

Union Calendar No.

114TH CONGRESS
1ST SESSION

H. R. 1607

[Report No. 114-]

To amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2015

Ms. PINGREE (for herself, Mr. POLIQUIN, Ms. TSONGAS, Mr. RUSH, Mr. GRIJALVA, Ms. DELAURO, Mr. POCAN, Ms. KUSTER, Mr. LEWIS, Mr. DOLD, and Mr. GUINTA) introduced the following bill; which was referred to the Committee on Veterans' Affairs

JULY --, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 25, 2015]

A BILL

To amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, 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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Ruth Moore Act of*
5 *2015”.*

6 **SEC. 2. REPORTS ON CLAIMS FOR DISABILITIES INCURRED**
7 **OR AGGRAVATED BY MILITARY SEXUAL TRAU-**
8 **MA.**

9 *(a) ANNUAL REPORTS.—*

10 *(1) IN GENERAL.—Subchapter VI of chapter 11*
11 *of title 38, United States Code, is amended by adding*
12 *at the end the following new section:*

13 **“§ 1164. Reports on claims for disabilities incurred or**
14 **aggravated by military sexual trauma**

15 *“(a) REPORTS.—Not later than December 1, 2015, and*
16 *each year thereafter through 2019, the Secretary shall sub-*
17 *mit to Congress a report on covered claims submitted dur-*
18 *ing the previous fiscal year.*

19 *“(b) ELEMENTS.—Each report under subsection (a)*
20 *shall include the following:*

21 *“(1) The number of covered claims submitted to*
22 *or considered by the Secretary during the fiscal year*
23 *covered by the report.*

1 “(2) *Of the covered claims listed under para-*
2 *graph (1), the number and percentage of such*
3 *claims—*

4 “(A) *submitted by each sex;*

5 “(B) *that were approved, including the*
6 *number and percentage of such approved claims*
7 *submitted by each sex; and*

8 “(C) *that were denied, including the num-*
9 *ber and percentage of such denied claims sub-*
10 *mitted by each sex.*

11 “(3) *Of the covered claims listed under para-*
12 *graph (1) that were approved, the number and per-*
13 *centage, listed by each sex, of claims assigned to each*
14 *rating percentage.*

15 “(4) *Of the covered claims listed under para-*
16 *graph (1) that were denied—*

17 “(A) *the three most common reasons given*
18 *by the Secretary under section 5104(b)(1) of this*
19 *title for such denials; and*

20 “(B) *the number of denials that were based*
21 *on the failure of a veteran to report for a med-*
22 *ical examination.*

23 “(5) *The number of covered claims that, as of the*
24 *end of the fiscal year covered by the report, are pend-*

1 *ing and, separately, the number of such claims on ap-*
2 *peal.*

3 *“(6) For the fiscal year covered by the report, the*
4 *average number of days that covered claims take to*
5 *complete beginning on the date on which the claim is*
6 *submitted.*

7 *“(7) A description of the training that the Sec-*
8 *retary provides to employees of the Veterans Benefits*
9 *Administration specifically with respect to covered*
10 *claims, including the frequency, length, and content of*
11 *such training.*

12 *“(c) DEFINITIONS.—In this section:*

13 *“(1) The term ‘covered claims’ means claims for*
14 *disability compensation submitted to the Secretary*
15 *based on a covered mental health condition alleged to*
16 *have been incurred or aggravated by military sexual*
17 *trauma.*

18 *“(2) The term ‘covered mental health condition’*
19 *means post-traumatic stress disorder, anxiety, depres-*
20 *sion, or other mental health diagnosis described in the*
21 *current version of the Diagnostic and Statistical*
22 *Manual of Mental Disorders published by the Amer-*
23 *ican Psychiatric Association that the Secretary deter-*
24 *mines to be related to military sexual trauma.*

1 “(3) *The term ‘military sexual trauma’ means,*
2 *with respect to a veteran, psychological trauma,*
3 *which in the judgment of a mental health profes-*
4 *sional, resulted from a physical assault of a sexual*
5 *nature, battery of a sexual nature, or sexual harass-*
6 *ment which occurred during active military, naval, or*
7 *air service.”.*

8 (2) *CLERICAL AMENDMENT.—The table of sec-*
9 *tions at the beginning of such chapter is amended by*
10 *adding at the end the following new item:*

“1164. Reports on claims for disabilities incurred or aggravated by military sex-
 ual trauma.”.

