

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6017

To provide for transitional emergency assistance to certain members of the Armed Forces and veterans who are severely injured in the Global War on Terror, to expand and improve programs for caregiver services for those members and veterans, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2006

Mr. SIMMONS introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs and Ways and Means, 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

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## A BILL

To provide for transitional emergency assistance to certain members of the Armed Forces and veterans who are severely injured in the Global War on Terror, to expand and improve programs for caregiver services for those members and veterans, 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 “War on Terror Wound-  
5        ed Heroes’ Bill of Rights Act”.

1 **SEC. 2. PROVISION OF TRANSITIONAL EMERGENCY CASH**  
2 **ASSISTANCE TO SERVICEMEMBERS SE-**  
3 **VERELY WOUNDED OR INJURED IN OPER-**  
4 **ATION ENDURING FREEDOM AND OPERATION**  
5 **IRAQI FREEDOM.**

6 (a) PROVISION OF EMERGENCY CASH ASSISTANCE.—

7 (1) The Secretary of Defense shall, through the head of  
8 the Severely Injured Joint Support Operations Center of  
9 the Department of Defense or through the heads of the  
10 support programs referred to in paragraph (2), provide  
11 prompt emergency cash assistance to a War on Terror  
12 Wounded Hero (as defined in subsection (b)) who, due to  
13 a severe injury, due to subsequent treatment for that se-  
14 vere injury, or due to such other criteria related to that  
15 severe injury as the Secretary may specify, is undergoing  
16 significant financial difficulty (as defined by the Sec-  
17 retary). Such emergency cash assistance shall be in an ap-  
18 propriate amount and for an appropriate period deter-  
19 mined under regulations prescribed by the Secretary under  
20 subsection (c) under such terms and conditions as the Sec-  
21 retary may specify.

22 (2) For purposes of paragraph (1), the support pro-  
23 grams referred to in this paragraph are programs of the  
24 military departments (as defined in section 101(a)(8) of  
25 title 10, United States Code) to provide assistance to  
26 members of the Armed Forces who incur severe wounds

1 or injuries in the line of duty, and include the following  
2 programs:

3 (A) The Army Wounded Warrior Program.

4 (B) The Marine Corps Marine for Life Support Pro-  
5 gram.

6 (C) The Air Force Palace HART Program.

7 (D) The Navy Wounded Marines and Sailors Initia-  
8 tive.

9 (b) WAR ON TERROR WOUNDED HERO DEFINED.—

10 (1) In this Act, the term “War on Terror Wounded Hero”  
11 means a member of the Armed Forces or a veteran who  
12 on or after September 11, 2001, was severely injured while  
13 serving on active duty in the theater of combat operations  
14 (as determined by the Secretary of Defense) of Operation  
15 Enduring Freedom or Operation Iraqi Freedom.

16 (2) For purposes of paragraph (1)—

17 (A) the term “severely” with respect to an in-  
18 jury means—

19 (i) the inability or severe difficulty of an  
20 individual with the injury to perform one or  
21 more activities of daily living,

22 (ii) a service-connected disability rated at  
23 30 percent or more (as determined by the Sec-  
24 retary of Defense or Secretary of Veterans Af-  
25 fairs, as the case may be), and

1 (iii) such other injuries or conditions as  
2 the Secretary of Defense may specify;

3 (B) the term “Armed Forces” has the meaning  
4 given that term in section 101(a)(4) of title 10,  
5 United States Code; and

6 (C) the term “veteran” has the meaning given  
7 that term in section 101(2) of title 38, United  
8 States Code.

9 (c) REGULATIONS.—(1) The Secretary of Defense  
10 shall prescribe regulations to carry out this section which  
11 may be effective and final immediately on an interim basis  
12 as of the date of publication of the interim final regula-  
13 tion.

14 (2) In establishing guidelines under such regulations  
15 to determine the need for emergency cash assistance, the  
16 amount of emergency cash assistance required, and the  
17 period for which case assistance may be required, the Sec-  
18 retary shall take into account the following:

19 (A) The location of the facility providing med-  
20 ical treatment to a War on Terror Wounded Hero  
21 and the location of the residence of the War on Ter-  
22 ror Wounded Hero.

23 (B) The effect of the injury and medical treat-  
24 ment of a War on Terror Wounded Hero on family  
25 members, including—

1 (i) the cost of travel to and, if applicable,  
2 temporarily relocate to reside near the facility  
3 where the War on Terror Wounded Hero is re-  
4 ceiving medical treatment, and

5 (ii) the financial impact on family members  
6 who have left employment to care for the War  
7 on Terror Wounded Hero.

