

**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:

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-  
18 ure to prevent or properly investigate or prosecute covered  
19 assaultive conduct.

1       “(b) COVERED ASSAULTIVE CONDUCT DEFINED.—  
2 In this section, the term ‘covered assaultive conduct’  
3 means sexual assault or harassment, domestic violence, as-  
4 sault and battery, intentional infliction of emotional dis-  
5 tress, false imprisonment, or discrimination or negligent  
6 hiring, supervision, promotion, or retention.

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

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

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

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

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

