

AMENDMENT TO H.R. 4350
OFFERED BY MR. COURTNEY OF CONNECTICUT

At the appropriate place in title III, insert the following:

1 **SEC. 3__ . 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 for 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.

18 (b) BURDEN AND STANDARD OF PROOF.—

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

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

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

20 (d) EXCLUSIVE REMEDY.—

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

1 (2) NO EFFECT ON DISABILITY BENEFITS.—

2 Any award under this section shall have not impede
3 or limit the individual's continued or future entitle-
4 ment to disability awards, payments, or benefits
5 under any Veteran's Administration program.

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

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

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

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

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

23 (j) PERIOD FOR FILING.—

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

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

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

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

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

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

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

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

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

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

