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117TH CONGRESS
2^D SESSION

S. 3025

To amend title 38, United States Code, to expand health care and benefits from the Department of Veterans Affairs for military sexual trauma, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2021

Mr. TESTER (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

MARCH 1, 2022

Reported by Mr. TESTER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend title 38, United States Code, to expand health care and benefits from the Department of Veterans Affairs for military sexual trauma, and for other purposes.

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. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the
5 “~~Servicemembers and Veterans Empowerment and Sup-~~
6 ~~port Act of 2021~~”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEFINING MILITARY SEXUAL TRAUMA

Sec. 101. Military sexual trauma defined for the digital age.

TITLE II—DISABILITY COMPENSATION AND CLAIMS PROCESSING

Sec. 201. Definition of military sexual trauma.

Sec. 202. Conforming changes relating to specialized teams to evaluate claims involving military sexual trauma.

Sec. 203. Standard of proof for service-connection of mental health conditions relating to military sexual trauma.

Sec. 204. Choice of location of Department of Veterans Affairs medical examination for assessment of claims for compensation relating to disability resulting from military sexual trauma.

Sec. 205. Communications from the Department of Veterans Affairs to military sexual trauma survivors.

Sec. 206. Study on training and processing relating to claims for disability compensation relating to military sexual trauma.

Sec. 207. Annual special focus review of claims for disability compensation for disabilities relating to military sexual trauma.

TITLE III—ACCESS TO HEALTH CARE

Sec. 301. Expansion of eligibility for counseling and treatment for military sexual trauma to include all former members of the reserve components of the Armed Forces.

Sec. 302. Connection to Veterans Health Administration when a disability claim related to military sexual trauma is submitted to Veterans Benefits Administration.

Sec. 303. Study on access to inpatient mental health care for survivors of military sexual trauma.

Sec. 304. Pilot program for interim access to mental health care for survivors of military sexual trauma.

Sec. 305. Comptroller General study on access to care for survivors of military sexual trauma at the Department of Veterans Affairs.

3 **TITLE I—DEFINING MILITARY**
 4 **SEXUAL TRAUMA**

5 **SEC. 101. MILITARY SEXUAL TRAUMA DEFINED FOR THE**
 6 **DIGITAL AGE.**

7 (a) REVISION TO REGULATIONS REQUIRED.—The
 8 Secretary of Veterans Affairs shall, in accordance with
 9 subsection (b), revise regulations for the definition of

1 “military sexual trauma” for the purposes of access to
2 health care under chapter 17 of title 38, United States
3 Code, and compensation under chapter 11 of such title.

4 (b) REQUIREMENTS.—

5 (1) TECHNOLOGICAL ABUSE.—

6 (A) IN GENERAL.—The Secretary shall en-
7 sure that all regulations revised under sub-
8 section (a) include matters relating to techno-
9 logical abuse to reflect sexual harassment in the
10 digital age.

11 (B) INCLUSION OF CERTAIN BEHAVIOR
12 AND ACTIVITIES.—For purposes of subpara-
13 graph (A), the term “technological abuse” may
14 include—

15 (i) behavior intended to harm, threat-
16 en, intimidate, control, stalk, harass, im-
17 personate, or monitor another person, ex-
18 cept as otherwise permitted by law, that
19 occurs via the internet, social networking
20 sites, computers, mobile devices, mobile
21 telephones, apps, location tracking devices,
22 instant messages, text messages, or other
23 forms of technology; and

24 (ii) specific activities, including—

1 (I) unwanted, repeated telephone
2 calls, text messages, instant messages,
3 or social media posts;

4 (II) nonconsensual access of
5 email accounts, texts or instant mes-
6 saging accounts, social networking ac-
7 counts, or mobile telephone logs;

8 (III) attempting to control or re-
9 strict a person's ability to access tech-
10 nology with the intent to isolate the
11 person from support and social con-
12 nection;

13 (IV) using tracking devices or lo-
14 cation tracking software for the pur-
15 pose of monitoring or stalking another
16 person's location;

17 (V) impersonation of a person
18 with the intent to deceive or cause
19 harm through the use of spoofing
20 technology or the creation of fake
21 email or social media accounts; or

22 (VI) pressuring for or sharing of
23 another person's private information,
24 photographs, or videos without the
25 person's consent.

1 (2) COLLABORATION.—In carrying out sub-
2 section (a), the Secretary of Veterans Affairs shall
3 collaborate with the Secretary of Defense.

4 (3) CONSULTATION.—In carrying out sub-
5 section (a), the Secretary of Veterans Affairs shall
6 consult with veterans service organizations, military
7 service organizations, and other stakeholders.

8 (e) COMMENCEMENT OF EFFORTS.—Not later than
9 one year after the date of the enactment of this Act, the
10 Secretary shall commence efforts to carry out subsection
11 (a).

12 (d) PROGRESS REPORT.—Not later than one year
13 after the date of the enactment of this Act, the Secretary
14 of Veterans Affairs shall submit to the Committee on Vet-
15 erans' Affairs of the Senate and the Committee on Vet-
16 erans' Affairs of the House of Representatives a report
17 on the progress of the Secretary in carrying out subsection
18 (a).

19 (e) FINAL REGULATIONS.—Not later than two years
20 after the date of the enactment of this Act, the Secretary
21 shall—

22 (1) issue the revised regulations required by
23 subsection (a); and

24 (2) update training aids, manuals, and informa-
25 tional materials for staff, veterans, members of the

1 Armed Forces, and stakeholders to reflect the re-
2 vised regulations.

3 **TITLE II—DISABILITY COM-**
4 **PENSATION AND CLAIMS**
5 **PROCESSING**

6 **SEC. 201. DEFINITION OF MILITARY SEXUAL TRAUMA.**

7 In this title, the term “military sexual trauma” has
8 the meaning given such term in section 1167(j) of title
9 38, United States Code, as added by section 203(a).

10 **SEC. 202. CONFORMING CHANGES RELATING TO SPECIAL-**
11 **IZED TEAMS TO EVALUATE CLAIMS INVOLV-**
12 **ING MILITARY SEXUAL TRAUMA.**

13 Section 1166(e) of title 38, United States Code, as
14 redesignated by section 7(a) of the Training in High-de-
15 mand Roles to Improve Veteran Employment Act (Public
16 Law 117–16), is amended by striking “In this section”
17 and all that follows and inserting the following: “In this
18 section, the terms ‘covered mental health condition’ and
19 ‘military sexual trauma’ have the meanings given those
20 terms in section 1167(j) of this title.”.

1 **SEC. 203. STANDARD OF PROOF FOR SERVICE-CONNECTION**
2 **OF MENTAL HEALTH CONDITIONS RELATING**
3 **TO MILITARY SEXUAL TRAUMA.**

4 (a) IN GENERAL.—Subchapter VI of chapter 11 of
5 such title is amended by adding at the end the following
6 new section:

7 **“§ 1167. Evaluation of claims involving military sex-**
8 **ual trauma**

9 “(a) STANDARD OF PROOF.—(1) In the case of any
10 veteran who claims that a covered mental health condition
11 based on military sexual trauma was incurred in or aggra-
12 vated by active military, naval, or air service, the Sec-
13 retary shall accept as sufficient proof of service-connection
14 a diagnosis of such mental health condition by a mental
15 health professional together with satisfactory lay or other
16 evidence, in accordance with subsections (b) and (c), of
17 such trauma and an opinion by the mental health profes-
18 sional that such covered mental health condition is related
19 to such military sexual trauma, as specified in subsection
20 (f), notwithstanding the fact that there is no official record
21 of such incurrence or aggravation in such service, and, to
22 that end, shall resolve every reasonable doubt in favor of
23 the veteran.

24 “(2) Service-connection of such covered mental health
25 condition may be rebutted by clear and convincing evi-
26 dence to the contrary.

1 ~~“(3) The reasons for granting or denying service-con-~~
2 ~~nection in each case shall be recorded in full.~~

3 ~~“(b) NONMILITARY SOURCES OF EVIDENCE.—(1) In~~
4 ~~carrying out subsection (a), the Secretary shall ensure~~
5 ~~that if a claim for compensation under this chapter is re-~~
6 ~~ceived by the Secretary for a covered mental health condi-~~
7 ~~tion based on military sexual trauma, evidence from~~
8 ~~sources other than official records of the Department of~~
9 ~~Defense regarding the veteran’s service may corroborate~~
10 ~~the veteran’s account of the trauma.~~

11 ~~“(2) Examples of evidence described in paragraph (1)~~
12 ~~include the following:~~

13 ~~“(A) Records from law enforcement authorities,~~
14 ~~rape crisis centers, mental health counseling centers,~~
15 ~~hospitals, and physicians.~~

16 ~~“(B) Pregnancy tests and tests for sexually~~
17 ~~transmitted diseases.~~

18 ~~“(C) Statements from family members, room-~~
19 ~~mates, other members of the Armed Forces or vet-~~
20 ~~erans, and clergy.~~

21 ~~“(c) EVIDENCE OF BEHAVIOR CHANGES.—(1) In~~
22 ~~carrying out subsection (a), the Secretary shall ensure~~
23 ~~that evidence of a behavior change following military sex-~~
24 ~~ual trauma is one type of relevant evidence that may be~~
25 ~~found in sources described in such subsection.~~

1 “(2) Examples of behavior changes that may be rel-
2 evant evidence of military sexual trauma include the fol-
3 lowing:

4 “(A) A request for a transfer to another mili-
5 tary duty assignment.

