

Suspend the Rules and Pass the Bill, H.R. 6961, with an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
2^D SESSION

H. R. 6961

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

MARCH 7, 2022

Mr. MRVAN introduced the following bill; which was referred to the Committee on Veterans' Affairs

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,*

1 **SECTION 1. REQUIREMENT FOR TRAINING ON CLAIMS IN-**
2 **VOLVING MILITARY SEXUAL TRAUMA PRIOR**
3 **TO ASSIGNMENT OF CERTAIN PROCEEDINGS.**

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

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

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

18 “(3) In this subsection, the term ‘military sexual
19 trauma’ has the meaning given that term in section
20 1166(c) of this title.”.

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

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

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

9 (a) BOARD OF VETERANS' APPEALS.—

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

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

14 (B) by adding at the end the following new
15 subsections:

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

19 “(c) DEFINITIONS.—In this section:

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

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

23 “(B) for which the appellant has requested
24 a hearing in the notice of disagreement filed

1 with the Board pursuant to section 7105 of this
2 title.

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

6 (2) CLERICAL AMENDMENTS.—

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

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

“7112. Expedited treatment of certain claims.”.

14 (b) AUDIT AND MODIFICATION OF DENIAL LET-
15 TERS.—

16 (1) REQUIREMENT.—The Secretary of Veterans
17 Affairs shall conduct an audit of the language used
18 in letters sent to individuals to explain the decision
19 by the Secretary to deny covered claims. Not later
20 than 180 days after the date of the enactment of
21 this Act, the Secretary shall modify the letters to en-
22 sure that—

23 (A) the letters use trauma-informed lan-
24 guage; and

1 (B) veterans are not re-traumatized
2 through insensitive language.

3 (2) CONSULTATION.—The Secretary shall carry
4 out paragraph (1) in consultation with veterans serv-
5 ice organizations and other stakeholders as the Sec-
6 retary determines appropriate.

7 (c) EXAMINATIONS.—The Secretary shall establish
8 protocols for Department of Veterans Affairs medical pro-
9 viders and contract medical providers to ensure that the
10 medical providers conduct examinations regarding covered
11 claims using trauma-informed practices.

12 (d) DEFINITIONS.—In this section:

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

16 (2) The term “contract medical provider”
17 means a medical provider who contracts with the
18 Department of Veterans Affairs to provide a medical
19 examination or a medical opinion when such an ex-
20 amination or opinion is necessary to make a decision
21 on a claim under the laws administered by the Sec-
22 retary of Veterans Affairs.

23 (3) The term “covered claim” means a claim
24 for compensation based on military sexual trauma
25 experienced by a veteran.

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

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

7 (A) is based on a knowledge of the aware-
8 ness of the prevalence and impact of trauma on
9 the physical, emotional, and mental health of an
10 individual, the behaviors of the individual, and
11 the engagement by the individual to services;

12 (B) is aimed at ensuring environments and
13 services are welcoming and engaging to the in-
14 dividual who receives such services and the staff
15 who provide such services; and

16 (C) ensures that the language or practices
17 do not retraumatize the individual.