

111TH CONGRESS
1ST SESSION

H. R. 4088

To ensure that the members of the Armed Forces and civilian employees of the Department of Defense who were killed or wounded in the shootings at Fort Hood are treated in the same manner as members who are killed or wounded in combat zones or civilian employees who are killed or wounded in a terrorist attack or while serving with the Armed Forces in a contingency operation.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2009

Mr. CARTER (for himself, Mr. PETRI, Mr. CONNOLLY of Virginia, Mr. RUPPERSBERGER, Mr. HUNTER, Mr. ROE of Tennessee, Ms. MCCOLLUM, Mr. RYAN of Wisconsin, Mr. COLE, Ms. BALDWIN, Mr. KIND, Mr. DOYLE, Mrs. BIGGERT, Ms. FALLIN, Mr. DONNELLY of Indiana, Mr. HOLDEN, Mr. ELLISON, Mr. CONAWAY, Ms. ROS-LEHTINEN, Mr. OLSON, Mrs. LUMMIS, Mr. PIERLUISI, Mrs. BLACKBURN, Ms. CHU, Mr. EDWARDS of Texas, Mr. MCCAUL, Ms. NORTON, Ms. GRANGER, Mr. THORNBERRY, Mrs. MCMORRIS RODGERS, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. BRADY of Texas, Mr. SMITH of Texas, Mr. DAVIS of Tennessee, Mr. KING of New York, Mr. WESTMORELAND, Mr. WAMP, Mr. BROUN of Georgia, Mr. AL GREEN of Texas, Mr. CANTOR, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. HENSARLING, Mr. GOHMERT, Mr. KING of Iowa, and Mr. DAVIS of Kentucky) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Ways and Means, Oversight and Government Reform, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure that the members of the Armed Forces and civilian employees of the Department of Defense who were killed or wounded in the shootings at Fort Hood are

treated in the same manner as members who are killed or wounded in combat zones or civilian employees who are killed or wounded in a terrorist attack or while serving with the Armed Forces in a contingency operation.

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.**

4 This Act may be cited as the “Fort Hood Families
5 Benefits Protection Act”.

6 **SEC. 2. TREATMENT OF MEMBERS OF THE ARMED FORCES**
7 **AND CIVILIAN EMPLOYEES OF THE DEPART-**
8 **MENT OF DEFENSE WHO WERE KILLED OR**
9 **WOUNDED IN THE SHOOTINGS AT FORT**
10 **HOOD.**

11 (a) TREATMENT.—For purposes of the laws specified
12 in subsection (b), a member of the Armed Forces or civil-
13 ian employee of the Department of Defense who was killed
14 or wounded by gunfire in the shootings that occurred at
15 Fort Hood, Texas, on November 5, 2009, shall be
16 deemed—

17 (1) in the case of a member, to have been killed
18 or wounded in a combat zone as the result of an act
19 of an enemy of the United States; and

20 (2) in the case of a civilian employee of the De-
21 partment of Defense, to have been killed or wounded

1 while serving with the Armed Forces in a contin-
2 gency operation or to have been killed or wounded
3 in a terrorist attack.

4 (b) COVERED LAWS.—Subsection (a) shall apply with
5 respect to the following laws (and related regulations and
6 policies):

7 (1) Executive Order 11016 (relating to the
8 award of the Purple Heart to members of the Armed
9 Forces).

10 (2) The Secretary of Defense Medal for the De-
11 fense of Freedom (for civilian employees of the De-
12 partment of Defense who are killed or wounded in
13 the line of duty).

14 (3) Section 8102a of title 5, United States
15 Code (relating to a death gratuity for deaths in-
16 curred in connection with an employee's service with
17 the Armed Forces in a contingency operation).

18 (4) Section 1413a of title 10, United States
19 Code (relating to combat-related special compensa-
20 tion for retired members).

21 (5) Section 1482a of title 10, United States
22 Code (relating to payment of expenses incident to
23 the death of a civilian employee while serving with
24 the Armed Forces in a contingency operation).

1 (6) Sections 303a(e) and 373(b)(2) of title 37,
2 United States Code (relating to repayment of un-
3 earned portion of bonuses and other benefits when
4 a uniformed services dies or is retired or separated
5 with a combat-related disability).

6 (7) Section 310 of title 37, United States Code
7 (relating to special pay for members for duty subject
8 to hostile fire or imminent danger).

9 (8) Section 328 of title 37, United States Code
10 (relating to combat-related injury rehabilitation pay
11 for members).

12 (9) Section 372 of title 37, United States Code
13 (relating to continuation of special pays and allow-
14 ances for members during hospitalization and reha-
15 bilitation resulting from wounds incurred while on
16 duty in a combat zone).

17 (10) Section 402(h) of title 37, United States
18 Code (relating to no payment for meals received at
19 military treatment facilities by members recovering
20 from an injury incurred in a combat zone).

21 (11) Section 411h of title 37, United States
22 Code (relating to transportation of family members
23 incident to illness or injury of members).

1 (12) Section 1007(c)(4) of title 37, United
2 States Code (relating to deductions from pay of
3 members).

4 (13) Section 112 of the Internal Revenue Code
5 of 1986 (relating to tax treatment of combat zone
6 compensation of members).

7 (14) Section 134(b)(6) of the Internal Revenue
8 Code of 1986 (relating to tax treatment of certain
9 State payments received by members in a combat
10 zone).

11 (15) Section 692 of the Internal Revenue Code
12 of 1986 (relating to income taxes of members who
13 die in a combat zone or from injuries sustained
14 therein and victims of terrorist attacks).

15 (16) Section 2201 of the Internal Revenue Code
16 of 1986 (relating to selection of rate schedule to es-
17 tate of members who die in a combat zone or from
18 injuries sustained therein and victims of terrorist at-
19 tacks).

20 (17) Section 7508 of the Internal Revenue Code
21 of 1986 (relating to postponement of time for per-
22 forming certain actions under internal revenue laws
23 for members serving in a combat zone or recovering
24 from injuries sustained therein).

1 (18) Any other provision of law that treats the
2 death or injury of a member of the Armed Forces
3 in a combat zone as the result of an act of an enemy
4 of the United States or the death or injury of a civil-
5 ian employee in a terrorist attack or while serving
6 with the Armed Forces in a contingency operation
7 differently from the death or injury of members and
8 civilian employees under other circumstances.

9 (c) MAXIMUM COVERAGE UNDER SERVICEMEMBERS'
10 GROUP LIFE INSURANCE.—If a member of the Armed
11 Forces who was killed in the shootings that occurred at
12 Fort Hood or dies of wounds sustained in the shootings
13 was insured under subchapter III of chapter 19 of title
14 38, United States Code, but elected to be insured in an
15 amount less than the amount provided for under section
16 1967(a)(3)(A)(i) of such title, the amount for which the
17 person is deemed to be insured under such subchapter
18 shall be \$400,000 notwithstanding such election.

19 (d) EXCEPTION.—Subsections (a) and (c) shall not
20 apply to a member of the Armed Forces whose wounds
21 or death is the result of the willful misconduct of the mem-
22 ber.

○