

110TH CONGRESS
1ST SESSION

H. R. 3210

To provide medical care and other benefits for members and former members of the Armed Forces with severe injuries or illnesses.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2007

Mr. DONNELLY introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on 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 provide medical care and other benefits for members and former members of the Armed Forces with severe injuries or illnesses.

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 Warriors Ex-
5 pansion of Care Act of 2007”.

1 **SEC. 2. MEDICAL CARE AND OTHER BENEFITS FOR MEM-**
2 **BERS AND FORMER MEMBERS OF THE**
3 **ARMED FORCES WITH SEVERE INJURIES OR**
4 **ILLNESSES.**

5 (a) MEDICAL AND DENTAL CARE FOR MEMBERS
6 AND FORMER MEMBERS.—

7 (1) IN GENERAL.—Effective as of the date of
8 the enactment of this Act and subject to regulations
9 prescribed by the Secretary of Defense, any covered
10 member of the Armed Forces, and any former mem-
11 ber of the Armed Forces, with a severe injury or ill-
12 ness is entitled to medical and dental care in any fa-
13 cility of the uniformed services under section
14 1074(a) of title 10, United States Code, or through
15 any civilian health care provider authorized by the
16 Secretary to provide health and mental health serv-
17 ices to members of the uniformed services, including
18 traumatic brain injury (TBI) and post-traumatic
19 stress disorder (PTSD), as if such member or
20 former member were a member of the uniformed
21 services described in paragraph (2) of such section
22 who is entitled to medical and dental care under
23 such section.

24 (2) PERIOD OF AUTHORIZED CARE.—(A) Ex-
25 cept as provided in subparagraph (B), a member or

1 former member described in paragraph (1) is enti-
2 tled to care under that paragraph—

3 (i) in the case of a member or former
4 member whose severe injury or illness con-
5 cerned is incurred or aggravated during the pe-
6 riod beginning on October 7, 2001, and ending
7 on the date of the enactment of this Act, during
8 the three-year period beginning on the date of
9 the enactment of this Act, except that no com-
10 pensation is payable by reason of this sub-
11 section for any period before the date of the en-
12 actment of this Act; or

13 (ii) in the case of a member or former
14 member whose severe injury or illness con-
15 cerned is incurred or aggravated on or after the
16 date of the enactment of this Act, during the
17 three-year period beginning on the date on
18 which such injury or illness is so incurred or
19 aggravated.

20 (B) The period of care authorized for a member
21 or former member under this paragraph may be ex-
22 tended by the Secretary concerned for an additional
23 period of up to two years if the Secretary concerned
24 determines that such extension is necessary to as-
25 sure the maximum feasible recovery and rehabilita-

1 tion of the member or former member. Any such de-
2 termination shall be made on a case-by-case basis.

3 (3) INTEGRATED CARE MANAGEMENT.—The
4 Secretary of Defense shall provide for a program of
5 integrated care management in the provision of care
6 and services under this subsection, which manage-
7 ment shall be provided by appropriate medical and
8 case management personnel of the Department of
9 Defense and the Department of Veterans Affairs (as
10 approved by the Secretary of Veterans Affairs) and
11 with appropriate support from the Department of
12 Defense regional health care support contractors.

13 (4) WAIVER OF LIMITATIONS TO MAXIMIZE
14 CARE.—The Secretary of Defense may, in providing
15 medical and dental care to a member or former
16 member under this subsection during the period re-
17 ferred to in paragraph (2), waive any limitation oth-
18 erwise applicable under chapter 55 of title 10,
19 United States Code, to the provision of such care to
20 the member or former member if the Secretary con-
21 siders the waiver appropriate to assure the max-
22 imum feasible recovery and rehabilitation of the
23 member or former member.

24 (5) CONSTRUCTION WITH ELIGIBILITY FOR
25 VETERANS BENEFITS.—Nothing in this subsection

1 shall be construed to reduce, alter, or otherwise af-
2 fect the eligibility or entitlement of a member or
3 former member of the Armed Forces to any health
4 care, disability, or other benefits to which the mem-
5 ber of former member would otherwise be eligible or
6 entitled as a veteran under the laws administered by
7 the Secretary of Veterans Affairs.

8 (6) SUNSET.—The Secretary of Defense may
9 not provide medical or dental care to a member or
10 former member of the Armed Forces under this sub-
11 section after December 31, 2012, if the Secretary
12 has not provided medical or dental care to the mem-
13 ber or former member under this subsection before
14 that date.

