

RUTH MOORE ACT OF 2015

JULY 16, 2015.—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. 1607]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 1607) 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 an amendment and recommend that the bill as amended do pass.

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AMENDMENT

The amendment is 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 2015”.

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, 2015, and each year thereafter through 2019, 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 2015.

(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. LIMITATION ON AWARDS AND BONUSES PAID TO SENIOR EXECUTIVE EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

Section 705 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 703 note) is amended by striking the period at the end and inserting the following: “, of which, during fiscal years 2016 through 2018, not more than an aggregate amount of \$2,000,000 in each such fiscal year may be paid to employees of the Department of Veterans Affairs who are members of the Senior Executive Service.”.

PURPOSE AND SUMMARY

H.R. 1607, the “Ruth Moore Act of 2015,” was introduced on March 25, 2015, by Representative Chellie Pingree of Maine. H.R. 1607, as amended, would require the Secretary of the Department of Veterans Affairs (VA) to, not later than December 1, 2015, and each year thereafter through 2019, submit to Congress a report regarding covered claims submitted during the previous fiscal year. Such a report would include the total number of covered claims

submitted to or considered by VA during the fiscal year covered by the report; the number of covered claims approved, denied, and pending; and the number of claims on appeal. Additionally, VA would be required to report the number of approved claims and percentage, listed by each sex, of claims assigned to each rating percentage. Of the claims denied, VA would be required to report the three most common reasons for such denial and the number of claims denied because the veteran failed to report for a medical examination.

The bill would also require VA to report the average number of days it takes to complete claims, beginning on the date on which the claim was submitted. VA would also be required to describe the training that it provides to employees of the Veterans Benefits Administration with respect to covered claims.

The bill also expresses the sense of Congress that VA should update and improve its regulations with respect to military sexual trauma (MST) by ensuring that MST is specified as an in-service stressor in determining the service-connection of post-traumatic stress disorder (PTSD) and, by recognizing the full range of physical and mental disabilities that can result from MST. Finally, until VA updates and improves its MST regulations, VA would be required to provide to each veteran who has submitted a covered claim or has been treated for MST at a medical facility with a copy of the report most recently submitted to Congress. In addition, VA would be required to provide monthly updates on the status of regulatory amendments regarding MST, the number of covered claims granted or denied during the month, and a comparison to such rates of grants and denials for other claims regarding PTSD.

The bill would define “covered claims” as those based on a covered mental health condition alleged to have been incurred or aggravated by MST and would provide definitions for a “covered mental health condition” as well as “military sexual trauma”.

Finally, H.R. 1607, as amended, would limit awards and bonuses paid to employees of the VA who are members of the Senior Executive Service during fiscal years 2016 through 2018 to not more than an aggregate of \$2,000,000 for each fiscal year.

BACKGROUND AND NEED FOR LEGISLATION

VA’s current regulation on claims for PTSD arising as a result of in-service MST should be updated. The regulation, found at 38 C.F.R. 3.304(f)(5), was last revised in 2002¹ and purports to reduce the burden for veterans to prove these claims. In practice, VA claims processors have not consistently used the broader standard of evidence when adjudicating PTSD claims related to MST.

Furthermore, VA has not adequately trained claims processors regarding the full range of physical and mental disabilities that may result from MST, including depression, anxiety, and other conditions as indicated in the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. Additionally, although 38 C.F.R. 3.304(f)(5) specifically addresses PTSD claims, current VA regulations do not address other mental health conditions that may arise as a result of MST.

¹ 67 Fed. Reg. 10,330, 10,330–31 (Mar. 7, 2002).

Several factors have complicated the process for veterans seeking disability compensation for mental health conditions that may arise as the result of MST. First, the vast majority of sexual assaults in the military are not reported, and even those that are reported are often not prosecuted. Consequently, many veterans have found it hard to prove that the stressor (the assault) occurred, and therefore service connection is often difficult to establish. 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. Additionally, some conditions, such as PTSD, that may arise as a result of MST have posed significant problems in establishing service-connection because these disabilities, by their nature, often have a delayed onset.