6 “(B) Deterioration in work performance.

7 “(C) Substance abuse or substance use dis-
8 order.

9 “(D) Episodes of depression, panic attacks, or
10 anxiety without an identifiable cause.

11 “(E) Unexplained economic or social behavior
12 changes.

13 “(d) NOTICE AND OPPORTUNITY TO SUPPLY EVI-
14 DENCE.—The Secretary may not deny a claim of a veteran
15 for compensation under this chapter for a covered mental
16 health condition that is based on military sexual trauma
17 without first—

18 “(1) advising the veteran that evidence de-
19 scribed in subsections (b) and (c) may constitute
20 credible corroborating evidence of the military sexual
21 trauma; and

22 “(2) allowing the veteran an opportunity to fur-
23 nish such corroborating evidence or advise the Sec-
24 retary of potential sources of such evidence.

1 “(e) **ROLE OF LAY STATEMENTS.**—In a case where
2 evidence described in subsection (b) or (c) is unavailable,
3 and the only evidence of the occurrence of the military
4 sexual trauma is the veteran’s own lay statement, the Sec-
5 retary shall accept such lay statement as credible evidence
6 the event occurred, unless such statement is inconsistent
7 with the places, types, and circumstances of the service
8 of the veteran, including evidence of the veteran’s unit as-
9 signments, military specialty, or dates and locations of
10 service, or unless there is clear and convincing evidence
11 to the contrary.

12 “(f) **REVIEW OF EVIDENCE.**—(1) In reviewing a
13 claim for compensation described in subsection (a)(1), for
14 any evidence identified as part of such claim that is de-
15 scribed in subsection (b) or (c), or if subsection (c) applies,
16 the Secretary shall submit such evidence to such medical
17 or mental health professional as the Secretary considers
18 appropriate, including clinical and counseling experts em-
19 ployed by the Department, to obtain an opinion as to
20 whether it is at least as likely as not that there is a nexus
21 between the military sexual trauma and any diagnosed
22 covered mental health condition.

23 “(2) In the case of any veteran who submits with the
24 claim for a covered mental health condition a lay state-
25 ment describing the military sexual trauma, such veteran

1 shall be provided with a medical examination and opinion
2 as described in paragraph (1) without delay for request
3 of records specified in subsections (b) and (c) from the
4 veteran.

5 “(3) For any veteran described in paragraph (2), if
6 the medical examination and opinion do not result in a
7 diagnosis of a covered mental health condition and a posi-
8 tive opinion that the military sexual trauma is related to
9 such diagnosis, the Secretary shall request the records
10 specified in subsections (b) and (c) and, if such evidence
11 is received, paragraph (1) shall again apply and a subse-
12 quent medical examination and opinion shall be requested.

13 “(g) POINT OF CONTACT.—The Secretary shall en-
14 sure that each document provided to a veteran relating
15 to a claim for compensation described in subsection (a)
16 includes contact information for an appropriate point of
17 contact with the Department.

18 “(h) SPECIALIZED TEAMS.—The Secretary shall en-
19 sure that all claims for compensation described in sub-
20 section (a) are reviewed and processed by a specialized
21 team established under section 1166 of this title.

22 “(i) RULE OF CONSTRUCTION REGARDING APPLICA-
23 TION TO NONSEXUAL PERSONAL ASSAULT.—The Sec-
24 retary shall not construe this section as supplanting the
25 standard of proof or evidence required for claims for

1 posttraumatic stress disorder based on non-sexual per-
2 sonal assault, which the Secretary shall continue to define
3 in regulation.

4 “(j) DEFINITIONS.—In this section:

5 “(1) The term ‘covered mental health condition’
6 means post-traumatic stress disorder, anxiety, de-
7 pression, or other mental health diagnosis described
8 in the current version of the Diagnostic and Statis-
9 tical Manual of Mental Disorders published by the
10 American Psychiatric Association that the Secretary
11 determines to be related to military sexual trauma
12 and which may be service-connected.

13 “(2) The term ‘military sexual trauma’ means,
14 with respect to a veteran, a physical assault of a sex-
15 ual nature, battery of a sexual nature, or sexual har-
16 assment that occurred while the veteran was serving
17 in the active military, naval, or air service.”.

18 (b) OUTREACH.—Not later than 180 days after the
19 date of the enactment of this Act, the Secretary of Vet-
20 erans Affairs shall implement, with input from the veteran
21 community, an informative outreach program for veterans
22 regarding the standard of proof for evaluation of claims
23 related to military sexual trauma, including consideration
24 of lay statements and requirements for a medical examina-
25 tion and opinion.

1 (e) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by adding
 3 at the end the following new item:

“1167. Evaluation of claims involving military sexual trauma.”.

4 **SEC. 204. CHOICE OF LOCATION OF DEPARTMENT OF VET-**
 5 **ERANS AFFAIRS MEDICAL EXAMINATION FOR**
 6 **ASSESSMENT OF CLAIMS FOR COMPENSA-**
 7 **TION RELATING TO DISABILITY RESULTING**
 8 **FROM MILITARY SEXUAL TRAUMA.**

9 (a) IN GENERAL.—Section 1165 of title 38, United
 10 States Code, is amended—

11 (1) in the section heading, by inserting “**and**
 12 **location of medical examination**” after “**ex-**
 13 **aminer**”;

14 (2) in subsection (a), by striking “a physical as-
 15 sault of a sexual nature, battery of a sexual nature,
 16 or sexual harassment” and inserting “military sexual
 17 trauma (as defined in section 1167(j) of this title)”;

18 (3) by redesignating subsection (e) as sub-
 19 section (d); and

20 (4) by inserting after subsection (b) the fol-
 21 lowing new subsection (c):

22 “(c) CHOICE OF EXAMINATION LOCATION.—(1) The
 23 Secretary shall ensure that a veteran who requires a med-
 24 ical examination in support of a claim described in sub-
 25 section (a) may request that the medical examination take

1 place at a facility of the Department by a qualified em-
 2 ployee of the Department.

3 “(2) The Secretary—

4 “(A) shall grant any request under paragraph
 5 (1); and

6 “(B) may not issue a decision on a claim de-
 7 scribed in such paragraph before the requested ex-
 8 amination is completed.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 at the beginning of chapter 11 of such title is amended
 11 by striking the item relating to section 1165 and inserting
 12 the following new item:

“1165. Choice of sex of medical examiner and location of medical examination
 for certain disabilities.”.

13 **SEC. 205. COMMUNICATIONS FROM THE DEPARTMENT OF**
 14 **VETERANS AFFAIRS TO MILITARY SEXUAL**
 15 **TRAUMA SURVIVORS.**

16 (a) REVIEW BOARD.—

17 (1) IN GENERAL.—The Secretary of Veterans
 18 Affairs shall establish a board to review correspond-
 19 ence relating to military sexual trauma.

20 (2) MEMBERSHIP.—The Secretary shall appoint
 21 members of the board from among experts in mili-
 22 tary sexual trauma and mental health, including—

23 (A) mental health providers of the Depart-
 24 ment;

1 (B) experts on sexual assault and sexual
2 harassment; and

3 (C) members from both the Veterans
4 Health Administration and Veterans Benefits
5 Administration.

6 (3) DUTIES.—The board established under
7 paragraph (1) shall—

8 (A) review all standard correspondence and
9 other materials, which may include templates
10 for notices under sections 5103 and 5104B of
11 title 38, United States Code, as well as out-
12 reach materials and veteran-facing website con-
13 tent, from the Department of Veterans Affairs
14 to survivors of military sexual trauma for sensi-
15 tivity; and

16 (B) ensure that the communications—

17 (i) treat survivors with dignity and re-
18 spect; and

19 (ii) do not re-traumatize survivors.

20 (b) CONTENTS OF WRITTEN COMMUNICATIONS TO
21 MILITARY SEXUAL TRAUMA SURVIVORS.—The Secretary
22 shall ensure that any written communication from the De-
23 partment of Veterans Affairs to a military sexual trauma
24 survivor shall include contact information for the fol-
25 lowing:

1 (1) The military sexual trauma coordinator of
2 the Veterans Benefits Administration.

3 (2) The military sexual trauma coordinator for
4 the Veterans Health Administration.

5 (3) The Veterans Crisis Line.

6 (4) The facility of the Veterans Health Admin-
7 istration closest to where the survivor resides.

8 (e) DEFINITIONS.—In this section:

9 (1) MILITARY SEXUAL TRAUMA SURVIVOR.—
10 The term “military sexual trauma survivor”
11 means—

12 (A) a veteran who has filed a claim for
13 compensation under chapter 11 of title 38,
14 United States Code, relating to military sexual
15 trauma;

16 (B) a veteran who has been awarded com-
17 pensation under such chapter relating to mili-
18 tary sexual trauma; or

19 (C) a former member of the Armed Forces
20 or a veteran who is receiving care from the De-
21 partment of Veterans Affairs relating to mili-
22 tary sexual trauma.

23 (2) VETERANS CRISIS LINE.—The term “Vet-
24 erans Crisis Line” means the toll-free hotline for

1 veterans established under section 1720F(h) of title
2 38, United States Code.

