

114TH CONGRESS
1ST SESSION

H. R. 1607

IN THE SENATE OF THE UNITED STATES

JULY 28, 2015

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ruth Moore Act of
3 2015”.

4 **SEC. 2. REPORTS ON CLAIMS FOR DISABILITIES INCURRED**
5 **OR AGGRAVATED BY MILITARY SEXUAL**
6 **TRAUMA.**

7 (a) ANNUAL REPORTS.—

8 (1) IN GENERAL.—Subchapter VI of chapter 11
9 of title 38, United States Code, is amended by add-
10 ing at the end the following new section:

11 **“§ 1164. Reports on claims for disabilities incurred or**
12 **aggravated by military sexual trauma**

13 “(a) REPORTS.—Not later than December 1, 2015,
14 and each year thereafter through 2019, the Secretary shall
15 submit to Congress a report on covered claims submitted
16 during the previous fiscal year.

17 “(b) ELEMENTS.—Each report under subsection (a)
18 shall include the following:

19 “(1) The number of covered claims submitted
20 to or considered by the Secretary during the fiscal
21 year covered by the report.

22 “(2) Of the covered claims listed under para-
23 graph (1), the number and percentage of such
24 claims—

25 “(A) submitted by each sex;

1 “(B) that were approved, including the
2 number and percentage of such approved claims
3 submitted by each sex; and

4 “(C) that were denied, including the num-
5 ber and percentage of such denied claims sub-
6 mitted by each sex.

7 “(3) Of the covered claims listed under para-
8 graph (1) that were approved, the number and per-
9 centage, listed by each sex, of claims assigned to
10 each rating percentage.

11 “(4) Of the covered claims listed under para-
12 graph (1) that were denied—

13 “(A) the three most common reasons given
14 by the Secretary under section 5104(b)(1) of
15 this title for such denials; and

16 “(B) the number of denials that were
17 based on the failure of a veteran to report for
18 a medical examination.

19 “(5) The number of covered claims that, as of
20 the end of the fiscal year covered by the report, are
21 pending and, separately, the number of such claims
22 on appeal.

23 “(6) For the fiscal year covered by the report,
24 the average number of days that covered claims take

1 to complete beginning on the date on which the
2 claim is submitted.

3 “(7) A description of the training that the Sec-
4 retary provides to employees of the Veterans Bene-
5 fits Administration specifically with respect to cov-
6 ered claims, including the frequency, length, and
7 content of such training.

8 “(c) DEFINITIONS.—In this section:

9 “(1) The term ‘covered claims’ means claims
10 for disability compensation submitted to the Sec-
11 retary based on a covered mental health condition
12 alleged to have been incurred or aggravated by mili-
13 tary sexual trauma.

14 “(2) The term ‘covered mental health condition’
15 means post-traumatic stress disorder, anxiety, de-
16 pression, or other mental health diagnosis described
17 in the current version of the Diagnostic and Statis-
18 tical Manual of Mental Disorders published by the
19 American Psychiatric Association that the Secretary
20 determines to be related to military sexual trauma.

21 “(3) The term ‘military sexual trauma’ means,
22 with respect to a veteran, psychological trauma,
23 which in the judgment of a mental health profes-
24 sional, resulted from a physical assault of a sexual
25 nature, battery of a sexual nature, or sexual harass-

1 ment which occurred during active military, naval,
2 or air service.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of such chapter is amended
5 by adding at the end the following new item:

 “1164. Reports on claims for disabilities incurred or aggravated by military sexual trauma.”.

6 (3) INITIAL REPORT.—The Secretary of Vet-
7 erans Affairs shall submit to Congress an initial re-
8 port described in section 1164 of title 38, United
9 States Code, as added by paragraph (1), by not later
10 than 90 days after the date of the enactment of this
11 Act. Such initial report shall be in addition to the
12 annual reports required under such section begin-
13 ning in December 2015.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the Secretary of Veterans Affairs should update
16 and improve the regulations of the Department of Vet-
17 erans Affairs with respect to military sexual trauma by—

18 (1) ensuring that military sexual trauma is
19 specified as an in-service stressor in determining the
20 service-connection of post-traumatic stress disorder
21 by including military sexual trauma as a stressor de-
22 scribed in section 3.304(f)(3) of title 38, Code of
23 Federal Regulations; and

1 (2) recognizing the full range of physical and
2 mental disabilities (including depression, anxiety,
3 and other disabilities as indicated in the Diagnostic
4 and Statistical Manual of Mental Disorders pub-
5 lished by the American Psychiatric Association) that
6 can result from military sexual trauma.

7 (c) PROVISION OF INFORMATION.—During the period
8 beginning on the date that is 15 months after the date
9 of the enactment of this Act and ending on the date on
10 which the Secretary updates and improves regulations as
11 described in subsection (b), the Secretary shall—

12 (1) provide to each veteran who has submitted
13 a covered claim or been treated for military sexual
14 trauma at a medical facility of the Department with
15 a copy of the report under subsection (a)(3) or sec-
16 tion 1164 of title 38, United States Code, as added
17 by subsection (a)(1), that has most recently been
18 submitted to Congress;

19 (2) provide on a monthly basis to each veteran
20 who has submitted any claim for disability com-
21 pensation or been treated at a medical facility of the
22 Department information that includes—

23 (A) the date that the Secretary plans to
24 complete such updates and improvements to
25 such regulations;

1 (B) the number of covered claims that
2 have been granted or denied during the month
3 covered by such information;

4 (C) a comparison to such rate of grants
5 and denials with the rate for other claims re-
6 garding post-traumatic stress disorder;

7 (D) the three most common reasons for
8 such denials;

9 (E) the average time for completion of cov-
10 ered claims;

11 (F) the average time for processing cov-
12 ered claims at each regional office; and

13 (G) any information the Secretary deter-
14 mines relevant with respect to submitting a cov-
15 ered claim;

16 (3) in addition to providing to veterans the in-
17 formation described in paragraph (2), the Secretary
18 shall make available on a monthly basis such infor-
19 mation on a conspicuous location of the Internet
20 website of the Department; and

21 (4) submit to Congress on a monthly basis a re-
22 port that includes—

23 (A) a list of all adjudicated covered claims,
24 including ancillary claims, during the month
25 covered by the report;

1 (B) the outcome with respect to each med-
2 ical condition included in the claim; and

3 (C) the reason given for any denial of such
4 a claim.

5 (d) **MILITARY SEXUAL TRAUMA DEFINED.**—In this
6 section:

7 (1) The term “covered claim” has the meaning
8 given that term in section 1164(c)(1) of title 38,
9 United States Code, as added by subsection (a)(1).

10 (2) The term “military sexual trauma” has the
11 meaning given that term in section 1164(c)(3) of
12 title 38, United States Code, as added by subsection
13 (a)(1).

14 **SEC. 3. LIMITATION ON AWARDS AND BONUSES PAID TO**
15 **SENIOR EXECUTIVE EMPLOYEES OF DEPART-**
16 **MENT OF VETERANS AFFAIRS.**

17 Section 705 of the Veterans Access, Choice, and Ac-
18 countability Act of 2014 (Public Law 113–146; 38 U.S.C.
19 703 note) is amended by striking the period at the end
20 and inserting the following: “, of which, during fiscal years
21 2016 through 2018, not more than an aggregate amount
22 of \$2,000,000 in each such fiscal year may be paid to em-

1 ployees of the Department of Veterans Affairs who are
2 members of the Senior Executive Service.”.

Passed the House of Representatives July 27, 2015.

Attest:

KAREN L. HAAS,

Clerk.