

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6961

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IN THE SENATE OF THE UNITED STATES

MAY 19 (legislative day, MAY 17), 2022

Received; read twice and referred to the Committee on Veterans' Affairs

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## AN ACT

To amend title 38, United States Code, to improve hearings before the Board of Veterans' Appeals regarding claims involving military sexual trauma.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REQUIREMENT FOR TRAINING ON CLAIMS IN-**  
2 **VOLVING MILITARY SEXUAL TRAUMA PRIOR**  
3 **TO ASSIGNMENT OF CERTAIN PROCEEDINGS.**

4 (a) REQUIREMENT.—Section 7102 of title 38, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new subsection:

7 “(c)(1) The Secretary shall ensure that there is of-  
8 fered to each member of the Board an annual training  
9 on military sexual trauma and proceedings that concern  
10 a claim for compensation based on military sexual trauma  
11 experienced by a veteran.

12 “(2) A proceeding that concerns a claim specified in  
13 paragraph (1) may not be assigned to an individual mem-  
14 ber of the Board or to a panel of members unless the indi-  
15 vidual member, or each member of the panel, as the case  
16 may be, has completed the annual training most recently  
17 offered to that member pursuant to such paragraph.

18 “(3) In this subsection, the term ‘military sexual  
19 trauma’ has the meaning given that term in section  
20 1166(c) of this title.”.

21 (b) FIRST TRAINING.—The Secretary of Veterans Af-  
22 fairs shall ensure that each member of the Board of Vet-  
23 erans’ Appeals is offered the first annual training under  
24 section 7102(c) of title 38, United States Code, as amend-  
25 ed by subsection (a), by not later than 180 days after the  
26 date of the enactment of this Act.

1           (c) APPLICABILITY.—The limitation under section  
2 7102(c)(2) of title 38, United States Code, as added by  
3 subsection (a), shall apply with respect to the assignment  
4 of proceedings on or after the date that is 180 days after  
5 the date of the enactment of this Act.

6 **SEC. 2. REVIEW OF LANGUAGE AND PRACTICES USED IN**  
7                                   **CONNECTION WITH CLAIMS INVOLVING MILI-**  
8                                   **TARY SEXUAL TRAUMA.**

9           (a) BOARD OF VETERANS' APPEALS.—

10                   (1) IN GENERAL.—Section 7112 of title 38,  
11 United States Code, is amended—

12                                   (A) by inserting “(a) REMANDED  
13 CLAIMS.—” before “The Secretary”; and

14                                   (B) by adding at the end the following new  
15 subsections:

16           “(b) CLAIMS INVOLVING MILITARY SEXUAL TRAU-  
17 MA.—The Board shall promptly determine whether a no-  
18 tice of disagreement filed with the Board is a covered case.

19           “(c) DEFINITIONS.—In this section:

20                                   “(1) The term ‘covered case’ means a case—

21   “(A) that concerns a claim for compensa-  
22 tion based on military sexual trauma; and

23   “(B) for which the appellant has requested  
24 a hearing in the notice of disagreement filed

1 with the Board pursuant to section 7105 of this  
2 title.

3 “(2) The term ‘military sexual trauma’ has the  
4 meaning given that term in section 1166 of this  
5 title.”.

6 (2) CLERICAL AMENDMENTS.—

7 (A) SECTION HEADING.—The heading of  
8 such section is amended by striking “**re-**  
9 **manded**” and inserting “**certain**”.

10 (B) TABLE OF SECTIONS.—The table of  
11 sections at the beginning of chapter 71 of such  
12 title is amended by striking the item relating to  
13 section 7112 and inserting the following:

“7112. Expedited treatment of certain claims.”.

14 (b) AUDIT AND MODIFICATION OF DENIAL LET-  
15 TERS.—

16 (1) REQUIREMENT.—The Secretary of Veterans  
17 Affairs shall conduct an audit of the language used  
18 in letters sent to individuals to explain the decision  
19 by the Secretary to deny covered claims. Not later  
20 than 180 days after the date of the enactment of  
21 this Act, the Secretary shall modify the letters to en-  
22 sure that—

23 (A) the letters use trauma-informed lan-  
24 guage; and

1 (B) veterans are not re-traumatized  
2 through insensitive language.

3 (2) CONSULTATION.—The Secretary shall carry  
4 out paragraph (1) in consultation with veterans serv-  
5 ice organizations and other stakeholders as the Sec-  
6 retary determines appropriate.

7 (c) EXAMINATIONS.—The Secretary shall establish  
8 protocols for Department of Veterans Affairs medical pro-  
9 viders and contract medical providers to ensure that the  
10 medical providers conduct examinations regarding covered  
11 claims using trauma-informed practices.

12 (d) DEFINITIONS.—In this section:

13 (1) The term “compensation” has the meaning  
14 given that term in section 101 of title 38, United  
15 States Code.

16 (2) The term “contract medical provider”  
17 means a medical provider who contracts with the  
18 Department of Veterans Affairs to provide a medical  
19 examination or a medical opinion when such an ex-  
20 amination or opinion is necessary to make a decision  
21 on a claim under the laws administered by the Sec-  
22 retary of Veterans Affairs.

23 (3) The term “covered claim” means a claim  
24 for compensation based on military sexual trauma  
25 experienced by a veteran.

1           (4) The term “military sexual trauma” has the  
2 meaning given that term in section 1166 of title 38,  
3 United States Code.

4           (5) The term “trauma-informed” means, with  
5 respect to language or practices, using language or  
6 carrying out practices in a manner that—

7                   (A) is based on a knowledge of the aware-  
8 ness of the prevalence and impact of trauma on  
9 the physical, emotional, and mental health of an  
10 individual, the behaviors of the individual, and  
11 the engagement by the individual to services;

12                   (B) is aimed at ensuring environments and  
13 services are welcoming and engaging to the in-  
14 dividual who receives such services and the staff  
15 who provide such services; and

16                   (C) ensures that the language or practices  
17 do not retraumatize the individual.

Passed the House of Representatives May 18, 2022.

Attest:                   CHERYL L. JOHNSON,  
*Clerk.*