AMENDMENT TO H.R. 4435
OFFERED BY MS. SPEIER OF CALIFORNIA

At the end of subtitle D of title V, add at the end the following new section:

SEC. 5. ALLOWANCE OF CLAIMS BY MEMBERS OF THE ARMED FORCES AGAINST THE UNITED STATES FOR INJURIES RELATING TO OR ARISING OUT OF CERTAIN ASSAULTIVE CONDUCT.

(a) CLAIMS AUTHORIZED.—Notwithstanding section 2680 of this title, a claim may be brought by a member of the Armed Forces (including a former member of the Armed Forces if the claim arose while a member) against the United States under this chapter for damages or other appropriate relief for any act or omission related to or arising out of covered assaultive conduct or the failure to prevent or properly investigate or prosecute covered assaultive conduct.
“(b) COVERED ASSAULTIVE CONDUCT DEFINED.—In this section, the term ‘covered assaultive conduct’ means sexual assault or harassment, domestic violence, assault and battery, intentional infliction of emotional distress, false imprisonment, or discrimination or negligent hiring, supervision, promotion, or retention.

“(c) TREATMENT OF OVERSEAS ACTS OR OMISSIONS.—For purposes of a claim brought under this section, in the case of an act or omission described in subsection (a) occurring outside the United States—

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

“(2) any choice-of-law rules which would require the application of foreign or international law shall be disregarded.”.

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

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