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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

To amend chapter 171 of title 28, United States Code, to allow suit against the United States for injuries and deaths of members of the Armed Forces of the United States caused by improper medical care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SPEIER introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend chapter 171 of title 28, United States Code, to allow suit against the United States for injuries and deaths of members of the Armed Forces of the United States caused by improper medical care, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sfc. Richard Stayskal
5 Military Medical Accountability Act of 2019”.

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

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

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
19 scope of the office or employment of that person by or
20 at the direction of the Government of the United States.

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

25 “(c) Notwithstanding section 2401(b), a claim
26 brought under this section shall have a 3-year statute of

1 limitations beginning on the date the claimant discovered
2 or by reasonable diligence should have discovered the in-
3 jury and the cause of the injury.

4 “(d) For purposes of claims brought under this sec-
5 tion—

6 “(1) subsections (j) and (k) of section 2680 do
7 not apply; and

8 “(2) in the case of an act or omission occurring
9 outside the United States, the law of the place where
10 the act or omission occurred shall be deemed to be
11 the law of the State of domicile of the claimant.

12 “(e) In this section, the term ‘covered military med-
13 ical treatment facility’ means the facilities described in
14 subsections (b), (c), and (d) of section 1073d of title 10,
15 United States Code, regardless of whether the facility is
16 located in or outside the United States. The term does
17 not include battalion aid stations or other medical treat-
18 ment locations deployed in an area of armed conflict.

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 of the United States.”.

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

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

5 (2) a claim that—

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

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

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