

118TH CONGRESS  
1ST SESSION

# S. 1028

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 29, 2023

Mr. TESTER (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## 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 2023”.

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. Report on military sexual trauma in 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. Evaluation of claims involving 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 individuals who have experienced military sexual trauma.

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. Pilot program for interim access to mental health care for individuals who have experienced military sexual trauma.

Sec. 304. Comptroller General study on access to care from Department of Veterans Affairs for individuals who have experienced military sexual trauma.

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

3       **SEC. 101. REPORT ON MILITARY SEXUAL TRAUMA IN THE**  
 4                   **DIGITAL AGE.**

5           (a) **REPORT REQUIRED.**—Not later than one year  
 6 after the date of the enactment of this Act, the Secretary  
 7 of Veterans Affairs shall submit to the Committee on Vet-  
 8 erans' Affairs of the Senate and the Committee on Vet-  
 9 erans' Affairs of the House of Representatives a report  
 10 on military sexual trauma in the digital age.

1 (b) REQUIREMENTS.—The report required under  
2 subsection (a) shall include the following:

3 (1) A comprehensive evaluation and assessment  
4 of current Department of Veterans Affairs statutes,  
5 regulations, and agency guidance relating to military  
6 sexual trauma for the purposes of access to health  
7 care under chapter 17 of title 38, United States  
8 Code, and compensation under chapter 11 of such  
9 title to identify—

10 (A) gaps in coverage for health care and  
11 compensation eligibility relating to military sex-  
12 ual trauma involving online or other techno-  
13 logical communications; and

14 (B) the feasibility and advisability of ex-  
15 panding health care and compensation for trau-  
16 ma that is nonsexual in nature involving online  
17 or other technological communications.

18 (2) Recommendations for revising statutes, reg-  
19 ulations, and agency guidance in response to the  
20 evaluation and assessment under paragraph (1).

21 (c) CONSULTATION.—In carrying out subsection (a),  
22 the Secretary of Veterans Affairs shall consult veterans  
23 service organizations and such other stakeholders as the  
24 Secretary considers relevant and appropriate.

1 (d) MILITARY SEXUAL TRAUMA DEFINED.—In this  
2 section, the term “military sexual trauma”—

3 (1) with respect to eligibility for health care,  
4 has the meaning given such term in section  
5 1720D(f) of title 38, United States Code, as added  
6 by section 301; and

7 (2) with respect to eligibility for compensation,  
8 has the meaning given such term in section 1169(i)  
9 of title 38, United States Code, as added by section  
10 203(a).

11 **TITLE II—DISABILITY COM-**  
12 **PENSATION AND CLAIMS**  
13 **PROCESSING**

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

15 In this title, the term “military sexual trauma” has  
16 the meaning given such term in section 1169(i) of title  
17 38, United States Code, as added by section 203(a).

18 **SEC. 202. CONFORMING CHANGES RELATING TO SPECIAL-**  
19 **IZED TEAMS TO EVALUATE CLAIMS INVOLV-**  
20 **ING MILITARY SEXUAL TRAUMA.**

21 Subsection (d) of section 1166 of title 38, United  
22 States Code, is amended to read as follows:

23 “(a) DEFINITIONS.—In this section, the terms ‘cov-  
24 ered mental health condition’ and ‘military sexual trauma’

1 have the meanings given those terms in section 1169(i)  
2 of this title.”.

3 **SEC. 203. EVALUATION OF CLAIMS INVOLVING MILITARY**  
4 **SEXUAL TRAUMA.**

5 (a) IN GENERAL.—Subchapter VI of chapter 11 of  
6 such title is amended by inserting after section 1166 the  
7 following new section:

8 **“§ 1166A. Evaluation of claims involving military sex-**  
9 **ual trauma**

10 “(a) IN GENERAL.—(1) In the case of any veteran  
11 who claims that a covered mental health condition based  
12 on military sexual trauma was incurred in or aggravated  
13 by active military, naval, air, or space service, the Sec-  
14 retary shall consider the following:

15 “(A) A diagnosis of such mental health condi-  
16 tion by a mental health professional.

