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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R.

To amend title 38, United States Code, to improve hearings before the Board of Veterans' Appeals regarding claims involving military sexual trauma.

IN THE HOUSE OF REPRESENTATIVES

Mr. MRVAN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 38, United States Code, to improve hearings before the Board of Veterans' Appeals regarding claims involving military sexual trauma.

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. REQUIREMENT FOR TRAINING ON CLAIMS IN-**
4 **VOLVING MILITARY SEXUAL TRAUMA PRIOR**
5 **TO ASSIGNMENT OF CERTAIN PROCEEDINGS.**

6 (a) REQUIREMENT.—Section 7102 of title 38, United
7 States Code, is amended by adding at the end the fol-
8 lowing new subsection:

1 “(c)(1) The Secretary shall ensure that there is of-
2 fered to each member of the Board an annual training
3 on military sexual trauma and proceedings that concern
4 a claim for compensation based on military sexual trauma
5 experienced by a veteran.

6 “(2) A proceeding that concerns a claim specified in
7 paragraph (1) may not be assigned to an individual mem-
8 ber of the Board or to a panel of members unless the indi-
9 vidual member, or each member of the panel, as the case
10 may be, has completed the annual training most recently
11 offered to that member pursuant to such paragraph.

12 “(3) In this subsection, the term ‘military sexual
13 trauma’ has the meaning given that term in section
14 1166(c) of this title.”.

15 (b) FIRST TRAINING.—The Secretary of Veterans Af-
16 fairs shall ensure that each member of the Board of Vet-
17 erans’ Appeals is offered the first annual training under
18 section 7102(c) of title 38, United States Code, as amend-
19 ed by subsection (a), by not later than 180 days after the
20 date of the enactment of this Act.

21 (c) APPLICABILITY.—The limitation under section
22 7102(c)(2) of title 38, United States Code, as added by
23 subsection (a), shall apply with respect to the assignment
24 of proceedings on or after the date that is 180 days after
25 the date of the enactment of this Act.

1 **SEC. 2. REVIEW OF LANGUAGE AND PRACTICES USED IN**
2 **CONNECTION WITH CLAIMS INVOLVING MILI-**
3 **TARY SEXUAL TRAUMA.**

4 (a) BOARD OF VETERANS' APPEALS.—

5 (1) IN GENERAL.—Section 7112 of title 38,
6 United States Code, is amended—

7 (A) by inserting “(a) REMANDED
8 CLAIMS.—” before “The Secretary”; and

9 (B) by adding at the end the following new
10 subsections:

11 “(b) CLAIMS INVOLVING MILITARY SEXUAL TRAU-
12 MA.—The Board shall promptly determine whether a no-
13 tice of disagreement filed with the Board is a covered case.

14 “(c) DEFINITIONS.—In this section:

15 “(1) The term ‘covered case’ means a case—

16 “(A) that concerns a claim for compensa-
17 tion based on military sexual trauma; and

18 “(B) for which the appellant has requested
19 a hearing in the notice of disagreement filed
20 with the Board pursuant to section 7105 of this
21 title.

22 “(2) The term ‘military sexual trauma’ has the
23 meaning given that term in section 1166 of this
24 title.”.

25 (2) CLERICAL AMENDMENTS.—

1 (A) SECTION HEADING.—The heading of
2 such section is amended by striking “**re-**
3 **manded**” and inserting “**certain**”.

4 (B) TABLE OF SECTIONS.—The table of
5 sections at the beginning of chapter 71 of such
6 title is amended by striking the item relating to
7 section 7112 and inserting the following:

“7112. Expedited treatment of certain claims.”.

8 (b) AUDIT AND MODIFICATION OF DENIAL LET-
9 TERS.—

10 (1) REQUIREMENT.—The Secretary of Veterans
11 Affairs shall conduct an audit of the language used
12 in letters sent to individuals to explain the decision
13 by the Secretary to deny covered claims. Not later
14 than 180 days after the date of the enactment of
15 this Act, the Secretary shall modify the letters to en-
16 sure that—

17 (A) the letters use trauma-informed lan-
18 guage; and

19 (B) veterans are not re-traumatized
20 through insensitive language.

21 (2) CONSULTATION.—The Secretary shall carry
22 out paragraph (1) in consultation with veterans serv-
23 ice organizations and other stakeholders as the Sec-
24 retary determines appropriate.

1 (c) EXAMINATIONS.—The Secretary shall establish
2 protocols for contract medical providers to ensure that the
3 medical providers conduct examinations regarding covered
4 claims using trauma-informed practices.

5 (d) DEFINITIONS.—In this section:

6 (1) The term “compensation” has the meaning
7 given that term in section 101 of title 38, United
8 States Code.

9 (2) The term “contract medical provider”
10 means a medical provider who contracts with the
11 Department of Veterans Affairs to provide a medical
12 examination or a medical opinion when such an ex-
13 amination or opinion is necessary to make a decision
14 on a claim under the laws administered by the Sec-
15 retary of Veterans Affairs.

16 (3) The term “covered claim” means a claim
17 for compensation based on military sexual trauma
18 experienced by a veteran.

19 (4) The term “military sexual trauma” has the
20 meaning given that term in section 1166 of title 38,
21 United States Code.

22 (5) The term “trauma-informed” means, with
23 respect to language or practices, using language or
24 carrying out practices in a manner that—

1 (A) is based on a knowledge of the aware-
2 ness of the prevalence and impact of trauma on
3 the physical, emotional, and mental health of an
4 individual, the behaviors of the individual, and
5 the engagement by the individual to services;

6 (B) is aimed at ensuring environments and
7 services are welcoming and engaging to the in-
8 dividual who receives such services and the staff
9 who provide such services; and

10 (C) ensures that the language or practices
11 do not retraumatize the individual.