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:

SEC. ______. FEDERAL CAUSE OF ACTION RELATING TO WATER AT CAMP LEJEUNE.

(a) In general.—An individual, including a veteran, or the legal representative of such an individual, who resided, worked, or was otherwise exposed (including in utero exposure) for not less than 30 days during the period beginning August 1, 1953, and ending December 31, 1987, to water at Camp Lejeune that was supplied by the United States or on its behalf may bring an action in the United States District Court of the Eastern District of North Carolina to obtain appropriate relief for harm which—

(1) was caused by exposure to the water;
(2) was associated with exposure to the water;
(3) was linked to exposure to the water; or
(4) the exposure to the water increased the likelihood of such harm.
(b) Burden and Standard of Proof.—

(1) In general.—The burden of proof shall be on the party filing the action to show that the water proximately caused the harm described in paragraphs (1) through (4) of subsection (a) by a preponderance of the evidence.

(2) Use of Studies.—A study conducted on humans or animals, or from an epidemiological study, which ruled out chance and bias with reasonable confidence and which concluded, with sufficient evidence, that exposure to the water described in subsection (a) is one possible cause of the harm, shall be sufficient to satisfy the burden of proof described under paragraph (1).

c) Exclusive Jurisdiction and Venue.—The district court of the Eastern District of North Carolina shall have exclusive jurisdiction over any action under this section, and shall be the exclusive venue for such an action. Nothing in this subsection shall impair any party’s right to a trial by jury.

(d) Exclusive Remedy.—

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

(2) **No Effect on Disability Benefits.**—Any award under this section shall not impede or limit the individual’s continued or future entitlement to disability awards, payments, or benefits under any Veteran’s Administration program.

(c) **Immunity Limitation.**—The United States may not assert any claim to immunity in an action under this section which would otherwise be available under section 2680(a) of title 28, United States Code.

(f) **No Punitive Damages.**—Punitive damages may not be awarded in any action under this Act.

(g) **Disposition by Federal Agency Required.**—An individual may not bring an action under this section prior to complying with section 2675 of title 28, United States Code.

(h) **Attorney Fees.**—Attorney fees for services provided to an individual seeking a remedy under this section shall be in accordance with section 2678 of title 28, United States Code.

(i) **Exception for Combatant Activities.**—This section does not apply to any claim or action arising out of the combatant activities of the Armed Forces.

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

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

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

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

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

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

(3) STATUTE OF REPOSE.—Any applicable statute of repose does not apply to claims under this Act.

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

(1) a claim arising on or after the date of the enactment of this Act; and
(2) a claim arising before the date of the enactment of this Act, if filed within two years of the date of enactment.