17 “(B) A link, established by medical evidence,  
18 between current symptoms and a military sexual  
19 trauma.

20 “(C) Credible supporting evidence, in accord-  
21 ance with subsections (b) and (c) that the claimed  
22 military sexual trauma occurred.

23 “(2) The reasons for granting or denying service-con-  
24 nection in each case described in paragraph (1) shall be  
25 recorded in full.

1       “(b) NONMILITARY SOURCES OF EVIDENCE.—(1)  
2 For purposes of subsection (a), evidence from sources  
3 other than official records of the Department of Defense  
4 regarding the veteran’s active military, naval, air, or space  
5 service may corroborate the veteran’s account of the trauma.  
6 ma.

7       “(2) Examples of evidence described in paragraph (1)  
8 include the following:

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

12           “(B) Pregnancy tests and tests for sexually  
13       transmitted diseases.

14           “(C) Statements from family members, room-  
15       mates, other members of the Armed Forces or veterans,  
16       and clergy.

17       “(c) EVIDENCE OF BEHAVIOR CHANGES.—(1) For  
18 purposes of subsection (a), evidence of a behavior change  
19 following military sexual trauma is one type of relevant  
20 evidence that may be found in sources described in such  
21 subsection.

22       “(2) Examples of behavior changes that may be relevant  
23 evidence of military sexual trauma include the following:  
24

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

3           “(B) Deterioration in work performance.

4           “(C) Substance abuse or substance use dis-  
5           order.

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

8           “(E) Unexplained economic or social behavior  
9           changes.

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

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

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

22          “(e) REVIEW OF EVIDENCE.—In reviewing a claim  
23          for compensation described in subsection (a)(1), for any  
24          evidence identified as part of such claim that is described  
25          in subsection (b) or (c), the Secretary shall submit such

1 evidence to such medical or mental health professional as  
2 the Secretary considers appropriate, including clinical and  
3 counseling experts employed by the Department, to obtain  
4 an opinion as to whether the evidence indicates that a mili-  
5 tary sexual trauma occurred.

6 “(f) 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)(1)  
9 includes contact information for an appropriate point of  
10 contact with the Department.

11 “(g) SPECIALIZED TEAMS.—The Secretary shall en-  
12 sure that all claims for compensation described in sub-  
13 section (a)(1) are reviewed and processed by a specialized  
14 team established under section 1166 of this title.

15 “(h) 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 nonsexual personal  
20 assault, which the Secretary shall continue to define in  
21 regulation.

22 “(i) 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 that the



1 Secretary determines to be related to military sexual  
2 trauma and which may be service-connected under  
3 section 1110 of this title.

4 “(2) The term ‘mental health professional’  
5 means a provider in the field of mental health who  
6 meets the credential, licensure, education, and train-  
7 ing requirements established by the Secretary.

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

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

20 (c) CLERICAL AMENDMENT.—The table of sections  
21 at the beginning of such chapter is amended by inserting  
22 after the item relating to section 1166 the following new  
23 item:

“1166A. 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 sult of a sexual nature, battery of a sexual nature,  
13 or sexual harassment” and inserting “military sexual  
14 trauma (as defined in section 1166A(i) of this  
15 title)”;

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

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

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

1 ignited by a Department contractor that performs such  
2 examinations on behalf of the Department.

3 “(2) The Secretary—

4 “(A) shall grant any request under paragraph  
5 (1) if a medical facility of the Department is avail-  
6 able not further than 100 miles from the veteran’s  
7 home; and

8 “(B) may not issue a decision on a claim de-  
9 scribed in such paragraph before the requested ex-  
10 amination is completed, or notice is provided per  
11 paragraph (c)(3).

12 “(3) If a medical facility of the Department is not  
13 available within 100 miles of the veteran’s home, the Sec-  
14 retary shall notify the veteran and provide the veteran the  
15 opportunity—

16 “(A) to have the examination completed by a  
17 contractor of the Department; or

18 “(B) to complete the examination at a medical  
19 facility further than 100 miles from the veteran’s  
20 home.”.

