

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 116–57**  
**OFFERED BY MS. GABBARD OF HAWAII**

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

1 **SEC. \_\_\_\_ . EXTENSION OF FEDERAL TORT CLAIMS ACT COV-**  
2 **ERAGE TO NATIVE HAWAIIAN HEALTH CARE**  
3 **SYSTEMS.**

4 Section 6 of the Native Hawaiian Health Care Im-  
5 provement Act (42 U.S.C. 11705) is amended—

6 (1) by redesignating subsection (h) as sub-  
7 section (i); and

8 (2) by inserting after subsection (g) the fol-  
9 lowing:

10 “(h) FEDERAL TORT CLAIMS ACT COVERAGE.—

11 “(1) NATIVE HAWAIIAN HEALTH CARE SYS-  
12 TEMS.—A Native Hawaiian health care system shall  
13 be considered to be a Federal agency for purposes  
14 of claims under sections 1346(b) and 2672 of title  
15 28, United States Code, for money damages for per-  
16 sonal injury, including death, resulting from the per-  
17 formance of functions by the Native Hawaiian  
18 health care system.

1           “(2) OFFICERS AND EMPLOYEES.—An indi-  
2           vidual who is an officer or employee of a Native Ha-  
3           waiian health care system shall—

4                   “(A) be considered to be an employee of  
5                   the Department of Health and Human Services  
6                   for purposes of claims under sections 1346(b)  
7                   and 2672 of title 28, United States Code, for  
8                   money damages for personal injury, including  
9                   death, resulting from the performance of func-  
10                  tions within the scope of employment of the in-  
11                  dividual; and

12                   “(B) be considered to be an employee of  
13                   the Public Health Service performing medical,  
14                   surgical, dental, or related functions for pur-  
15                   poses of ensuring that the remedy provided by  
16                   sections 1346(b) and 2672 of title 28, United  
17                   States Code, is exclusive of any other civil ac-  
18                   tion or proceeding by reason of the same sub-  
19                   ject matter against—

20                           “(i) that individual; or

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