3 **SEC. 206. STUDY ON TRAINING AND PROCESSING RELAT-**
4 **ING TO CLAIMS FOR DISABILITY COMPENSA-**
5 **TION RELATING TO MILITARY SEXUAL TRAU-**
6 **MA.**

7 (a) **STUDY REQUIRED.**—The Secretary of Veterans
8 Affairs shall conduct a study on—

9 (1) the quality of training provided to personnel
10 of the Department of Veterans Affairs who review
11 claims for disability compensation under chapter 11
12 of title 38, United States Code, for disabilities relat-
13 ing to military sexual trauma; and

14 (2) the quality of the procedures of the Depart-
15 ment for reviewing the accuracy of the processing of
16 such claims.

17 (b) **ELEMENTS.**—The study required by subsection
18 (a) shall include the following:

19 (1) With respect to the quality of training de-
20 scribed in paragraph (1) of such subsection:

21 (A) Whether the Department ensures per-
22 sonnel complete such training on time.

23 (B) Whether the training has resulted in
24 improvements to the processing of claims de-

1 scribed in such subsection and issue-based accu-
2 racy.

3 (C) Such recommendations as the Sec-
4 retary of Veterans Affairs may have for improv-
5 ing the training.

6 (2) With respect to the quality of procedures
7 described in paragraph (2) of such subsection:

8 (A) Whether the procedures of the Depart-
9 ment for reviewing the accuracy of the proc-
10 essing of claims described in such subsection
11 comport with generally accepted statistical
12 methodologies to ensure reasonable accuracy of
13 such reviews.

14 (B) Whether such procedures adequately
15 include mechanisms to correct errors found in
16 such reviews.

17 (C) Such recommendations as the Sec-
18 retary may have for improving such procedures.

19 (e) REPORT REQUIRED.—Not later than one year
20 after the date of the enactment of this Act, the Secretary
21 shall submit to the Committee on Veterans' Affairs of the
22 Senate and the Committee on Veterans' Affairs of the
23 House of Representatives a report detailing the findings
24 of the Secretary with respect to the study conducted under
25 subsection (a).

1 **SEC. 207. ANNUAL SPECIAL FOCUS REVIEW OF CLAIMS FOR**
2 **DISABILITY COMPENSATION FOR DISABIL-**
3 **ITIES RELATING TO MILITARY SEXUAL TRAU-**
4 **MA.**

5 (a) ANNUAL SPECIAL FOCUS REVIEW.—

6 (1) IN GENERAL.—Each year, the Under Sec-
7 retary for Benefits of the Department of Veterans
8 Affairs shall conduct a special focus review on the
9 accuracy of the processing of claims for disability
10 compensation under chapter 11 of title 38, United
11 States Code, for disabilities relating to military sex-
12 ual trauma.

13 (2) ELEMENTS.—Each review conducted under
14 paragraph (1) shall include a review of the following:

15 (A) A statistically significant, nationally
16 representative sample of all claims for benefits
17 under the laws administered by the Secretary of
18 Veterans Affairs relating to military sexual
19 trauma filed during the fiscal year preceding
20 the fiscal year in which the report is submitted.

21 (B) The accuracy of each decision made
22 with respect to each claim described in subpara-
23 graph (A).

24 (C) The types of benefit entitlement errors
25 found, disaggregated by category.

26 (D) Trends from year to year.

1 (E) Training completion rates for per-
2 sonnel of the Department who process claims
3 described in paragraph (1).

4 (b) REPROCESSING OF CLAIMS.—If the Under Sec-
5 retary finds, pursuant to a special focus review conducted
6 under subsection (a)(1), that an error was made with re-
7 spect to the entitlement of a veteran to a benefit under
8 the laws administered by the Secretary, the Secretary shall
9 return the relevant claim of the veteran to the appropriate
10 regional office of the Department for reprocessing to en-
11 sure that the veteran receives an accurate decision with
12 respect to the claim.

13 (c) RE-REVIEWING OF CLAIMS.—If the Under Sec-
14 retary finds, pursuant to a special focus review conducted
15 under paragraph (1) of subsection (a), that the accuracy
16 rate, under paragraph (2)(B) of such subsection, is less
17 than 90 percent, the Secretary shall conduct a review of
18 each claim for benefits under the laws administered by the
19 Secretary of Veterans Affairs relating to military sexual
20 trauma filed during the fiscal year preceding the fiscal
21 year in which the report is submitted.

22 (d) REPORT.—Section 5501(b)(2) of the Johnny
23 Isakson and David P. Roe, M.D. Veterans Health Care
24 and Benefits Improvement Act of 2020 (Public Law 116—

1 315; 134 Stat. 5048) is amended by adding at the end
2 the following new subparagraph:

3 “(I) The findings of the most recent spe-
4 cial focus review conducted under subsection
5 (a)(1) of section 207 of the Servicemembers
6 and Veterans Empowerment and Support Act
7 of 2021, including—

8 “(i) the elements under subsection
9 (a)(2) of such section;

10 “(ii) the number of claims returned
11 for reprocessing under subsection (b) of
12 such section; and

13 “(iii) the number of claims described
14 in clause (ii) for which the decision relat-
15 ing to service-connection or entitlement to
16 compensation changed as a result of re-
17 processing the claim.”.

1 **TITLE III—ACCESS TO HEALTH**
2 **CARE**

3 **SEC. 301. EXPANSION OF ELIGIBILITY FOR COUNSELING**
4 **AND TREATMENT FOR MILITARY SEXUAL**
5 **TRAUMA TO INCLUDE ALL FORMER MEM-**
6 **BERS OF THE RESERVE COMPONENTS OF**
7 **THE ARMED FORCES.**

8 Section 1720D of title 38, United States Code, is
9 amended by striking subsections (f) and (g) and inserting
10 the following new subsection (f):

11 “(f) In this section:

12 “(1) The term ‘former member of the Armed
13 Forces’ means a person who served on active duty,
14 active duty for training, or inactive duty training,
15 and who was discharged or released therefrom under
16 any condition that is not—

17 “(A) a discharge by court-martial; or

18 “(B) a discharge subject to a bar to bene-
19 fits under section 5303 of this title.

20 “(2) The term ‘military sexual trauma’ means,
21 with respect to a former member of the Armed
22 Forces, a physical assault of a sexual nature, battery
23 of a sexual nature, or sexual harassment which oc-
24 curred while the former member of the Armed
25 Forces was serving on duty, regardless of duty sta-

1 tus or line of duty determination (as that term is
2 used in section 12323 of title 10).

3 “(3) The term ‘sexual harassment’ means unso-
4 solicited verbal or physical contact of a sexual nature
5 which is threatening in character.”.

6 **SEC. 302. CONNECTION TO VETERANS HEALTH ADMINIS-**
7 **TRATION WHEN A DISABILITY CLAIM RE-**
8 **LATED TO MILITARY SEXUAL TRAUMA IS SUB-**
9 **MITTED TO VETERANS BENEFITS ADMINIS-**
10 **TRATION.**

11 (a) IN GENERAL.—Not later than 14 days after the
12 date on which a veteran submits a claim for disability com-
13 pensation to the Veterans Benefits Administration for a
14 disability related to military sexual trauma, the Secretary
15 of Veterans Affairs shall send a communication to the vet-
16 eran with the following information:

17 (1) The contact information for the nearest
18 military sexual trauma coordinator for the veteran
19 at the Veterans Benefits Administration and a de-
20 scription of the assistance such coordinator can pro-
21 vide.

22 (2) The contact information for the nearest
23 military sexual trauma coordinator for the veteran
24 at the Veterans Health Administration and a de-

1 description of the assistance such coordinator can pro-
2 vide.

3 ~~(3)~~ The types of services that survivors of mili-
4 tary sexual trauma are eligible to receive from the
5 Department of Veterans Affairs, including the near-
6 est locations and the contact information for such
7 services.

8 (4) The contact information for the Veterans
9 Crisis Line established under section 1720F(h) of
10 title 38, United States Code.

11 (5) Such other information on services, care, or
12 resources for military sexual trauma as the Sec-
13 retary determines appropriate.

14 (b) DEFINITION OF MILITARY SEXUAL TRAUMA.—
15 In this section, the term “military sexual trauma” has the
16 meaning given such term in section 1167(j) of title 38,
17 United States Code, as added by section 203(a).

18 **SEC. 303. STUDY ON ACCESS TO INPATIENT MENTAL**
19 **HEALTH CARE FOR SURVIVORS OF MILITARY**
20 **SEXUAL TRAUMA.**

21 (a) IN GENERAL.—The Secretary of Veterans Affairs
22 shall conduct a study on access to inpatient mental health
23 care for current and former members of the Armed Forces
24 who are survivors of military sexual trauma.

1 (b) ELEMENTS.—The study required by subsection
2 (a) shall include the following:

3 (1) An assessment of the availability of bed
4 spaces in the mental health residential rehabilitation
5 treatment programs of the Department of Veterans
6 Affairs for survivors of military sexual trauma, in-
7 cluding the suitability of those programs for such
8 survivors and the wait times for services under those
9 programs.

10 (2) An assessment of geographic disparities in
11 access to those programs for survivors of military
12 sexual trauma, including by region and by rural and
13 urban areas.

