AMENDMENT TO RULES COMMITTEE
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OFFERED BY MS. SPEIER OF CALIFORNIA

At the appropriate place at the end of subtitle C of title VII, add the following new section:

SEC. 7. AUTHORIZATION OF CLAIMS AGAINST THE UNITED STATES FOR INJURY AND DEATH OF MEMBERS OF THE ARMED FORCES CAUSED BY IMPROPER MEDICAL CARE.

(a) CLAIMS AUTHORIZED.—Chapter 171 of title 28, United States Code, is amended by adding at the end the following new section:

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

“(a) A claim may be brought against the United States under this chapter for damages relating to the personal injury or death of a member of the Armed Forces of the United States arising out of a negligent or wrongful act or omission in the performance of medical, dental, or related health care functions (including clinical studies and investigations) that is provided at a covered military medical treatment facility by a person acting within the
scope of the office or employment of that person by or
at the direction of the Government of the United States.
“(b) A claim under this section shall not be reduced
by the amount of any benefit received under subchapter
III of chapter 19 of title 38.
“(c) Notwithstanding section 2401(b), a claim
brought under this section shall have a 3-year statute of
limitations beginning on the date the claimant discovered
or by reasonable diligence should have discovered the in-
jury and the cause of the injury.
“(d) For purposes of claims brought under this sec-
tion—
“(1) subsections (j) and (k) of section 2680 do
not apply; and
“(2) in the case of an act or omission occurring
outside the United States, the law of the place where
the act or omission occurred shall be deemed to be
the law of the State of domicile of the claimant.
“(e) In this section, the term ‘covered military med-
tical treatment facility’ means the facilities described in
subsections (b), (c), and (d) of section 1073d of title 10,
regardless of whether the facility is located in or outside
the United States. The term does not include battalion
aid stations or other medical treatment locations deployed
in an area of armed conflict.
“(f) Not later than 2 years after the date of the enactment of this section, and every 2 years thereafter, the Secretary of Defense shall submit to Congress a report on the number of claims filed under this section.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 171 of title 28, United States Code, is amended by adding at the end the following new item:

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

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to—

(1) a claim filed on or after the date of the enactment of this Act; and

(2) a claim that—

(A) is pending as of the date of the enactment of this Act; and

(B) arises from an incident occurring not more than 2 years before the claim was filed.

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