

Public Law 97-124
97th Congress

An Act

Dec. 29, 1981

[H.R. 3799]

To extend the Federal tort claims provisions of title 28, United States Code, to acts or omissions of members of the National Guard, and to provide that the remedy under those provisions shall be exclusive in medical malpractice actions involving members of the National Guard.

Federal tort
claim provisions
for National
Guard members.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2671 of title 28, United States Code, is amended—

(1) in the second paragraph, by inserting “members of the National Guard while engaged in training or duty under section 316, 502, 503, 504, or 505 of title 32,” after “naval forces of the United States,”; and

(2) in the third paragraph, by inserting “or a member of the National Guard as defined in section 101(3) of title 32” immediately after “United States”.

SEC. 2. Section 1089(a) of title 10, United States Code, is amended by inserting “the National Guard while engaged in training or duty under section 316, 502, 503, 504, or 505 of title 32,” after “armed forces,”.

Repeal.

SEC. 3. Section 334 of title 32, United States Code, and the item relating to such section in the section analysis of chapter 3 of such title, are repealed.

10 USC 1089
note.

SEC. 4. The amendments made by this Act and the repeal made by section 3 of this Act shall apply only with respect to claims arising on or after the date of the enactment of this Act.

Approved December 29, 1981.

LEGISLATIVE HISTORY—H.R. 3799 (S. 267):

HOUSE REPORT No. 97-384, Pt. 1 (Comm. on the Judiciary).

SENATE REPORT No. 97-297 accompanying S. 267 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 127 (1981):

Dec. 15, considered and passed House.

Dec. 16, considered and passed Senate, in lieu of S. 267.