AMENDMENT TO
RULES COMMITTEE PRINT 116–57
OFFERED BY MS. GABBARD OF HAWAI'I

At the end of subtitle E of title XVII, add the following new section:

SEC. ___. EXTENSION OF FEDERAL TORT CLAIMS ACT COVERAGE TO NATIVE HAWAIIAN HEALTH CARE SYSTEMS.

Section 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

“(h) FEDERAL TORT CLAIMS ACT COVERAGE.—

“(1) NATIVE HAWAIIAN HEALTH CARE SYSTEMS.—A Native Hawaiian health care system shall be considered to be a Federal agency for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for personal injury, including death, resulting from the performance of functions by the Native Hawaiian health care system.
“(2) Officers and Employees.—An individual who is an officer or employee of a Native Hawaiian health care system shall—

“(A) be considered to be an employee of the Department of Health and Human Services for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for personal injury, including death, resulting from the performance of functions within the scope of employment of the individual; and

“(B) be considered to be an employee of the Public Health Service performing medical, surgical, dental, or related functions for purposes of ensuring that the remedy provided by sections 1346(b) and 2672 of title 28, United States Code, is exclusive of any other civil action or proceeding by reason of the same subject matter against—

“(i) that individual; or

“(ii) the estate of that individual.”.