11 (3) *INITIAL REPORT.—The Secretary of Veterans*
12 *Affairs shall submit to Congress an initial report de-*
13 *scribed in section 1164 of title 38, United States*
14 *Code, as added by paragraph (1), by not later than*
15 *90 days after the date of the enactment of this Act.*
16 *Such initial report shall be in addition to the annual*
17 *reports required under such section beginning in De-*
18 *cember 2015.*

19 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
20 *that the Secretary of Veterans Affairs should update and*
21 *improve the regulations of the Department of Veterans Af-*
22 *fairs with respect to military sexual trauma by—*

23 (1) *ensuring that military sexual trauma is*
24 *specified as an in-service stressor in determining the*

1 *service-connection of post-traumatic stress disorder by*
2 *including military sexual trauma as a stressor de-*
3 *scribed in section 3.304(f)(3) of title 38, Code of Fed-*
4 *eral Regulations; and*

5 *(2) recognizing the full range of physical and*
6 *mental disabilities (including depression, anxiety,*
7 *and other disabilities as indicated in the Diagnostic*
8 *and Statistical Manual of Mental Disorders published*
9 *by the American Psychiatric Association) that can re-*
10 *sult from military sexual trauma.*

11 *(c) PROVISION OF INFORMATION.—During the period*
12 *beginning on the date that is 15 months after the date of*
13 *the enactment of this Act and ending on the date on which*
14 *the Secretary updates and improves regulations as de-*
15 *scribed in subsection (b), the Secretary shall—*

16 *(1) provide to each veteran who has submitted a*
17 *covered claim or been treated for military sexual*
18 *trauma at a medical facility of the Department with*
19 *a copy of the report under subsection (a)(3) or section*
20 *1164 of title 38, United States Code, as added by sub-*
21 *section (a)(1), that has most recently been submitted*
22 *to Congress;*

23 *(2) provide on a monthly basis to each veteran*
24 *who has submitted any claim for disability compensa-*

1 *tion or been treated at a medical facility of the De-*
2 *partment information that includes—*

3 *(A) the date that the Secretary plans to*
4 *complete such updates and improvements to such*
5 *regulations;*

6 *(B) the number of covered claims that have*
7 *been granted or denied during the month covered*
8 *by such information;*

9 *(C) a comparison to such rate of grants and*
10 *denials with the rate for other claims regarding*
11 *post-traumatic stress disorder;*

12 *(D) the three most common reasons for such*
13 *denials;*

14 *(E) the average time for completion of cov-*
15 *ered claims;*

16 *(F) the average time for processing covered*
17 *claims at each regional office; and*

18 *(G) any information the Secretary deter-*
19 *mines relevant with respect to submitting a cov-*
20 *ered claim;*

21 *(3) in addition to providing to veterans the in-*
22 *formation described in paragraph (2), the Secretary*
23 *shall make available on a monthly basis such infor-*
24 *mation on a conspicuous location of the Internet*
25 *website of the Department; and*

1 (4) *submit to Congress on a monthly basis a re-*
2 *port that includes—*

3 (A) *a list of all adjudicated covered claims,*
4 *including ancillary claims, during the month*
5 *covered by the report;*

6 (B) *the outcome with respect to each med-*
7 *ical condition included in the claim; and*

8 (C) *the reason given for any denial of such*
9 *a claim.*

10 (d) *MILITARY SEXUAL TRAUMA DEFINED.—In this*
11 *section:*

12 (1) *The term “covered claim” has the meaning*
13 *given that term in section 1164(c)(1) of title 38,*
14 *United States Code, as added by subsection (a)(1).*

15 (2) *The term “military sexual trauma” has the*
16 *meaning given that term in section 1164(c)(3) of title*
17 *38, United States Code, as added by subsection (a)(1).*

18 **SEC. 3. LIMITATION ON AWARDS AND BONUSES PAID TO**
19 **SENIOR EXECUTIVE EMPLOYEES OF DEPART-**
20 **MENT OF VETERANS AFFAIRS.**

21 *Section 705 of the Veterans Access, Choice, and Ac-*
22 *countability Act of 2014 (Public Law 113–146; 38 U.S.C.*
23 *703 note) is amended by striking the period at the end and*
24 *inserting the following: “, of which, during fiscal years 2016*
25 *through 2018, not more than an aggregate amount of*

1 \$2,000,000 in each such fiscal year may be paid to employ-
2 ees of the Department of Veterans Affairs who are members
3 of the Senior Executive Service.”.