

RUTH MOORE ACT OF 2013

MAY 17, 2013.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MILLER of Florida, from the Committee on Veterans' Affairs, submitted the following

R E P O R T

[To accompany H.R. 671]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 671) 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, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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AMENDMENT

The amendments are as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. REPORTS ON CLAIMS FOR DISABILITIES INCURRED OR AGGRAVATED BY MILITARY SEXUAL TRAUMA.

(a) ANNUAL REPORTS.—

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

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

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

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

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

“(2) Of the covered claims listed under paragraph (1), the number and percentage of such claims—

“(A) submitted by each sex;

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

“(C) that were denied, including the number and percentage of such denied claims submitted by each sex.

“(3) Of the covered claims listed under paragraph (1) that were approved, the number and percentage, listed by each sex, of claims assigned to each rating percentage.

“(4) Of the covered claims listed under paragraph (1) that were denied—

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

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

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

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

“(7) A description of the training that the Secretary provides to employees of the Veterans Benefits Administration specifically with respect to covered claims, including the frequency, length, and content of such training.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘covered claims’ means claims for disability compensation submitted to the Secretary based on a covered mental health condition alleged to have been incurred or aggravated by military sexual trauma.

“(2) The term ‘covered mental health condition’ means post-traumatic stress disorder, anxiety, depression, or other mental health diagnosis described in the current version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association that the Secretary determines to be related to military sexual trauma.

“(3) The term ‘military sexual trauma’ means, with respect to a veteran, psychological trauma, which in the judgment of a mental health professional, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred during active military, naval, or air service.”.

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

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

(3) INITIAL REPORT.—The Secretary of Veterans Affairs shall submit to Congress an initial report described in section 1164 of title 38, United States Code, as added by paragraph (1), by not later than 90 days after the date of the enactment of this Act. Such initial report shall be in addition to the annual reports required under such section beginning in December 2014.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Veterans Affairs should update and improve the regulations of the Department of Veterans Affairs with respect to military sexual trauma by—

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

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

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

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

(2) provide on a monthly basis to each veteran who has submitted any claim for disability compensation or been treated at a medical facility of the Department information that includes—

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

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

(C) a comparison to such rate of grants and denials with the rate for other claims regarding post-traumatic stress disorder;

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

(E) the average time for completion of covered claims;

(F) the average time for processing covered claims at each regional office; and

(G) any information the Secretary determines relevant with respect to submitting a covered claim;

(3) in addition to providing to veterans the information described in paragraph (2), the Secretary shall make available on a monthly basis such information on a conspicuous location of the Internet website of the Department; and

(4) submit to Congress on a monthly basis a report that includes—

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

(B) the outcome with respect to each medical condition included in the claim; and

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

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

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

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

SEC. 3. EXTENSION OF ROUNDING DOWN OF PERCENTAGE INCREASES OF RATES OF CERTAIN EDUCATIONAL ASSISTANCE.

(a) **MONTGOMERY GI BILL.**—Section 3015(h)(2) of title 38, United States Code, is amended—

(1) by striking “fiscal year 2014” and inserting “fiscal year 2019”; and

(2) by striking “fiscal year 2013” and inserting “fiscal year 2018”.

(b) **SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE.**—Section 3564(b) of such title is amended—

(1) by striking “fiscal year 2014” and inserting “fiscal year 2019”; and

(2) by striking “fiscal year 2013” and inserting “fiscal year 2018”.

Amend the title to read:

A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to submit to Congress an annual report on claims for disabilities incurred or aggravated by military sexual trauma, and for other purposes.

PURPOSE AND SUMMARY

H.R. 671 was introduced on February 13, 2013, by Representative Chellie Pingree of Maine. H.R. 671, as amended, would require the Department of Veterans Affairs (VA) to annually report to Congress on disability benefits claims submitted for covered mental health conditions alleged to have been incurred or aggravated by military sexual trauma, for the period 2014 through 2018. H.R. 671, as amended, expresses the sense of Congress as to VA's need to update and improve its regulations with regard to military sexual trauma, and would require certain reporting to Congress and to veteran claimants on a monthly basis starting fifteen months after the enactment of H.R. 671, as amended. Such reporting requirements would last until the Secretary updates and improves VA's regulations as to military sexual trauma. H.R. 671, as amended, would also extend the current authority to round down to the nearest whole dollar percentage increases of rates of certain educational assistance benefits following annual cost-of-living adjustments.