14 (3) An assessment of alternative care options
15 provided when a survivor of military sexual trauma
16 is waiting for inpatient care, the efficacy of those al-
17 ternatives, and the satisfaction of patients with
18 those alternatives.

19 (4) Recommendations for reducing the average
20 wait time for services under those programs to 14
21 days or less, including by increasing bed space or
22 addressing staffing needs.

23 (5) An assessment of the satisfaction of pa-
24 tients with the tracks of those programs specific to
25 military sexual trauma, the wait times for services

1 under those tracks, and recommendations for in-
2 creasing or changing the number of locations for
3 services under those tracks to better meet the needs
4 of survivors of military sexual trauma.

5 (c) REPORT.—Not later than one year after the date
6 of the enactment of this Act, the Secretary shall submit
7 to the Committee on Veterans' Affairs of the Senate and
8 the Committee on Veterans' Affairs of the House of Rep-
9 resentatives a report detailing the findings of the study
10 required by subsection (a).

11 (d) DEFINITION OF MILITARY SEXUAL TRAUMA.—
12 In this section, the term “military sexual trauma” has the
13 meaning given such term in section 1720D(f) of title 38,
14 United States Code, as added by section 301.

15 **SEC. 304. PILOT PROGRAM FOR INTERIM ACCESS TO MEN-**
16 **TAL HEALTH CARE FOR SURVIVORS OF MILI-**
17 **TARY SEXUAL TRAUMA.**

18 (a) IN GENERAL.—Commencing not later than one
19 year after the date of the enactment of this Act, the Sec-
20 retary of Veterans Affairs shall carry out a pilot program
21 to provide intensive outpatient mental health care to cur-
22 rent and former members of the Armed Forces who are
23 survivors of military sexual trauma when the wait times
24 for inpatient mental health care from the Department of
25 Veterans Affairs for the survivor is more than 14 days.

1 (b) DURATION.—The Secretary shall carry out the
2 pilot program under subsection (a) for a three-year period
3 beginning on the commencement of the pilot program.

4 (c) LOCATIONS.—

5 (1) IN GENERAL.—The Secretary shall carry
6 out the pilot program under subsection (a) at not
7 fewer than four Veterans Integrated Service Net-
8 works of the Department.

9 (2) SELECTION OF LOCATIONS.—In selecting lo-
10 cations for the pilot program under subsection (a),
11 the Secretary shall select locations that have the
12 longest wait times for inpatient mental health care,
13 particularly for survivors of military sexual trauma.

14 (3) NOTIFICATION.—Before commencing the
15 pilot program under subsection (a), the Secretary
16 shall notify the Committee on Veterans' Affairs of
17 the Senate and the Committee on Veterans' Affairs
18 of the House of Representatives of the locations se-
19 lected for the pilot program.

20 (d) TYPES OF SERVICES.—Subject to the preference
21 of the survivor participating in the pilot program under
22 subsection (a) and the capacity of facilities of the Depart-
23 ment, the Secretary may provide services under the pilot
24 program via telehealth or at community-based outpatient
25 clinics of the Department.

1 (e) ~~PARTICIPATION.—~~

2 (1) ~~CLARIFICATION ON PARTICIPATION.—~~Par-
 3 ticipation by a survivor in the pilot program under
 4 subsection (a) shall be during the period in which
 5 the survivor is waiting for an inpatient bed opening
 6 and shall not disqualify the survivor from receiving
 7 inpatient mental health care following their partici-
 8 pation in the pilot program.

9 (2) ~~DECISIONS ON PARTICIPATION.—~~Decisions
 10 about the participation of a survivor in the pilot pro-
 11 gram and the transition of the survivor to inpatient
 12 mental health care shall be made by the survivor and
 13 their health care provider.

14 (f) ~~REPORT.—~~Not later than 180 days after the con-
 15 clusion of the pilot program under subsection (a), the Sec-
 16 retary shall submit to Congress a report on—

- 17 (1) participation in the pilot program;
- 18 (2) clinical outcomes under the pilot program;
- 19 and
- 20 (3) such recommendations for continuation or
 21 termination of the program as the Secretary may
 22 have, including recommendations for legislative or
 23 administrative action.

24 (g) ~~DEFINITION OF MILITARY SEXUAL TRAUMA.—~~

25 In this section, the term “military sexual trauma” has the

1 meaning given such term in section 1720D(f) of title 38,
2 United States Code, as added by section 301.

3 **SEC. 305. COMPTROLLER GENERAL STUDY ON ACCESS TO**
4 **CARE FOR SURVIVORS OF MILITARY SEXUAL**
5 **TRAUMA AT THE DEPARTMENT OF VETERANS**
6 **AFFAIRS.**

7 (a) **IN GENERAL.**—The Comptroller General of the
8 United States shall conduct a study on access to mental
9 health care for survivors of military sexual trauma at fa-
10 cilities of the Department of Veterans Affairs.

11 (b) **ELEMENTS.**—The study conducted under sub-
12 section (a) shall include an assessment of the following:

13 (1) The availability of inpatient and outpatient
14 services, including wait times and geographic dis-
15 parities for such services.

16 (2) The availability of other types of training
17 and support services for survivors of military sexual
18 trauma, such as the Parenting STAIR program of
19 the Department.

20 (3) The communication and advertisement by
21 the Department of the care, services, and resources
22 available for such survivors.

23 (4) The barriers to accessing mental health care
24 at a facility of the Department for such survivors,

1 including transportation, child care, lack of tele-
2 health, and more.

3 (5) The barriers to mental health care at facili-
4 ties of the Department for such survivors of each
5 gender, including the unique considerations for male
6 survivors versus female survivors.

7 (6) The extent to which the Secretary has as-
8 sessed the quality of the training provided to pro-
9 viders of the Department on military sexual trauma
10 and made any adjustments in response to such as-
11 sessment.

12 (7) The role of Vet Centers in providing care to
13 such survivors, including current and former mem-
14 bers of the Armed Forces.

15 (8) The role of military sexual trauma coordina-
16 tors of the Veterans Health Administration in co-
17 ordinating and providing care for such survivors at
18 facilities of the Department.

19 (9) Any current actions by the Secretary to
20 strengthen access to high-quality care for such sur-
21 vivors and such recommendations for improving ac-
22 cess to care for such survivors as the Comptroller
23 General considers appropriate.

24 (c) REPORT.—Not later than two years after the date
25 of the enactment of this Act, the Comptroller General shall

1 submit to Congress a report on the findings of the study
2 conducted under subsection (a).

3 (d) DEFINITIONS.—In this section:

4 (1) MILITARY SEXUAL TRAUMA.—In this sec-
5 tion, the term “military sexual trauma” has the
6 meaning given such term in section 1720D(f) of title
7 38, United States Code, as added by section 301.

8 (2) VET CENTER.—The term “Vet Center” has
9 the meaning given that term in section 1712A(h) of
10 title 38, United States Code.

11 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

12 (a) *SHORT TITLE.*—This Act may be cited as the
13 “*Servicemembers and Veterans Empowerment and Support*
14 *Act of 2021*”.

15 (b) *TABLE OF CONTENTS.*—The table of contents for
16 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEFINING MILITARY SEXUAL TRAUMA

Sec. 101. Report on military sexual trauma in the digital age.

TITLE II—DISABILITY COMPENSATION AND CLAIMS PROCESSING

Sec. 201. Definition of military sexual trauma.

*Sec. 202. Conforming changes relating to specialized teams to evaluate claims in-
volving military sexual trauma.*

*Sec. 203. Standard of proof for service-connection of mental health conditions re-
lating to military sexual trauma.*

*Sec. 204. Choice of location of Department of Veterans Affairs medical examina-
tion for assessment of claims for compensation relating to dis-
ability resulting from military sexual trauma.*

*Sec. 205. Communications from the Department of Veterans Affairs to individ-
uals who have experienced military sexual trauma.*

*Sec. 206. Study on training and processing relating to claims for disability com-
pensation relating to military sexual trauma.*

Sec. 207. Annual special focus review of claims for disability compensation for disabilities relating to military sexual trauma.

TITLE III—ACCESS TO HEALTH CARE

Sec. 301. Expansion of eligibility for counseling and treatment for military sexual trauma to include all former members of the reserve components of the Armed Forces.

Sec. 302. Connection to Veterans Health Administration when a disability claim related to military sexual trauma is submitted to Veterans Benefits Administration.

Sec. 303. Pilot program for interim access to mental health care for individuals who have experienced military sexual trauma.

Sec. 304. Comptroller General study on access to care from Department of Veterans Affairs for individuals who have experienced military sexual trauma.

1 **TITLE I—DEFINING MILITARY**
 2 **SEXUAL TRAUMA**

3 **SEC. 101. REPORT ON MILITARY SEXUAL TRAUMA IN THE**
 4 **DIGITAL AGE.**

5 (a) *REPORT REQUIRED.*—Not later than one year
 6 after the date of the enactment of this Act, the Secretary
 7 of Veterans Affairs shall submit to the Committee on Vet-
 8 erans' Affairs of the Senate and the Committee on Veterans'
 9 Affairs of the House of Representatives a report on military
 10 sexual trauma in the digital age.

