

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 2400

To amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2007

Mr. SESSIONS (for himself, Mrs. CLINTON, Mr. MCCAIN, Mr. CASEY, Mr. MARTINEZ, Mr. SANDERS, Mr. LAUTENBERG, Mr. DORGAN, Mr. WEBB, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Wounded Warrior  
3 Bonus Equity Act”.

4 **SEC. 2. CONTINUATION OF CERTAIN BONUS PAYMENTS TO**  
5 **MEMBERS OF THE ARMED FORCES RETIRED**  
6 **OR SEPARATED DUE TO A COMBAT-RELATED**  
7 **INJURY.**

8 (a) PAYMENT REQUIRED.—

9 (1) IN GENERAL.—Chapter 17 of title 37,  
10 United States Code, is amended by inserting after  
11 section 903 the following new section:

12 **“§ 904. Continued payment of bonuses to members re-**  
13 **tired or separated due to combat-related**  
14 **injuries**

15 “(a) PAYMENT REQUIRED.—In the case of a member  
16 of the armed forces who is retired or separated for dis-  
17 ability under chapter 61 of title 10, due to a combat-re-  
18 lated injury, the Secretary of Defense shall require the  
19 continued payment to the member of any bonus described  
20 in subsection (b) that the member—

21 “(1) was entitled to immediately before the re-  
22 tirement or separation of the member; and

23 “(2) would continue to be entitled to if the  
24 member was not retired or separated.

1       “(b) COVERED BONUSES.—The bonuses referred to  
2 in subsection (a) are the following (numbers refer to the  
3 corresponding section in chapter 5 of this title):

4           “(1) 301b. Special pay for aviation career offi-  
5 cers extending period of active duty.

6           “(2) 301d. Multiyear retention bonus for med-  
7 ical officers of the armed forces.

8           “(3) 301e. Multiyear retention bonus for dental  
9 officers of the armed forces.

10          “(4) 302d. Accession bonus for registered  
11 nurses.

12          “(5) 302h. Accession bonus for dental officers.

13          “(6) 302j. Accession bonus for pharmacy offi-  
14 cers.

15          “(7) 302k. Accession bonus for medical officers  
16 in critically short wartime specialties.

17          “(8) 302l. Accession bonus for dental specialist  
18 officers in critically short wartime specialties.

19          “(9) 308. Reenlistment bonus.

20          “(10) 308b. Reenlistment bonus for members of  
21 the Selected Reserve.

22          “(11) 308c. Bonus for affiliation or enlistment  
23 in the Selected Reserve.

1           “(12) 308g. Bonus for enlistment in elements  
2 of the Ready Reserve other than the Selected Re-  
3 serve.

4           “(13) 308h. Bonus for reenlistment, or vol-  
5 untary extension of enlistment in elements of the  
6 Ready Reserve other than the Selected Reserve.

7           “(14) 308i. Prior service enlistment bonus.

8           “(15) 308j. Affiliation bonus for officers in the  
9 Selected Reserve.

10          “(16) 309. Enlistment bonus.

11          “(17) 312. Special pay for nuclear-qualified of-  
12 ficers extending period of active duty.

13          “(18) 312b. Nuclear career accession bonus.

14          “(19) 312c. Nuclear career annual incentive  
15 bonus.

16          “(20) 315. Engineering and scientific career  
17 continuation pay.

18          “(21) 316. Bonus for members with foreign  
19 language proficiency.

20          “(22) 317. Special pay for officers in critical  
21 acquisition positions extending period of active duty.

22          “(23) 318. Special pay for special warfare offi-  
23 cers extending period of active duty.

24          “(24) 319. Surface warfare officer continuation  
25 pay.

1           “(25) 321. Judge advocate continuation pay.

2           “(26) 322. 15-year career status bonus for  
3 members entering service on or after August 1,  
4 1986.

5           “(27) 323. Retention incentives for members  
6 qualified in critical military skills or assigned to high  
7 priority units.

8           “(28) 324. Accession bonus for new officers in  
9 critical skills.

10          “(29) 326. Incentive bonus for conversion to  
11 military occupational specialty to ease personnel  
12 shortage.

13          “(30) 327. Incentive bonus for transfer between  
14 armed forces.

15          “(31) 329. Incentive bonus for retired members  
16 and reserve component members volunteering for  
17 high-demand, low-density assignments.

18          “(32) 330. Accession bonus for officer can-  
19 didates.

20          “(c) TIME FOR PAYMENT.—A bonus required to be  
21 paid to a member under this section shall be paid to the  
22 member in a lump sum not later than 90 days after the  
23 date of the retirement or separation of the member, not-  
24 withstanding any terms to the contrary in the agreement  
25 under which the bonus was originally authorized.

1       “(d) COMBAT-RELATED INJURY DEFINED.—In this  
2 section, the term ‘combat-related injury’ means an in-  
3 jury—

4           “(1) for which the member was awarded the  
5 Purple Heart; or

6           “(2) that was incurred (as determined under  
7 criteria prescribed by the Secretary of Defense)—

8               “(A) as a direct result of armed conflict;

9               “(B) while engaged in hazardous service;

10              “(C) in the performance of duty under  
11 conditions simulating war; or

12              “(D) through an instrumentality of war.”.

13       (2) CLERICAL AMENDMENT.—The table of sec-  
14 tions at the beginning of chapter 17 of such title is  
15 amended by inserting after the item relating to sec-  
16 tion 903 the following new item:

“904. Continued payment of bonuses to members retired or separated due to  
combat-related injuries.”.

17       (b) CESSATION OF COLLECTION OF PREVIOUSLY  
18 PAID BONUSES.—Effective as of the date of the enact-  
19 ment, any collection of bonuses described in subsection (b)  
20 of section 904 of title 37, United States Code (as added  
21 by subsection (a) of this section), that were paid before  
22 the date of the enactment of this Act to members of the  
23 Armed Forces retired or separated under chapter 61 of  
24 title 10, United States Code, for a combat-related injury

1 (as defined in subsection (d) of such section 904) shall  
2 cease.

3 (c) RETROACTIVE PAYMENT OF BONUSES.—

4 (1) IN GENERAL.—The Secretary of Defense  
5 shall pay to each member of the Armed Forces re-  
6 tired or separated under chapter 61 of title 10,  
7 United States Code, for a combat-related injury (as  
8 defined in subsection (d) of section 904 of title 37,  
9 United States Code (as so added)) during the period  
10 beginning on September 11, 2001, and ending on  
11 the date of the enactment of this Act, an amount  
12 equal to the amount of any continued payment of  
13 bonus or bonuses to which such member would have  
14 been entitled at the time of retirement or separation  
15 under applicable provisions of such section 904 if  
16 such section 904 had been in effect as of September  
17 11, 2001.

18 (2) AUDIT.—The Secretary shall identify the  
19 former members of the Armed Forces to be paid  
20 amounts under this subsection, and shall determined  
21 the amounts to be paid such members under this  
22 subsection, through a financial audit or such other  
23 mechanisms as the Secretary considers appropriate  
24 for purposes of this subsection.

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