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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To amend title 38, United States Code, to improve the manner in which the Board of Veterans' Appeals conducts hearings regarding claims involving military sexual trauma and to direct the Secretary of Veterans Affairs to improve the language and practices of the Department of Veterans Affairs with respect to such claims.

IN THE HOUSE OF REPRESENTATIVES

M____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title 38, United States Code, to improve the manner in which the Board of Veterans' Appeals conducts hearings regarding claims involving military sexual trauma and to direct the Secretary of Veterans Affairs to improve the language and practices of the Department of Veterans Affairs with respect to such claims.

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. REVIEW OF LANGUAGE AND PRACTICES USED**
2 **IN CONNECTION WITH CLAIMS INVOLVING**
3 **MILITARY SEXUAL TRAUMA.**

4 (a) BOARD OF VETERANS' APPEALS.—

5 (1) IN GENERAL.—Chapter 71 of title 38,
6 United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 7114. Conduct of hearings regarding claims involv-**
9 **ing military sexual trauma**

10 “(a) IDENTIFICATION OF COVERED CASES.—The
11 Board shall promptly determine whether a notice of dis-
12 agreement filed with the Board is a covered case.

13 “(b) REQUESTS BY APPELLANT.—An appellant of a
14 covered case may request that the hearing is conducted
15 by a Board member of a specific gender. The Board shall
16 approve such request when assigning a Board member to
17 the case, unless the Board shows good cause for why the
18 request cannot be approved.

19 “(c) REFRAIN FROM CERTAIN QUESTIONS.—Each
20 Board member who conducts a hearing of a covered case
21 shall, to the extent practicable, refrain from asking ques-
22 tions relating to the military sexual trauma of the appel-
23 lant if the information the Board member seeks is con-
24 tained in the evidentiary record.

25 “(d) EXAMINATIONS.—(1) The Board may not re-
26 mand a covered case to the agency of original jurisdiction

1 to obtain a medical examination or a medical opinion
2 under section 5103A(d) of this title to determine the serv-
3 ice connection of a disability for which the covered case
4 relates if the Board is able to decide such service connec-
5 tion based on the evidentiary record of the case.

6 “(2) If the Board remands a covered case to the
7 agency of original jurisdiction for purposes of obtaining
8 a medical examination or a medical opinion described in
9 paragraph (1), the Secretary—

10 “(A) may accept, in lieu of such an examina-
11 tion, a disability benefit questionnaire form, or such
12 successor form, filed by the appellant and the health
13 care provider of the appellant; or

14 “(B) if the Secretary determines that such an
15 examination is necessary, and upon request of the
16 appellant, shall ensure that the examination is con-
17 ducted by a covered medical provider who has not
18 previously examined the appellant.

19 “(e) 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 experi-
23 enced by a veteran; and

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

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

3 “(2) The term ‘covered medical provider’ has
4 the meaning given that term in section 1165 of this
5 title.

6 “(3) The term ‘military sexual trauma’ has the
7 meaning given that term in section 1166(c) of this
8 title.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of such chapter is amended
11 by inserting after the item relating to section 7113
12 the following new item:

“7114. Conduct of hearings regarding claims involving military sexual trauma.”.

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

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

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

24 (B) veterans are not re-traumatized
25 through insensitive language.

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

5 (c) EXAMINATIONS.—The Secretary shall establish
6 protocols for contract medical providers to ensure that the
7 medical providers conduct examinations regarding covered
8 claims using trauma-informed practices.

9 (d) DEFINITIONS.—In this section:

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

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

20 (3) The term “covered claim” means a claim
21 for compensation based on military sexual trauma
22 experienced by a veteran.

23 (4) The term “military sexual trauma” has the
24 meaning given that term in subsection (c) of the sec-
25 ond section 1164 of title 38, United States Code.

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

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

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

13 (C) ensures that the language or practices
14 do not retraumatize the individual.