BACKGROUND AND NEED FOR LEGISLATION

Section 1. Short Title

The Ruth Moore Act of 2013

Section 2. Reports on Claims for Disabilities Incurred or Aggravated by Military Sexual Trauma

VA's current regulation on post-traumatic stress disorder (PTSD), as it pertains to in-service military sexual trauma (MST) cases, is not effective. The regulation, found at 38 C.F.R. 3.303(f)(5), purports to reduce the burden for veterans to prove these claims. However, in practice, this has not happened. Furthermore, to date, VA has not taken adequate action to ensure that the full range of physical and mental disabilities that result from MST are properly addressed in the disability benefits claims process, including depression, anxiety, and other conditions as indicated in the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

From 2008 to 2010, VA approved over 50 percent of PTSD claims related to combat, but approved barely 35 percent of PTSD claims related to in-service personal assault. Several factors have complicated the process for MST survivors as they seek disability compensation. First, the vast majority of sexual assaults in the military are not reported, and even those that are reported are often not prosecuted. As a result, many survivors of MST have found it hard to prove that an assault, the stressor, occurred. The precipitating events of MST are often unrecorded in a servicemember's medical records or in-service department records, which is particularly the case for incidents of sexual assault while on active duty. In 2011, the Pentagon estimated that about 19,000 male and female servicemembers were sexually assaulted, yet less than 14 percent of these crimes were reported. Additionally, PTSD cases have posed significant problems for VA because this disability, by its nature, often has a delayed onset.

In addition to the complicated nature specific to MST reporting and onset of resultant medical conditions, current VA policy allows

so-called “secondary markers” to be considered as evidence of an assault; however, VA has been inconsistent in applying this policy.

While victims of in-service personal assaults are often fearful to report the crime, this fear is especially likely when the assailant is a superior within the military chain of command. Additionally, even when the assailant is not the victim’s superior, active duty reporting of assault remains problematic. The nature of military service has discouraged reporting both implicitly as well as explicitly. Even when the servicemember does make a report of the assault, these reports are rarely documented or associated with the veteran’s service records.

Ruth Moore’s case, the individual of whom this Act’s title is derived, is the epitome of how these specialized claims drag on and slow down the system. Ms. Moore had to continually fight VA for twenty-three years in order to obtain her rightful benefits. Throughout her struggles, she was suffering from depression and a sexually transmitted disease that she contracted from her attacker. Ms. Moore had the benefit of purportedly relaxed requirements of 38 C.F.R. 3.304(f)(5), yet it was not until 2009 that VA finally awarded her claim.

It is of the utmost importance that VA expediently act to update and improve its regulations, including recognition of the full range of disorders implicated within MST claims. Study of the armed services emphasizes that MST is a growing problem in the military; VA must take proactive steps to ensure fair and thorough review of claims submitted under MST. Furthermore, VA must ensure that it succeeds in consistent and integrated application of its regulations to the disability benefits claims of survivors of MST. While this measure cannot put an end to MST, as it is the responsibility of the Department of Defense to aggressively combat this heinous and disgraceful crime in military service, H.R. 671 will serve to provide relief to those veterans who are suffering from a disability as a result of MST.

Section 3. Extension of rounding down of percentage increases of rates of certain educational assistance

Finally, section 3015(h)(2) and 3564(b) of title 38, United States Code, requires that any increase in educational assistance rates under the Montgomery GI Bill or the Survivors’ and Dependents’ Educational Assistance Program be rounded down to the next lower whole dollar amount. This authority expires at the end of fiscal year 2013 and H.R. 671, as amended, would extend this authority through fiscal year 2018.