11 (b) *REQUIREMENTS.*—The report required under sub-
 12 section (a) shall include the following:

13 (1) *A comprehensive evaluation and assessment*
 14 *of current Department of Veterans Affairs statutes,*
 15 *regulations, and agency guidance relating to military*
 16 *sexual trauma for the purposes of access to health care*
 17 *under chapter 17 of title 38, United States Code, and*

1 *compensation under chapter 11 of such title to iden-*
2 *tify—*

3 *(A) gaps in coverage for health care and*
4 *compensation eligibility relating to technological*
5 *abuse that is sexual in nature, including gaps*
6 *induced by the military status (or lack thereof)*
7 *of a veteran at the time of such abuse; and*

8 *(B) the feasibility and advisability of ex-*
9 *anding eligibility for health care and com-*
10 *ensation relating to technological abuse that is*
11 *nonsexual in nature consistent with current poli-*
12 *cies relating to military sexual trauma.*

13 *(2) Recommendations for revising statutes, regu-*
14 *lations, and agency guidance in response to the eval-*
15 *uation and assessment under paragraph (1).*

16 *(c) CONSULTATION.—In carrying out subsection (a),*
17 *the Secretary of Veterans Affairs shall consult veterans serv-*
18 *ice organizations and such other stakeholders as the Sec-*
19 *retary considers relevant and appropriate.*

20 *(d) DEFINITIONS.—In this section:*

21 *(1) MILITARY SEXUAL TRAUMA.—The term*
22 *“military sexual trauma”—*

23 *(A) with respect to eligibility for health*
24 *care, has the meaning given such term in section*

1 1720D(f) of title 38, United States Code, as
2 added by section 301; and

3 (B) with respect to eligibility for compensa-
4 tion, has the meaning given such term in section
5 1167(i) of title 38, United States Code, as added
6 by section 203(a).

7 (2) *TECHNOLOGICAL ABUSE*.—The term “techno-
8 logical abuse” may include—

9 (A) behavior which harms, threatens, in-
10 timidates, controls, stalks, harasses, imper-
11 sonates, or monitors another person, except as
12 otherwise permitted by law, that occurs via the
13 internet, social networking sites, computers, mo-
14 bile devices, mobile telephones, applications, loca-
15 tion tracking devices, instant messages, text mes-
16 sages, or other forms of technology; and

17 (B) specific activities, including—

18 (i) unwanted, repeated telephone calls,
19 text messages, instant messages, or social
20 media posts;

21 (ii) nonconsensual access of email ac-
22 counts, texts or instant messaging accounts,
23 social networking accounts, or mobile tele-
24 phone logs;

1 (iii) attempting to control or restrict a
 2 person’s ability to access technology with
 3 the intent to isolate the person from support
 4 and social connection;

5 (iv) using tracking devices or location
 6 tracking software for the purpose of moni-
 7 toring or stalking another person’s location;

8 (v) impersonation of a person with the
 9 intent to deceive or cause harm through the
 10 use of spoofing technology or the creation of
 11 fake email or social media accounts; or

12 (vi) pressuring for or sharing of an-
 13 other person’s private information, photo-
 14 graphs, or videos without the person’s con-
 15 sent.

16 **TITLE II—DISABILITY COM-**
 17 **PENSATION AND CLAIMS**
 18 **PROCESSING**

19 **SEC. 201. DEFINITION OF MILITARY SEXUAL TRAUMA.**

20 In this title, the term “military sexual trauma” has
 21 the meaning given such term in section 1167(i) of title 38,
 22 United States Code, as added by section 203(a).

1 **SEC. 202. CONFORMING CHANGES RELATING TO SPECIAL-**
 2 **IZED TEAMS TO EVALUATE CLAIMS INVOLV-**
 3 **ING MILITARY SEXUAL TRAUMA.**

4 *Section 1166(c) of title 38, United States Code, as re-*
 5 *designated by section 7(a) of the Training in High-demand*
 6 *Roles to Improve Veteran Employment Act (Public Law*
 7 *117–16), is amended by striking “In this section” and all*
 8 *that follows and inserting the following: “In this section,*
 9 *the terms ‘covered mental health condition’ and ‘military*
 10 *sexual trauma’ have the meanings given those terms in sec-*
 11 *tion 1167(i) of this title.”.*

12 **SEC. 203. STANDARD OF PROOF FOR SERVICE-CONNECTION**
 13 **OF MENTAL HEALTH CONDITIONS RELATING**
 14 **TO MILITARY SEXUAL TRAUMA.**

15 *(a) IN GENERAL.—Subchapter VI of chapter 11 of such*
 16 *title is amended by adding at the end the following new*
 17 *section:*

18 **“§ 1167. Evaluation of claims involving military sex-**
 19 **ual trauma**

20 *“(a) STANDARD OF PROOF.—(1) In the case of any*
 21 *veteran who claims that a covered mental health condition*
 22 *based on military sexual trauma was incurred in or aggra-*
 23 *vated by active military, naval, air, or space service, the*
 24 *Secretary shall accept as sufficient proof of service-connec-*
 25 *tion a diagnosis of such mental health condition by a men-*
 26 *tal health professional together with satisfactory lay or*

1 *other evidence, in accordance with subsections (b) and (c),*
2 *of such trauma and an opinion by the mental health profes-*
3 *sional that the evidence indicates such trauma occurred and*
4 *such covered mental health condition is at least as likely*
5 *as not related to such military sexual trauma, as specified*
6 *in subsection (e), notwithstanding the fact that there is no*
7 *official record of such incurrence or aggravation in such*
8 *service, and, to that end, shall resolve every reasonable*
9 *doubt in favor of the veteran.*

10 “(2) *Service-connection of such covered mental health*
11 *condition may be rebutted by clear and convincing evidence*
12 *to the contrary.*

13 “(3) *The reasons for granting or denying service-con-*
14 *nection in each case shall be recorded in full.*

15 “(b) *NONMILITARY SOURCES OF EVIDENCE.—(1) In*
16 *carrying out subsection (a), the Secretary shall ensure that*
17 *if a claim for compensation under this chapter is received*
18 *by the Secretary for a covered mental health condition based*
19 *on military sexual trauma, evidence from sources other*
20 *than official records of the Department of Defense regarding*
21 *the veteran’s service may corroborate the veteran’s account*
22 *of the trauma.*

23 “(2) *Examples of evidence described in paragraph (1)*
24 *include the following:*

1 “(A) *Records from law enforcement authorities,*
2 *rape crisis centers, mental health counseling centers,*
3 *hospitals, and physicians.*

4 “(B) *Pregnancy tests and tests for sexually*
5 *transmitted diseases.*

6 “(C) *Statements from family members, room-*
7 *mates, other members of the Armed Forces or vet-*
8 *erans, and clergy.*

9 “(c) *EVIDENCE OF BEHAVIOR CHANGES.—(1) In car-*
10 *rying out subsection (a), the Secretary shall ensure that evi-*
11 *dence of a behavior change following military sexual trau-*
12 *ma is one type of relevant evidence that may be found in*
13 *sources described in such subsection.*

14 “(2) *Examples of behavior changes that may be rel-*
15 *evant evidence of military sexual trauma include the fol-*
16 *lowing:*

17 “(A) *A request for a transfer to another military*
18 *duty assignment.*

19 “(B) *Deterioration in work performance.*

20 “(C) *Substance abuse or substance use disorder.*

21 “(D) *Episodes of depression, panic attacks, or*
22 *anxiety without an identifiable cause.*

23 “(E) *Unexplained economic or social behavior*
24 *changes.*

1 “(d) *NOTICE AND OPPORTUNITY TO SUPPLY EVI-*
2 *DENCE.—The Secretary may not deny a claim of a veteran*
3 *for compensation under this chapter for a covered mental*
4 *health condition that is based on military sexual trauma*
5 *without first—*

6 “(1) *advising the veteran that evidence described*
7 *in subsections (b) and (c) may constitute credible cor-*
8 *roborating evidence of the military sexual trauma;*
9 *and*

10 “(2) *allowing the veteran an opportunity to fur-*
11 *nish such corroborating evidence or advise the Sec-*
12 *retary of potential sources of such evidence.*

13 “(e) *REVIEW OF EVIDENCE.—In reviewing a claim for*
14 *compensation described in subsection (a)(1), for any evi-*
15 *dence identified as part of such claim that is described in*
16 *subsection (b) or (c), the Secretary shall submit such evi-*
17 *dence to such medical or mental health professional as the*
18 *Secretary considers appropriate, including clinical and*
19 *counseling experts employed by the Department, to obtain*
20 *an opinion as to whether—*

21 “(1) *the evidence indicates that a military sexual*
22 *trauma occurred; and*

23 “(2) *it is at least as likely as not that there is*
24 *a nexus between the military sexual trauma and any*
25 *diagnosed covered mental health condition.*

1 “(f) *POINT OF CONTACT.*—*The Secretary shall ensure*
2 *that each document provided to a veteran relating to a*
3 *claim for compensation described in subsection (a)(1) in-*
4 *cludes contact information for an appropriate point of con-*
5 *tact with the Department.*

6 “(g) *SPECIALIZED TEAMS.*—*The Secretary shall en-*
7 *sure that all claims for compensation described in sub-*
8 *section (a)(1) are reviewed and processed by a specialized*
9 *team established under section 1166 of this title.*