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

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

1 **SEC. 205. COMMUNICATIONS FROM THE DEPARTMENT OF**  
2 **VETERANS AFFAIRS TO INDIVIDUALS WHO**  
3 **HAVE EXPERIENCED MILITARY SEXUAL**  
4 **TRAUMA.**

5 (a) REVIEW BOARD.—

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

9 (2) MEMBERSHIP.—The board established  
10 under paragraph (1) shall be composed of members  
11 who shall be appointed by the Secretary from among  
12 employees of the Department of Veterans Affairs  
13 who are experts in military sexual trauma and men-  
14 tal health, of whom—

15 (A) one or more shall be appointed from  
16 among mental health providers of the Veterans  
17 Health Administration;

18 (B) one or more shall be appointed from  
19 among experts on sexual assault and sexual  
20 harassment of the Veterans Benefits Adminis-  
21 tration; and

22 (C) one or more shall be appointed from  
23 among experts on sexual assault and sexual  
24 harassment of the Board of Veterans' Appeals.

25 (3) DUTIES.—The board established under  
26 paragraph (1) shall—

1 (A) review standard correspondence, which  
2 may include templates for notices under sec-  
3 tions 5103, 5104, 5104B, and 7104 of title 38,  
4 United States Code, from the Department to  
5 individuals who have experienced military sex-  
6 ual trauma for sensitivity; and

7 (B) ensure that the correspondence—

8 (i) treats such individuals with dignity  
9 and respect; and

10 (ii) does not re-traumatize such indi-  
11 viduals.

12 (4) INDIVIDUAL WHO HAS EXPERIENCED MILI-  
13 TARY SEXUAL TRAUMA DEFINED.—In this sub-  
14 section, the term “individual who has experienced  
15 military sexual trauma” means—

16 (A) a veteran who has filed a claim for  
17 compensation under chapter 11 of title 38,  
18 United States Code, relating to military sexual  
19 trauma;

20 (B) a veteran who has been awarded com-  
21 pensation under such chapter relating to mili-  
22 tary sexual trauma; or

23 (C) a former member of the Armed Forces  
24 or a veteran who is receiving care from the De-  
25 partment relating to military sexual trauma.

1 (b) CONTENTS OF CERTAIN WRITTEN COMMUNICA-  
2 TIONS TO INDIVIDUALS WHO HAVE EXPERIENCED MILI-  
3 TARY SEXUAL TRAUMA.—

4 (1) NOTICE TO CLAIMANTS OF REQUIRED IN-  
5 FORMATION AND EVIDENCE.—Section 5103 of title  
6 38, United States Code, is amended by adding at  
7 the end the following new subsection:

8 “(c) WRITTEN COMMUNICATIONS TO INDIVIDUALS  
9 WHO HAVE EXPERIENCED MILITARY SEXUAL TRAU-  
10 MA.—(1) The Secretary shall ensure that any written com-  
11 munication under this section from the Department to an  
12 individual who has experienced military sexual trauma in-  
13 cludes contact information for each of the following:

14 “(A) The military sexual trauma coordinator of  
15 the Veterans Benefits Administration.

16 “(B) The military sexual trauma coordinator of  
17 the Veterans Health Administration.

18 “(C) The Veterans Crisis Line.

19 “(D) The facility of the Veterans Health Ad-  
20 ministration closest to where the individual resides.

21 “(2) In this subsection:

22 “(A) The term ‘individual who has experienced  
23 military sexual trauma’ means—

1           “(i) a veteran who has filed a claim for  
2           compensation under chapter 11 of this title re-  
3           lating to military sexual trauma;

4           “(ii) a veteran who has been awarded com-  
5           pensation under such chapter relating to mili-  
6           tary sexual trauma; or

7           “(iii) a former member of the Armed  
8           Forces or a veteran who is receiving care from  
9           the Department relating to military sexual trau-  
10          ma.

11          “(B) The term ‘military sexual trauma’ has the  
12          meaning given that term in section 1166A(i) of this  
13          title.

14          “(C) The term ‘Veterans Crisis Line’ means the  
15          toll-free hotline for veterans established under sec-  
16          tion 1720F(h) of this title.”.

