

113TH CONGRESS
1ST SESSION

H. R. 3775

To amend titles 10 and 38, United States Code, to improve the treatment of members of the Armed Forces and veterans who are victims of military sexual assault.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2013

Mr. BARR introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles 10 and 38, United States Code, to improve the treatment of members of the Armed Forces and veterans who are victims of military sexual assault.

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.**

4 This Act may be cited as the “Military Sexual Assault
5 Victims Empowerment Act” or the “Military SAVE Act”.

6 **SEC. 2. IMPROVEMENT OF TREATMENT FOR MILITARY SEX-**
7 **UAL ASSAULT.**

8 (a) VETERANS.—

1 (1) IN GENERAL.—Chapter 17 of title 38,
2 United States Code, is amended by inserting after
3 section 1720D the following new section:

4 **“§ 1720D-1. Counseling and treatment for sexual**
5 **trauma at non-Department facilities**

6 “(a) ESTABLISHMENT.—Notwithstanding section
7 1703 of this title, and in addition to the program under
8 section 1720D, the Secretary shall operate a program
9 under which the Secretary ensures that veterans who are
10 victims of military sexual trauma may receive treatment
11 for such trauma from private providers.

12 “(b) ELECTION.—A veteran may elect to receive
13 treatment under this section by notifying the Secretary of
14 such election at a facility or regional office of the Depart-
15 ment. Such notification shall include a written affidavit
16 by the veteran, made under penalty of perjury under sec-
17 tion 1746 of title 28, stating that the veteran is a victim
18 of military sexual trauma.

19 “(c) VOUCHER.—(1) Upon receiving a notification
20 under subsection (b), the Secretary shall issue the veteran
21 a voucher described in paragraph (3).

22 “(2) A veteran to whom a voucher is issued under
23 paragraph (1) may use the voucher to receive treatment
24 by a private provider who agrees to accept such voucher
25 as payment for such treatment. Any amount charged by

1 the private provider for such treatment that is in addition
2 to the amount paid by the voucher shall be the sole respon-
3 sibility of the veteran.

4 “(3) A voucher described in this paragraph is a
5 voucher indicating that the Secretary will reimburse a pri-
6 vate provider for treatment provided by the provider to
7 a veteran under this section.

8 “(4) The amount for which the Secretary will reim-
9 burse a private provider pursuant to a voucher described
10 in paragraph (3) is equal to the amount that the Secretary
11 pays to a non-Department facility under section 1703 of
12 this title for the same treatment for which the voucher
13 is used.

14 “(5) The Secretary shall require that a veteran make
15 a reelection under subsection (b) during each 120-day pe-
16 riod in which the voucher is used following the initial 120-
17 day period in which the voucher is valid.

18 “(d) CONSULTATION.—The Secretary shall consult
19 with the Secretary of Defense to ensure that this section
20 is carried out in a manner that allows veterans to receive
21 similar treatment as is provided to members of the Armed
22 Forces under section 1074n of title 10.

23 “(e) DEFINITIONS.—In this section:

24 “(1) The term ‘military sexual trauma’ means
25 an injury, illness, disability, or psychological trauma

1 that directly resulted from a physical assault of a
2 sexual nature, battery of a sexual nature, or sexual
3 harassment which occurred while the veteran was
4 serving on active duty or active duty for training.

5 “(2) The term ‘private provider’ means a non-
6 Department facility or licensed health care profes-
7 sional, regardless of whether the facility or profes-
8 sional is entered into a contract pursuant to section
9 1703 of this title.

10 “(3) The term ‘sexual harassment’ has the
11 meaning given that term in section 1720D of this
12 title.

13 “(4) The term ‘treatment’ means treatment,
14 counseling, and appropriate other care and services
15 to overcome military sexual trauma.”.

16 (2) CONFORMING AMENDMENTS.—Section
17 1720D(a) of such title is amended—

18 (A) by striking “(1) The Secretary” and
19 inserting “The Secretary”;

20 (B) by striking paragraph (2); and

21 (C) in the section heading, by adding “**at**
22 **Department facilities**” after “**trauma**”.

23 (3) CLERICAL AMENDMENTS.—The table of sec-
24 tions at the beginning of such chapter is amended

1 by striking the item relating to section 1720D and
2 inserting the following new items:

“1720D. Counseling and treatment for sexual trauma at Department facilities.
“1720D–1. Counseling and treatment for sexual trauma at non-Department fa-
cilities.”.

3 (b) MEMBERS OF THE ARMED FORCES.—

4 (1) IN GENERAL.—Chapter 55 of title 10,
5 United States Code, is amended by inserting after
6 section 1074m the following new section:

7 **“§ 1074n. Counseling and treatment for sexual trau-**
8 **ma at private facilities**

9 “(a) ESTABLISHMENT.—The Secretary shall operate
10 a program under which the Secretary ensures that mem-
11 bers of the armed forces who are victims of military sexual
12 trauma may receive treatment for such trauma by private
13 providers.

14 “(b) ELECTION.—A member may elect to receive
15 treatment under this section by notifying the Secretary of
16 such election. Such notification shall include a written affi-
17 davit by the member, made under penalty of perjury under
18 section 1746 of title 28, stating that the member is a vic-
19 tim of military sexual trauma.

20 “(c) VOUCHER.—(1) Upon receiving a notification
21 under subsection (b), the Secretary shall issue the member
22 a voucher described in paragraph (3).

23 “(2) A member to whom a voucher is issued under
24 paragraph (1) may use the voucher to receive treatment

1 by a private provider who agrees to accept such voucher
2 as payment for such treatment. Any amount charged by
3 the private provider for such treatment that is in addition
4 to the amount paid by the voucher shall be the sole respon-
5 sibility of the member.

6 “(3) A voucher described in this paragraph is a
7 voucher indicating that the Secretary will reimburse a pri-
8 vate provider for treatment provided by the provider to
9 a member under this section.

10 “(4) The amount for which the Secretary will reim-
11 burse a private provider pursuant to a voucher described
12 in paragraph (3) is equal to the amount that the Secretary
13 pays to a private provider under the TRICARE program
14 for the same treatment for which the voucher is used.

15 “(5) The Secretary shall require that a veteran make
16 a reelection under subsection (b) during each 120-day pe-
17 riod in which the voucher is used following the initial 120-
18 day period in which the voucher is valid.

19 “(d) CONSULTATION.—The Secretary shall consult
20 with the Secretary of Veterans Affairs to ensure that this
21 section is carried out in a manner that allows members
22 to receive similar treatment as is provided to veterans
23 under section 1720D–1 of title 38.

24 “(e) DEFINITIONS.—In this section:

1 “(1) The term ‘military sexual trauma’ means
2 an injury, illness, disability, or psychological trauma
3 that directly resulted from a physical assault of a
4 sexual nature, battery of a sexual nature, or sexual
5 harassment which occurred while the member was
6 serving on active duty or active duty for training.

7 “(2) The term ‘private provider’ means a pri-
8 vate facility or licensed health care professional, re-
9 gardless of whether the facility or professional is en-
10 tered into a contract under this chapter to provide
11 treatment under the TRICARE program.

12 “(3) The term ‘sexual harassment’ has the
13 meaning given that term in section 1720D of title
14 38.

15 “(4) The term ‘treatment’ means treatment,
16 counseling, and appropriate other care and services
17 to overcome military sexual trauma.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of such chapter is amended
20 by inserting after the item relating to section 1074m
21 the following new item:

“1074n. Counseling and treatment for sexual trauma at private facilities.”.

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