

113TH CONGRESS
1ST SESSION

S. 294

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2013

Mr. TESTER (for himself, Mr. BAUCUS, Mr. BEGICH, Mr. BLUMENTHAL, Mrs. GILLIBRAND, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ruth Moore Act of
5 2013”.

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

4 (a) STANDARD OF PROOF.—Section 1154 of title 38,
5 United States Code, is amended by adding at the end the
6 following new subsection:

7 “(c)(1) In the case of any veteran who claims that
8 a covered mental health condition was incurred in or ag-
9 gravated by military sexual trauma during active military,
10 naval, or air service, the Secretary shall accept as suffi-
11 cient proof of service-connection a diagnosis of such men-
12 tal health condition by a mental health professional to-
13 gether with satisfactory lay or other evidence of such trau-
14 ma and an opinion by the mental health professional that
15 such covered mental health condition is related to such
16 military sexual trauma, if consistent with the cir-
17 cumstances, conditions, or hardships of such service, not-
18 withstanding the fact that there is no official record of
19 such incurrence or aggravation in such service, and, to
20 that end, shall resolve every reasonable doubt in favor of
21 the veteran. Service-connection of such covered mental
22 health condition may be rebutted by clear and convincing
23 evidence to the contrary. The reasons for granting or de-
24 nying service-connection in each case shall be recorded in
25 full.

1 “(2) For purposes of this subsection, in the absence
2 of clear and convincing evidence to the contrary, and pro-
3 vided that the claimed military sexual trauma is consistent
4 with the circumstances, conditions, or hardships of the
5 veteran’s service, the veteran’s lay testimony alone may
6 establish the occurrence of the claimed military sexual
7 trauma.

8 “(3) In this subsection:

9 “(A) The term ‘covered mental health condi-
10 tion’ means post-traumatic stress disorder, anxiety,
11 depression, or other mental health diagnosis de-
12 scribed in the current version of the Diagnostic and
13 Statistical Manual of Mental Disorders published by
14 the American Psychiatric Association that the Sec-
15 retary determines to be related to military sexual
16 trauma.

17 “(B) The term ‘military sexual trauma’ means,
18 with respect to a veteran, psychological trauma,
19 which in the judgment of a mental health profes-
20 sional, resulted from a physical assault of a sexual
21 nature, battery of a sexual nature, or sexual harass-
22 ment which occurred during active military, naval,
23 or air service.”.

24 (b) ANNUAL REPORTS.—

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

4 **“§ 1164. Reports on claims for disabilities incurred or**
5 **aggravated by military sexual trauma**

6 “(a) REPORTS.—Not later than December 1, 2014,
7 and each year thereafter through 2018, the Secretary shall
8 submit to Congress a report on covered claims submitted
9 during the previous fiscal year.

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

12 “(1) The number of covered claims submitted
13 to or considered by the Secretary during the fiscal
14 year covered by the report.

15 “(2) Of the covered claims listed under para-
16 graph (1), the number and percentage of such
17 claims—

18 “(A) submitted by each sex;

19 “(B) that were approved, including the
20 number and percentage of such approved claims
21 submitted by each sex; and

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

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

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

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

10 “(B) the number of denials that were
11 based on the failure of a veteran to report for
12 a medical examination.

13 “(5) The number of covered claims that, as of
14 the end of the fiscal year covered by the report, are
15 pending and, separately, the number of such claims
16 on appeal.

17 “(6) For the fiscal year covered by the report,
18 the average number of days that covered claims take
19 to complete beginning on the date on which the
20 claim is submitted.

21 “(7) A description of the training that the Sec-
22 retary provides to employees of the Veterans Bene-
23 fits Administration specifically with respect to cov-
24 ered claims, including the frequency, length, and
25 content of such training.

1 “(c) DEFINITIONS.—In this section:

2 “(1) The term ‘covered claims’ means claims
3 for disability compensation submitted to the Sec-
4 retary based on a covered mental health condition
5 alleged to have been incurred or aggravated by mili-
6 tary sexual trauma.

7 “(2) The term ‘covered mental health condition’
8 has the meaning given that term in subparagraph
9 (A) of section 1154(c)(3) of this title.

10 “(3) The term ‘military sexual trauma’ has the
11 meaning given that term in subparagraph (B) of
12 such section.”.

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

“1164. Annual reports on claims for disabilities incurred or aggravated by mili-
tary sexual trauma.”.

16 (c) EFFECTIVE DATE.—Subsection (c) of section
17 1154 of title 38, United States Code, as added by sub-
18 section (a), shall apply with respect to any claim for dis-
19 ability compensation under laws administered by the Sec-
20 retary of Veterans Affairs for which no final decision has
21 been made before the date of the enactment of this Act.

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