

**AMENDMENT TO RULES COMMITTEE PRINT 118-**  
**10**  
**OFFERED BY MR. ISSA OF CALIFORNIA**

At the end of subtitle C of title XVIII, add the following new section:

1 **SEC. 18\_\_.** **ALLOWING CLAIMS AGAINST THE UNITED**  
2 **STATES FOR INJURY AND DEATH OF MEM-**  
3 **BERS OF THE ARMED FORCES CAUSED BY IM-**  
4 **PROPER MEDICAL CARE.**

5 (a) **IN GENERAL.**—Chapter 171 of title 28, United  
6 States Code, is amended by adding at the end the following:  
7

8 **“§ 2681. Claims against the United States for injury**  
9 **and death of members of the Armed**  
10 **Forces**

11 “(a) In this section—

12 “(1) the term ‘Armed Forces’ has the meaning  
13 given the term in section 101 of title 38; and

14 “(2) the term ‘covered military medical treat-  
15 ment facility’—

16 “(A) means the facilities described in sub-  
17 sections (b), (c), and (d) of section 1073d of

1 title 10, regardless of whether the facility is lo-  
2 cated in or outside the United States; and

3 “(B) does not include battalion aid sta-  
4 tions or other medical treatment locations de-  
5 ployed in an area of armed conflict.

6 “(b) A claim may be brought against the United  
7 States under this chapter for damages for personal injury  
8 or death of a member of the Armed Forces arising out  
9 of a negligent or wrongful act or omission in the perform-  
10 ance of medical, dental, or related health care functions  
11 (including clinical studies and investigations) that is pro-  
12 vided at a covered military medical treatment facility by  
13 a person acting within the scope of the office or employ-  
14 ment of that person by or at the direction of the Govern-  
15 ment of the United States and shall be exclusive of any  
16 other civil action or proceeding by reason of the same sub-  
17 ject matter against such person (or the estate of such per-  
18 son) whose act or omission gave rise to the action or pro-  
19 ceeding.

20 “(c) A claim under this section shall not be reduced  
21 by the amount of any benefit received under subchapter  
22 III (relating to Servicemembers’ Group Life Insurance) of  
23 chapter 19 of title 38.

24 “(d) Notwithstanding section 2401(b)—

1           “(1) except as provided in paragraph (2), a  
2           claim arising under this section may not be com-  
3           menced later than 8 years after the date on which  
4           the claimant discovered, or by reasonable diligence  
5           should have discovered, the injury and the cause of  
6           the injury; and

7           “(2) with respect to a claim pending before the  
8           date of enactment of this section, the limitations pe-  
9           riod described in paragraph (1) shall begin on the  
10          date of enactment of this section.

11          “(e) For purposes of claims brought under this sec-  
12          tion—

13           “(1) subsections (j) and (k) of section 2680  
14           shall not apply; and

15           “(2) in the case of an act or omission occurring  
16           outside the United States, the law of the place where  
17           the act or omission occurred shall be deemed to be  
18           the law of the State of domicile of the claimant.

19          “(f) Not later than 2 years after the date of the en-  
20          actment of this section, and every 2 years thereafter, the  
21          Secretary of Defense shall submit to Congress a report  
22          on the number of claims filed under this section.”.

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

“2681. Claims against the United States for injury and death of members of the Armed Forces.”.

1           (c) EFFECTIVE DATE.—This Act and the amend-  
2 ments made by this Act shall apply to—

3                 (1) a claim arising on or after January 1, 2017;

4           and

5                 (2) a pending claim arising before January 1,

6           2017.

7           (d) RULE OF CONSTRUCTION.—Nothing in this Act  
8 or the amendments made by this Act shall be construed  
9 to limit the application of the administrative process and  
10 procedures of chapter 171 of title 28, United States Code,  
11 to claims permitted under section 2681, as added by this  
12 section.

