

108TH CONGRESS
2D SESSION

H. R. 5296

To amend title 37, United States Code, to ensure that a member of the Armed Forces who is wounded or otherwise injured while serving in a combat zone will continue to receive certain special pays and allowances associated with such service, and will continue to receive the benefit of the combat zone tax exclusion associated with the pay and allowances of the member, while the member recovers from the wound or injury, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

Mr. MARKEY (for himself, Mr. EVANS, Mr. BACA, Mr. McDERMOTT, Mr. HOEFFEL, Mr. DELAHUNT, Mr. MCGOVERN, Mr. FILNER, Mr. KILDEE, Ms. MAJETTE, Mr. TIERNEY, Mrs. MALONEY, Mr. GUTIERREZ, Mr. VAN HOLLEN, Mr. FRANK of Massachusetts, Mr. LARSEN of Washington, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Ways and Means, 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 amend title 37, United States Code, to ensure that a member of the Armed Forces who is wounded or otherwise injured while serving in a combat zone will continue to receive certain special pays and allowances associated with such service, and will continue to receive the benefit of the combat zone tax exclusion associated with the pay and allowances of the member, while the member

recovers from the wound or injury, 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 “Crosby-Puller Combat
 5 Wounds Compensation Act”.

6 **SEC. 2. CONTINUATION OF SPECIAL PAYS AND ALLOW-**
 7 **ANCES FOR MEMBERS OF THE ARMED**
 8 **FORCES WOUNDED OR INJURED IN COMBAT**
 9 **ZONES.**

10 (a) HAZARDOUS DUTY PAY.—Section 301 of title 37,
 11 United States Code, is amended by adding at the end the
 12 following new subsection:

13 “(g) A member of the armed forces entitled to incen-
 14 tive pay under this section who is wounded or otherwise
 15 injured while assigned to duty in an area for which special
 16 pay under section 310 of this title is available and who
 17 is removed from the area for treatment of the wound or
 18 injury shall continue to be paid incentive pay under this
 19 section at the rate in effect for the member when the mem-
 20 ber received the wound or injury until the earliest of the
 21 following dates:

22 “(1) The date on which the member is found to
 23 be physically fit to perform the duties of the mem-
 24 ber’s office, grade, rank, or rating.

1 “(2) The date on which the member is dis-
2 charged or separated from the armed forces.

3 “(3) The date on which the member dies.”.

4 (b) AVIATION CAREER INCENTIVE PAY FOR OFFI-
5 CERS.—Section 301a of such title is amended by adding
6 at the end the following new subsection:

7 “(g) An officer entitled to incentive pay under this
8 section who is wounded or otherwise injured while as-
9 signed to duty in an area for which special pay under sec-
10 tion 310 of this title is available and who is removed from
11 the area for treatment of the wound or injury shall con-
12 tinue to be paid incentive pay under this section at the
13 rate in effect for the officer when the officer received the
14 wound or injury until the earliest of the following dates:

15 “(1) The date on which the officer is found to
16 be physically fit to perform the duties of the officer’s
17 office, grade, rank, or rating.

18 “(2) The date on which the officer is discharged
19 or separated from the armed forces.

20 “(3) The date on which the officer dies.”.

21 (c) CAREER ENLISTED FLIER INCENTIVE PAY.—
22 Section 320 of such title is amended—

23 (1) by redesignating subsection (i) as subsection
24 (j); and

1 (2) by inserting after subsection (h) the fol-
2 lowing new subsection (i):

3 “(i) CONTINUATION WHEN WOUNDED OR INJURED
4 IN COMBAT ZONE.—A member entitled to incentive pay
5 under this section who is wounded or otherwise injured
6 while assigned to duty in an area for which special pay
7 under section 310 of this title is available and who is re-
8 moved from the area for treatment of the wound or injury
9 shall continue to be paid incentive pay under this section
10 at the rate in effect for the member when the member
11 received the wound or injury until the earliest of the fol-
12 lowing dates:

13 “(1) The date on which the member is found to
14 be physically fit to perform the duties of the mem-
15 ber’s office, grade, rank, or rating.

16 “(2) The date on which the member is dis-
17 charged or separated from the armed forces.

18 “(3) The date on which the member dies.”.