8 (C) Any change in pay status of a War on Ter-  
9 ror Wounded Hero.

10 (D) Any applicable incorrect orders.

11 (E) Debts owed by a War on Terror Wounded  
12 Hero to the United States for equipment issued, or  
13 overpayment made, to the War on Terror Wounded  
14 Hero by the military departments.

15 (F) Level of indebtedness of the War on Terror  
16 Wounded Hero and family, including consideration  
17 of the ability of the family to secure basic necessities  
18 of life, such as food and shelter.

19 (G) Consideration of the standard of living of  
20 the War on Terror Wounded Hero and family before  
21 the severe injury was incurred.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to the Secretary of De-  
24 fense \$50,000,000 for each fiscal year, beginning with fis-  
25 cal year 2007, to carry out this section.

1 **SEC. 3. EXPANSION AND MODIFICATION OF MEDICAL AS-**  
2 **SISTANCE PROGRAMS TO MEET THE NEEDS**  
3 **OF WAR ON TERROR WOUNDED HEROES AND**  
4 **THEIR FAMILIES.**

5 (a) SPECIALLY TAILORED PROGRAM.—(1) Sub-  
6 chapter II of chapter 17 of title 38, United States Code,  
7 is amended adding at the end the following new sections:

8 **“§ 1720F. Improvement of medical services for War**  
9 **on Terror Wounded Heroes**

10 “(a) REQUIREMENT FOR UNIFORM AND SUFFICIENT  
11 ASSISTANCE.—In providing the medical services specified  
12 in subsection (c) to veterans who are War on Terror  
13 Wounded Heroes, the Secretary shall ensure the provision  
14 of sufficient services in a uniform manner to meet the  
15 needs of all such veterans without regard to geographic  
16 location of the residences of such veterans. The scope and  
17 intensity of services required by this section shall be suffi-  
18 cient to permit the spouse of the veteran, who would other-  
19 wise be providing care in the home to the veteran, to be  
20 employed on a full-time basis.

21 “(b) MODIFICATION OF SERVICES TO MEET NEEDS  
22 OF WAR ON TERROR WOUNDED HEROES.—The medical  
23 services required to be provided to War on Terror Wound-  
24 ed Heroes under subsection (a) shall be tailored to meet  
25 the needs of the population of War on Terror Wounded  
26 Heroes and shall include specialized programs for the re-

1 habilitation of such veterans, reintegration of such vet-  
2 erans into civilian life, and promotion of independent liv-  
3 ing for such veterans.

4 “(c) SPECIFICATION OF MEDICAL SERVICES.—The  
5 medical services referred to in subsection (a) are the fol-  
6 lowing:

7 “(1) Adult day health care under section  
8 1710(b) of this title.

9 “(2) Home health services under section 1717  
10 of this title.

11 “(3) Respite care under section 1720B of this  
12 title.

13 “(4) Home-based primary care.

14 “(5) Hospice services.

15 “(6) Such other noninstitutional extended care  
16 services (as defined in section 1701(10)(B) of this  
17 title) as the Secretary determines to be appropriate.

18 “(d) DEFINITION.—(1) In this section and section  
19 1720G of this title, the term ‘War on Terror Wounded  
20 Hero’ means a veteran who on or after September 11,  
21 2001, was severely injured while serving on active duty  
22 in the theater of combat operations (as determined by the  
23 Secretary of Defense) of Operation Enduring Freedom or  
24 Operation Iraqi Freedom.

1 “(2) For purposes of paragraph (1), the term ‘severe’  
2 with respect to an injury means—

3 “(A) the inability or severe difficulty of an indi-  
4 vidual with the injury to perform one or more activi-  
5 ties of daily living,

6 “(B) a service-connected disability rated at 30  
7 percent or more (as determined by the Secretary or  
8 the Secretary of Defense, as the case may be), and

9 “(C) such other injuries or conditions as the  
10 Secretary of Defense has specified under section  
11 2(b)(2) of the War on Terror Wounded Heroes’ Bill  
12 of Rights Act.

13 **“§ 1720G. Caregiver support program for family mem-  
14 bers of War on Terror Wounded Heroes**

15 “(a) PROGRAM OF ASSISTANCE FOR CAREGIVERS.—  
16 Subject to section 1710(a)(4) of this title, the Secretary  
17 shall operate and maintain a voluntary program in care-  
18 giver education, training, and certification for family  
19 members of a War on Terror Wounded Hero (as defined  
20 in section 1720F(d) of this title) in caregiver activities in  
21 accordance with this section. The program shall be pro-  
22 vided either directly by the Department or through con-  
23 tracts.

