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113TH CONGRESS
2D SESSION

H. R. 4344

To amend title 38, United States Code, to establish a presumption of service connection for mental health conditions related to military sexual trauma.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2014

Ms. TITUS (for herself, Ms. DELAURO, Ms. PINGREE of Maine, Ms. BROWN of Florida, Ms. KUSTER, Ms. BROWNLEY of California, Ms. FRANKEL of Florida, Mr. LOWENTHAL, Mr. TONKO, Mrs. NAPOLITANO, Mr. O'ROURKE, and Ms. JACKSON LEE) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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A BILL

To amend title 38, United States Code, to establish a presumption of service connection for mental health conditions related to military sexual trauma.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Sexual Trauma Claims Administration Reform and Eligibility Act".

SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR MENTAL HEALTH CONDITIONS RELATED TO MILITARY SEXUAL TRAUMA.

(a) PRESUMPTION.—

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

"SEC. 1119. PRESUMPTION OF SERVICE CONNECTION FOR MENTAL HEALTH CONDITIONS RELATED TO MILITARY SEXUAL TRAUMA.

"(a) IN GENERAL.—For purposes of section 1110 of this title, and subject to section 1113 of this title, a mental health condition of a veteran that a veteran certifies to the Secretary as being incurred in or aggravated by military sexual trauma shall be considered to have been incurred in or aggravated by the service of the veteran, notwithstanding that there is no record of evidence of such mental health condition or such military sexual trauma occurring during such service.

"(b) MILITARY SEXUAL TRAUMA DEFINED.—In this section, 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 (as defined in section 1720D of this title) which occurred during a period of serving in

the Armed Forces on active duty or active duty for training.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of such title is amended by inserting after the item relating to section 1118 the following new item:

''1119. Presumption of service connection for mental health conditions related to military sexual trauma.''.

(b) PRESUMPTION REBUTTABLE.—Section 1113 of title 38, United States Code, is amended by striking ''or 1118'' each place it appears and inserting ''1118, or 1119''.

(c) PRESUMPTION DURING PEACETIME SERVICE.—Section 1137 of title 38, United States Code, is amended by striking ''and 1113'' and inserting ''1113, and 1119''.

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