

114TH CONGRESS  
2D SESSION

# S. 3511

To require the Secretary of Defense to expand the Secretarial Designee Program of the Department of Defense to include victims of acts of terror.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2016

Ms. WARREN introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To require the Secretary of Defense to expand the Secretarial Designee Program of the Department of Defense to include victims of acts of terror.

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 “Jessica Kensky and  
5 Patrick Downes Act”.

1 **SEC. 2. PROVISION OF HEALTH CARE UNDER SECRETARIAL**  
2 **DESIGNEE PROGRAM OF DEPARTMENT OF**  
3 **DEFENSE FOR TRAUMATIC INJURIES SUF-**  
4 **FERED BY VICTIMS OF TERRORISM.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-  
6 gress that—

7 (1) victims of acts of terror in the United  
8 States deserve the best available medical treatment;

9 (2) military treatment facilities possess the vital  
10 expertise and experience to provide unique care for  
11 victims of acts of terror who incur blast and other  
12 injuries that result in amputations and limb salvage  
13 procedures;

14 (3) the Secretarial Designee Program of the  
15 Department of Defense conducted under section  
16 1074(e) of title 10, United States Code, should be  
17 expanded to provide expert care in a timely manner  
18 to victims of acts of terror;

19 (4) the expansion of such program will not only  
20 benefit victims, but also provide military treatment  
21 facilities such as Walter Reed National Military  
22 Medical Center and the Uniformed Services Univer-  
23 sity of the Health Sciences with the ability to pro-  
24 vide ongoing education and training opportunities to  
25 mentor the next generation of health care providers

1 that will provide care for members of the Armed  
2 Forces; and

3 (5) care for victims of acts of terror should be  
4 provided under the policies of the Department in ef-  
5 fect as of the date of the enactment of this Act that  
6 provide space at military treatment facilities to civil-  
7 ians on a space available and fully reimbursable  
8 basis.

9 (b) EXPANSION OF SECRETARIAL DESIGNEE PRO-  
10 GRAM OF DEPARTMENT OF DEFENSE.—

11 (1) EXPANSION OF PROGRAM.—

12 (A) IN GENERAL.—The Secretary of De-  
13 fense shall expand eligibility for the Secretarial  
14 Designee Program of the Department of De-  
15 fense conducted under section 1074(c) of title  
16 10, United States Code, to include the provision  
17 of health care at military treatment facilities  
18 for—

19 (i) victims of acts of terror that occur  
20 in the United States; and

21 (ii) residents of the United States who  
22 are victims of acts of terror outside the  
23 United States.

24 (B) ELIGIBILITY STATUS.—Individuals  
25 who become eligible for the Secretarial Designee

1 Program pursuant to subparagraph (A) shall  
2 remain eligible for such program on a space  
3 available and fully reimbursable basis in accord-  
4 ance with the policy of the Department of De-  
5 fense governing such program in effect as of  
6 the date of the enactment of this Act.

7 (C) EXPEDITED STATUS.—

8 (i) IN GENERAL.—The Secretary may  
9 provide expedited eligibility for the Secre-  
10 tarial Designee Program pursuant to sub-  
11 subparagraph (A) if the Secretary determines  
12 that the injuries of the individual are se-  
13 vere enough to warrant such expedited eli-  
14 gibility.

15 (ii) EVALUATION.—In making a de-  
16 termination under clause (i), the Secretary  
17 shall evaluate victims described in clause  
18 (i) or (ii) of subparagraph (A) who require  
19 critical care.

20 (D) RELEASE TO PRIVATE SECTOR  
21 HEALTH CARE PROVIDER.—The Secretary may  
22 not release an individual who is receiving care  
23 under the Secretarial Designee Program pursu-  
24 ant to subparagraph (A) to a health care pro-  
25 vider in the private sector until a comprehensive

1 treatment plan is communicated to the indi-  
2 vidual and the health care provider.

3 (2) PROCEDURES AFTER ACTS OF TERROR.—

4 Not later than 270 days after the date of the enact-  
5 ment of this Act, the Secretary of Defense shall, in  
6 consultation with the Secretary of Homeland Secu-  
7 rity and the heads of such other Federal agencies as  
8 the Secretary of Defense considers appropriate, es-  
9 tablish procedures to implement paragraph (1),  
10 which shall include the following:

11 (A) Procedures for the conduct of timely  
12 outreach and communication to local medical  
13 facilities after an act of terror in the United  
14 States.

15 (B) Procedures to promptly contact, co-  
16 ordinate, and provide medical expertise to local  
17 medical facilities that are treating victims of an  
18 act of terror that caused blast related injuries  
19 and other serious injuries.

20 (C) Procedures for the provision of medical  
21 evaluations for victims of an act of terror who  
22 were exposed to blast and other types of inju-  
23 ries.

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