24 “(b) PAYMENT FOR FAMILY MEMBERS WHO PRO-  
25 VIDE CAREGIVER SERVICES.—The program established

1 under subsection (a) shall include payment to a family  
2 member of a War on Terror Wounded Hero who has been  
3 certified by an appropriate State licensing or certification  
4 agency as a provider of caregiver services to provide such  
5 services to the War on Terror Wounded Hero. Payment  
6 for such services shall be made at such rates, and for such  
7 periods, as the Secretary may specify.

8 “(c) REGULATIONS.—The Secretary shall prescribe  
9 regulations to carry out this section.”.

10 (2) Subsection (a)(4) of section 1710 of such title is  
11 amended—

12 (A) by striking “and” before “the requirement  
13 in section 1710B of this title”; and

14 (B) by inserting “, and the requirement in sec-  
15 tion 1720G of this title to operate a caregiver sup-  
16 port program for family members of War on Terror  
17 Wounded Heroes” after “a program of extended  
18 care services”.

19 (3) The table of sections at the beginning of chapter  
20 17 of such title is amended by inserting after the item  
21 relating to section 1720E the following new items:

“1720F. Improvement of medical services for War on Terror Wounded Heroes.  
“1720G. Caregiver support program for family members of War on Terror  
Wounded Heroes.”.

22 (b) CONFORMING REQUIREMENT UNDER TITLE  
23 10.—(1) Chapter 55 of title 10, United States Code, is

1 amended by inserting after section 1074k the following  
2 new section:

3 **“§ 1074l. Modification of medical care for War on Ter-**  
4 **ror Wounded Heroes; caregiver support**  
5 **program for family members of War on**  
6 **Terror Wounded Heroes**

7 “(a) PROGRAM OF ASSISTANCE FOR CAREGIVERS.—  
8 The Secretary of Defense shall enter into an agreement  
9 with the Secretary of Veterans Affairs, under the provi-  
10 sions of section 8111 of title 38, to provide—

11 “(1) the medical services required under section  
12 1720F of title 38 to members of the armed forces  
13 who would be War on Terror Wounded Heroes (as  
14 defined in subsection (d) of such section 1720F) if  
15 discharged or released from active duty, and

16 “(2) a program of caregiver support under sec-  
17 tion 1720G of title 38 to family members of such  
18 members of the armed forces.

19 “(b) MEDICAL SERVICES AND ASSISTANCE.—The  
20 agreement entered into under subsection (a) shall provide  
21 for the same type and scope of assistance and services as  
22 are provided by the Secretary of Veterans Affairs to vet-  
23 erans and their family members under sections 1720F and  
24 1720G of title 38, and meet the same requirements for

1 the provision of such medical services and assistance  
2 under such sections.”.

3 (2) The table of sections at the beginning of chapter  
4 55 of such title is amended by inserting after the item  
5 relating to section 1074k the following new item:

“1074l. Modification of medical care for War on Terror Wounded Heroes; care-giver support program for family members of War on Terror Wounded Heroes.”.

6 (c) EFFECTIVE DATE.—The amendments made by  
7 this section shall take effect on October 1, 2006, and apply  
8 to care furnished on or after such date.

9 **SEC. 4. AUTHORITY TO TREAT CERTAIN WAR ON TERROR**  
10 **WOUNDED HEROES AT NON-DEPARTMENT FA-**  
11 **CILITIES.**

12 (a) CARE AT NON-DEPARTMENT FACILITIES.—Sec-  
13 tion 1703 of title 38, United States Code, is amended—

14 (1) by redesignating subsections (b), (c), and  
15 (d) as subsections (c), (d), and (e), respectively;

16 (2) by inserting after subsection (a) the fol-  
17 lowing new subsection (b):

18 “(b)(1) In the case of a War on Terror Wounded  
19 Hero (as defined in subsection (d) of section 1720F of  
20 this title) who requires hospital care or medical services  
21 as authorized under section 1710 of this title, the Sec-  
22 retary may contract with non-Department facilities in  
23 order to furnish the care or services described in sub-  
24 section (a) if the Secretary determines that—

1           “(A) the closest Department facility is more  
2 than a 60-minute drive from the residence of the  
3 veteran;

4           “(B) the severity of the condition of the veteran  
5 for which care or services is required is such that  
6 transport of the veteran to the closest Department  
7 facility in lieu of a more proximate non-Department  
8 facility would have an adverse effect on the health  
9 or well-being of the veteran; or

10           “(C) reasonably proximate Department facilities  
11 to the veteran do not furnish the specialized care or  
12 services required to treat the condition of the vet-  
13 eran.

