

Chairman Daniel K. Akaka

OPENING STATEMENT

Senator Daniel K. Akaka

Chairman

Committee on Veterans' Affairs

United States Senate

Hearing on the Nomination of Paul J. Hutter
to be General Counsel, of the
Department of Veterans Affairs

September 27, 2007

Good morning. The Committee will come to order.

The Committee is here to consider the nomination of Paul J. Hutter to be VA's General Counsel. I am pleased to welcome Mr. Hutter and his family here today.

Mr. Hutter, if confirmed, you will be the Department's chief legal officer, with very wide ranging and challenging responsibilities. Among those responsibilities is the need to ensure the effective implementation throughout VA of all new legislation as well as decisions from the U.S. Court of Appeals for Veterans Claims and the U.S. Court of Appeals for the Federal Circuit. As I am sure you know, VA is frequently criticized for failing to disseminate new law throughout all levels of the Department, to include front-line adjudicators. It will be very important for you to work with the Under Secretary for Benefits and the Chairman of the Board of Veterans' Appeals to develop a cohesive approach to interpreting court decisions and updating the guidance issued to the field.

I also look to you to define the role you believe the General Counsel plays in evaluating legislation -- both introduced by Congress and proposed by VA -- for its legal sufficiency and impact. While the various programs can provide incredibly valuable information on the intent, background, or implementation of a particular bill, it is vital for the General Counsel to provide an expert analysis on the legal implications.

Related to the issue of the General Counsel's review of program policy initiatives in legislation, is the role of the local Regional Counsels and their interaction with program personnel in the field. The General Counsel must send a clear message to the Regional Counsels that they must work with, and support, field program personnel. I urge you to ensure that all Regional Counsels adopt a full proactive type of interaction that will prevent problems and forestall litigation, rather than only getting involved after lawsuits are filed.

The VA General Counsel also must play a very important role in advising the Secretary and Deputy Secretary as they deal with the many challenges that VA faces in providing timely, quality health care, timely and accurate adjudication of claims, and a lasting place of honor for our veterans.

Assuming you are confirmed, I urge you to work closely with the three VA Administrations and

key staff offices to develop workable and viable plans that will enable VA to respond effectively to any emergency.

Your many years of military service and your extensive experience in the Office of General Counsel suggest that you have the qualifications for taking on the challenges of the office of General Counsel. I plan to have the Committee act on your nomination as soon as feasible.