HEARINGS

On April 16, 2013, the Subcommittee on Disability Assistance and Memorial Affairs conducted a legislative hearing on various bills introduced during the 113th Congress, including H.R. 671. The following witnesses testified at the hearing:

The Honorable Bill Johnson, U.S. House of Representatives; The Honorable Chellie Pingree, U.S. House of Representatives; The Honorable Timothy Walz, U.S. House of Representatives; Mr. Jeff Hall, Assistant National Legislative Director, Disabled American Veterans; Mr. Raymond Kelley, Director of National Legislative

Service, Veterans of Foreign Wars; Colonel Robert F. Norton, USA (Ret.), Deputy Director of Government Relations, Military Officers Association of America; Heather Ansley, Esq., MSW, Vice President of Veterans Policy, VetsFirst, a program of United Spinal Association; Mr. Michael D. Murphy, Executive Director, National Association of County Veterans Service Officers; Mr. Richard Hipolit, Assistant General Counsel, U.S. Department of Veterans Affairs; Mr. David R. McLenachen, Director, Pension and Fiduciary Service, U.S. Department of Veterans Affairs, accompanied by Ms. Mary Ann Flynn, Deputy Director, Policy and Procedures, Compensation Service, U.S. Department of Veterans Affairs. The following groups submitted statements for the record: The American Legion; Iraq and Afghanistan Veterans of America; National Organization of Veterans Advocates; and Wounded Warrior Project.

SUBCOMMITTEE CONSIDERATION

On April 25, 2013, the Subcommittee on Disability Assistance and Memorial Affairs met in an open markup session, a quorum being present, and favorably forwarded to the full Committee H.R. 671, as amended, by voice vote.

During consideration of H.R. 671 the following amendment was considered and agreed to by voice vote:

An amendment in the nature of a substitute offered by Ms. Titus of Nevada that modified the bill to remove provisions setting a legal standard of proof for claims based on military sexual trauma and directed VA to update and improve its regulations on military sexual trauma within 180 days, was agreed to by voice vote.

COMMITTEE CONSIDERATION

On May 8, 2013, the full Committee met in an open markup session, a quorum being present, and ordered H.R. 671, as amended, reported favorably to the House of Representatives, by voice vote. During consideration of the bill, the following amendment was considered:

An amendment in the nature of a substitute, by Mr. Michaud of Maine, which removed the 180-day deadline for update and improvement of VA's regulations as to MST and required, after the passage of fifteen months from date of enactment, additional VA reporting on a monthly basis to veteran claimants and Congress, until such time as VA's updated regulations are implemented, and added section 3, which extended the current authority to round down of percentage increases of rates of certain educational assistance, was agreed to by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report the legislation and amendments thereto. There were no recorded votes taken on amendments or in connection with ordering H.R. 671, as amended, reported to the full House. A motion by Ranking Member Michael H. Michaud of Maine to order H.R.

671, as amended, reported favorably to the full House was agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 671, as amended, does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 671, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 671, as amended, provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 16, 2013

HON. JEFF MILLER,
*Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 671, the Ruth Moore Act of 2013.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dwayne M. Wright.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

H.R. 671—Ruth Moore Act of 2013

Summary: H.R. 671 would extend provisions of current law that require increases in monthly rates of certain education assistance be rounded down to the next lower whole dollar. The bill would also require the Department of Veterans Affairs (VA) to submit annual reports about disability claims for military sexual trauma (MST) to the Congress and to veterans who file MST claims. CBO estimates that enacting H.R. 671 would reduce direct spending by \$15 million over the 2014–2023 period. Also, CBO estimates that implementing H.R. 671 would have a discretionary cost of \$4 million over the 2014–2018 period, subject to the availability of appropriated amounts.

Pay-as-you-go procedures apply because enacting the legislation would affect direct spending. Enacting the bill would have no effect on revenues.

H.R. 671 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 671 is shown in the following table. The costs of this legislation fall within budget function 700 (veterans benefits and services).

	By fiscal year, in millions of dollars—											2014– 2018	2014– 2023
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023			
CHANGES IN DIRECT SPENDING													
Estimated Budget Authority	*	-1	-1	-1	-2	-2	-2	-2	-2	-2	-2	-5	-15
Estimated Outlays	*	-1	-1	-1	-2	-2	-2	-2	-2	-2	-2	-5	-15

* = less than \$500,000.