14           “(2) Care or services furnished under contract under  
15 paragraph (1) to a veteran shall be furnished at no greater  
16 cost or charge to the veteran than would be payable by  
17 the veteran if such care or services were furnished in a  
18 Department facility.”; and

19           (3) in subsection (c), as so redesignated in paragraph  
20 (1), by striking “subsection (a) of this section” and insert-  
21 ing “subsection (a) or (b)”.

22           (b) CONFORMING REQUIREMENT UNDER TITLE  
23 10.—Paragraph (2) of subsection (c) of section 1074 of  
24 title 10, United States Code, is amended—

1           (1) by redesignating subparagraph (C) as sub-  
2           paragraph (D); and

3           (2) by inserting after subparagraph (B) the fol-  
4           lowing new subparagraph (C):

5           “(C)(i) In the case of a member of the armed forces  
6           described in section 1074l of this title who requires med-  
7           ical care, the Secretary may provide for such care to be  
8           furnished in a private facility or health care provider if  
9           the Secretary determines that—

10           “(I) the closest military medical treatment facil-  
11           ity or health care provider is more than a 60-minute  
12           drive from the residence of the veteran;

13           “(II) the severity of the condition of the mem-  
14           ber for which medical care is required is such that  
15           transport of the member to the closest military med-  
16           ical treatment facility or health care provider in lieu  
17           of a more proximate private facility or health care  
18           provider would have an adverse effect on the health  
19           or well-being of the member; or

20           “(III) reasonably proximate military medical  
21           treatment facilities or health care providers to the  
22           member do not furnish the specialized medical care  
23           required to treat the condition of the member.

24           “(ii) Medical care furnished under clause (i) to a  
25           member of the uniformed services shall be furnished at

1 no greater cost or charge to the member than would be  
2 payable by the member if such care were furnished in a  
3 military medical treatment facility or health care pro-  
4 vider.”.

5 (c) EFFECTIVE DATE.—The amendments made by  
6 this section shall take effect on October 1, 2006, and apply  
7 to care furnished on or after such date.

8 **SEC. 5. REVIEW BY JOINT EXECUTIVE COMMITTEE OF**  
9 **EMERGENCY CASH ASSISTANCE, IMPROVED**  
10 **MEDICAL SERVICES, AND CAREGIVER SUP-**  
11 **PORT PROGRAMS.**

12 (a) IN GENERAL.—Subsection (d) of section 320 of  
13 title 38, United States Code, is amended by adding at the  
14 end the following new paragraph:

15 “(6)(A) Receive and review complaints from  
16 War on Terror Wounded Heroes (as defined in sec-  
17 tion 2(b) of the War on Terror Wounded Heroes’  
18 Bill of Rights Act) with respect to benefits provided  
19 under sections 2, 3, and 4 of such Act.

20 “(B) Submit quarterly interim reports to the  
21 two Secretaries on the implementation of programs  
22 and activities of one or both of the Departments (as  
23 the case may be) required under sections 2, 3, and  
24 4 of such Act, including the adequacy and efficiency  
25 of the respective Departments in meeting the re-



1       “(b) QUALIFIED WAGES.—For purposes of this sec-  
2 tion—

3           “(1) IN GENERAL.—The term ‘qualified wages’  
4 means the wages paid or incurred by the employer  
5 during the taxable year to individuals who are War  
6 on Terror Wounded Heroes, but in no case greater  
7 than \$60,000.

8           “(2) QUALIFIED FIRST-YEAR WAGES.—The  
9 term ‘qualified first-year wages’ means, with respect  
10 to any individual, qualified wages attributable to  
11 service rendered during the 1-year period beginning  
12 with the day the individual begins work for the em-  
13 ployer.

14           “(3) QUALIFIED SECOND-YEAR WAGES.—The  
15 term ‘qualified second-year wages’ means, with re-  
16 spect to any individual described in paragraph (2),  
17 qualified wages attributable to service rendered dur-  
18 ing the 1-year period beginning with the day that  
19 succeeds the 1-year period referred to in paragraph  
20 (2).

21           “(4) QUALIFIED THIRD-YEAR WAGES.—The  
22 term ‘qualified third-year wages’ means, with respect  
23 to any individual described in paragraph (3), quali-  
24 fied wages attributable to service rendered during

1 the 1-year period beginning with the day that suc-  
2 ceeds the 1-year period referred to in paragraph (3).

