

AMENDMENT TO H.R. 4435
OFFERED BY MR. CONAWAY OF TEXAS

At the end of subtitle H of title V, add the following
new section:

1 **SEC. 5 ____ . MEDALS FOR MEMBERS OF THE ARMED FORCES**
2 **AND CIVILIAN EMPLOYEES OF THE DEPART-**
3 **MENT OF DEFENSE WHO WERE KILLED OR**
4 **WOUNDED IN AN ATTACK INSPIRED OR MOTI-**
5 **VATED BY A FOREIGN TERRORIST ORGANIZA-**
6 **TION.**

7 (a) PURPLE HEART.—

8 (1) AWARD.—

9 (A) IN GENERAL.—Chapter 57 of title 10,
10 United States Code, is amended by inserting
11 after section 1129 the following new section:

12 **“§ 1129a. Purple Heart: members killed or wounded**
13 **in attacks inspired or motivated by for-**
14 **eign terrorist organizations**

15 “(a) IN GENERAL.—For purposes of the award of the
16 Purple Heart, the Secretary concerned shall treat a mem-
17 ber of the armed forces described in subsection (b) in the
18 same manner as a member who is killed or wounded as

1 a result of an international terrorist attack against the
2 United States.

3 “(b) COVERED MEMBERS.—A member described in
4 this subsection is a member on active duty who was killed
5 or wounded in an attack inspired or motivated by a foreign
6 terrorist organization in circumstances where the death or
7 wound is the result of an attack targeted on the member
8 due to such member’s status as a member of the armed
9 forces, unless the death or wound is the result of willful
10 misconduct of the member.

11 “(c) FOREIGN TERRORIST ORGANIZATION DE-
12 FINED.—In this section, the term ‘foreign terrorist organi-
13 zation’ means an entity designated as a foreign terrorist
14 organization by the Secretary of State pursuant to section
15 219 of the Immigration and Nationality Act (8 U.S.C.
16 1189).”.

17 (B) CLERICAL AMENDMENT.—The table of
18 sections at the beginning of chapter 57 of such
19 title is amended by inserting after the item re-
20 lating to section 1129 the following new item:

“1129a. Purple Heart: members killed or wounded in attacks inspired or moti-
vated by foreign terrorist organizations.”.

21 (2) RETROACTIVE EFFECTIVE DATE AND APPLI-
22 CATION.—

1 (A) EFFECTIVE DATE.—The amendments
2 made by paragraph (1) shall take effect as of
3 September 11, 2001.

4 (B) REVIEW OF CERTAIN PREVIOUS INCI-
5 DENTS.—The Secretaries concerned shall un-
6 dertake a review of each death or wounding of
7 a member of the Armed Forces that occurred
8 between September 11, 2001, and the date of
9 the enactment of this Act under circumstances
10 that could qualify as being the result of an at-
11 tack described in section 1129a of title 10,
12 United States Code (as added by paragraph
13 (1)), to determine whether the death or wound-
14 ing qualifies as a death or wounding resulting
15 an attack inspired or motivated by a foreign
16 terrorist organization for purposes of the award
17 of the Purple Heart pursuant to such section
18 (as so added).

19 (C) ACTIONS FOLLOWING REVIEW.—If the
20 death or wounding of a member of the Armed
21 Forces reviewed under subparagraph (B) is de-
22 termined to qualify as a death or wounding re-
23 sulting from an attack inspired or motivated by
24 a foreign terrorist organization as described in
25 section 1129a of title 10, United States Code

1 (as so added), the Secretary concerned shall
2 take appropriate action under such section to
3 award the Purple Heart to the member.

4 (D) SECRETARY CONCERNED DEFINED.—

5 In this paragraph, the term “Secretary con-
6 cerned” has the meaning given that term in
7 section 101(a)(9) of title 10, United States
8 Code.

9 (b) SECRETARY OF DEFENSE MEDAL FOR THE DE-
10 FENSE OF FREEDOM.—

11 (1) REVIEW OF THE NOVEMBER 5, 2009, AT-
12 TACK AT FORT HOOD, TEXAS.—If the Secretary con-
13 cerned determines, after a review under subsection
14 (a)(2)(B) regarding the attack that occurred at Fort
15 Hood, Texas, on November 5, 2009, that the death
16 or wounding of any member of the Armed Forces in
17 that attack qualified as a death or wounding result-
18 ing from an attack inspired or motivated by a for-
19 eign terrorist organization as described in section
20 1129a of title 10, United States Code (as added by
21 subsection (a)), the Secretary of Defense shall make
22 a determination as to whether the death or wound-
23 ing of any civilian employee of the Department of
24 Defense or civilian contractor in the same attack
25 meets the eligibility criteria for the award of the

1 Secretary of Defense Medal for the Defense of Free-
2 dom.

3 (2) AWARD.—If the Secretary of Defense deter-
4 mines under paragraph (1) that the death or wound-
5 ing of any civilian employee of the Department of
6 Defense or civilian contractor in the attack that oc-
7 curred at Fort Hood, Texas, on November 5, 2009,
8 meets the eligibility criteria for the award of the
9 Secretary of Defense Medal for the Defense of Free-
10 dom, the Secretary shall take appropriate action to
11 award the Secretary of Defense Medal for the De-
12 fense of Freedom to the employee or contractor.

In subparagraph (E)(i) of section 602(b)(3) of the
Afghan Allies Protection Act of 2009 (as proposed to be
added by section 1218), strike “1,100” and insert
“1,080”.

