

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 1478  
OFFERED BY MR. FRANKS**

On the first page, strike line 4 and all that follows  
through the end of the bill and insert the following:

1 **SEC. 2. GAO STUDY.**

2 (a) **STUDY REQUIRED.**—The Comptroller General  
3 shall carry out a study to examine—

4 (1) the military, veterans, and other benefits  
5 available to service members injured or killed as a  
6 result of medical malpractice that is provided by a  
7 person acting within the scope of the office or em-  
8 ployment of that person by or at the direction of the  
9 Government of the United States, including—

10 (A) the eligibility criteria that a service  
11 member must satisfy to receive these benefits;  
12 and

13 (B) the amount of compensation provided  
14 by these benefits, including, as applicable, the  
15 effect on compensation of the severity of any  
16 disability and the rank of the service member  
17 injured;

1           (2) adult medical malpractice claims against the  
2 Department of Defense in the last five years brought  
3 under the Federal Tort Claims Act by non-active  
4 duty personnel, including—

5                   (A) how many cases were filed;

6                   (B) how many cases were successful either  
7 through trial or settlement; and

8                   (C) the total and average amounts of dam-  
9 ages that were awarded; and

10           (3) the systems, programs, standards, and  
11 mechanisms the military uses and must comply with  
12 to establish and maintain individual and organiza-  
13 tional medical accreditation or credentialing regard-  
14 ing the medical standards of care and the discipli-  
15 nary actions the military may and does take with re-  
16 gard to medical providers whose care falls below the  
17 minimum standard of care.

18           (b) REPORT.—Not later than 180 days after the date  
19 of the enactment of this Act, the Comptroller General shall  
20 issue a report to the Congress detailing the findings and  
21 conclusions made by the Comptroller General in carrying  
22 out the study required by subsection (a).

