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[H.R. 1607, Ruth Moore Act of 2015](#)

FLOOR SITUATION

On Monday, July 27, 2015, the House will consider [H.R. 1607](#), the *Ruth Moore Act of 2015*, under suspension of the rules. The bill was introduced on March 25, 2015, by Rep. Chellie Pingree (D-ME) and referred to the Committee on Veterans' Affairs, which ordered the bill to be reported, as amended, by voice vote on May 21, 2015.

SUMMARY

H.R. 1607 would require the Secretary of the Department of Veterans' Affairs (VA) to submit a report to Congress by December 1, 2015, and every year thereafter through 2019, regarding covered claims submitted during the previous year. The bill defines "covered claims" as "claims for disability compensation submitted to the Secretary based on a covered mental health condition [post-traumatic stress disorder, anxiety, depression, or other specified mental illness] alleged to have been incurred or aggravated by military sexual trauma."

The report would include the total number of covered claims submitted to the VA; the number of covered claims approved, denied, and pending; and the number of claims on appeal, along with specified demographic information and reasons for denial. The report would also include the average number of days it takes to complete claims, beginning on the day the claim was submitted, and a description of the relevant training the Secretary provides to employees of the Veterans Benefits Administration regarding covered claims.

The bill also expresses the sense of Congress that the VA should update and improve its regulations regarding 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). Until the VA updates such regulations, the bill requires the agency to provide to each veteran who has submitted a covered claim or has been treated for MST at a medical facility a copy of the most recent aforementioned report. In addition, the 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.

H.R. 1607 would also 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 million for each fiscal year.

BACKGROUND

A Department of Defense (DOD) study emphasized that MST is a problem in the military.¹ DOD estimated in 2009 that one in three military women are sexually assaulted.² According to the Committee, VA's current regulation and practices regarding claims for PTSD arising as a result of in-service military sexual trauma (MST) are out of date, and VA personnel are not adequately trained to deal with such claims.³

According to the Committee, several factors have complicated the process for veterans seeking disability compensation for mental health conditions that may arise as the result of MST. 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 assault occurred, and therefore service connection is often difficult to establish. The precipitating events of MST are often unrecorded in a service member's medical records or in-service department records, which is particularly the case for incidents of sexual assault while on active duty, making it difficult for victims of MST with resulting mental health conditions to receive the disability compensation they are entitled to under current law.⁴

Ruth Moore enlisted in the Navy at age eighteen in 1986, "eager to fight" for her country.⁵ Ms. Moore testified to the Committee in 2012 that her supervisor raped her multiple times two and a half months after she had joined the Navy. Subsequently, she suffered from depression, attempted suicide, and received treatment for a sexually transmitted disease that she contracted from her attacker. She was then diagnosed with "borderline personality disorder" and discharged from the Navy, yet was denied veteran's disability benefits, leaving her "homeless." Her suspected attacker was never charged with a crime or disciplined.⁶ According to the Committee, Ms. Moore's case "is the epitome of how these specialized claims may drag on and slow down the system." Ms. Moore fought through the VA bureaucracy and appeals process for twenty-three years before she was awarded benefits in 2009.⁷

According to the bill sponsor, "the sexual assault of someone who has volunteered to serve and defend this country is a crime and shouldn't be tolerated ... But when it happens we have to do everything we can to make sure the survivor gets the benefits they deserve. To do that we need to change the way these claims are treated at the VA ... Ruth Moore fought for 23 years to get the benefits she deserved. The least we can do is to keep up the fight to change the policies that make it so hard for survivors of sexual assault to get their benefits."⁸

¹ See Department of Defense Fiscal Year 2014 Annual [Report](#) on Sexual Assault in the Military.

² See *CBS* article "[Sexual Assault Permeates U.S. Armed Forces](#)," March 17, 2009

³ See House Report [114-207](#) at 4.

⁴ *Id.* at 5.

⁵ See *Huffington Post* article, "[Ruth Moore Act of 2013, Military Sexual Assault Bill, Highlights Survivors' Struggle for Benefits](#)," February 13, 2013.

⁶ See *Army Times* article, "[Bill: Help sex assault victims get VA benefits](#)," February 11, 2013

⁷ See House Report [114-207](#) at 5.

⁸ See Press Release, "[Congresswoman Chellie Pingree and Senator Jon Tester re-introduce bill to help survivors of military sexual assault](#)," March 26, 2015.

In the 113th Congress, the House passed a similar bill, [H.R. 671](#), by voice vote on June 4, 2013. The Senate did not act on the House-passed bill during the 113th Congress.

COST

The Congressional Budget Office (CBO) [estimates](#) that, on net, implementing H.R. 1607 would have an insignificant effect on spending subject to appropriation over the 2016 to 2020 period. Enacting H.R. 1607 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. Based on information from VA, CBO estimates that the bill's reporting requirements would cost \$5 million over the 2016 to 2020 period, subject to the availability of appropriated funds. CBO also estimates that the bonus limitations in the bill would reduce discretionary spending for personnel by about \$5 million over the 2016 to 2020 period, assuming appropriation levels are reduced by that amount.

STAFF CONTACT

For questions or further information please contact [John Huston](#) with the House Republican Policy Committee by email or at 6-5539.