17          (2) DECISIONS AND NOTICES OF DECISIONS.—  
18          Section 5104 of title 38, United States Code, is  
19          amended by adding at the end the following new  
20          subsection:

21          “(e)(1) The Secretary shall ensure that any written  
22          communication under this section from the Department  
23          to an individual who has experienced military sexual trau-  
24          ma includes contact information for each of the following:

1           “(A) The military sexual trauma coordinator of  
2 the Veterans Health Administration.

3           “(B) The Veterans Crisis Line.

4           “(C) The facility of the Veterans Health Ad-  
5 ministration closest to where the individual resides.

6           “(2) The Secretary shall ensure that any written  
7 communication under this section from the Department  
8 to an individual who has experienced military sexual trau-  
9 ma that includes notification of an award of compensation  
10 under chapter 11 of this title relating to military sexual  
11 trauma includes—

12           “(A) the contact information described in para-  
13 graph (1); and

14           “(B) the contact information for the military  
15 sexual trauma coordinator of the Veterans Benefits  
16 Administration.

17           “(3) In this subsection:

18           “(A) The term ‘individual who has experienced  
19 military sexual trauma’ means—

20           “(i) a veteran who has filed a claim for  
21 compensation under chapter 11 of this title re-  
22 lating to military sexual trauma;

23           “(ii) a veteran who has been awarded com-  
24 pensation under such chapter relating to mili-  
25 tary sexual trauma; or



1           “(iii) a former member of the Armed  
2           Forces or a veteran who is receiving care from  
3           the Department relating to military sexual trauma.  
4           ma.

5           “(B) The term ‘military sexual trauma’ has the  
6           meaning given that term in section 1166A(i) of this  
7           title.

8           “(C) The term ‘Veterans Crisis Line’ means the  
9           toll-free hotline for veterans established under section  
10          1720F(h) of this title.”.

11          (3) HIGHER-LEVEL REVIEW BY THE AGENCY OF  
12          ORIGINAL JURISDICTION.—Section 5104B of title  
13          38, United States Code, is amended by adding at  
14          the end the following new subsection:

15          “(f) WRITTEN COMMUNICATIONS TO INDIVIDUALS  
16          WHO HAVE EXPERIENCED MILITARY SEXUAL TRAUMA.—(1) The Secretary shall ensure that any written communication under this section from the Department to an  
17          individual who has experienced military sexual trauma includes contact information for each of the following:  
18          individual who has experienced military sexual trauma in-  
19          cludes contact information for each of the following:  
20          cludes contact information for each of the following:

21                 “(A) The military sexual trauma coordinator of  
22                 the Veterans Health Administration.

23                 “(B) The Veterans Crisis Line.

24                 “(C) The facility of the Veterans Health Administration closest to where the individual resides.  
25                 ministration closest to where the individual resides.

1       “(2) The Secretary shall ensure that any written  
2 communication under this section from the Department  
3 to an individual who has experienced military sexual trau-  
4 ma that includes notification of an award of compensation  
5 under chapter 11 of this title relating to military sexual  
6 trauma includes—

7               “(A) the contact information described in para-  
8 graph (1); and

9               “(B) the contact information for the military  
10 sexual trauma coordinator of the Veterans Benefits  
11 Administration.

12       “(3) In this subsection:

13               “(A) The term ‘individual who has experienced  
14 military sexual trauma’ means—

15                       “(i) a veteran who has filed a claim for  
16 compensation under chapter 11 of this title re-  
17 lating to military sexual trauma;

18                       “(ii) a veteran who has been awarded com-  
19 pensation under such chapter relating to mili-  
20 tary sexual trauma; or

21                       “(iii) a former member of the Armed  
22 Forces or a veteran who is receiving care from  
23 the Department relating to military sexual trau-  
24 ma.

1           “(B) The term ‘military sexual trauma’ has the  
2 meaning given that term in section 1166A(i) of this  
3 title.

4           “(C) The term ‘Veterans Crisis Line’ means the  
5 toll-free hotline for veterans established under sec-  
6 tion 1720F(h) of this title.”.

