

106TH CONGRESS  
1ST SESSION

# H. R. 1371

To amend the Federal tort claims provisions of title 28, United States Code, to repeal the exception for claims arising outside the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 1999

Ms. NORTON (for herself, Ms. CARSON, Mr. CONYERS, Mr. FARR of California, Mr. FORBES, Mr. FROST, Mr. FRANK of Massachusetts, Mr. GEKAS, Ms. JACKSON-LEE of Texas, Mr. KING, Mr. KENNEDY of Rhode Island, Mrs. LOWEY, Mrs. MEEK of Florida, Mr. PAYNE, Ms. PELOSI, Mr. SHAYS, Mr. STARK, and Mr. WYNN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Federal tort claims provisions of title 28, United States Code, to repeal the exception for claims arising outside the United States, 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. CLAIMS ARISING OUTSIDE THE UNITED**  
4 **STATES.**

5 (a) EXCEPTION.—Section 2680 of title 28, United  
6 States Code, is amended by striking subsection (k).

1 (b) APPLICABLE LAW.—In an action brought under  
2 section 1346(b) of title 28, United States Code, for a  
3 claim arising in a foreign country, the court shall apply  
4 the law of the domicile of the plaintiff in such claim.

5 **SEC. 2. CLAIMS FOR GROSS NEGLIGENCE.**

6 Sections 2674 of title 28, United States Code, is  
7 amended by adding at the end the following:

8 “Notwithstanding section 8116(c) of title 5, United  
9 States Code, an officer or employee of the United States  
10 may bring an action under this chapter against the United  
11 States which is based on the gross negligence of an officer  
12 or employee of the United States.”.

13 **SEC. 3. EFFECTIVE DATE.**

14 The amendments made by sections 1 and 2 shall  
15 apply with respect to actions which occurred on or after  
16 April 3, 1996.

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