

**AMENDMENT TO RULES COMMITTEE PRINT 116-**  
**57**  
**OFFERED BY MR. CARTWRIGHT OF**  
**PENNSYLVANIA**

Add at the end of subtitle E of title XVII the following:

1 **SEC. \_\_\_\_\_ . FEDERAL CAUSE OF ACTION RELATING TO**  
2 **WATER AT CAMP LEJEUNE.**

3 (a) **IN GENERAL.**—An individual, including a vet-  
4 eran, or the legal representative of such an individual, who  
5 resided, worked, or was otherwise exposed (including in  
6 utero exposure) for not less than 30 days during the pe-  
7 riod beginning August 1, 1953, and ending December 31,  
8 1987, to water at Camp Lejeune that was supplied by the  
9 United States or on its behalf may bring an action in the  
10 United States District Court of the Eastern District of  
11 North Carolina to obtain appropriate relief for harm  
12 which—

- 13 (1) was caused by exposure to the water;  
14 (2) was associated with exposure to the water;  
15 (3) was linked to exposure to the water; or  
16 (4) the exposure to the water increased the like-  
17 lihood of such harm.

1 (b) BURDEN AND STANDARD OF PROOF.—

2 (1) IN GENERAL.—The burden of proof shall be  
3 on the party filing the action to show that the water  
4 proximately caused the harm described in para-  
5 graphs (1) through (4) of subsection (a) by a pre-  
6 ponderance of the evidence.

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

15 (c) EXCLUSIVE JURISDICTION AND VENUE.—The  
16 district court of the Eastern District of North Carolina  
17 shall have exclusive jurisdiction over any action under this  
18 section, and shall be the exclusive venue for such an ac-  
19 tion. Nothing in this subsection shall impair any party's  
20 right to a trial by jury.

21 (d) EXCLUSIVE REMEDY.—

22 (1) IN GENERAL.—An individual who brings an  
23 action under this section for an injury, including a  
24 latent disease, may not thereafter bring a tort action

1       pursuant to any other law against the United States  
2       for such harm.

3           (2) NO EFFECT ON DISABILITY BENEFITS.—  
4       Any award under this section shall not impede or  
5       limit the individual's continued or future entitlement  
6       to disability awards, payments, or benefits under any  
7       Veteran's Administration program.

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

12          (f) NO PUNITIVE DAMAGES.—Punitive damages may  
13       not be awarded in any action under this Act.

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

18          (h) ATTORNEY FEES.—Attorney fees for services  
19       provided to an individual seeking a remedy under this sec-  
20       tion shall be in accordance with section 2678 of title 28,  
21       United States Code.

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

25          (j) PERIOD FOR FILING.—

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

3           (A) 2 years from the date on which the  
4 harm occurred or was discovered, whichever is  
5 later; or

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

9           (2) SPECIAL RULE.—In the case of harm which  
10 was discovered prior to the date of the enactment of  
11 this section, the statute of limitations is the later  
12 of—

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

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

18           (3) STATUTE OF REPOSE.—Any applicable stat-  
19 ute of repose does not apply to claims under this  
20 Act.

21           (k) EFFECTIVE DATE.—This Act shall apply to—

22           (1) a claim arising on or after the date of the  
23 enactment of this Act; and

1           (2) a claim arising before the date of the enact-  
2           ment of this Act, if filed within two years of the date  
3           of enactment.