3 “(5) WAGES.—The term ‘wages’ has the mean-  
4 ing given such term by section 51(c), without regard  
5 to paragraph (4) thereof.

6 “(c) WAR ON TERROR WOUNDED HERO; HIRING  
7 DATE.—For purposes of this section—

8 “(1) WAR ON TERROR WOUNDED HERO.—The  
9 term ‘War on Terror Wounded Hero’ means a vet-  
10 eran (as that term is defined in section 101(2) of  
11 title 38) who, on or after September 11, 2001, was  
12 severely injured while serving on active duty in the  
13 theater of combat operations (as determined by the  
14 Secretary of Defense) of Operation Enduring Free-  
15 dom or Operation Iraqi Freedom.

16 “(2) SEVERELY INJURED.—For purposes of  
17 paragraph (1), the term ‘severely’ with respect to an  
18 injury means—

19 “(A) the inability or severe difficulty of an  
20 individual with the injury to perform one or  
21 more activities of daily living (as determined by  
22 the Secretary of Veterans Affairs),

23 “(B) a service-connected disability rated at  
24 30 percent or more (as determined by the Sec-  
25 retary of Veterans Affairs), and

1           “(C) such other injuries or conditions as  
2           the Secretary of Defense has specified under  
3           section 2(b)(2) of the War on Terror Wounded  
4           Heroes’ Bill of Rights Act.

5           “(3) HIRING DATE.—The term ‘hiring date’ has  
6           the meaning given such term by section 51(d).

7           “(d) CERTAIN RULES TO APPLY.—Rules similar to  
8           the rules of section 52, and subsections (d)(11), (f), (g),  
9           (i) (as in effect on the day before the date of the enact-  
10          ment of the Taxpayer Relief Act of 1997), (j), and (k)  
11          of section 51, shall apply for purposes of this section.”.

12          (b) CREDIT TO BE PART OF GENERAL BUSINESS  
13          CREDIT.—Subsection (b) of section 38 of such Code is  
14          amended by striking “and” at the end of paragraph (29),  
15          by striking the period at the end of paragraph (30) and  
16          inserting “, plus”, and by adding at the end the following  
17          new paragraph:

18                 “(31) the War on Terror Wounded Hero em-  
19                 ployment credit determined under section 45N(a).”.

20          (c) TECHNICAL AMENDMENTS.—

21                 (1) Clause (iii) of section 41(b)(2)(D) of such  
22                 Code is amended to read as follows:

23                         “(iii) EXCLUSION FOR WAGES TO  
24                         WHICH EMPLOYMENT CREDITS APPLY.—

25                         The term ‘wages’ shall not include any

1 amount taken into account in determining  
2 the credit under section 45N(a) or 51(a).”.

3 (2) Subparagraph (B) of section 45A(b)(1) of  
4 such Code is amended to read as follows:

5 “(B) COORDINATION WITH OTHER EM-  
6 PLOYMENT CREDITS.—The term ‘qualified  
7 wages’ shall not include wages attributable to  
8 service rendered during the 1-year period begin-  
9 ning with the day the individual begins work for  
10 the employer if any portion of such wages is  
11 taken into account in determining the credit  
12 under section 45N or 51.”.

13 (3) Subsection (a) of section 280C of such Code  
14 is amended by inserting “45N(a),” after “45A(a),”.

15 (4) Paragraph (3) of section 1396(e) of such  
16 Code is amended to read as follows:

17 “(3) COORDINATION WITH OTHER EMPLOY-  
18 MENT CREDITS.—

19 “(A) IN GENERAL.—The term ‘qualified  
20 wages’ shall not include wages taken into ac-  
21 count in determining the credit under section  
22 45N or 51.

23 “(B) COORDINATION WITH PARAGRAPH  
24 (2).—The \$15,000 amount in paragraph (2)  
25 shall be reduced for any calendar year by the

1 amount of wages paid or incurred during such  
2 year which are taken into account in deter-  
3 mining the credits under sections 45N and  
4 51.”.

5 (d) CLERICAL AMENDMENT.—The table of sections  
6 for subpart D of part IV of subchapter A of chapter 1  
7 of such Code is amended by adding at the end the fol-  
8 lowing new item:

“Sec. 45N. Credit for employers hiring War on Terror Wounded Heroes.”.

9 (e) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply to individuals who begin work for  
11 the employer after the date of the enactment of this Act.

○