Notes: In addition to the budgetary effects shown above, H.R. 671 would have a discretionary cost of \$4 million over the 2014–2018 period, subject to appropriation of the necessary amounts.

Basis of estimate:

Direct spending: Under current law, the rates of certain monthly benefits paid under the Montgomery G.I. Bill and Survivors' and Dependents' Educational Assistance programs are increased annually by specified economic indices. Section 3 of H.R. 671 would extend for five years two provisions of law that require those increases to be rounded down to the next lower whole dollar. Those two provisions are both currently due to expire at the end of fiscal year 2013. Based on projections of the number of beneficiaries and payments made each year, CBO estimates that enacting section 3 would reduce direct spending by \$15 million over the 2014–2023 period.

Spending subject to appropriation: Section 2 would require VA to submit annual reports through 2018 to the Congress detailing the number of MST claims for disability benefits approved and denied, the number of claims pending and on appeal, and the average number of days it takes to process such claims. The required reports

also would include information on any training VA provides to its employees for handling MST claims. In addition to mandating such reports to the Congress, section 2 would require VA to provide the annual reports to every veteran who has submitted a claim or been treated at a VA medical facility because of MST until such time as VA updates its regulations for adjudicating those claims. VA also would be required to submit monthly reports to each veteran who has submitted a claim or been treated at a VA facility for such trauma detailing information on VA's monthly tracking, approval, and denial of claims relating to MST. Finally, VA would be required to place such information on its website.

CBO estimates that subject to the availability of appropriated funds, implementing section 2 would have an insignificant cost in 2014 and would cost \$1 million a year thereafter, for a total of \$4 million over the 2014–2018 period.

Pay-as-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 671 AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON VETERANS' AFFAIRS ON MAY 8, 2013

	By fiscal year, in millions of dollars—												
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2013– 2018	2013– 2023
Statutory Pay-As-You-Go Impact	0	0	-1	-1	-1	-2	-2	-2	-2	-2	-2	-5	-15
NET DECREASE (-) IN THE DEFICIT	0	0	-1	-1	-1	-2	-2	-2	-2	-2	-2	-5	-15

Intergovernmental and private-sector impact: H.R. 671 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: William Ma—Rate Adjustment; Dwayne M. Wright—Reports. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; Impact on the Private Sector: Elizabeth Bass.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 671, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 671, as amended.

STATEMENT OF CONSTITUTIONAL AUTHORITY

Pursuant to Article I, section 8 of the United States Constitution, the reported bill is authorized by Congress' power to "provide for the common Defense and general Welfare of the United States."

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(j) of H. Res. 5, 113th Cong. (2013), the Committee finds that no provision of H.R.671, as amended, the "Ruth Moore Act of 2013," establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULEMAKING

Pursuant to section 3(k) of H. Res. 5, 113th Cong. (2013), the Committee estimates that H.R. 671, as amended, does not require any directed rule makings.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides the short title of H.R. 671, as amended, as the “Ruth Moore Act of 2013.”

Section 2. Reports on claims for disabilities incurred or aggravated by military sexual trauma

Section 2(a) would require the Secretary to annually report to Congress each year from 2014 through 2018 on disability claims submitted during the previous fiscal year that were based on a covered mental health condition alleged to have been incurred or aggravated by military sexual trauma. Section 2(a) would define “covered claims,” “covered mental health condition,” and “military sexual trauma” and would enumerate the specific contents required of the report.

Section 2(b) would express the sense of Congress that the Secretary should update and improve VA’s regulations with respect to military sexual trauma by ensuring that military sexual trauma is specified as an in-service stressor, and by recognizing the full range of physical and mental disabilities resultant per the American Psychiatric Association’s publications.

