

AMENDMENT TO RULES COMMITTEE PRINT 119-
33
OFFERED BY MS. GOODLANDER OF NEW
HAMPSHIRE

At the end of subtitle B of title XVII, insert the following new section:

1 **SEC. 17__.** **ALLOWING CLAIMS AGAINST THE UNITED**
2 **STATES FOR FAILING TO PREVENT OR INVES-**
3 **TIGATE SEXUAL MISCONDUCT.**

4 (a) **IN GENERAL.**—Chapter 171 of title 28, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 2681. Claims against the United States for military**
8 **sexual trauma**

9 “(a) **DEFINITIONS.**—In this section:

10 “(1) **COVERED INDIVIDUAL.**—The term ‘cov-
11 ered individual’ means—

12 “(A) a member of the armed forces, in-
13 cluding a reserve component, who is serving on
14 active duty (as that term is defined in section
15 101(d)(1) of title 10);

16 “(B) a member of the National Guard who
17 is serving on full-time National Guard duty (as

1 that term is defined in section 101(d)(5) of title
2 10); or

3 “(C) a member of a reserve component or
4 the Space Force while performing inactive-duty
5 training (as that term is defined in section
6 101(d)(7) of title 10).

7 “(2) ARMED FORCES.—The term ‘armed forces’
8 has the meaning given the term in section 101(a)(4)
9 of title 10.

10 “(3) RESERVE COMPONENT.—The term ‘reserve
11 component’ means a component specified in section
12 10101 of title 10.

13 “(4) SEXUAL MISCONDUCT.—The term ‘sexual
14 misconduct’ means—

15 “(A) wrongful broadcast or distribution of
16 intimate visual images punishable under section
17 917a of title 10 (article 117a of the Uniform
18 Code of Military Justice);

19 “(B) rape (as that term is defined in sec-
20 tion 920(a) of title 10 (article 120(a) of the
21 Uniform Code of Military Justice);

22 “(C) sexual assault (as that term is de-
23 fined in section 920(b) of title 10 (article
24 120(b) of the Uniform Code of Military Jus-
25 tice));

1 “(D) aggravated sexual contact (as that
2 term is defined in section 920(c) of title 10 (ar-
3 ticle 120(c) of the Uniform Code of Military
4 Justice));

5 “(E) abusive sexual contact (as that term
6 is defined in section 920(d) of title 10 (article
7 120(d) of the Uniform Code of Military Jus-
8 tice));

9 “(F) other sexual misconduct punishable
10 under section 920e of title 10 (article 120e of
11 the Uniform Code of Military Justice); and

12 “(G) the standalone offense of sexual har-
13 assment punishable under section 934 of title
14 10 (article 134 of the Uniform Code of Military
15 Justice).

16 “(b) CLAIMS.—An individual may bring suit against
17 the United States for injury or death arising, while such
18 individual was a member of the Armed Forces, including
19 a reserve component, from—

20 “(1) sexual misconduct committed by a covered
21 individual; and

22 “(2)(A) the negligent failure to prevent such
23 sexual misconduct;

24 “(B) the negligent failure to investigate such sexual
25 misconduct; or

1 “(C) any other such wrongful or negligent actions
2 that contributed to the sexual misconduct alleged.

3 “(c) NO REDUCTION FOR CERTAIN BENEFITS.—A
4 claim under this section shall not be reduced by the
5 amount of any health care or benefit provided under a pro-
6 vision of law administered by the Secretary of Veterans
7 Affairs or the Secretary of Defense.

8 “(d) LIMITATIONS PERIOD.—Notwithstanding sec-
9 tion 2401(b), a claim brought under this section shall have
10 a 5-year statute of limitations beginning on the date any
11 such claim accrues.

12 “(e) PROCEDURES.—For purposes of claims brought
13 under this section—

14 “(1) subsections (a), (h), (j), and (k) of section
15 2680 do not apply; and

16 “(2) the filing period under subsection (d) shall
17 be tolled during the pendency of any investigation or
18 proceeding related to the alleged sexual misconduct
19 underlying the claim.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 for chapter 171 of title 28, United States Code, is amend-
22 ed by adding at the end the following:

“2681. Claims against the United States for military sexual trauma.”.

23 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion, or the amendments made by this section, shall be
25 construed to limit the application of the administrative

1 process and procedures of chapter 171 of title 28, United
2 States Code, to claims permitted under section 2681 of
3 such chapter.

4 (d) EFFECTIVE DATE.—This section and the amend-
5 ments made by this section shall apply to—

6 (1) a claim arising on or after the date of the
7 enactment of this section; and

8 (2) a claim arising before the date of the enact-
9 ment of this section, with respect to which the pe-
10 riod of limitations shall be deemed to begin on the
11 date of the enactment of this section.