10 “(h) *RULE OF CONSTRUCTION REGARDING APPLICA-*
11 *TION TO NONSEXUAL PERSONAL ASSAULT.*—*The Secretary*
12 *shall not construe this section as supplanting the standard*
13 *of proof or evidence required for claims for posttraumatic*
14 *stress disorder based on nonsexual personal assault, which*
15 *the Secretary shall continue to define in regulation.*

16 “(i) *DEFINITIONS.*—*In this section:*

17 “(1) *The term ‘covered mental health condition’*
18 *means post-traumatic stress disorder, anxiety, depres-*
19 *sion, or other mental health diagnosis that the Sec-*
20 *retary determines to be related to military sexual*
21 *trauma and which may be service-connected under*
22 *section 1110 of this title.*

23 “(2) *The term ‘military sexual trauma’ means,*
24 *with respect to a veteran, a physical assault of a sex-*
25 *ual nature, battery of a sexual nature, or sexual har-*

1 *or sexual harassment” and inserting “military sexual*
2 *trauma (as defined in section 1167(i) of this title)”;*

3 *(3) by redesignating subsection (c) as subsection*
4 *(d); and*

5 *(4) by inserting after subsection (b) the following*
6 *new subsection (c):*

7 *“(c) CHOICE OF EXAMINATION LOCATION.—(1) The*
8 *Secretary shall ensure that a veteran who requires a med-*
9 *ical examination in support of a claim described in sub-*
10 *section (a) may request that the medical examination take*
11 *place at a medical facility of the Department by a qualified*
12 *employee of the Department rather than at a location des-*
13 *ignated by a Department contractor that performs such ex-*
14 *aminations on behalf of the Department.*

15 *“(2) The Secretary—*

16 *“(A) shall grant any request under paragraph*
17 *(1) if a medical facility of the Department is avail-*
18 *able not further than 100 miles from the veteran’s*
19 *home; and*

20 *“(B) may not issue a decision on a claim de-*
21 *scribed in such paragraph before the requested exam-*
22 *ination is completed, or notice is provided per para-*
23 *graph (c)(3).*

24 *“(3) If a medical facility of the Department is not*
25 *available within 100 miles of the veteran’s home, the Sec-*

1 *retary shall notify the veteran and provide the veteran the*
 2 *opportunity—*

3 “(A) *to have the examination completed by a*
 4 *contractor of the Department; or*

5 “(B) *to complete the examination at a medical*
 6 *facility further than 100 miles from the veteran’s*
 7 *home.”.*

8 **(b) CLERICAL AMENDMENT.**—*The table of sections at*
 9 *the beginning of chapter 11 of such title is amended by*
 10 *striking the item relating to section 1165 and inserting the*
 11 *following new item:*

*“1165. Choice of sex of medical examiner and location of medical examination
 for certain disabilities.”.*

12 **SEC. 205. COMMUNICATIONS FROM THE DEPARTMENT OF**
 13 **VETERANS AFFAIRS TO INDIVIDUALS WHO**
 14 **HAVE EXPERIENCED MILITARY SEXUAL TRAU-**
 15 **MA.**

16 **(a) REVIEW BOARD.**—

17 **(1) IN GENERAL.**—*The Secretary of Veterans Af-*
 18 *fairs shall establish a board to review correspondence*
 19 *relating to military sexual trauma.*

20 **(2) MEMBERSHIP.**—*The board established under*
 21 *paragraph (1) shall be composed of members who*
 22 *shall be appointed by the Secretary from among em-*
 23 *ployees of the Department of Veterans Affairs who are*

1 *experts in military sexual trauma and mental health,*
2 *of whom—*

3 *(A) one or more shall be appointed from*
4 *among mental health providers of the Veterans*
5 *Health Administration;*

6 *(B) one or more shall be appointed from*
7 *among experts on sexual assault and sexual har-*
8 *assment of the Veterans Benefits Administration;*
9 *and*

10 *(C) one or more shall be appointed from*
11 *among experts on sexual assault and sexual har-*
12 *assment of the Board of Veterans' Appeals.*

13 *(3) DUTIES.—The board established under para-*
14 *graph (1) shall—*

15 *(A) review standard correspondence, which*
16 *may include templates for notices under sections*
17 *5103, 5104, 5104B, and 7104 of title 38, United*
18 *States Code, from the Department to individuals*
19 *who have experienced military sexual trauma for*
20 *sensitivity; and*

21 *(B) ensure that the correspondence—*

22 *(i) treats such individuals with dignity*
23 *and respect; and*

24 *(ii) does not re-traumatize such indi-*
25 *viduals.*

1 (4) *INDIVIDUAL WHO HAS EXPERIENCED MILI-*
 2 *TARY SEXUAL TRAUMA DEFINED.—In this subsection,*
 3 *the term “individual who has experienced military*
 4 *sexual trauma” means—*

5 (A) *a veteran who has filed a claim for*
 6 *compensation under chapter 11 of title 38,*
 7 *United States Code, relating to military sexual*
 8 *trauma;*

9 (B) *a veteran who has been awarded com-*
 10 *ensation under such chapter relating to mili-*
 11 *tary sexual trauma; or*

12 (C) *a former member of the Armed Forces*
 13 *or a veteran who is receiving care from the De-*
 14 *partment relating to military sexual trauma.*

15 (b) *CONTENTS OF CERTAIN WRITTEN COMMUNICA-*
 16 *TIONS TO INDIVIDUALS WHO HAVE EXPERIENCED MILI-*
 17 *TARY SEXUAL TRAUMA.—*

18 (1) *NOTICE TO CLAIMANTS OF REQUIRED INFOR-*
 19 *MATION AND EVIDENCE.—Section 5103 of title 38,*
 20 *United States Code, is amended by adding at the end*
 21 *the following new subsection:*

22 “(c) *WRITTEN COMMUNICATIONS TO INDIVIDUALS*
 23 *WHO HAVE EXPERIENCED MILITARY SEXUAL TRAUMA.—*

24 (1) *The Secretary shall ensure that any written commu-*
 25 *nication under this section from the Department to an indi-*

1 *vidual who has experienced military sexual trauma in-*
2 *cludes contact information for each of the following:*

3 “(A) *The military sexual trauma coordinator of*
4 *the Veterans Benefits Administration.*

5 “(B) *The military sexual trauma coordinator of*
6 *the Veterans Health Administration.*

7 “(C) *The Veterans Crisis Line.*

8 “(D) *The facility of the Veterans Health Admin-*
9 *istration closest to where the individual resides.*

10 “(2) *In this subsection:*

11 “(A) *The term ‘individual who has experienced*
12 *military sexual trauma’ means—*

13 “(i) *a veteran who has filed a claim for*
14 *compensation under chapter 11 of this title relat-*
15 *ing to military sexual trauma;*

16 “(ii) *a veteran who has been awarded com-*
17 *ensation under such chapter relating to mili-*
18 *tary sexual trauma; or*

19 “(iii) *a former member of the Armed Forces*
20 *or a veteran who is receiving care from the De-*
21 *partment relating to military sexual trauma.*

22 “(B) *The term ‘military sexual trauma’ has the*
23 *meaning given that term in section 1167(i) of this*
24 *title.*

1 “(C) *The term ‘Veterans Crisis Line’ means the*
2 *toll-free hotline for veterans established under section*
3 *1720F(h) of this title.’”.*

4 (2) *DECISIONS AND NOTICES OF DECISIONS.—*
5 *Section 5104 of title 38, United States Code, is*
6 *amended by adding at the end the following new sub-*
7 *section:*

8 “(c)(1) *The Secretary shall ensure that any written*
9 *communication under this section from the Department to*
10 *an individual who has experienced military sexual trauma*
11 *includes contact information for each of the following:*

12 “(A) *The military sexual trauma coordinator of*
13 *the Veterans Health Administration.*

14 “(B) *The Veterans Crisis Line.*

15 “(C) *The facility of the Veterans Health Admin-*
16 *istration closest to where the individual resides.*

17 “(2) *The Secretary shall ensure that any written com-*
18 *munication under this section from the Department to an*
19 *individual who has experienced military sexual trauma*
20 *that includes notification of an award of compensation*
21 *under chapter 11 of this title relating to military sexual*
22 *trauma includes—*

23 “(A) *the contact information described in para-*
24 *graph (1); and*

1 “(B) *the contact information for the military*
2 *sexual trauma coordinator of the Veterans Benefits*
3 *Administration.*

4 “(3) *In this subsection:*

5 “(A) *The term ‘individual who has experienced*
6 *military sexual trauma’ means—*

7 “(i) *a veteran who has filed a claim for*
8 *compensation under chapter 11 of this title relat-*
9 *ing to military sexual trauma;*

10 “(ii) *a veteran who has been awarded com-*
11 *ensation under such chapter relating to mili-*
12 *tary sexual trauma; or*

13 “(iii) *a former member of the Armed Forces*
14 *or a veteran who is receiving care from the De-*
15 *partment relating to military sexual trauma.*

16 “(B) *The term ‘military sexual trauma’ has the*
17 *meaning given that term in section 1167(i) of this*
18 *title.*

19 “(C) *The term ‘Veterans Crisis Line’ means the*
20 *toll-free hotline for veterans established under section*
21 *1720F(h) of this title.”.*

