

117TH CONGRESS
1ST SESSION

S. 3176

To establish a cause of action for those harmed by exposure to water at
Camp Lejeune, North Carolina, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 4, 2021

Mr. TILLIS (for himself, Mr. BLUMENTHAL, Mr. BURR, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a cause of action for those harmed by exposure
to water at Camp Lejeune, North Carolina, 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. SHORT TITLE.**

4 This Act may be cited as the “Camp Lejeune Justice
5 Act of 2021”.

6 **SEC. 2. FEDERAL CAUSE OF ACTION RELATING TO WATER**

7 **AT CAMP LEJEUNE, NORTH CAROLINA.**

8 (a) IN GENERAL.—An individual, including a veteran
9 (as defined in section 101 of title 38, United States Code),

1 or the legal representative of such an individual, who re-
 2 sided, worked, or was otherwise exposed (including in
 3 utero exposure) for not less than 30 days during the pe-
 4 riod beginning on August 1, 1953, and ending on Decem-
 5 ber 31, 1987, to water at Camp Lejeune, North Carolina,
 6 that was supplied by, or on behalf of, the United States
 7 may bring an action in the United States District Court
 8 for the Eastern District of North Carolina to obtain ap-
 9 propriate relief for harm that was caused by exposure to
 10 the water at Camp Lejeune.

11 (b) BURDENS AND STANDARD OF PROOF.—

12 (1) IN GENERAL.—The burden of proof shall be
 13 on the party filing the action to show one or more
 14 relationships between the water at Camp Lejeune
 15 and the harm.

16 (2) STANDARDS.—To meet the burden of proof
 17 described in paragraph (1), a party shall produce
 18 evidence showing that the relationship between expo-
 19 sure to the water at Camp Lejeune and the harm
 20 is—

21 (A) sufficient to conclude that a causal re-
 22 lationship exists; or

23 (B) sufficient to conclude that a causal re-
 24 lationship is at least as likely as not.

1 (c) EXCLUSIVE JURISDICTION AND VENUE.—The
2 United States District Court for the Eastern District of
3 North Carolina shall have exclusive jurisdiction over any
4 action filed under subsection (a), and shall be the exclusive
5 venue for such an action. Nothing in this subsection shall
6 impair the right of any party to a trial by jury.

7 (d) EXCLUSIVE REMEDY.—

8 (1) IN GENERAL.—An individual, or legal rep-
9 resentative of an individual, who brings an action
10 under this section for a harm described in subsection
11 (a), including a latent disease, may not thereafter
12 bring a tort action against the United States for
13 such harm pursuant to any other law.

14 (2) HEALTH AND DISABILITY BENEFITS RELAT-
15 ING TO WATER EXPOSURE.—Any award made to an
16 individual, or legal representative of an individual,
17 under this section shall be offset by the amount of
18 any disability award, payment, or benefit provided to
19 the individual, or legal representative—

20 (A) under—

21 (i) any program under the laws ad-
22 ministered by the Secretary of Veterans
23 Affairs;

1 (ii) the Medicare program under title
2 XVIII of the Social Security Act (42
3 U.S.C. 1395 et seq.); or

4 (iii) the Medicaid program under title
5 XIX of the Social Security Act (42 U.S.C.
6 1396 et seq.); and

7 (B) in connection with health care or a dis-
8 ability relating to exposure to the water at
9 Camp Lejeune.

10 (e) IMMUNITY LIMITATION.—The United States may
11 not assert any claim to immunity in an action under this
12 section that would otherwise be available under section
13 2680(a) of title 28, United States Code.

14 (f) NO PUNITIVE DAMAGES.—Punitive damages may
15 not be awarded in any action under this section.

16 (g) DISPOSITION BY FEDERAL AGENCY RE-
17 QUIRED.—An individual may not bring an action under
18 this section before complying with section 2675 of title 28,
19 United States Code.

20 (h) EXCEPTION FOR COMBATANT ACTIVITIES.—This
21 section does not apply to any claim or action arising out
22 of the combatant activities of the Armed Forces.

23 (i) APPLICABILITY; PERIOD FOR FILING.—

1 (1) APPLICABILITY.—This section shall apply
2 only to a claim arising before the date of enactment
3 of this Act.

4 (2) STATUTE OF LIMITATIONS.—A claim in an
5 action under this section may not be commenced
6 after the later of—

7 (A) the date that is 2 years after the date
8 of enactment of this Act; or

9 (B) the date that is 180 days after the
10 date on which the claim is denied under section
11 2675 of title 28, United States Code.

12 (3) INAPPLICABILITY OF OTHER LIMITA-
13 TIONS.—Any applicable statute of repose or statute
14 of limitations, other than under paragraph (2), shall
15 not apply to a claim under this section.

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