

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 1735
OFFERED BY MS. SPEIER OF CALIFORNIA**

At the end of subtitle D of title V (page 179, after
line 21), add the following new section:

1 **SEC. 5__ . ALLOWANCE OF CLAIMS BY MEMBERS OF THE**
2 **ARMED FORCES AGAINST THE UNITED**
3 **STATES FOR INJURIES RELATING TO OR**
4 **ARISING OUT OF CERTAIN ASSAULTIVE CON-**
5 **DUCT.**

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

9 **“§ 2681. Certain claims by members of the Armed**
10 **Forces**

11 “(a) **CLAIMS AUTHORIZED.**—Notwithstanding sec-
12 tion 2680 of this title, a claim may be brought by a mem-
13 ber of the Armed Forces (including a former member of
14 the Armed Forces if the claim arose while a member)
15 against the United States under this chapter for damages
16 or other appropriate relief for any act or omission related
17 to or arising out of covered assaultive conduct or the fail-

1 ure to prevent or properly investigate or prosecute covered
2 assaultive conduct.

3 “(b) COVERED ASSAULTIVE CONDUCT DEFINED.—

4 In this section, the term ‘covered assaultive conduct’
5 means sexual assault or harassment, domestic violence, as-
6 sault and battery, intentional infliction of emotional dis-
7 tress, false imprisonment, or discrimination or negligent
8 hiring, supervision, promotion, or retention.

9 “(c) TREATMENT OF OVERSEAS ACTS OR OMIS-
10 SIONS.—For purposes of a claim brought under this sec-
11 tion, in the case of an act or omission described in sub-
12 section (a) occurring outside the United States—

13 “(1) the law that applies to the act or omission
14 shall be the law of the place where the claimant is
15 domiciled within the United States, or, if there is no
16 place where the claimant is so domiciled, the law of
17 the place the claimant has identified as the claim-
18 ant’s home of record for military purposes; and

19 “(2) any choice-of-law rules which would re-
20 quire the application of foreign or international law
21 shall be disregarded.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 171 of title 28, United States

- 1 Code, is amended by adding at the end the following new
- 2 item:

“2681. Certain claims by members of the Armed Forces.”.

