

117TH CONGRESS  
1ST 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

---

## 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”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 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.

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

## 3      **SEC. 101. MILITARY SEXUAL TRAUMA DEFINED FOR THE** 4                      **DIGITAL AGE.**

5            (a) REVISION TO REGULATIONS REQUIRED.—The  
6 Secretary of Veterans Affairs shall, in accordance with  
7 subsection (b), revise regulations for the definition of  
8 “military sexual trauma” for the purposes of access to  
9 health care under chapter 17 of title 38, United States  
10 Code, and compensation under chapter 11 of such title.

1 (b) REQUIREMENTS.—

2 (1) TECHNOLOGICAL ABUSE.—

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

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

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

21 (ii) specific activities, including—

22 (I) unwanted, repeated telephone  
23 calls, text messages, instant messages,  
24 or social media posts;

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

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

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

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

19 (VI) pressuring for or sharing of  
20 another person's private information,  
21 photographs, or videos without the  
22 person's consent.

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

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

5       (c) COMMENCEMENT OF EFFORTS.—Not later than  
6       one year after the date of the enactment of this Act, the  
7       Secretary shall commence efforts to carry out subsection  
8       (a).

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

16      (e) FINAL REGULATIONS.—Not later than two years  
17      after the date of the enactment of this Act, the Secretary  
18      shall—

19           (1) issue the revised regulations required by  
20       subsection (a); and

21           (2) update training aids, manuals, and informa-  
22       tional materials for staff, veterans, members of the  
23       Armed Forces, and stakeholders to reflect the re-  
24       vised regulations.

1 **TITLE II—DISABILITY COM-**  
 2 **PENSATION AND CLAIMS**  
 3 **PROCESSING**

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

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

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

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

19 **SEC. 203. STANDARD OF PROOF FOR SERVICE-CONNECTION**  
 20 **OF MENTAL HEALTH CONDITIONS RELATING**  
 21 **TO MILITARY SEXUAL TRAUMA.**

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

1   **“§ 1167. Evaluation of claims involving military sex-**  
2                   **ual trauma**

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

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

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

23           “(b) NONMILITARY SOURCES OF EVIDENCE.—(1) In  
24 carrying out subsection (a), the Secretary shall ensure  
25 that if a claim for compensation under this chapter is re-  
26 ceived by the Secretary for a covered mental health condi-

1 tion based on military sexual trauma, evidence from  
2 sources other than official records of the Department of  
3 Defense regarding the veteran's service may corroborate  
4 the veteran's account of the trauma.

5       “(2) Examples of evidence described in paragraph (1)  
6 include the following:

7               “(A) Records from law enforcement authorities,  
8 rape crisis centers, mental health counseling centers,  
9 hospitals, and physicians.

10              “(B) Pregnancy tests and tests for sexually  
11 transmitted diseases.

12              “(C) Statements from family members, room-  
13 mates, other members of the Armed Forces or vet-  
14 erans, and clergy.

15       “(c) EVIDENCE OF BEHAVIOR CHANGES.—(1) In  
16 carrying out subsection (a), the Secretary shall ensure  
17 that evidence of a behavior change following military sex-  
18 ual trauma is one type of relevant evidence that may be  
19 found in sources described in such subsection.

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

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

25               “(B) Deterioration in work performance.



1           “(C) Substance abuse or substance use dis-  
2           order.

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

5           “(E) Unexplained economic or social behavior  
6           changes.

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

12          “(1) advising the veteran that evidence de-  
13          scribed in subsections (b) and (c) may constitute  
14          credible corroborating evidence of the military sexual  
15          trauma; and

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

19          “(e) ROLE OF LAY STATEMENTS.—In a case where  
20          evidence described in subsection (b) or (c) is unavailable,  
21          and the only evidence of the occurrence of the military  
22          sexual trauma is the veteran’s own lay statement, the Sec-  
23          retary shall accept such lay statement as credible evidence  
24          the event occurred, unless such statement is inconsistent  
25          with the places, types, and circumstances of the service

1 of the veteran, including evidence of the veteran's unit as-  
2 signments, military specialty, or dates and locations of  
3 service, or unless there is clear and convincing evidence  
4 to the contrary.