In addition to the complicated nature of MST reporting and the onset of resulting 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 that 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 servicemember's superior, active duty reporting of assault remains a problem because the nature of military service and peer pressure implicitly discourages reporting. Even when the servicemember does make a report of the assault, these reports are rarely documented or associated with the veteran's service records.

In Ruth Moore's case, the individual for whom this bill is named, is the epitome of how these specialized claims may 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. Although the relaxed evidentiary standard for establishing in-service stressors for PTSD went into effect in 2002,² VA did not award Ms. Moore's claim until 2009.

A Defense Department study emphasized that MST is a problem in the military.³ Therefore, it is important that VA act expeditiously to update and improve its regulations, including recognizing the full range of disorders implicated within claims for a disability related to MST. VA must take steps to ensure fair and thorough review of claims submitted based on MST. Furthermore, VA must ensure that it succeeds in consistent and integrated application of its regulations to the disability benefits claims related to 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. 1607, as amended, would provide relief to those veterans who are suffering from a mental health disability as a result of MST.

²Ibid.

³Department of Defense Fiscal Year 2014 Annual Report on Sexual Assault in the Military.

HEARINGS

On April 14, 2015, the Subcommittee on Disability Assistance and Memorial Affairs conducted a legislative hearing on various bills introduced during the 114th Congress, including H.R. 675, H.R. 677, H.R. 732, H.R. 800, H.R. 1067, H.R. 1331, H.R. 1379, H.R. 1414, H.R. 1569, and H.R. 1607.

The following witnesses testified:

The Honorable Chellie Pingree, U.S. House of Representatives; Mr. David R. McLenachen, Acting Deputy Under Secretary for Disability Assistance, Veterans Benefits Administration, U.S. Department of Veterans Affairs; Mr. Zachary Hearn, Deputy Director for Claims, Veterans Affairs and Rehabilitation Division, The American Legion; Mr. Blake C. Ortner, Deputy Government Relations Director, Paralyzed Veterans of America; Mr. Paul R. Varela, Assistant National Legislative Director, Disabled American Veterans; Mr. Ronald B. Abrams, Joint Executive Director, National Veterans Legal Services Program; and Mr. Kenneth M. Carpenter, Founding Member, National Organization of Veterans' Advocates.

Statements for the Record were submitted by the following:

The Veterans of Foreign Wars and the U.S. Court of Appeals for Veterans Claims.

SUBCOMMITTEE CONSIDERATION

On May 14, 2015, the Subcommittee on Disability Assistance and Memorial Affairs met in an open markup session, a quorum being present, and favorably forwarded H.R. 1607, as amended, to the full Committee.

During consideration of the bill, the following amendment was considered and agreed to by voice vote:

An amendment in the nature of a substitute to H.R. 1607 offered by Ms. Titus of Nevada amended the text to remove provisions setting a legal standard of proof for claims based on MST. Instead, the amendment requires, beginning fifteen months from the 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.

COMMITTEE CONSIDERATION

On May 21, 2015, the full Committee met in an open markup session, a quorum being present, and ordered H.R. 1607, as amended, reported favorably to the House of Representatives.

During consideration of the bill, the following amendment was offered and agreed to by voice vote:

An amendment in the nature of a substitute to H.R. 1607 offered by Mr. Bost of Illinois, which included the contents of H.R. 1607, as amended, and inserted a provision that would limit awards and bonuses paid to VA Senior Executive Service employees during fiscal years 2016 through 2018, by not more than an aggregate amount of \$2,000,000 in each such fiscal year.

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 mo-

tion to report the legislation and amendments thereto. There were no recorded votes taken on amendments or in connection with ordering H.R. 1607, as amended, reported to the House. A motion by Ranking Member Corrine Brown of Florida to report H.R. 1607, as amended, favorably to the House of Representatives 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. 1607, 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. 1607, 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. 1607, 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, June 9, 2015.