7           (4) BOARD OF VETERANS’ APPEALS.—Section  
8 7104 of title 38, United States Code, is amended by  
9 adding at the end the following new subsection:

10          “(g)(1) The Secretary shall ensure that any written  
11 communication under this section from the Department  
12 to an individual who has experienced military sexual trau-  
13 ma includes contact information for each of the following:

14           “(A) The military sexual trauma coordinator of  
15 the Veterans Health Administration.

16           “(B) The Veterans Crisis Line.

17           “(C) The facility of the Veterans Health Ad-  
18 ministration closest to where the individual resides.

19          “(2) The Secretary shall ensure that any written  
20 communication under this section from the Department  
21 to an individual who has experienced military sexual trau-  
22 ma that includes notification of an award of compensation  
23 under chapter 11 of this title relating to military sexual  
24 trauma includes—

1           “(A) the contact information described in para-  
2 graph (1); and

3           “(B) the contact information for the military  
4 sexual trauma coordinator of the Veterans Benefits  
5 Administration.

6           “(3) In this subsection:

7           “(A) The term ‘individual who has experienced  
8 military sexual trauma’ means—

9                   “(i) a veteran who has filed a claim for  
10 compensation under chapter 11 of this title re-  
11 lating to military sexual trauma;

12                   “(ii) a veteran who has been awarded com-  
13 pensation under such chapter relating to mili-  
14 tary sexual trauma; or

15                   “(iii) a former member of the Armed  
16 Forces or a veteran who is receiving care from  
17 the Department relating to military sexual trau-  
18 ma.

19           “(B) The term ‘military sexual trauma’ has the  
20 meaning given that term in section 1166A(i) of this  
21 title.

22           “(C) The term ‘Veterans Crisis Line’ means the  
23 toll-free hotline for veterans established under sec-  
24 tion 1720F(h) of this title.”.

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 2023, 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.”.

18           (e) SUNSET.—On the date that the Under Secretary  
19 determines, pursuant to special focus reviews conducted  
20 under paragraph (1) of subsection (a), that the accuracy  
21 rates under paragraph (2)(B) of such subsection have  
22 been 95 percent or greater for five consecutive years—

23                   (1) subsection (a)(1) shall cease to be in effect;  
24           and

1 (2) subparagraph (I) of section 5501(b)(2) of  
 2 the Johnny Isakson and David P. Roe, M.D. Vet-  
 3 erans Health Care and Benefits Improvement Act of  
 4 2020 (Public Law 116–315; 134 Stat. 5048), as  
 5 added by subsection (d), is repealed.

6 **TITLE III—ACCESS TO HEALTH**  
 7 **CARE**

8 **SEC. 301. EXPANSION OF ELIGIBILITY FOR COUNSELING**  
 9 **AND TREATMENT FOR MILITARY SEXUAL**  
 10 **TRAUMA TO INCLUDE ALL FORMER MEM-**  
 11 **BERS OF THE RESERVE COMPONENTS OF**  
 12 **THE ARMED FORCES.**

13 Section 1720D of title 38, United States Code, is  
 14 amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1), by striking “a phys-  
 17 ical assault” and all that follows through the  
 18 period at the end and inserting “military sexual  
 19 trauma.”; and

20 (B) in paragraph (2)(A), by striking “was  
 21 suffered” and all that follows through the pe-  
 22 riod at the end and inserting “resulted from  
 23 military sexual trauma.”; and

24 (2) by striking subsections (f) and (g) and in-  
 25 serting the following new subsection (f):

1 “(f) In this section:

2 “(1) The term ‘former member of the Armed  
3 Forces’ means a person who served on active duty,  
4 active duty for training, or inactive duty training,  
5 and who was discharged or released therefrom under  
6 any condition that is not—

7 “(A) a discharge by court-martial; or

8 “(B) a discharge subject to a bar to bene-  
9 fits under section 5303 of this title.

10 “(2) The term ‘military sexual trauma’ means,  
11 with respect to a member of the Armed Forces or  
12 former member of the Armed Forces, a physical as-  
13 sault of a sexual nature, battery of a sexual nature,  
14 or sexual harassment which occurred while the mem-  
15 ber or former member was serving on duty, regard-  
16 less of duty status or line of duty determination (as  
17 that term is used in section 12323 of title 10).

