

116TH CONGRESS
2D SESSION

H. R. 6204

To provide for recovery by individuals who were stationed, lived, or worked at Camp Lejeune, for certain actions of omissions by the United States.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2020

Mr. CARTWRIGHT (for himself, Mr. MURPHY of North Carolina, Mr. CUNNINGHAM, Mr. MEADOWS, Mr. HOLDING, and Mr. McHENRY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for recovery by individuals who were stationed, lived, or worked at Camp Lejeune, for certain actions of omissions by the United States.

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 2020”.

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

7 **AT CAMP LEJEUNE.**

8 (a) IN GENERAL.—An individual, including a vet-
9 eran, or the legal representative of such an individual, who

1 resided, worked, or was otherwise exposed (including in
2 utero exposure) for not less than 30 days during the pe-
3 riod beginning August 1, 1953, and ending December 31,
4 1987, to water at Camp Lejeune that was supplied by the
5 United States or on its behalf may bring an action in the
6 United States District Court the Eastern District of
7 North Carolina to obtain appropriate relief for harm
8 which—

9 (1) was caused by exposure to the water;

10 (2) was associated with exposure to the water;

11 (3) was linked to exposure to the water; or

12 (4) the exposure to the water increased the like-
13 lihood of such harm.

14 (b) PRIOR CLAIMS NOT A BAR.—An individual de-
15 scribed in subsection (a) may bring an action under this
16 section regardless of any prior claim or action dismissed
17 or otherwise terminated for any reason related to the harm
18 described in subsection (a).

19 (c) BURDEN AND STANDARD OF PROOF.—

20 (1) IN GENERAL.—The burden of proof shall be
21 on the party filing the action to show one or more
22 relationship between the water and the harm de-
23 scribed in paragraphs (1) through (4) of subsection
24 (a) by a preponderance of the evidence.

1 (2) USE OF STUDIES.—A study conducted on
2 humans or animals, or from an epidemiological
3 study, which ruled out chance and bias with reason-
4 able confidence and which concluded, with sufficient
5 evidence, that exposure to the water described in
6 subsection (a) is one possible cause of the harm,
7 shall be sufficient to satisfy the burden of proof de-
8 scribed under paragraph (1).

9 (d) EXCLUSIVE JURISDICTION AND VENUE.—The
10 district court of the Eastern District of North Carolina
11 shall have exclusive jurisdiction over any action under this
12 section, and shall be the exclusive venue for such an ac-
13 tion, including any multi-district claims. Nothing in this
14 subsection shall impair any party's right to a trial by jury.

15 (e) EXCLUSIVE REMEDY.—

16 (1) IN GENERAL.—An individual who brings an
17 action under this section for an injury, including a
18 latent disease, may not thereafter bring a tort action
19 pursuant to any other law against the United States
20 for such harm.

21 (2) NO EFFECT ON DISABILITY BENEFITS.—
22 Any award under this section shall have not impede
23 or limit the individual's continued or future entitle-
24 ment to disability awards, payments, or benefits
25 under any Veteran's Administration program.

1 (f) IMMUNITY WAIVER.—The United States may not
2 assert any claim to immunity in an action under this sec-
3 tion which would otherwise be available, including any oth-
4 erwise applicable statute of limitation, statute of repose,
5 discretionary function defense, or similar limitation or de-
6 fense.

7 (g) NO PUNITIVE DAMAGES.—Punitive damages may
8 not be awarded in any action under this Act.

9 (h) DISPOSITION BY FEDERAL AGENCY RE-
10 QUIRED.—An individual may not bring an action under
11 this section prior to complying with section 2675 of title
12 28, United States Code.

13 (i) PERIOD FOR FILING.—

14 (1) IN GENERAL.—The statute of limitations
15 for an action under this section is the later of—

16 (A) 2 years from the date on which the
17 harm occurred or was discovered, whichever is
18 later; or

19 (B) 180 days from the date on which the
20 claim is denied under section 2675 of title 28,
21 United States Code.

22 (2) SPECIAL RULE.—In the case of harm which
23 was discovered prior to the date of the enactment of
24 this section, the statute of limitations is the later
25 of—

1 (A) 2 years after the date of the enactment
2 of this section; or

3 (B) 180 days from the date on which the
4 claim is denied under section 2675 of title 28,
5 United States Code.

6 (j) ATTORNEY FEES.—Attorney fees for services pro-
7 vided to an individual seeking a remedy under this section
8 shall be in accordance with section 2678 of title 28, United
9 States Code.

10 (k) JUDGMENT FUND.—Awards made pursuant to
11 any action under this section shall be made out of the fund
12 established under section 1304 of title 31, United States
13 Code.

14 (l) EXCEPTION FOR COMBATANT ACTIVITIES.—This
15 section does not apply to any claim or action arising out
16 of the combatant activities of the Armed Forces.

17 (m) AMORTIZATION.—An award of money damages
18 under this section may include an order that the award
19 is to be amortized over a period of up to 20 years. The
20 Government may agree to amortize a payment made pur-
21 suant to a settlement agreement of up to 20 years.

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