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. 1607, the Ruth Moore Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dwayne M. Wright, who can be reached at 226–2840.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 1607—Ruth Moore Act of 2015

H.R. 1607 would require the Department of Veterans Affairs (VA) to submit annual reports on certain claims for disability compensation and would limit the amounts VA could pay in awards and bonuses to employees of the department. Section 2 would require VA to submit annual reports through 2020 to the Congress detailing the number of claims for disability benefits based on military sexual trauma that are approved and denied, the number of such claims pending and on appeal, and the average number of days it takes to process those claims. The required reports also would include information on any training VA provides to its employees for handling such claims. Based on information from VA regarding costs for reports, CBO estimates that implementing section 2 would cost \$5 million over the 2016–2020 period, subject to the availability of appropriated funds.

Section 3 would limit to \$2 million per year the amounts VA could pay in awards and bonuses to senior executive service (SES) employees over the 2016–2018 period. From 2008 to 2012, VA paid an average of about \$3.5 million each year in awards and bonus payments to SES employees. Assuming such payments will continue at about that level under current law, adjusted for inflation, CBO estimates that implementing section 3 would reduce discretionary spending for personnel by about \$5 million over the 2016–2020 period, assuming appropriation levels are reduced by that amount.

CBO estimates that, on net, implementing H.R. 1607 would have an insignificant effect on spending subject to appropriation over the 2016–2020 period. Enacting H.R. 1607 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1607 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Dwayne M. Wright. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 1607, 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. 1607, as amended.

CONSTITUTIONAL AUTHORITY STATEMENT

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(g) of H. Res. 5, 114th Cong. (2015), the Committee finds that no provision of H.R.1607, as amended, 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(i) of H. Res. 5, 114th Cong. (2015), the Committee estimates that H.R. 1607 as amended, does not require directed rule making.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 of this bill would provide that the short title of H.R. 1607, as amended, would be the "Ruth Moore Act of 2015."

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

Section 2(a) of this bill would require the Secretary to annually report to Congress from 2015 through 2019 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) of this bill 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 resulting physical and mental disabilities per the American Psychiatric Association's publications.

Section 2(c) of this bill 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 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. Also during this time, Section 2(c) would require VA to provide, on a monthly basis: (1) information, including an update on VA's progress on regulation amendment and enumerated information on related claims processing, to veterans who have submitted claims or have been treated related to military sexual trauma; (2) information to all veterans who have utilized VA for benefits or healthcare; (3) all of the requested reporting requirements in a prominent location and on the home page of VA's primary website; (4) and a report to Congress with enumerated information on the disposition of each month's covered claims.

Section 2(d) of the bill would define "covered claim," "covered mental health condition," and "military sexual trauma," as stated in Section 2(a).

Section 3. Limitation on awards and bonuses paid to senior executive employees of Department of Veterans Affairs

Section 3 of this bill would limit the awards and bonuses paid to VA employees who are members of the Senior Executive Service to not more than the aggregate amount of \$2,000,000 during fiscal years 2016 through 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, and existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

* * * * *

PART II—GENERAL BENEFITS

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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

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

(a) *REPORTS.*—Not later than December 1, 2015, and each year thereafter through 2019, 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.

**VETERANS ACCESS, CHOICE, AND ACCOUNTABILITY
ACT OF 2014**

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TITLE VII—OTHER VETERANS MATTERS

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SEC. 705. LIMITATION ON AWARDS AND BONUSES PAID TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

In each of fiscal years 2015 through 2024, the Secretary of Veterans Affairs shall ensure that the aggregate amount of awards and bonuses paid by the Secretary in a fiscal year under chapter 45 or 53 of title 5, United States Code, or any other awards or bonuses authorized under such title does not exceed \$360,000,000[.], of which, during fiscal years 2016 through 2018, not more than an aggregate amount of \$2,000,000 in each such fiscal year may be paid to employees of the Department of Veterans Affairs who are members of the Senior Executive Service.

* * * * *