Section 2(c) would provide that, for the period starting fifteen months after passage of the Act and lasting until the Secretary publishes updated and improved regulations, the Secretary must provide the report that is provided to Congress to each veteran who has submitted a covered claim or been treated for military sexual trauma at a medical facility of the Department. Section 2(c) would require the Secretary to provide a monthly update on VA’s progress on regulation amendment and enumerated information on related claims processing to each veteran who has submitted any claim for disability compensation or been treated at a medical facility of VA. Section 2(c) would also provide that for the period starting fifteen months after passage of the Act, and lasting until the Secretary publishes updated and improved regulations, VA must provide on a monthly basis: information to veterans who have submitted claims or have been treated in regards to military sexual trauma; provide information to all veterans who have utilized the VA for benefits or healthcare; provide all of the requested reporting requirements on a prominent location, on the home page, of the VA’s primary website; and provide a report to Congress with enumerated information on the disposition of each month’s covered claims.

Section 2(d) would define “covered claim” and “military sexual trauma,” as added by Section 2(a).

Section 3. Extension of rounding down of percentage increases of rates of certain educational assistance

Section 3(a) would extend the rounding down of percentage increases of rates of the Montgomery GI Bill by five years, from the end of fiscal year 2013 through fiscal year 2018.

Section 3(b) would extend the rounding down of percentage increases of rates of Survivors’ and Dependents’ Educational Assistance by five years, from fiscal year 2014 through fiscal year 2018.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

* * * * *

PART II—GENERAL BENEFITS

* * * * *

CHAPTER 11—COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER I—GENERAL

Sec.

1101. Definitions.

* * * * *

SUBCHAPTER VI—GENERAL COMPENSATION PROVISIONS

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

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SUBCHAPTER VI—GENERAL COMPENSATION PROVISIONS

* * * * *

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

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

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

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

(2) *Of the covered claims listed under paragraph (1), the number and percentage of such claims—*

(A) *submitted by each sex;*

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

(C) *that were denied, including the number and percentage of such denied claims submitted by each sex.*

(3) *Of the covered claims listed under paragraph (1) that were approved, the number and percentage, listed by each sex, of claims assigned to each rating percentage.*

(4) *Of the covered claims listed under paragraph (1) that were denied—*

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

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

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

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

(7) A description of the training that the Secretary provides to employees of the Veterans Benefits Administration specifically with respect to covered claims, including the frequency, length, and content of such training.

(c) DEFINITIONS.—In this section:

(1) The term “covered claims” means claims for disability compensation submitted to the Secretary based on a covered mental health condition alleged to have been incurred or aggravated by military sexual trauma.

(2) The term “covered mental health condition” means post-traumatic stress disorder, anxiety, depression, or other mental health diagnosis described in the current version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association that the Secretary determines to be related to military sexual trauma.

(3) The term “military sexual trauma” means, with respect to a veteran, psychological trauma, which in the judgment of a mental health professional, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred during active military, naval, or air service.

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PART III—READJUSTMENT AND RELATED BENEFITS

* * * * *

CHAPTER 30—ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM

* * * * *

SUBCHAPTER II—BASIC EDUCATIONAL ASSISTANCE

* * * * *

§ 3015. Amount of basic educational assistance

(a) * * *

* * * * *

(h)(1) * * *

(2) Any increase under paragraph (1) in a rate with respect to a fiscal year after fiscal year 2004 and before [fiscal year 2014] fiscal year 2019 shall be rounded down to the next lower whole dollar amount. Any such increase with respect to a fiscal year after [fis-

cal year 2013] *fiscal year 2018* shall be rounded to the nearest whole dollar amount.

* * * * *

**CHAPTER 35—SURVIVORS’ AND DEPENDENTS’
EDUCATIONAL ASSISTANCE**

* * * * *

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

* * * * *

§ 3564. Annual adjustment of amounts of educational assistance

(a) * * *

(b) Any increase under subsection (a) in a rate with respect to a fiscal year after fiscal year 2004 and before [fiscal year 2014] *fiscal year 2019* shall be rounded down to the next lower whole dollar amount. Any such increase with respect to a fiscal year after [fiscal year 2013] *fiscal year 2018* shall be rounded to the nearest whole dollar amount.

* * * * *