22 (3) *HIGHER-LEVEL REVIEW BY THE AGENCY OF*
23 *ORIGINAL JURISDICTION.—Section 5104B of title 38,*
24 *United States Code, is amended by adding at the end*
25 *the following new subsection:*

1 “(f) *WRITTEN COMMUNICATIONS TO INDIVIDUALS*
2 *WHO HAVE EXPERIENCED MILITARY SEXUAL TRAUMA.—*

3 (1) *The Secretary shall ensure that any written commu-*
4 *nication under this section from the Department to an indi-*
5 *vidual who has experienced military sexual trauma in-*
6 *cludes contact information for each of the following:*

7 “(A) *The military sexual trauma coordinator of*
8 *the Veterans Health Administration.*

9 “(B) *The Veterans Crisis Line.*

10 “(C) *The facility of the Veterans Health Admin-*
11 *istration closest to where the individual resides.*

12 “(2) *The Secretary shall ensure that any written com-*
13 *munication under this section from the Department to an*
14 *individual who has experienced military sexual trauma*
15 *that includes notification of an award of compensation*
16 *under chapter 11 of this title relating to military sexual*
17 *trauma includes—*

18 “(A) *the contact information described in para-*
19 *graph (1); and*

20 “(B) *the contact information for the military*
21 *sexual trauma coordinator of the Veterans Benefits*
22 *Administration.*

23 “(3) *In this subsection:*

24 “(A) *The term ‘individual who has experienced*
25 *military sexual trauma’ means—*

1 “(i) a veteran who has filed a claim for
2 compensation under chapter 11 of this title relat-
3 ing to military sexual trauma;

4 “(ii) a veteran who has been awarded com-
5 pensation under such chapter relating to mili-
6 tary sexual trauma; or

7 “(iii) a former member of the Armed Forces
8 or a veteran who is receiving care from the De-
9 partment relating to military sexual trauma.

10 “(B) The term ‘military sexual trauma’ has the
11 meaning given that term in section 1167(i) of this
12 title.

13 “(C) The term ‘Veterans Crisis Line’ means the
14 toll-free hotline for veterans established under section
15 1720F(h) of this title.”.

16 (4) *BOARD OF VETERANS’ APPEALS*.—Section
17 7104 of title 38, United States Code, is amended by
18 adding at the end the following new subsection:

19 “(f)(1) The Secretary shall ensure that any written
20 communication under this section from the Department to
21 an individual who has experienced military sexual trauma
22 includes contact information for each of the following:

23 “(A) The military sexual trauma coordinator of
24 the Veterans Health Administration.

25 “(B) The Veterans Crisis Line.

1 “(C) *The facility of the Veterans Health Admin-*
2 *istration closest to where the individual resides.*

3 “(2) *The Secretary shall ensure that any written com-*
4 *munication under this section from the Department to an*
5 *individual who has experienced military sexual trauma*
6 *that includes notification of an award of compensation*
7 *under chapter 11 of this title relating to military sexual*
8 *trauma includes—*

9 “(A) *the contact information described in para-*
10 *graph (1); and*

11 “(B) *the contact information for the military*
12 *sexual trauma coordinator of the Veterans Benefits*
13 *Administration.*

14 “(3) *In this subsection:*

15 “(A) *The term ‘individual who has experienced*
16 *military sexual trauma’ means—*

17 “(i) *a veteran who has filed a claim for*
18 *compensation under chapter 11 of this title relat-*
19 *ing to military sexual trauma;*

20 “(ii) *a veteran who has been awarded com-*
21 *ensation under such chapter relating to mili-*
22 *tary sexual trauma; or*

23 “(iii) *a former member of the Armed Forces*
24 *or a veteran who is receiving care from the De-*
25 *partment relating to military sexual trauma.*

1 “(B) *The term ‘military sexual trauma’ has the*
 2 *meaning given that term in section 1167(i) of this*
 3 *title.*

4 “(C) *The term ‘Veterans Crisis Line’ means the*
 5 *toll-free hotline for veterans established under section*
 6 *1720F(h) of this title.”.*

7 **SEC. 206. STUDY ON TRAINING AND PROCESSING RELATING**
 8 **TO CLAIMS FOR DISABILITY COMPENSATION**
 9 **RELATING TO MILITARY SEXUAL TRAUMA.**

10 (a) *STUDY REQUIRED.*—*The Secretary of Veterans Af-*
 11 *fairs shall conduct a study on—*

12 (1) *the quality of training provided to personnel*
 13 *of the Department of Veterans Affairs who review*
 14 *claims for disability compensation under chapter 11*
 15 *of title 38, United States Code, for disabilities relat-*
 16 *ing to military sexual trauma; and*

17 (2) *the quality of the procedures of the Depart-*
 18 *ment for reviewing the accuracy of the processing of*
 19 *such claims.*

20 (b) *ELEMENTS.*—*The study required by subsection (a)*
 21 *shall include the following:*

22 (1) *With respect to the quality of training de-*
 23 *scribed in paragraph (1) of such subsection:*

24 (A) *Whether the Department ensures per-*
 25 *sonnel complete such training on time.*

1 (B) Whether the training has resulted in
2 improvements to the processing of claims de-
3 scribed in such subsection and issue-based accu-
4 racy.

5 (C) Such recommendations as the Secretary
6 of Veterans Affairs may have for improving the
7 training.

8 (2) With respect to the quality of procedures de-
9 scribed in paragraph (2) of such subsection:

10 (A) Whether the procedures of the Depart-
11 ment for reviewing the accuracy of the processing
12 of claims described in such subsection comport
13 with generally accepted statistical methodologies
14 to ensure reasonable accuracy of such reviews.

15 (B) Whether such procedures adequately in-
16 clude mechanisms to correct errors found in such
17 reviews.

18 (C) Such recommendations as the Secretary
19 may have for improving such procedures.

20 (c) *REPORT REQUIRED.*—Not later than one year after
21 the date of the enactment of this Act, the Secretary shall
22 submit to the Committee on Veterans' Affairs of the Senate
23 and the Committee on Veterans' Affairs of the House of Rep-
24 resentatives a report detailing the findings of the Secretary
25 with respect to the study conducted under subsection (a).

1 **SEC. 207. ANNUAL SPECIAL FOCUS REVIEW OF CLAIMS FOR**
2 **DISABILITY COMPENSATION FOR DISABIL-**
3 **ITIES RELATING TO MILITARY SEXUAL TRAU-**
4 **MA.**

5 (a) *ANNUAL SPECIAL FOCUS REVIEW.*—

6 (1) *IN GENERAL.*—*Each year, the Under Sec-*
7 *retary for Benefits of the Department of Veterans Af-*
8 *airs shall conduct a special focus review on the accu-*
9 *racy of the processing of claims for disability com-*
10 *ensation under chapter 11 of title 38, United States*
11 *Code, for disabilities relating to military sexual trau-*
12 *ma.*

13 (2) *ELEMENTS.*—*Each review conducted under*
14 *paragraph (1) shall include a review of the following:*

15 (A) *A statistically significant, nationally*
16 *representative sample of all claims for benefits*
17 *under the laws administered by the Secretary of*
18 *Veterans Affairs relating to military sexual trau-*
19 *ma filed during the fiscal year preceding the fis-*
20 *cal year in which the report is submitted.*

21 (B) *The accuracy of each decision made*
22 *with respect to each claim described in subpara-*
23 *graph (A).*

24 (C) *The types of benefit entitlement errors*
25 *found, disaggregated by category.*

26 (D) *Trends from year to year.*

1 (E) *Training completion rates for personnel*
2 *of the Department who process claims described*
3 *in paragraph (1).*

4 (b) *REPROCESSING OF CLAIMS.—If the Under Sec-*
5 *retary finds, pursuant to a special focus review conducted*
6 *under subsection (a)(1), that an error was made with re-*
7 *spect to the entitlement of a veteran to a benefit under the*
8 *laws administered by the Secretary, the Secretary shall re-*
9 *turn the relevant claim of the veteran to the appropriate*
10 *regional office of the Department for reprocessing to ensure*
11 *that the veteran receives an accurate decision with respect*
12 *to the claim.*

13 (c) *RE-REVIEWING OF CLAIMS.—If the Under Sec-*
14 *retary finds, pursuant to a special focus review conducted*
15 *under paragraph (1) of subsection (a), that the accuracy*
16 *rate, under paragraph (2)(B) of such subsection, is less than*
17 *90 percent, the Secretary shall conduct a review of each*
18 *claim for benefits under the laws administered by the Sec-*
19 *retary of Veterans Affairs relating to military sexual trau-*
20 *ma filed during the fiscal year preceding the fiscal year*
21 *in which the report is submitted.*

22 (d) *REPORT.—Section 5501(b)(2) of the Johnny Isak-*
23 *son and David P. Roe, M.D. Veterans Health Care and*
24 *Benefits Improvement Act of 2020 (Public Law 116–315;*

1 134 Stat. 5048) is amended by adding at the end the fol-
2 lowing new subparagraph:

3 “(I) The findings of the most recent special
4 focus review conducted under subsection (a)(1) of
5 section 207 of the Servicemembers and Veterans
6 Empowerment and Support Act of 2021, includ-
7 ing—

8 “(i) the elements under subsection
9 (a)(2) of such section;

10 “(ii) the number of claims returned for
11 reprocessing under subsection (b) of such
12 section; and

13 “(iii) the number of claims described
14 in clause (ii) for which the decision relating
15 to service-connection or entitlement to com-
16 pensation changed as a result of reprocess-
17 ing the claim.”.

