

112TH CONGRESS  
1ST SESSION

# S. 316

To ensure that the victims and victims' families of the November 5, 2009, attack at Fort Hood, Texas, receive the same treatment, benefits, and honors as those Americans who have been killed or wounded in a combat zone overseas and their families.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2011

Mr. CORNYN (for himself and Mrs. HUTCHISON) introduced the following bill;  
which was read twice and referred to the Committee on Armed Services

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## A BILL

To ensure that the victims and victims' families of the November 5, 2009, attack at Fort Hood, Texas, receive the same treatment, benefits, and honors as those Americans who have been killed or wounded in a combat zone overseas and their families.

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 “Fort Hood Victims  
5 and Families Benefits Protection Act”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) Fort Hood, Texas, has played a highly  
5 prominent role in the Global War on Terror, deploy-  
6 ing more members of the Armed Forces into over-  
7 seas theaters of combat since September 11, 2001,  
8 than any other United States military installation.

9 (2) The members of the Armed Forces and  
10 community of Fort Hood have answered the call to  
11 service with honor and distinction, and the post has  
12 paid a steep price, suffering more combat casualties  
13 in Operation Iraqi Freedom and Operation Enduring  
14 Freedom than any other United States military in-  
15 stallation.

16 (3) In February 2011, the Committee on  
17 Homeland Security and Governmental Affairs of the  
18 Senate issued a report entitled “A Ticking Time  
19 Bomb: Counterterrorism Lessons from the U.S.  
20 Government’s Failure to Prevent the Fort Hood At-  
21 tack”, which stated the following: “On November 5,  
22 2009, 13 Americans – 12 servicemembers and one  
23 civilian employee of DoD – were killed and 32 were  
24 wounded in an attack at the military base at Fort  
25 Hood, Texas. This tragedy was the deadliest ter-

1       rorist attack within the United States since Sep-  
2       tember 11, 2001”.

3           (4) In the wake of the brutal September 11,  
4       2001, terrorist attacks on the United States, the  
5       Federal Government set a historical precedent when  
6       it awarded the victims of those attacks who were  
7       members of the Armed Forces with the Purple  
8       Heart medal and the victims of those attacks who  
9       were civilian employees of the Department of De-  
10      fense with the Secretary of Defense Medal for the  
11      Defense of Freedom.

12          (5) In the aftermath of the attack that occurred  
13      at Fort Hood, Texas, on November 5, 2009, this  
14      precedent should be followed in accordance with cur-  
15      rent criteria for awarding the Purple Heart, as es-  
16      tablished in Executive Order No. 11016, and the  
17      Secretary of Defense Medal for the Defense of Free-  
18      dom.

19      (b) SENSE OF CONGRESS.—It is the sense of Con-  
20      gress that—

21          (1) any member of the Armed Forces or civilian  
22      employee of the Department of Defense who was  
23      killed or wounded in the attack that occurred at  
24      Fort Hood, Texas, on November 5, 2009, and the  
25      family members of those victims, should receive the

1 same treatment and benefits as the victims and fam-  
2 ilies of victims of the September 11, 2001, terrorist  
3 attacks on the United States;

4 (2) these Americans have made tremendous  
5 sacrifices, and the United States should provide  
6 them with the maximum level of benefits available,  
7 identical to the level of benefits available to those  
8 who have been killed or wounded in an overseas  
9 combat zone such as Iraq or Afghanistan; and

10 (3) the Department of Defense should duly  
11 honor the Americans who were killed or injured in  
12 the attack at Fort Hood with awards that serve to  
13 recognize their physical sacrifices, including the Pur-  
14 ple Heart Medal for members of the Armed Forces  
15 and the Secretary of Defense Medal for the Defense  
16 of Freedom for civilian employees of the Department  
17 of Defense.

18 **SEC. 3. TREATMENT OF MEMBERS OF THE ARMED FORCES**  
19 **AND CIVILIAN EMPLOYEES OF THE DEPART-**  
20 **MENT OF DEFENSE WHO WERE KILLED OR**  
21 **WOUNDED IN THE NOVEMBER 5, 2009, AT-**  
22 **TACK AT FORT HOOD, TEXAS.**

23 (a) TREATMENT.—For purposes of all applicable  
24 Federal laws, regulations, and policies, a member of the  
25 Armed Forces or civilian employee of the Department of

1 Defense who was killed or wounded in the attack that oc-  
2 curred at Fort Hood, Texas, on November 5, 2009, shall  
3 be deemed as follows:

4 (1) In the case of a member, to have been killed  
5 or wounded in a combat zone as the result of an act  
6 of an enemy of the United States.

7 (2) In the case of a civilian employee of the De-  
8 partment of Defense—

9 (A) to have been killed or wounded while  
10 serving with the Armed Forces in a contingency  
11 operation; and

12 (B) to have been killed or wounded in a  
13 terrorist attack.

14 (b) EXCEPTION.—Subsection (a) shall not apply to  
15 a member of the Armed Forces whose death or wound as  
16 described in that subsection is the result of the willful mis-  
17 conduct of the member.

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