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

16 “(2) In the case of any veteran who submits with the  
17 claim for a covered mental health condition a lay state-  
18 ment describing the military sexual trauma, such veteran  
19 shall be provided with a medical examination and opinion  
20 as described in paragraph (1) without delay for request  
21 of records specified in subsections (b) and (c) from the  
22 veteran.

23 “(3) For any veteran described in paragraph (2), if  
24 the medical examination and opinion do not result in a  
25 diagnosis of a covered mental health condition and a posi-

1 tive opinion that the military sexual trauma is related to  
2 such diagnosis, the Secretary shall request the records  
3 specified in subsections (b) and (c) and, if such evidence  
4 is received, paragraph (1) shall again apply and a subse-  
5 quent medical examination and opinion shall be requested.

6 “(g) POINT OF CONTACT.—The Secretary shall en-  
7 sure that each document provided to a veteran relating  
8 to a claim for compensation described in subsection (a)  
9 includes contact information for an appropriate point of  
10 contact with the Department.

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

15 “(i) RULE OF CONSTRUCTION REGARDING APPLICA-  
16 TION TO NONSEXUAL PERSONAL ASSAULT.—The Sec-  
17 retary shall not construe this section as supplanting the  
18 standard of proof or evidence required for claims for  
19 posttraumatic stress disorder based on non-sexual per-  
20 sonal assault, which the Secretary shall continue to define  
21 in regulation.

22 “(j) DEFINITIONS.—In this section:

23 “(1) The term ‘covered mental health condition’  
24 means post-traumatic stress disorder, anxiety, de-  
25 pression, or other mental health diagnosis described

1 in the current version of the Diagnostic and Statis-  
2 tical Manual of Mental Disorders published by the  
3 American Psychiatric Association that the Secretary  
4 determines to be related to military sexual trauma  
5 and which may be service-connected.

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

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

19 (c) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of such chapter is amended by adding  
21 at the end the following new item:

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

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

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

8 (1) in the section heading, by inserting “**and**  
 9 **location of medical examination**” after “**ex-**  
 10 **aminer**”;

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

15 (3) by redesignating subsection (c) as sub-  
 16 section (d); and

17 (4) by inserting after subsection (b) the fol-  
 18 lowing new subsection (c):

19 “(c) CHOICE OF EXAMINATION LOCATION.—(1) The  
 20 Secretary shall ensure that a veteran who requires a med-  
 21 ical examination in support of a claim described in sub-  
 22 section (a) may request that the medical examination take  
 23 place at a facility of the Department by a qualified em-  
 24 ployee of the Department.

25 “(2) The Secretary—

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

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

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

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

10 **SEC. 205. COMMUNICATIONS FROM THE DEPARTMENT OF**  
11 **VETERANS AFFAIRS TO MILITARY SEXUAL**  
12 **TRAUMA SURVIVORS.**

13 (a) REVIEW BOARD.—

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

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

20 (A) mental health providers of the Depart-  
21 ment;

22 (B) experts on sexual assault and sexual  
23 harassment; and

1 (C) members from both the Veterans  
2 Health Administration and Veterans Benefits  
3 Administration.

4 (3) DUTIES.—The board established under  
5 paragraph (1) shall—

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

14 (B) ensure that the communications—

15 (i) treat survivors with dignity and re-  
16 spect; and

17 (ii) do not re-traumatize survivors.

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

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

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

3           (3) The Veterans Crisis Line.

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

6       (c) DEFINITIONS.—In this section:

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

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

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

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

21           (2) VETERANS CRISIS LINE.—The term “Vet-  
22 erans Crisis Line” means the toll-free hotline for  
23 veterans established under section 1720F(h) of title  
24 38, United States Code.



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

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

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

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

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

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

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

21 (B) Whether the training has resulted in  
22 improvements to the processing of claims de-  
23 scribed in such subsection and issue-based accu-  
24 racy.

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

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

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

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

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

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

○