18 (e) SUNSET.—On the date that the Under Secretary
19 determines, pursuant to special focus reviews conducted
20 under paragraph (1) of subsection (a), that the accuracy
21 rates under paragraph (2)(B) of such subsection have been
22 95 percent or greater for five consecutive years—

23 (1) subsection (a)(1) shall cease to be in effect;
24 and

1 “(f) *In this section:*

2 “(1) *The term ‘former member of the Armed*
3 *Forces’ means a person who served on active duty, ac-*
4 *tive duty for training, or inactive duty training, and*
5 *who was discharged or released therefrom under any*
6 *condition that is not—*

7 “(A) *a discharge by court-martial; or*

8 “(B) *a discharge subject to a bar to benefits*
9 *under section 5303 of this title.*

10 “(2) *The term ‘military sexual trauma’ means,*
11 *with respect to a member of the Armed Forces or*
12 *former member of the Armed Forces, a physical as-*
13 *sault of a sexual nature, battery of a sexual nature,*
14 *or sexual harassment which occurred while the mem-*
15 *ber or former member was serving on duty, regardless*
16 *of duty status or line of duty determination (as that*
17 *term is used in section 12323 of title 10).*

18 “(3) *The term ‘sexual harassment’ means unso-*
19 *licited verbal or physical contact of a sexual nature*
20 *which is threatening in character.”.*

1 **SEC. 302. CONNECTION TO VETERANS HEALTH ADMINIS-**
2 **TRATION WHEN A DISABILITY CLAIM RE-**
3 **LATED TO MILITARY SEXUAL TRAUMA IS SUB-**
4 **MITTED TO VETERANS BENEFITS ADMINIS-**
5 **TRATION.**

6 (a) *IN GENERAL.*—Not later than 14 days after the
7 date on which a veteran submits a claim for disability com-
8 pensation to the Veterans Benefits Administration for a dis-
9 ability related to military sexual trauma, the Secretary of
10 Veterans Affairs shall send a communication to the veteran
11 with the following information:

12 (1) *The contact information for the nearest mili-*
13 *tary sexual trauma coordinator for the veteran at the*
14 *Veterans Benefits Administration and a description*
15 *of the assistance such coordinator can provide.*

16 (2) *The contact information for the nearest mili-*
17 *tary sexual trauma coordinator for the veteran at the*
18 *Veterans Health Administration and a description of*
19 *the assistance such coordinator can provide.*

20 (3) *The types of services that individuals who*
21 *have experienced military sexual trauma are eligible*
22 *to receive from the Department of Veterans Affairs,*
23 *including the nearest locations and the contact infor-*
24 *mation for such services.*

1 (c) *LOCATIONS.*—

2 (1) *IN GENERAL.*—*The Secretary shall carry out*
3 *the pilot program under subsection (a) at not fewer*
4 *than four Veterans Integrated Service Networks of the*
5 *Department.*

6 (2) *SELECTION OF LOCATIONS.*—*In selecting lo-*
7 *cations for the pilot program under subsection (a), the*
8 *Secretary shall select locations that have the longest*
9 *wait times for residential mental health care, particu-*
10 *larly for individuals who have experienced military*
11 *sexual trauma.*

12 (3) *NOTIFICATION.*—*Before commencing the pilot*
13 *program under subsection (a), the Secretary shall no-*
14 *tify the Committee on Veterans' Affairs of the Senate*
15 *and the Committee on Veterans' Affairs of the House*
16 *of Representatives of the locations selected for the pilot*
17 *program.*

18 (d) *TYPES OF SERVICES.*—*Subject to the preference of*
19 *the individual participating in the pilot program under*
20 *subsection (a) and the capacity of facilities of the Depart-*
21 *ment, the Secretary may provide services under the pilot*
22 *program via telehealth or in person at a facility of the De-*
23 *partment.*

24 (e) *PARTICIPATION.*—

1 (1) *CLARIFICATION ON PARTICIPATION.*—*Partici-*
2 *pation by an individual in the pilot program under*
3 *subsection (a) shall be during the period in which the*
4 *individual is waiting for a residential mental health*
5 *bed opening and shall not disqualify the individual*
6 *from receiving residential mental health care fol-*
7 *lowing their participation in the pilot program.*

8 (2) *DECISIONS ON PARTICIPATION.*—*Decisions*
9 *about the participation of an individual in the pilot*
10 *program and the transition of the individual to resi-*
11 *dential mental health care shall be made by the indi-*
12 *vidual and their health care provider.*

13 (f) *REPORT.*—*Not later than 180 days after the conclu-*
14 *sion of the pilot program under subsection (a), the Sec-*
15 *retary shall submit to Congress a report on—*

16 (1) *participation in the pilot program;*
17 (2) *clinical outcomes under the pilot program;*
18 *and*

19 (3) *such recommendations for continuation or*
20 *termination of the program as the Secretary may*
21 *have, including recommendations for legislative or ad-*
22 *ministrative action.*

23 (g) *DEFINITION OF MILITARY SEXUAL TRAUMA.*—*In*
24 *this section, the term “military sexual trauma” has the*

1 *meaning given that term in section 1720D(f) of title 38,*
2 *United States Code, as added by section 301.*

3 **SEC. 304. COMPTROLLER GENERAL STUDY ON ACCESS TO**
4 **CARE FROM DEPARTMENT OF VETERANS AF-**
5 **FAIRS FOR INDIVIDUALS WHO HAVE EXPERI-**
6 **ENCED MILITARY SEXUAL TRAUMA.**

7 (a) *IN GENERAL.*—*The Comptroller General of the*
8 *United States shall conduct a study on access to mental*
9 *health care at facilities of the Department of Veterans Af-*
10 *fairs for individuals who have experienced military sexual*
11 *trauma.*

12 (b) *ELEMENTS.*—*The study conducted under sub-*
13 *section (a) shall include an assessment of the following:*

14 (1) *The availability of residential and outpatient*
15 *services, including wait times and geographic dispari-*
16 *ties for such services, to include—*

17 (A) *an assessment of the availability of bed*
18 *spaces in the mental health residential rehabili-*
19 *tation treatment programs of the Department of*
20 *Veterans Affairs for individuals who have experi-*
21 *enced military sexual trauma, including an as-*
22 *essment of the suitability of those programs for*
23 *such individuals and the wait times for services*
24 *under those programs;*

1 (B) an assessment of geographic disparities
2 in access to those programs for individuals who
3 have experienced military sexual trauma, includ-
4 ing by region and by rural and urban areas;

5 (C) an assessment of alternative care op-
6 tions provided when an individual who has expe-
7 rienced military sexual trauma is waiting for
8 residential care, the efficacy of those alternatives,
9 and the satisfaction of patients with those alter-
10 natives;

11 (D) recommendations for reducing the aver-
12 age wait time for services under those programs
13 to 14 days or less, including by increasing bed
14 space or addressing staffing needs; and

15 (E) an assessment of the satisfaction of pa-
16 tients with the tracks of those programs specific
17 to military sexual trauma, an assessment of the
18 wait times for services under those tracks, and
19 recommendations for increasing or changing the
20 number of locations for services under those
21 tracks to better meet the needs of individuals who
22 have experienced military sexual trauma.

23 (2) The communication and advertisement by
24 the Department of the care, services, and resources

1 *available for individuals who have experienced mili-*
2 *tary sexual trauma.*

3 (3) *The barriers to accessing health care related*
4 *to military sexual trauma at a facility of the Depart-*
5 *ment for individuals who have experienced military*
6 *sexual trauma, including transportation, child care,*
7 *lack of telehealth, gender-specific barriers, and more.*

8 (4) *The extent to which the Secretary has as-*
9 *essed the quality of the training provided to pro-*
10 *viders of the Department on military sexual trauma*
11 *and made any adjustments in response to such assess-*
12 *ment.*

13 (5) *The role of Vet Centers in providing care to*
14 *individuals who have experienced military sexual*
15 *trauma, including current and former members of the*
16 *Armed Forces.*

17 (6) *Any current actions by the Secretary to*
18 *strengthen access to high-quality care for individuals*
19 *who have experienced military sexual trauma and*
20 *such recommendations for improving access to care*
21 *for such individuals as the Comptroller General con-*
22 *siders appropriate.*

23 (c) *REPORT.*—*Not later than two years after the date*
24 *of the enactment of this Act, the Comptroller General shall*

1 *submit to Congress a report on the findings of the study*
2 *conducted under subsection (a).*

3 *(d) DEFINITIONS.—In this section:*

4 *(1) MILITARY SEXUAL TRAUMA.—The term*
5 *“military sexual trauma” has the meaning given that*
6 *term in section 1720D(f) of title 38, United States*
7 *Code, as added by section 301.*

8 *(2) VET CENTER.—The term “Vet Center” has*
9 *the meaning given that term in section 1712A(h) of*
10 *title 38, United States Code.*

Calendar No. 289

117TH CONGRESS
2^D SESSION

S. 3025

A BILL

To amend title 38, United States Code, to expand health care and benefits from the Department of Veterans Affairs for military sexual trauma, and for other purposes.

MARCH 1, 2022

Reported with an amendment