

119TH CONGRESS  
1ST SESSION

# H. R. 3641

To clarify and improve accountability for certain members of the Armed Forces during consideration for medical separation in the Integrated Disability Evaluation System of the Department of Defense, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 29, 2025

Mr. MAST (for himself, Mr. McCORMICK, and Mr. GOTTHEIMER) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To clarify and improve accountability for certain members of the Armed Forces during consideration for medical separation in the Integrated Disability Evaluation System of the Department of Defense, 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. SHORT TITLE.**

4 This Act may be cited as the “Wounded Warrior Bill  
5 of Rights Act of 2025”.

1 **SEC. 2. ACCOUNTABILITY FOR CERTAIN MEMBERS OF THE**  
2 **ARMED FORCES DURING THE INTEGRATED**  
3 **DISABILITY EVALUATION SYSTEM.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Members of the Armed Forces are the brave  
6 men and women who voluntarily put themselves in  
7 harm's way, while fighting the enemies of freedom  
8 around the world so that all citizens of the United  
9 States and countless citizens of other nations can  
10 enjoy the blessings of liberty in peace. We owe those  
11 members not only a debt of gratitude, but our will-  
12 ingness to ensure every single member receives excel-  
13 lent health care and just treatment in the medical  
14 separation process when they've become ill or in-  
15 jured in the line of duty. This is critically important,  
16 not only for the present state of readiness in the  
17 Armed Forces, but for potential recruitment of fu-  
18 ture warfighters as elucidated by President George  
19 Washington when he stated, "The willingness with  
20 which our young people are likely to serve in any  
21 war, no matter how justified, shall be directly pro-  
22 portional to how they perceive veterans of early wars  
23 were treated and appreciated by our nation."

24 (2) Wounded Warriors remain members of an  
25 Armed Force under the jurisdiction of the Secretary  
26 of a military department and determinations regard-

1       ing their physical ability is the responsibility of the  
2       chain of command of the member, rather than the  
3       personnel within or under the direction of the De-  
4       fense Health Agency. That responsibility through  
5       the jurisdiction of the military chain of command is  
6       effective during the entirety of the process of the In-  
7       tegrated Disability Evaluation System of the De-  
8       partment of Defense, or successor system, instead of  
9       vesting for practical purposes only at the end of  
10      such process.

11           (3) Section 1214 of title 10, United States  
12      Code, guarantees that “[n]o member of the Armed  
13      Forces may be retired or separated for physical dis-  
14      ability without a full and fair hearing if he demands  
15      it”.

16           (4) Section 1216(b) of such title grants the  
17      Secretary concerned “all powers, functions, and du-  
18      ties incident to the determination” of “fitness for ac-  
19      tive duty of any member of an Armed Force under  
20      his jurisdiction”.

21           (5) Sections 7013(b), 8013(b), and 9013(b) of  
22      such title assigns responsibility for and grants “the  
23      authority necessary to conduct” the administration  
24      of the “morale and welfare of personnel” to the Sec-

1       retary of the Army, the Secretary of the Navy, and  
2       the Secretary of the Air Force respectively.

3       (b) DECLARATION OF POLICY REGARDING ACCOUNT-  
4 ABILITY FOR WOUNDED WARRIORS.—It is the policy of  
5 Congress that—

6           (1) determinations of fitness for duty or phys-  
7 ical capability to perform a military occupational  
8 specialty of a member of the Armed Forces under  
9 the jurisdiction of the Secretary of a military depart-  
10 ment are the responsibility of such Secretary;

11          (2) determinations of fitness for a Wounded  
12 Warrior may be assessed by medical professionals  
13 outside the military department of the Wounded  
14 Warrior and may be influenced by precedents across  
15 other entities of the Department of Defense, includ-  
16 ing the Defense Health Agency, but ultimately, such  
17 determination remains a decision of the Secretary of  
18 the military department concerned;

19          (3) the full authority for a determination de-  
20 scribed in paragraph (1) or (2) resides in the mili-  
21 tary chain of command and not the chain of respon-  
22 sibility of the Defense Health Agency; and

23          (4) at no point during the medical evaluation of  
24 a Wounded Warrior shall the Wounded Warrior be  
25 denied the protections, privileges, or right to due

1 process afforded under the laws, regulations, or  
2 other applicable guidance of the military department  
3 of the Wounded Warrior.

