains steadfast in using only VA employees or those of the Treasury for those debts referred pursuant to the DCIA to service Veteran debts. Therefore, 38 U.S.C. § 5320(b), as proposed to be added by this bill, would not be applicable to the Department.

VA appreciates the efforts this Congress is making to ensure erroneous reporting is corrected and has engaged with consumer reporting agencies to find solutions to mitigate derogatory credit reporting by third party medical providers using private collection agencies. On January 29, 2016, VA established the Veteran credit repair hotline for medical-related credit concerns. Currently, Transunion, Equifax, and Military.com have this hotline (877-881-7618) posted on their websites. Experian provides this number to those customers who contact them, and the Consumer Financial Protection Bureau is adding the information to their website.

Regarding Section 3(1) and 3(3), which would require VA to improve information technology to allow for Veteran notification of debts incurred, VA is already required to provide this notification. VA continues to make progress in creating notifications to Veterans who receive more financial assistance than they are entitled to by law, to include providing more standardized electronic and standard mail notifications. Due to the complexity of VA's enterprise and the number of systems involved in delivering healthcare, benefits, and services to Veterans and beneficiaries, VA tracks the amounts, ages, averages and other statistical attributes of overpayments independently in each Administration. We are working to improve our systems, so Veterans will be able to view their debt online within the next year.

The Veterans Health Administration (VHA) is developing an electronic option to permit viewing of monthly Patient Medical Statements via the MyHealthVet portal. We expect Veterans will be able to view or print their medical patient statements electronically via the portal within the next 3-4

months. By early to mid-2020, VBA anticipates launching the option for Veterans to opt-in to receive electronic correspondence. This project will initially encompass disability compensation and pension overpayments and later extend to all VBA lines of business. We intend to send electronic correspondence initially to Veterans who have opted in; however, some correspondence may remain solely in hard copy form to meet statutory requirements related to certain notifications. Ultimately, we intend to bring all debt together in one location by calendar year 2022.

VA has concerns with Section 3(2), Review of Information Regarding Dependents, which would require VA to allow a “person entitled to a payment from the Secretary under a benefits program administered by the Secretary” the ability to review “information relating to dependents of that person.” In certain situations, it may not be appropriate for VA to provide a Veteran with information about debts incurred by a dependent. While VA routinely discloses information that affects the payment or potential payment to a claimant, such as the number of dependents, we recommend editing this section to require sharing of only information that pertains to the Veteran, not beneficiary information that is not about the Veteran, such as Federal Tax Information (FTI) of dependents.

Section 4 would require VA to conduct a benefit error audit, and then submit to committees of Congress a plan and description of resources required to align information systems to ensure errors identified are not the result of or caused by the lack of communication among information systems. VBA has numerous independent systems for the many benefits provided (Compensation, Education, Vocational Rehabilitation and Employment, etc.). None of these systems currently have the capability to delineate the amount of debt due to the Veteran’s lack of/delayed response or VA benefit error. Funding and development time allotment would be required for both system enhancements and system integration, as well as to fund additional staff for training and operations.

We estimate an upfront IT improvement cost of \$1.75 million, with roughly \$500,000 annually thereafter for sustainment, and related FTE costs of roughly \$90,000 in the first year and \$20,000 annually thereafter (\$5.5 million over an 8-year period - please note these estimates are very preliminary, high-level, and would be subject to change if this legislation is enacted). VBA does not track nor have a metric to measure the degree to which vacant positions impact the frequency of errors that result in overpayments of benefits.

VA has been working with the Committee staff on these important issues and looks forward to continuing to work with the Committee for the benefit of Veterans.

### **Justice for ALS Veterans Act of 2019**

The Justice for ALS Veterans Act of 2019 would entitle surviving spouses of Veterans who died of service-connected amyotrophic lateral sclerosis (ALS) to an additional \$246 per month in DIC. Under current law, the higher rate of DIC is

only payable if the Veteran was rated totally disabled for a continuous period of at least eight years immediately preceding death.

VA has concerns with this bill. VA understands the intent of the bill – to ensure payment of the increased monthly DIC benefit to the surviving spouse due to the difficult and progressive nature of ALS – and recognizes this as an important step in caring for surviving spouses. However, VA notes the potential disparity of treatment related to other progressive diseases that may result in death in less than the eight-year period, such as cancer. Furthermore, clarification would be needed to determine if the bill would still require that the surviving spouse meet the marriage requirement (eight years immediately preceding death) to qualify for the increased benefit under this proposal.

### **Board Telehearings Bill**

Under current law, the Board of Veterans Appeals may hold hearings either in person at its principal location, or through picture and voice transmission at a VA facility where VA has provided suitable equipment and facilities. 38 U.S.C. § 7107(c). This bill would 1) amend current law to permit such hearings to be conducted over a secure internet platform established and maintained by VA; 2) limit virtual hearing use to only disability compensation appeals; and 3) provide specific VA reporting requirements for appeals hearings at the Board that utilize remote technologies.

VA does not support this bill unless amended. VA supports the use of virtual technology to enable Veterans to participate in their appeals hearings without the need for travel to a specific VA hearing location and also supports clarifying language in current law to codify emerging practices for the use of virtual hearing environments. However, the Board does adjudicate non-disability compensation appeals originating from VBA, as well as appeals from VHA, NCA, and the Office of General Counsel. These types of appeals would be specifically excluded from using virtual hearing technology under this draft language. It is not clear if this limitation is a drafting error or is intended. VA is also supportive of specific reporting requirements, but expresses preference for reporting this information through the existing Annual Report process, as opposed to providing a partially redundant Congressional report. The Board also seeks clarification for reporting on statistical outcomes of cases heard, as this would establish a broad reporting requirement without clear guidance as to specific intent.

The technology needed for virtual hearings already exists, so no additional development cost would be incurred by the Department. Costs associated with the reporting requirements proposed in this legislative draft would be de minimis and also part of existing operations.

This concludes my testimony. We appreciate the opportunity to present our views on these bills and look forward to working with the Subcommittee.