

115TH CONGRESS  
1ST SESSION

# S. 1365

To require the Secretary of Defense to include victims of acts of terror in the evaluation and treatment of veterans and civilians at military treatment facilities, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 15, 2017

Ms. WARREN (for herself and Ms. COLLINS) 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 include victims of acts of terror in the evaluation and treatment of veterans and civilians at military treatment facilities, 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 “Jessica Kensky and  
5       Patrick Downes Act”.

1 **SEC. 2. INCLUSION OF VICTIMS OF ACTS OF TERROR IN**  
 2 **EVALUATION AND TREATMENT OF VETERANS**  
 3 **AND CIVILIANS AT MILITARY TREATMENT FA-**  
 4 **CILITIES.**

5 Section 717 of the National Defense Authorization  
 6 Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.  
 7 1071 note) is amended—

8 (1) in the section heading, by inserting “, **IN-**  
 9 **CLUDING VICTIMS OF ACTS OF TERROR,**” after  
 10 “**CIVILIANS**”;

11 (2) in subsection (a), in the matter preceding  
 12 paragraph (1), by inserting “, including a victim of  
 13 an act of terror,” after “civilian”; and

14 (3) by striking subsection (d) and inserting the  
 15 following new subsections:

16 “(d) **PROCEDURES AFTER ACTS OF TERROR.**—

17 “(1) **PROCEDURES.**—Not later than 270 days  
 18 after the date of the enactment of the Jessica  
 19 Kensky and Patrick Downes Act, the Secretary of  
 20 Defense shall, in consultation with the Secretary of  
 21 Homeland Security, the Secretary of Health and  
 22 Human Services, and the heads of such other Fed-  
 23 eral agencies as the Secretary of Defense considers  
 24 appropriate, establish procedures to implement sub-  
 25 section (a) with respect to victims of acts of terror,  
 26 which shall include the following:

1           “(A) Procedures for the conduct of timely  
2           outreach and communication to local medical  
3           facilities after an act of terror in the United  
4           States.

5           “(B) Procedures to promptly contact, co-  
6           ordinate, and provide medical expertise to local  
7           medical facilities that are treating victims of an  
8           act of terror that caused blast related injuries,  
9           mass shooting related injuries, burn related in-  
10          juries, or other serious injuries.

11          “(C) Procedures for the provision of med-  
12          ical evaluations for victims of an act of terror  
13          who were exposed to such injuries.

14          “(2) RELEASE TO PRIVATE SECTOR HEALTH  
15          CARE PROVIDER.—The Secretary may not release a  
16          victim of an act of terror who is receiving care under  
17          subsection (a) to a health care provider in the pri-  
18          vate sector until a comprehensive treatment plan is  
19          communicated to the individual or a health care pro-  
20          vider of the individual.

21          “(3) REPORTS.—Not later than 180 days after  
22          an act of terror that results in civilians being evalu-  
23          ated and treated at a military treatment facility  
24          under subsection (a), the Secretary of Defense shall  
25          submit to the Committees on Armed Services of the

1 Senate and the House of Representatives a report  
2 that includes—

3 “(A) the number of victims of the act of  
4 terror who are receiving treatment at a military  
5 treatment facility;

6 “(B) a list of the types of injuries being  
7 treated; and

8 “(C) such recommendations to improve the  
9 procedures established under paragraph (1) as  
10 the Secretary considers appropriate.

11 “(e) DEFINITIONS.—In this section:

12 “(1) ACT OF TERROR.—The term ‘act of terror’  
13 means an act of domestic terrorism or international  
14 terrorism, as those terms are defined in section 2331  
15 of title 18, United States Code.

16 “(2) COVERED BENEFICIARY.—The term ‘cov-  
17 ered beneficiary’ has the meaning given that term in  
18 section 1072 of title 10, United States Code.

19 “(3) VICTIM.—The term ‘victim’, with respect  
20 to an act of terror, means an individual who suffered  
21 physical injury as a direct result of the act of ter-  
22 ror.”.

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