18 “(3) The term ‘sexual harassment’ means unso-  
19 licited verbal or physical contact of a sexual nature  
20 which is threatening in character.”.

1 **SEC. 302. CONNECTION TO VETERANS HEALTH ADMINIS-**  
2 **TRATION WHEN A DISABILITY CLAIM RE-**  
3 **LATED TO MILITARY SEXUAL TRAUMA IS SUB-**  
4 **MITTED TO VETERANS BENEFITS ADMINIS-**  
5 **TRATION.**

6 (a) IN GENERAL.—Not later than 14 days after the  
7 date on which a veteran submits a claim for disability com-  
8 pensation to the Veterans Benefits Administration for a  
9 disability related to military sexual trauma, the Secretary  
10 of Veterans Affairs shall send a communication to the vet-  
11 eran with the following information:

12 (1) The contact information for the nearest  
13 military sexual trauma coordinator for the veteran  
14 at the Veterans Benefits Administration and a de-  
15 scription of the assistance such coordinator can pro-  
16 vide.

17 (2) The contact information for the nearest  
18 military sexual trauma coordinator for the veteran  
19 at the Veterans Health Administration and a de-  
20 scription of the assistance such coordinator can pro-  
21 vide.

22 (3) The types of services that individuals who  
23 have experienced military sexual trauma are eligible  
24 to receive from the Department of Veterans Affairs,  
25 including the nearest locations and the contact infor-  
26 mation for such services.

1           (4) The contact information for the Veterans  
2           Crisis Line established under section 1720F(h) of  
3           title 38, United States Code.

4           (5) Such other information on services, care, or  
5           resources for military sexual trauma as the Sec-  
6           retary determines appropriate.

7           (b) DEFINITION OF MILITARY SEXUAL TRAUMA.—  
8           In this section, the term “military sexual trauma” has the  
9           meaning given that term in section 1166A(i) of title 38,  
10          United States Code, as added by section 203(a).

11   **SEC. 303. PILOT PROGRAM FOR INTERIM ACCESS TO MEN-**  
12                           **TAL HEALTH CARE FOR INDIVIDUALS WHO**  
13                           **HAVE EXPERIENCED MILITARY SEXUAL**  
14                           **TRAUMA.**

15          (a) IN GENERAL.—Commencing not later than one  
16          year after the date of the enactment of this Act, the Sec-  
17          retary of Veterans Affairs shall carry out a pilot program  
18          to provide intensive outpatient mental health care to cur-  
19          rent and former members of the Armed Forces who have  
20          experienced military sexual trauma when the wait times  
21          for residential mental health care from the Department  
22          of Veterans Affairs for the individual is more than 14  
23          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 residential mental health care,  
13 particularly for individuals who have experienced  
14 military sexual trauma.

15 (3) NOTIFICATION.—Before commencing the  
16 pilot program under subsection (a), the Secretary  
17 shall notify the Committee on Veterans' Affairs of  
18 the Senate and the Committee on Veterans' Affairs  
19 of the House of Representatives of the locations se-  
20 lected for the pilot program.

21 (d) TYPES OF SERVICES.—Subject to the preference  
22 of the individual participating in the pilot program under  
23 subsection (a) and the capacity of facilities of the Depart-  
24 ment, the Secretary may provide services under the pilot

1 program via telehealth or in person at a facility of the  
2 Department.

3 (e) PARTICIPATION.—

4 (1) CLARIFICATION ON PARTICIPATION.—Par-  
5 ticipation by an individual in the pilot program  
6 under subsection (a) shall be during the period in  
7 which the individual is waiting for a residential men-  
8 tal health bed opening and shall not disqualify the  
9 individual from receiving residential mental health  
10 care following their participation in the pilot pro-  
11 gram.

12 (2) DECISIONS ON PARTICIPATION.—Decisions  
13 about the participation of an individual in the pilot  
14 program and the transition of the individual to resi-  
15 dential mental health care shall be made by the indi-  
16 vidual and their health care provider.

