

117TH CONGRESS
2D SESSION

H. R. 8081

To amend title 10, United States Code, to preserve the authority of the Secretary of the military department concerned over a member of the Armed Forces undergoing medical treatment or evaluation for medical disability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2022

Mr. MAST (for himself, Mr. LARSEN of Washington, Mr. WALTZ, Mrs. RODGERS of Washington, Mrs. MILLER-MEEKS, and Mr. C. SCOTT FRANKLIN of Florida) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to preserve the authority of the Secretary of the military department concerned over a member of the Armed Forces undergoing medical treatment or evaluation for medical disability, and for other purposes.

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 Bill
5 of Rights Act.”

1 **SEC. 2. ACCOUNTABILITY FOR WOUNDED WARRIORS UN-**
2 **DERGOING DISABILITY EVALUATION.**

3 (a) IN GENERAL.—Not later than April 1, 2023, the
4 Secretary of Defense shall establish a policy to ensure ac-
5 countability for actions taken under the authorities of the
6 Defense Health Agency and military departments, respec-
7 tively, concerning wounded, ill, and injured members of
8 the Armed Forces during the integrated disability evalua-
9 tion system process. Such policy shall include that:

10 (1) A determination of fitness for duty under
11 chapter 61 of title 10, United States Code, of a
12 member of the Armed Forces falls under the juris-
13 diction of the Secretary of a military department
14 concerned.

15 (2) A medical evaluation provided under the au-
16 thority of the Defense Health Agency under section
17 1073c of such title shall comply with applicable law
18 and Department of Defense regulations and shall be
19 considered by the military department concerned in
20 determining fitness for duty under such chapter.

21 (3) Wounded, ill, and injured members of the
22 Armed Forces shall not be denied the protections,
23 privileges, or right to due process afforded under ap-
24 plicable law and regulations of the Department of
25 Defense and the military department concerned.

1 (b) CLARIFICATION OF RESPONSIBILITIES REGARD-
2 ING MEDICAL EVALUATION BOARDS.—Section 1073c of
3 title 10, United States Code, is amended by redesignating
4 subsection (h) as subsection (i); and by inserting after
5 subsection (g) the following new subsection (h):

6 “(h) AUTHORITIES RESERVED TO THE SECRETARIES
7 OF THE MILITARY DEPARTMENTS CONCERNING THE DIS-
8 ABILITY EVALUATION SYSTEM.—Notwithstanding the re-
9 sponsibilities and authorities of the Defense Health Agen-
10 cy with respect to the administration of military medical
11 treatment facilities as set forth in this section, including
12 medical evaluations of members of the armed forces, the
13 Secretary of each military department shall maintain per-
14 sonnel authority over and responsibility for any member
15 of the armed forces under the jurisdiction of the military
16 department concerned while the member is being consid-
17 ered by a medical evaluation board. Such responsibility
18 shall include the following:

19 “(1) Responsibility for administering the morale
20 and welfare of the member.

21 “(2) Responsibility for determinations of fitness
22 for duty of the member under chapter 61 of this
23 title.”.

24 (c) BRIEFING.—Not later than February 1, 2023, the
25 Secretary of Defense shall provide a briefing to the Com-

1 mittees on Armed Services of the Senate and House of
2 Representatives on the status of implementation as men-
3 tioned of subsections (a) and (b).

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