

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.

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## 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

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## 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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