

119TH CONGRESS
1ST SESSION

H. R. 6730

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 caused by improper medical care.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2025

Mr. ISSA (for himself, Mr. HUDSON, and Mr. PANETTA) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 caused by improper medical care.

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 “Healthcare Equality
5 and Rights for Our Heroes Act” or the “HERO Act”.

1 **SEC. 2. CLAIMS AGAINST UNITED STATES FOR INJURY AND**
2 **DEATH OF MEMBERS OF THE UNIFORM SERV-**
3 **ICES CAUSED BY IMPROPER MEDICAL CARE.**

4 (a) REPEAL.—Section 2733a of title 10, United
5 States Code, is repealed.

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

9 **“§ 2681. Claims against United States for injury and**
10 **death of members of the uniformed serv-**
11 **ices**

12 “(a) Notwithstanding any other provision of law, a
13 claim may be brought against the United States under this
14 chapter for damages for personal injury or death of a
15 member of the uniformed services arising out of a neg-
16 ligent or wrongful act or omission in the performance of
17 medical, dental, or related health care functions (including
18 clinical studies and investigations) that is provided at a
19 covered military medical treatment facility by an employee
20 acting within the scope of their office or employment or
21 by or at the direction of the Government of the United
22 States and shall be exclusive of any other civil action or
23 proceeding by reason of the same subject matter against
24 such employee (or the estate of such employee) whose act
25 or omission gave rise to the action or proceeding.

26 “(b) A claim under this section may not be reduced—

1 “(1) by the amount of any benefit received pur-
2 suant to laws administered by the Secretary of Vet-
3 erans Affairs; or

4 “(2) by the amount of any benefit received
5 under subchapter III (relating to Servicemembers’
6 Group Life Insurance) of chapter 19 of title 38.

7 “(c) Notwithstanding section 2401(b)—

8 “(1) except as provided in paragraph (2), a
9 claim arising under this section may not be com-
10 menced later than 10 years after the date on which
11 the claimant discovered, or by reasonable diligence
12 should have discovered, the injury and the cause of
13 the injury; and

14 “(2) with respect to an administrative claim
15 pending pursuant to section 2733a of title 10 as of
16 the enactment of this subsection, the limitations pe-
17 riod described in paragraph (1) shall begin on the
18 date of enactment of this subsection.

19 “(d) For purposes of claims brought under this sec-
20 tion—

21 “(1) subsections (j) and (k) of section 2680
22 shall not apply; and

23 “(2) in the case of an act or omission occurring
24 outside the United States, the law of the place where

1 the act or omission occurred shall be deemed to be
2 the law of the State of domicile of the claimant.

3 “(e) Not later than 2 years after the date of the en-
4 actment of this section, and every 2 years thereafter, the
5 Attorney General shall submit to Congress a report on the
6 number of claims filed under this section.

7 “(f) In this section—

8 “(1) the term ‘active service’ has the meaning
9 given such term in section 101 of title 10;

10 “(2) the term ‘Armed Forces’ has the meaning
11 given the term in section 101 of title 10;

12 “(3) the term ‘covered military medical treat-
13 ment facility’—

14 “(A) means a facility maintained under
15 section 1073d of title 10; and

16 “(B) does not include battalion aid sta-
17 tions or other military medical treatment facili-
18 ties in an area of armed conflict or combatant
19 activities.

20 “(4) the term ‘member of the uniformed serv-
21 ices’ includes a member of a reserve component of
22 the Armed Forces if the claim by the member under
23 this section is in connection with personal injury or
24 death that occurred while the member was per-
25 forming active service;