19 (d) HARDSHIP DUTY PAY.—Section 305 of such title
20 is amended—

21 (1) by redesignating subsection (b) as sub-
22 section (c); and

23 (2) by inserting after subsection (a) the fol-
24 lowing new subsection (b):

1 “(b) CONTINUATION WHEN WOUNDED OR INJURED
2 IN COMBAT ZONE.—A member of the armed forces enti-
3 tled to hardship duty pay under subsection (a) who is
4 wounded or otherwise injured while assigned to duty in
5 an area for which special pay under section 310 of this
6 title is available and who is removed from the area for
7 treatment of the wound or injury shall continue to be paid
8 hardship duty pay under subsection (a) at the rate in ef-
9 fect for the member when the member received the wound
10 or injury until the earliest of the following dates:

11 “(1) The date on which the member is found to
12 be physically fit to perform the duties of the mem-
13 ber’s office, grade, rank, or rating.

14 “(2) The date on which the member is dis-
15 charged or separated from the armed forces.

16 “(3) The date on which the member dies.”.

17 (e) IMMINENT DANGER PAY.—Subsection (b) of sec-
18 tion 310 of such title is amended to read as follows:

19 “(b) CONTINUATION WHEN WOUNDED OR INJURED
20 IN COMBAT ZONE.—A member who is wounded or other-
21 wise injured while assigned to duty in an area for which
22 special pay is available under this section and who is re-
23 moved from the area for treatment of the wound or injury
24 shall continue to be paid such special pay at the rate in

1 effect for the member when the member received the
 2 wound or injury until the earliest of the following dates:

3 “(1) The date on which the member is found to
 4 be physically fit to perform the duties of the mem-
 5 ber’s office, grade, rank, or rating.

6 “(2) The date on which the member is dis-
 7 charged or separated from the armed forces.

8 “(3) The date on which the member dies.”.

9 (f) TRAVEL AND TRANSPORTATION PER DIEM.—Sec-
 10 tion 405 of such title is amended by adding at the end
 11 the following new subsection:

12 “(d) CONTINUATION WHEN WOUNDED OR INJURED
 13 IN COMBAT ZONE.—A member of the armed forces enti-
 14 tled to a per diem under this section who is wounded or
 15 otherwise injured while assigned to duty in an area for
 16 which special pay under section 310 of this title is avail-
 17 able and who is removed from the area for treatment of
 18 the wound or injury shall continue to be paid such per
 19 diem at the rate in effect for the member when the mem-
 20 ber received the wound or injury until the earliest of the
 21 following dates:

22 “(1) The date on which the member is found to
 23 be physically fit to perform the duties of the mem-
 24 ber’s office, grade, rank, or rating.

1 “(2) The date on which the member is dis-
2 charged or separated from the armed forces.

3 “(3) The date on which the member dies.”.

4 (g) FAMILY SEPARATION ALLOWANCE.—Section 427
5 of such title is amended by adding at the end the following
6 new subsection:

7 “(f) CONTINUATION WHEN WOUNDED OR INJURED
8 IN COMBAT ZONE.—A member of the armed forces enti-
9 tled to an allowance under subsection (a) who is wounded
10 or otherwise injured while assigned to duty in an area for
11 which special pay under section 310 of this title is avail-
12 able and who is removed from the area for treatment of
13 the wound or injury shall continue to be paid the allowance
14 at the rate in effect for the member when the member
15 received the wound or injury until the earliest of the fol-
16 lowing dates:

17 “(1) The date on which the member is found to
18 be physically fit to perform the duties of the mem-
19 ber’s office, grade, rank, or rating.

20 “(2) The date on which the member is dis-
21 charged or separated from the armed forces.

22 “(3) The date on which the member dies.”.

1 **SEC. 3. REPEAL OF TIME LIMITATION ON EXCLUSION OF**
2 **COMBAT ZONE COMPENSATION BY REASON**
3 **OF HOSPITALIZATION.**

4 (a) IN GENERAL.—Subsections (a)(2) and (b)(2) of
5 section 112 of the Internal Revenue Code of 1986 are each
6 amended by striking “; but this paragraph shall not apply
7 for any month beginning more than 2 years after the date
8 of the termination of combatant activities in such zone”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to compensation received for
11 months ending after the date of the enactment of this Act.

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