4 (c) CLARIFICATION OF RESPONSIBILITIES REGARD-  
5 ING THE INTEGRATED DISABILITY EVALUATION SYS-  
6 TEM.—Subsection (i) of section 1073c of title 10, United  
7 States Code, is amended to read as follows:

8 “(h) AUTHORITIES RESERVED TO SECRETARIES OF  
9 THE MILITARY DEPARTMENTS.—(1) Notwithstanding the  
10 responsibilities and authorities of the Director of the De-  
11 fense Health Agency with respect to the administration  
12 of military medical treatment facilities under this section,  
13 the Secretary of each military department shall maintain  
14 authority over and responsibility for any member of the  
15 Armed Forces under the jurisdiction of the military de-  
16 partment concerned while the member is being considered  
17 by a medical evaluation board or during any other part  
18 of the implementation of the Integrated Disability Evalua-  
19 tion System of the Department of Defense, or successor  
20 system.

21 “(2) Responsibility of the Secretary of a military de-  
22 partment under paragraph (1) shall include the following:

23 “(A) Responsibility for administering the mo-  
24 rale and welfare of each member of the Armed  
25 Forces under the jurisdiction of such Secretary.

1           “(B) Responsibility for determinations of fit-  
2           ness for active duty of each such member.

3           “(C) Complete operational and administrative  
4           control of each such member at every stage of the  
5           implementation of the Integrated Disability Evalua-  
6           tion System, or successor system, from the begin-  
7           ning of the medical evaluation board to the conclu-  
8           sion of the physical evaluation board, including the  
9           authority to pause for a reasonable amount of time  
10          or completely withdraw the member from such sys-  
11          tem if the military commander with jurisdiction over  
12          the Wounded Warrior finds that any policies, proce-  
13          dures, regulations, or other related guidance has not  
14          been followed in the case of the member.”.

15          (d) OPPORTUNITY FOR DUE PROCESS HEARING IN  
16          THE MILITARY CHAIN OF COMMAND.—

17                 (1) IN GENERAL.—Not later than 90 days after  
18                 the date of the enactment of this Act, the Secretary  
19                 of Defense shall update the policies and procedures  
20                 applicable to the implementation of the Integrated  
21                 Disability Evaluation System of the Department of  
22                 Defense, or successor system, to ensure that appeals  
23                 made by Wounded Warriors under the jurisdiction of  
24                 the Secretary concerned include (if the member de-

1       mands it) a full and fair hearing on such determina-  
2       tion, to be conducted by the Secretary concerned.

3               (2) CHARACTERIZATION OF APPEAL.—An ap-  
4       peal made under paragraph (1) is separate from and  
5       in addition to any appellate options available to a  
6       Wounded Warrior under the Integrated Disability  
7       Evaluation System of the Department of Defense, or  
8       successor system.

9               (3) TIMELY MANNER.—

10              (A) IN GENERAL.—Upon request by  
11       Wounded Warrior, the military commander with  
12       jurisdiction over the Wounded Warrior shall  
13       process an appeal under paragraph (1).

14              (B) ADJUDICATION.—Not later than 90  
15       days after the initiation by a Wounded Warrior  
16       of an appeal under paragraph (1) the military  
17       commander with jurisdiction over the Wounded  
18       Warrior, and every echelon of command all the  
19       way up to the general court-martial convening  
20       authority if the commander denies the appeal,  
21       shall complete adjudication of the appeal.

22              (e) BRIEFING.—Not later than February 1, 2026, the  
23       Secretary of Defense shall provide to the appropriate con-  
24       gressional committees a briefing on the status of the im-

1 plementation of this section and the amendments made  
2 by this section.

3 (f) DEFINITIONS.—In this section:

4 (1) The term “appropriate congressional com-  
5 mittees” means—

6 (A) the Committee on Armed Services of  
7 the Senate; and

8 (B) the Committee on Armed Services of  
9 the House of Representatives.

10 (2) The term “Secretary concerned” has the  
11 meaning given that term in section 101 of title 10,  
12 United States Code.

13 (3) The term “Wounded Warrior” means a  
14 member of the Armed Forces being processed for po-  
15 tential medical separation at any point in the Inte-  
16 grated Disability Evaluation System of the Depart-  
17 ment of Defense, or successor system.

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