

115TH CONGRESS
2D SESSION

H. R. 6585

To amend title 28, United States Code, to provide for recovery by members of the Armed Forces for certain acts or omissions by the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2018

Mr. CARTWRIGHT (for himself and Mr. JONES) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to provide for recovery by members of the Armed Forces for certain acts or omissions by the United States, 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 Family
5 Member Protection Act”.

1 **SEC. 2. RECOVERY BY MEMBERS OF THE ARMED FORCES**
2 **FOR CERTAIN ACTS OR OMISSIONS BY THE**
3 **UNITED STATES.**

4 (a) IN GENERAL.—Chapter 171 of title 28, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 2681. Recovery by members of the military or**
8 **naval forces of the United States for cer-**
9 **tain acts or omissions**

10 “(a) IN GENERAL.—A claim may be brought against
11 the United States under this chapter for damages relating
12 to the personal injury or death of a member of the Armed
13 Forces of the United States arising out of a negligent or
14 wrongful act or omission by a person acting within the
15 scope of the office or employment of that person by or
16 at the direction of the Government of the United States,
17 whether inside or outside the United States, where the
18 claim arises out of a violation of the environmental laws
19 of the United States or a violation of the environmental
20 laws of any state or municipality.

21 “(b) EXCEPTION FOR COMBATANT ACTIVITIES.—
22 This section does not apply to any claim arising out of
23 the combatant activities of the Armed Forces during time
24 of armed conflict.

25 “(c) APPLICATION OF CERTAIN RULES.—For pur-
26 poses of claims brought under this section—

1 “(1) subsections (j) and (k) of section 2680 do
2 not apply;

3 “(2) in the case of an act or omission under
4 this Act, the ‘law of the place where the act or omis-
5 sion occurred’ shall be deemed to be the law of the
6 place of domicile of the plaintiff; and

7 “(3) such a claim shall not preclude recovery on
8 behalf of a spouse or child of a member of the
9 Armed Forces.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 for chapter 171 of title 28, United States Code, is amend-
12 ed by adding at the end the following:

“2681. Recovery by members of the military or naval forces of the United States
for certain acts or omissions.”.

13 (c) APPLICATION.—This Act and the amendments
14 made by this Act shall apply in the case of any pending
15 action brought not earlier than 3 years prior to the date
16 of enactment of this Act and any action commenced after
17 the date of enactment of this Act.

○