

112TH CONGRESS
1ST SESSION

S. 1172

To amend title 38, United States Code, to improve the efficiency of the appeals process under the United States Court of Appeals for Veterans Claims by improving staff conferences directed by such Court, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2011

Mr. PRYOR introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve the efficiency of the appeals process under the United States Court of Appeals for Veterans Claims by improving staff conferences directed by such Court, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. IMPROVEMENTS TO STAFF CONFERENCES DI-**
2 **RECTED BY UNITED STATES COURT OF AP-**
3 **PEALS FOR VETERANS CLAIMS.**

4 (a) IN GENERAL.—Subchapter II of chapter 72 of
5 title 38, United States Code, is amended by inserting after
6 section 7264 the following new section:

7 **“§ 7264A. Staff conferences**

8 “(a) FILING OF REPORT DESCRIBING BASIS FOR OP-
9 POSITION BY SECRETARY TO REMAND.—If the Court of
10 Appeals for Veterans Claims directs the representatives
11 and self-represented parties to participate in a staff con-
12 ference pursuant to rule 33 of the Rules of Practice and
13 Procedure of the Court of Appeals for Veterans Claims,
14 or any corresponding similar rule, and an agreement to
15 remand the matter has not been reached before the end
16 of such conference, the Secretary shall, not later than
17 seven days after the end of such conference, submit to the
18 Court and the appellant a written report describing the
19 basis upon which the Secretary remains opposed to re-
20 mand.

21 “(b) SUBSEQUENT DETERMINATION BY SECRETARY
22 OF NEED FOR REMAND.—If the Secretary submits a writ-
23 ten report as described in subsection (a) in a matter, the
24 Secretary may not seek a remand of the matter without
25 the agreement of the appellant.

1 “(c) EFFECT OF SUBSEQUENT DETERMINATION OF
2 NEED FOR REMAND.—Any period during which the Court
3 is considering a motion made or during which a matter
4 is remanded in accordance with subsection (b) shall not
5 be counted against an appellant for purposes of any time
6 limitation under this chapter or the Rules of Practice and
7 Procedure of the Court of Appeals for Veterans Claims.

8 “(d) PROHIBITION ON OBJECTION OR OPPOSITION
9 TO SUBSEQUENT FILINGS FOR FEES AND OTHER EX-
10 PENSES.—If the Secretary seeks a remand after the end
11 of the seven-day period described in subsection (a), the
12 Secretary may not oppose any subsequent filing by the ap-
13 pellant for fees and other expenses under section 2412 of
14 title 28.

15 “(e) SANCTIONS.—If the Secretary fails to comply
16 with this section, the Court may impose on the Secretary
17 such sanctions, including monetary sanctions, as the Court
18 considers appropriate.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 72 of such title is amended
21 by inserting after the item relating to section 7264 the
22 following new item:

“7264A. Staff conferences.”.

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