17 (f) REPORT.—Not later than 180 days after the con-  
18 clusion of the pilot program under subsection (a), the Sec-  
19 retary shall submit to Congress a report on—

- 20 (1) participation in the pilot program;  
21 (2) clinical outcomes under the pilot program;  
22 and  
23 (3) such recommendations for continuation or  
24 termination of the program as the Secretary may

1 have, including recommendations for legislative or  
2 administrative action.

3 (g) DEFINITION OF MILITARY SEXUAL TRAUMA.—

4 In this section, the term “military sexual trauma” has the  
5 meaning given that term in section 1720D(f) of title 38,  
6 United States Code, as added by section 301.

7 **SEC. 304. COMPTROLLER GENERAL STUDY ON ACCESS TO**  
8 **CARE FROM DEPARTMENT OF VETERANS AF-**  
9 **FAIRS FOR INDIVIDUALS WHO HAVE EXPERI-**  
10 **ENCED MILITARY SEXUAL TRAUMA.**

11 (a) IN GENERAL.—The Comptroller General of the  
12 United States shall conduct a study on access to mental  
13 health care at facilities of the Department of Veterans Af-  
14 fairs for individuals who have experienced military sexual  
15 trauma.

16 (b) ELEMENTS.—The study conducted under sub-  
17 section (a) shall include an assessment of the following:

18 (1) The availability of residential and out-  
19 patient services, including wait times and geographic  
20 disparities for such services, to include—

21 (A) an assessment of the availability of bed  
22 spaces in the mental health residential rehabili-  
23 tation treatment programs of the Department  
24 of Veterans Affairs for individuals who have ex-  
25 perience military sexual trauma, including an



1 assessment of the suitability of those programs  
2 for such individuals and the wait times for serv-  
3 ices under those programs;

4 (B) an assessment of geographic dispari-  
5 ties in access to those programs for individuals  
6 who have experienced military sexual trauma,  
7 including by region and by rural and urban  
8 areas;

9 (C) an assessment of alternative care op-  
10 tions provided when an individual who has ex-  
11 perience military sexual trauma is waiting for  
12 residential care, the efficacy of those alter-  
13 natives, and the satisfaction of patients with  
14 those alternatives;

15 (D) recommendations for reducing the av-  
16 erage wait time for services under those pro-  
17 grams to 14 days or less, including by increas-  
18 ing bed space or addressing staffing needs; and

19 (E) an assessment of the satisfaction of  
20 patients with the tracks of those programs spe-  
21 cific to military sexual trauma, an assessment  
22 of the wait times for services under those  
23 tracks, and recommendations for increasing or  
24 changing the number of locations for services  
25 under those tracks to better meet the needs of

1 individuals who have experienced military sex-  
2 ual trauma.

3 (2) The communication and advertisement by  
4 the Department of the care, services, and resources  
5 available for individuals who have experienced mili-  
6 tary sexual trauma.

7 (3) The barriers to accessing health care related  
8 to military sexual trauma at a facility of the Depart-  
9 ment for individuals who have experienced military  
10 sexual trauma, including transportation, child care,  
11 lack of telehealth, gender-specific barriers, and more.

12 (4) The extent to which the Secretary has as-  
13 sessed the quality of the training provided to pro-  
14 viders of the Department on military sexual trauma  
15 and made any adjustments in response to such as-  
16 sessment.

17 (5) The role of Vet Centers in providing care to  
18 individuals who have experienced military sexual  
19 trauma, including current and former members of  
20 the Armed Forces.

21 (6) Any current actions by the Secretary to  
22 strengthen access to high-quality care for individuals  
23 who have experienced military sexual trauma and  
24 such recommendations for improving access to care

1 for such individuals as the Comptroller General con-  
2 siders appropriate.

3 (c) REPORT.—Not later than two years after the date  
4 of the enactment of this Act, the Comptroller General shall  
5 submit to Congress a report on the findings of the study  
6 conducted under subsection (a).

7 (d) DEFINITIONS.—In this section:

8 (1) MILITARY SEXUAL TRAUMA.—The term  
9 “military sexual trauma” has the meaning given  
10 that term in section 1720D(f) of title 38, United  
11 States Code, as added by section 301.

12 (2) VET CENTER.—The term “Vet Center” has  
13 the meaning given that term in section 1712A(h) of  
14 title 38, United States Code.

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