

**AMENDMENT TO RULES COMMITTEE**  
**PRINT 116–19**  
**OFFERED BY MS. SPEIER OF CALIFORNIA**

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

1 **SEC. 7\_\_\_\_. AUTHORIZATION OF CLAIMS AGAINST THE**  
2 **UNITED STATES FOR INJURY AND DEATH OF**  
3 **MEMBERS OF THE ARMED FORCES CAUSED**  
4 **BY IMPROPER MEDICAL CARE.**

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

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

11 “(a) A claim may be brought against the United  
12 States under this chapter for damages relating to the per-  
13 sonal injury or death of a member of the Armed Forces  
14 of the United States arising out of a negligent or wrongful  
15 act or omission in the performance of medical, dental, or  
16 related health care functions (including clinical studies  
17 and investigations) that is provided at a covered military  
18 medical treatment facility by a person acting within the

1 scope of the office or employment of that person by or  
2 at the direction of the Government of the United States.

3 “(b) A claim under this section shall not be reduced  
4 by the amount of any benefit received under subchapter  
5 III of chapter 19 of title 38.

6 “(c) Notwithstanding section 2401(b), a claim  
7 brought under this section shall have a 3-year statute of  
8 limitations beginning on the date the claimant discovered  
9 or by reasonable diligence should have discovered the in-  
10 jury and the cause of the injury.

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

13 “(1) subsections (j) and (k) of section 2680 do  
14 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 “(e) In this section, the term ‘covered military med-  
20 ical treatment facility’ means the facilities described in  
21 subsections (b), (c), and (d) of section 1073d of title 10,  
22 regardless of whether the facility is located in or outside  
23 the United States. The term does not include battalion  
24 aid stations or other medical treatment locations deployed  
25 in an area of armed conflict.

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

5 (b) CLERICAL AMENDMENT.—The table of sections  
6 for chapter 171 of title 28, United States Code, is amend-  
7 ed 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.”.

8 (c) EFFECTIVE DATE.—This section and the amend-  
9 ments made by this section shall apply to—

10 (1) a claim filed on or after the date of the en-  
11 actment of this Act; and

12 (2) a claim that—

13 (A) is pending as of the date of the enact-  
14 ment of this Act; and

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

17 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
18 tion or the amendments made by this section shall be con-  
19 strued to limit the application of the administrative proc-  
20 ess and procedures of chapter 171 of title 28, United  
21 States Code, to claims permitted under section 2681 of  
22 such chapter, as amended by this section.

