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(Original Signature of Member)

117TH CONGRESS  
2D SESSION

**H. R.**

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.

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IN THE HOUSE OF REPRESENTATIVES

Mr. MAST introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

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**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. ACCOUNTABILITY FOR WOUNDED WARRIORS**

4 **UNDERGOING DISABILITY EVALUATION.**

5 (a) IN GENERAL.—Not later than April 1, 2023, the  
6 Secretary of Defense shall establish a policy to ensure ac-

1 countability for actions taken under the authorities of the  
2 Defense Health Agency and military departments, respec-  
3 tively, concerning wounded, ill, and injured members of  
4 the Armed Forces during the integrated disability evalua-  
5 tion system process. Such policy shall include that:

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

11 (2) A medical evaluation provided under the au-  
12 thority of the Defense Health Agency under section  
13 1073c of such title shall comply with applicable law  
14 and Department of Defense regulations and shall be  
15 considered by the military department concerned in  
16 determining fitness for duty under such chapter.

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

22 (b) CLARIFICATION OF RESPONSIBILITIES REGARD-  
23 ING MEDICAL EVALUATION BOARDS.—Section 1073c of  
24 title 10, United States Code, is amended by redesignating

1 subsection (h) as subsection (i); and by inserting after  
2 subsection (g) the following new subsection (h):

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

16           “(1) Responsibility for administering the morale  
17 and welfare of the member.

18           “(2) Responsibility for determinations of fitness  
19 for duty of the member under chapter 61 of this  
20 title.”.

21       (c) BRIEFING.—Not later than February 1, 2023, the  
22 Secretary of Defense shall provide a briefing to the Com-  
23 mittees on Armed Services of the Senate and House of  
24 Representatives on the status of implementation as men-  
25 tioned of subsections (a) and (b).