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House of Representatives

VETERANS APPEALS IMPROVEMENT ACT OF 2011!

HON. BOB FILNER

OF CALIFORNIA
IN THE HOUSE OF
REPRESENTATIVES

Mr. Speaker, I want to say first that I appreciate the chairman's cooperation in bringing these bills to the floor. We're a day after Memorial Day, but these are important to honor our veterans. I thank him and also urge that his manager's amendment, which took care of a funding issue, be approved.

So I am in strong support of this bill, and I thank the members of the Subcommittee on Disability Assistance and Memorial Affairs who have worked very hard in moving this bill forward. It's been quite a long time coming to fruition, and I know that many of our stakeholders look forward to its passage today.

In the last Congress and this one, the Committee on Veterans' Affairs held a multitude of hearings on the language that is in the bill today. It was developed as a result of vigorous oversight hearings and meetings conducted in the past two Congresses. We received expert input from many of our stakeholders on the myriad systemic and vexing issues surrounding the whole process of claims appeals.

As such, section 2 of the bill would allow the Board of Veterans Appeals to review evidence submitted directly to it by the veteran or a survivor without issuing often unnecessary supplemental statements of the case that serve only to delay and to deny. I know that many stakeholders are anxious to see this provision enacted, including the VA itself.

Section 3 of the bill would have established a judicial review commission that would have been made up of 11 expert members to tackle other longstanding appellate review issues facing our veterans and survivors.

These issues have included whether to continue Federal Circuit Court review of the decisions of the Court of Appeals of Veterans Claims, whether to grant class action and associational standing to the Veterans Court, and whether to require decision on all issues raised on appeal, just to name a few.

The commission would have been required at that time to report on its

findings and recommendations to Congress, and it would not sunset until 2 years after that time. However, we were not able to move this section forward because of certain de minimus costs associated with operating the commission, and I know that we all have a bit of "commission fatigue" anyway. But at some point, this is an unexamined area with divergent and broad concepts that are in dire need of concentrated and expert attention.

So I hope, Mr. Speaker, that we find a way to fund this commission in the near future, and I look forward to working with Mr. Miller in a bipartisan manner to make this a reality.

I just want to point out to the chair of the subcommittee—and I guess the chair of the committee also—we're taking an important step today, but it is a small step. And the chair, the gentleman from New Jersey, mentioned other small steps. We aren't going to clean up this backlog, which approaches 1 million cases, without a major step, a major blowing up of the whole way we do this stuff. We just hired 10,000

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new people, and the number of claims doubled. So we're not getting anywhere with this brute force kind of thing.

I have suggested many times to just cut out the red tape completely, at least in the short term, to clean up the backlog, to say to those who have submitted claims that are backed up both by the medical evidence and with help from veteran service officers—of which we have thousands certified across the Nation—that we ought to accept those claims and honor the service of our veterans. Until we get to a mindset that says blow up the bureaucracy in this thing, we're not going to solve the problem.

So all these small steps will be taking forever. Let's pass this small step today, but let us take on a much bigger honoring of our veterans as we just talked about on Memorial Day by saying, you know, some of you have died while waiting for this process to continue, some of you have lost your homes because you didn't get a disability check. Let's really honor our veterans this Memorial Day and say let's change the whole system that we have and stop trying to fool around with these small steps.

Mr. Speaker, I urge all my colleagues to support the bill.