

116TH CONGRESS
2D SESSION

S. 4716

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2020

Mr. TILLIS 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, 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 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
10 resided, worked, or was otherwise exposed (including in

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

8 (1) was caused by exposure to the water; or

9 (2) was associated with exposure to the water.

10 (b) BURDEN AND STANDARD OF PROOF.—

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

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

24 (c) EXCLUSIVE JURISDICTION AND VENUE.—The
 25 district court of the Eastern District of North Carolina

1 shall have exclusive jurisdiction over any action under this
2 section, and shall be the exclusive venue for such an ac-
3 tion. Nothing in this subsection shall impair any party's
4 right to a trial by jury.

5 (d) EXCLUSIVE REMEDY.—

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

11 (2) NO EFFECT ON DISABILITY BENEFITS.—

12 Any award under this section shall not impede or
13 limit the individual's continued or future entitlement
14 to disability awards, payments, or benefits under any
15 Veteran's Administration program.

16 (e) IMMUNITY LIMITATION.—The United States may
17 not assert any claim to immunity in an action under this
18 section which would otherwise be available under section
19 2680(a) of title 28, United States Code.

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

22 (g) DISPOSITION BY FEDERAL AGENCY RE-
23 QUIRED.—An individual may not bring an action under
24 this section prior to complying with section 2675 of title
25 28, United States Code.

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

4 (i) PERIOD FOR FILING.—

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

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

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

14 (2) STATUTE OF REPOSE.—Any applicable stat-
15 ute of repose does not apply to claims under this
16 Act.

17 (j) EFFECTIVE DATE.—This Act shall apply to a
18 claim arising before the date of the enactment of this Act,
19 if filed within two years of the date of enactment.

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