

Representative Chellie Pingree

**Member Day Testimony
House Committee on Veterans Affairs**

Ensuring Access to Disability Benefits for Veteran Survivors of Military Sexual Trauma

May 26, 2021

Chairman Takano, Ranking Member Bost, thank you for the opportunity to testify before the committee today. I appreciate your willingness to work with me in the past on an issue of significant importance to me, ensuring proper compensation for those who suffered sexual trauma during their military service.

My experience on this issue goes back to my first years in Congress. Women and men who had experienced military sexual trauma (MST) came to my office seeking help, as a desperate last resort -- because the good old boys in command refused to believe her story, because his case was buried to protect the service's reputation, or because benefits were denied because the law hasn't kept up with the science.

Through the hundreds of MST cases my staff and I have handled, from all over the country, we are haunted and humbled by the stories of trauma and survival that have too often gone untold. Their stories are agonizing because their pain is real, traumatized by abuse, and then again by a system that failed them. This is what fuels my desire to finally pass legislation to update VA policy.

At an Appropriations Subcommittee hearing in April, I asked VA Secretary McDonough to commit to working with me to improve the disability claims process for MST survivors, and to ensure that VA treats these incredibly sensitive cases with the care and attention they require. He gave me his word and acknowledged VA's past failure in managing these claims, and the devastating impact that has had on many veterans who were wrongly denied compensation. I was very encouraged to hear his expressed dedication to addressing this issue and understanding of how important it is to get this process right. Unfortunately, top officials come and go, and it also falls on Congress to legislate where VA has fallen short.

We must ensure that the policies that govern benefits we provide to survivors of sexual assault and harassment in the military are consistent with the latest medical science. Following a lawsuit almost two decades ago, the VA conceded that most survivors of sexual trauma would not have specific evidence in their military records. As a result, they created a relaxed evidentiary standard for claims following MST.

This was a big leap forward, but insufficient. As the regulations were written, the relaxed standard is only available to those diagnosed with PTSD and does not apply to veterans diagnosed with other mental health disorders. Not every survivor develops PTSD.

Today, we better understand the range of mental health disorders that sexual trauma can cause, including major depressive disorders or anxiety disorders as well as newly recognized trauma disorders as defined by the American Psychological Association in its DSM-5. But despite the advancements in diagnosis and treatment of disorders following sexual trauma, a veteran who survived rape or sexual harassment cannot present secondary evidence to support a claim for service connection if he or she has a diagnosis other than PTSD. The fact is, most survivors don't tell, regardless of their eventual diagnosis.

In a March 2019 Appropriations subcommittee hearing, VBA Under Secretary Lawrence agreed on the need for a uniform standard. He said the VA couldn't do it. It would take a change in law.

We have known this for a very long time. That is why I have worked to pass the Servicemembers and Veterans Empowerment and Support Act. The bill would add anxiety, depression, or other mental health diagnoses, in addition to PTSD, as conditions eligible to utilize secondary markers as evidence for service connection as a result of sexual trauma while serving. The bill also helps MST survivors by codifying VA's relaxed evidentiary standard for proving the occurrence of an MST event.

This committee has worked with me in the past on this legislation, and I appreciate both you and your staff's commitment to addressing this issue. Last Congress, we were able to successfully include several pieces of this legislation in H.R. 7105 – the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvements Act. Those provisions include a new requirement for VA to track consistency of decisions on MST claims across regional offices, as well as a requirement for VA to establish specialized teams to process claims for compensation for a covered mental health condition based on MST.

While advancing these portions of the bill was certainly an important step, unfortunately, the crux of this legislation remains unresolved. In a June 2019 Veterans Affairs hearing on this issue, witnesses and Members expressed support for implementing a uniform standard of evidence, and for this legislation in particular. It is clear that both Congress and the Administration recognize the need for a uniform standard, as well as for the regulations to accurately reflect the best available science. It is past time that we work together to get this done.

So many veterans are suffering in silence, afraid to come forward because they have no faith in the claims process. It is our responsibility to do what we can to improve this process for these veterans. Thank you again for allowing me to provide this testimony, and I look forward to working with you on this important issue.