

SWAN Service Women's Action Network

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March 27, 2014

Chairman Benishek, Ranking Member Brownley, and distinguished members of the Subcommittee:

On behalf of the Service Women's Action Network, thank you for the opportunity to submit written testimony for the record and thank you for your continued leadership on veterans' issues and for convening this hearing.

The Service Women's Action Network (SWAN) is a non-profit, non-partisan veterans led civil rights organization. SWAN's mission is to transform military culture by securing equal opportunity and freedom to serve without discrimination, harassment or assault; and to reform veterans' services to ensure high quality health care and benefits for women veterans and their families.

We challenge institutions and cultural norms that deny equal opportunities, equal protections, and equal benefits to service members and veterans. SWAN is not a membership organization, instead we utilize direct services to provide outreach and assistance to service members and veterans and our policy agenda is directly informed by those relationships and that interaction. SWAN extends opportunities to and promotes the voices and agency of service women and women veterans without regard to sex, gender, sexual orientation or gender identity or the context, era, or type of service.

SWAN welcomes the opportunity to share our views on two of the bills before the Subcommittee today, H.R. 2527 and H.R. 2974.

H.R. 2527

The National Guard is unique among components of the Department of Defense in that it has the dual state and federal mission. For example, while serving operationally on Title 10 active-duty status in Operation Iraqi Freedom or Operation Enduring Freedom, National Guard units are under the command and control of the president. However, upon release from active duty, members of the National Guard return to their states as serving members of the reserve component but under the command and control of their governors.

A reservist can complete a full Guard or Reserve career but never have served on Title 10 active duty for other than training purposes. Drill training, annual training and Title 32 service responding to domestic natural disasters and defending our nation's airspace, borders and coastlines do not qualify for veteran status and thus any of these service members if sexually assaulted have the potential to fall through the cracks, not receiving counseling and treatment for their assault if that assault happened during inactive duty training. Compounding this conflict is the risk of becoming a victim of sexual violence is just as great for these service members as it is for active duty troops. In fact, according to the Department of Defense, nearly 80% of reported sexual assaults occur CONUS, or stateside, in garrison-type installations. The remainder happen at overseas installations and still an even smaller percentage happen in "combat

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areas of interest.”¹ Serving in your community stateside does not ensure a service member’s safety when it comes to sexual assault.

Eliminating this gap in protection for our service members is why the Senate unanimously passed the Victims Protection Act of 2014. Sec. 107 of the bill requires the Department of Defense to provide for the availability of Sexual Assault Response Coordinators for members of the National Guard and the Reserve regardless of their training status. It only makes sense, then, that the VA close the similar gap in protections to veterans who need counseling and treatment for sexual trauma that occurred during inactive duty training. SWAN fully supports passage of H.R. 2527.

H.R 2974

As DOD continues to make changes to policy and programming for sexual assault survivors, it is imperative that the VA do likewise and provide the men and women veterans who suffer from the invisible wounds of sexual assault the full range of treatment, services and disability benefits available to veterans who are suffering from the visible wounds of war.

Since 2008, SWAN has been monitoring VA’s treatment of veterans who carry these invisible wounds of sexual violence due to rape, sexual assault or sexual harassment. We have been encouraged by the progress that the Veterans Health Administration continues to show in the screening and treatment of Military Sexual Trauma and its related diagnoses; however, the Veterans Benefit Administration continues to process and award disability claims for Military Sexual Trauma diagnoses, specifically PTSD, inconsistently and unfairly. In spite of repeated requests by a chorus of military and veterans’ organizations, individual survivors and Members of this committee, the VA continues to refuse to amend the language in their regulations to make evidentiary standards and the processing of a MST PTSD claims as consistent and fair as it is for the other particularized PTSD claims found in the regulation.² Data obtained by SWAN through litigation under the Freedom of Information Act demonstrates that since 2010, VA approval rate for MST PTSD claims have lagged behind the approval rates of all other PTSD claims, and male survivors – who constitute the majority of sexual assault victims – continued to be discriminated against in the awarding of claims.³ VA’s response to this has been to ignore the data and falsely claim that the gap between awarded MST PTSD and other PTSD claims is closing and their training efforts have worked. Unfortunately, this Jedi Mind Trick is betrayed by the facts. In 2013, the VA Appropriations bill included reporting language that required VA to submit to Congress data on MST claims.⁴ The 2013 data in this report shows that the VA’s efforts have not worked and both the claims gap continues to exist and male survivors continue to face discrimination in the awarding of their claims. It is clear that until VA changes the language in the regulations so that the evidentiary burden for MST PTSD claims matches that of other particularized claims, the disability benefits process will remain

¹ http://www.sapr.mil/public/docs/reports/FY12_DoD_SAPRO_Annual_Report_on_Sexual_Assault-VOLUME_ONE.pdf

² 38 C.F.R. § 3.304(f).

³ See enclosure 1: “*The Battle for Benefits*”.

⁴ See enclosure 2: Military Sexual Trauma: FY2014 Congressional Report to the House and Senate Appropriations Committees

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broken and continue to be another betrayal that serves to compound the trauma of a survivor's initial sexual assault.

As SWAN and members of both the House and Senate continue to work for this needed regulatory reform, it is imperative that VA provide whatever it can to our men and women who have suffered from the impact of sexual violence while serving in the military. This includes common-sense logistical support to survivors, like the support found in H.R. 2974. This bill requires VA to provide for the eligibility for beneficiary travel for Military Sexual Trauma survivors seeking treatment in specialized outpatient or residential programs at VA facilities. This is a simple, common-sense benefit. The fact that today an MST survivor would be unable to make required appointments, participate in prescribed treatment programs or attend a beneficial resident treatment program simply because he or she cannot afford to travel to the facility is beyond outrageous. It is inexcusable that transportation costs should be a detour on a survivor's road to recovery. SWAN wholeheartedly supports the passage of H.R. 2974.

Again, we appreciate the opportunity to offer our views on these important bills and we look forward to continuing our work together to improve the lives of veterans and their families. Any questions can be directed to Greg Jacob, Policy Director at 646-569-5216 or by mail at Service Women's Action Network, 1225 Eye St, NW, Ste 307, Washington, DC, 20005.

Non-Governmental Witness Declaration:

Neither the Service Women's Action Network nor I have received during the current or previous two fiscal years any Federal grant or contract relevant to the subject matter of this testimony.