15 (b) REHABILITATION AND VOCATIONAL BENEFITS.—

16 (1) IN GENERAL.—Effective as of the date of
17 the enactment of this Act, a member of the Armed
18 Forces with a severe injury or illness is entitled to
19 such benefits (including rehabilitation and vocational
20 benefits, but not including compensation) from the
21 Secretary of Veterans Affairs to facilitate the recov-
22 ery and rehabilitation of such member as the Sec-
23 retary otherwise provides to members of the Armed
24 Forces receiving medical care in medical facilities of
25 the Department of Veterans Affairs facilities in

1 order to facilitate the recovery and rehabilitation of
2 such members.

3 (2) LIMITATIONS.—The provisions of para-
4 graphs (2) through (6) of subsection (a) shall apply
5 to the provision of benefits under this subsection as
6 if the benefits provided under this subsection were
7 provided under subsection (a).

8 (3) REIMBURSEMENT.—The Secretary of De-
9 fense shall reimburse the Secretary of Veterans Af-
10 fairs for the cost of any benefits provided under this
11 subsection in accordance with applicable mechanisms
12 for the reimbursement of the Secretary of Veterans
13 Affairs for the provision of medical care to members
14 of the Armed Forces.

15 (c) RECOVERY OF CERTAIN EXPENSES OF MEDICAL
16 CARE AND RELATED TRAVEL.—

17 (1) IN GENERAL.—Commencing not later than
18 60 days after the date of the enactment of this Act,
19 the Secretary of the military department concerned
20 may reimburse covered members of the Armed
21 Forces, and former members of the Armed Forces,
22 with a severe injury or illness for covered expenses
23 incurred by such members or former members, or
24 their family members, in connection with the receipt

1 by such members or former members of medical care
2 that is required for such injury or illness.

3 (2) COVERED EXPENSES.—Expenses for which
4 reimbursement may be made under paragraph (1)
5 include the following:

6 (A) Expenses for health care services for
7 which coverage would be provided under section
8 1074(c) of title 10, United States Code, for
9 members of the uniformed services on active
10 duty.

11 (B) Expenses of travel of a non-medical at-
12 tendant who accompanies a member or former
13 member of the Armed Forces for required med-
14 ical care that is not available to such member
15 or former member locally, if such attendant is
16 appointed for that purpose by a competent
17 medical authority (as determined under regula-
18 tions prescribed by the Secretary of Defense for
19 purposes of this subsection).

20 (C) Such other expenses for medical care
21 as the Secretary may prescribe for purposes of
22 this subsection.

23 (3) AMOUNT OF REIMBURSEMENT.—The
24 amount of reimbursement under paragraph (1) for
25 expenses covered by paragraph (2) shall be deter-

1 mined in accordance with regulations prescribed by
2 the Secretary of Defense for purposes of this sub-
3 section.

4 (d) SEVERE INJURY OR ILLNESS DEFINED.—In this
5 section, the term “severe injury or illness” means any seri-
6 ous injury or illness that is assigned a disability rating
7 of 30 percent or higher under the schedule for rating dis-
8 abilities in use by the Department of Defense.

9 (e) ADDITIONAL DEFINITIONS.—In this Act:

10 (1) COVERED MEMBER OF THE ARMED
11 FORCES.—The term “covered member of the Armed
12 Forces” means a member of the Armed Forces, in-
13 cluding a member of the National Guard or a Re-
14 serve, who is undergoing medical treatment, recuper-
15 ation, or therapy, is otherwise in medical hold or
16 medical holdover status, or is otherwise on the tem-
17 porary disability retired list for a serious injury or
18 illness.

19 (2) FAMILY MEMBER.—The term “family mem-
20 ber”, with respect to a member of the Armed Forces
21 or a veteran, has the meaning given that term in
22 section 411h(b) of title 37, United States Code.

23 (3) MEDICAL HOLD OR MEDICAL HOLDOVER
24 STATUS.—The term “medical hold or medical hold-
25 over status” means—

1 (A) the status of a member of the Armed
2 Forces, including a member of the National
3 Guard or Reserve, assigned or attached to a
4 military hospital for medical care; and

5 (B) the status of a member of a reserve
6 component of the Armed Forces who is sepa-
7 rated, whether pre-deployment or post-deploy-
8 ment, from the member's unit while in need of
9 health care based on a medical condition identi-
10 fied while the member is on active duty in the
11 Armed Forces.

12 (4) SERIOUS INJURY OR ILLNESS.—The term
13 “serious injury or illness”, in the case of a member
14 of the Armed Forces, means an injury or illness in-
15 curred by the member in line of duty on active duty
16 in the Armed Forces that may render the member
17 medically unfit to perform the duties of the mem-
18 ber's office, grade, rank, or rating.

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