

111TH CONGRESS
1ST SESSION

S. 1440

To establish requirements applicable across the military departments for the retention in the Armed Forces of members who seek to remain in the Armed Forces following an injury or disability incurred in the line of duty in the Armed Forces.

IN THE SENATE OF THE UNITED STATES

JULY 10, 2009

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To establish requirements applicable across the military departments for the retention in the Armed Forces of members who seek to remain in the Armed Forces following an injury or disability incurred in the line of duty in the Armed Forces.

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 “Wounded Warrior Re-
5 tention Act of 2009”.

1 **SEC. 2. UNIFORM REQUIREMENTS APPLICABLE TO THE RE-**
2 **TENTION IN THE ARMED FORCES OF MEM-**
3 **BERS SEEKING TO REMAIN IN THE ARMED**
4 **FORCES FOLLOWING INJURY OR DISABILITY**
5 **IN THE LINE OF DUTY.**

6 The retention in the Armed Forces of a member of
7 the Armed Forces (including a member of the National
8 Guard or Reserve) who seeks to remain in the Armed
9 Forces following an injury or disability suffered or in-
10 curred in the line of duty in the Armed Forces shall be
11 subject to the requirements as follows:

12 (1) A member shall be considered for retention
13 if the member has previously been deployed abroad
14 in the Armed Forces.

15 (2) A member shall be considered for retention
16 if the member has served at least one year in the
17 Armed Forces or such lesser period as the Secretary
18 of the military department concerned shall prescribe
19 for purposes of this section.

20 (3) A member may be denied retention if—

21 (A) the injury or disability of the member
22 was incurred through the misconduct or willful
23 negligence of the member, or during an unau-
24 thorized absence of the member;

25 (B) the Secretary of the military depart-
26 ment concerned determines that the member

1 would not be able to work in a military environ-
2 ment without adversely affecting the member's
3 health, posing a risk to other members of the
4 Armed Forces, or requiring undue loss of time
5 for medical treatment; or

6 (C) the Secretary of the military depart-
7 ment concerned determines that the member
8 would be incapable of serving in the Armed
9 Forces for at least one year after retention, or
10 such shorter period after retention as the Sec-
11 retary of Defense shall prescribe for purposes of
12 this section.

13 (4) A member so retained who is unable to per-
14 form the duties of the military occupational specialty
15 to which assigned when injured or disabled shall be
16 assigned—

17 (A) to limited duty within such military oc-
18 cupational specialty consistent with the mem-
19 ber's capabilities; or

20 (B) to retraining for assignment to a mili-
21 tary occupational specialty consistent with the
22 member's capabilities.

23 (5) Any physical evaluation (including any fit-
24 ness test) of a member so retained shall take into
25 appropriate account the nature and extent of the in-

1 jury or disability of the member, and failure of com-
2 pletion of such a physical evaluation, alone, shall not
3 disqualify a member for retention.

4 (6) The retention of a member so retained shall
5 not affect the eligibility of the member for promotion
6 or assignment to specialized training necessary for
7 advancement as a member of the Armed Forces as
8 otherwise provided by law.

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