

118TH CONGRESS
1ST SESSION

S. 378

To amend the Camp Lejeune Justice Act of 2022 to appropriately limit attorney’s fees.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Mr. SULLIVAN (for himself, Mr. MCCONNELL, Mr. GRASSLEY, Mr. BARRASSO, Mr. CRAMER, Mr. DAINES, Ms. LUMMIS, Mr. RUBIO, Mr. TUBERVILLE, and Mr. COTTON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Camp Lejeune Justice Act of 2022 to appropriately limit attorney’s fees.

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 “Protect Camp Lejeune
5 Victims Ensnared by Trial-lawyer’s Scams Act” or the
6 “Protect Camp Lejeune VETS Act”.

1 **SEC. 2. ATTORNEYS FEES IN FEDERAL CAUSE OF ACTION**
2 **RELATING TO WATER AT CAMP LEJEUNE,**
3 **NORTH CAROLINA.**

4 (a) IN GENERAL.—The Camp Lejeune Justice Act
5 of 2022 (28 U.S.C. 2671 note prec.) is amended—

6 (1) by redesignating subsections (h), (i), and (j)
7 as subsections (j), (k), and (l), respectively; and

8 (2) by inserting after subsection (g) the fol-
9 lowing:

10 “(h) ATTORNEYS FEES.—

11 “(1) LIMITATIONS.—

12 “(A) GENERAL RULE.—Notwithstanding
13 any contract, an attorney filing an action under
14 subsection (b) or an administrative action relat-
15 ing to such an action (as described in section
16 2675 of title 28, United States Code) (in this
17 section referred to as an ‘administrative claim’)
18 may not receive, for services rendered in con-
19 nection with the action, more than—

20 “(i) 12 percent of the payment made
21 in the action for an administrative claim
22 (including a resubmission of an adminis-
23 trative claim after the denial of an initial
24 administrative claim); or

25 “(ii) 17 percent of the payment made
26 in the action for a judgment rendered or

1 settlement entered in an action filed under
2 subsection (b).

3 “(B) AMOUNT OF PAYMENT DETERMINED
4 AFTER OFFSET.—For purposes of this sub-
5 section, the amount of the payment made in an
6 action shall be the amount of the payment after
7 any offsetting reduction under subsection (e)(2)
8 is made.

9 “(C) PROHIBITION ON ANCILLARY FEES
10 AND COSTS.—Attorneys fees paid in accordance
11 with this subsection may not include any ancil-
12 lary fees or costs.

13 “(2) PENALTY.—Any attorney who violates
14 paragraph (1) shall be fined not more than \$5,000.

15 “(3) CERTIFICATION OF FEES.—An attorney
16 that receives payment for services rendered in con-
17 nection with an action filed under subsection (b) or
18 an administrative claim shall submit to the court in
19 which the action under subsection (b) is pending or
20 to the Secretary of the Navy, respectively, a state-
21 ment certifying—

22 “(A) the total amount of the payment in
23 the action;

24 “(B) the amount of the payment to the at-
25 torney with respect to the action; and

1 “(C) whether the percentage of the pay-
2 ment made to the attorney is in accordance
3 with paragraph (1).

4 “(4) DISCLOSURE.—

5 “(A) IN GENERAL.—Any judgment ren-
6 dered, settlement entered, or other award made
7 with respect to an action filed under subsection
8 (b) or an administrative claim shall require dis-
9 closure to the Attorney General or to the court
10 of the attorneys fees charged to an individual,
11 or the legal representative of an individual.

12 “(B) REPORTING.—The Attorney General
13 shall collect the disclosures under subparagraph
14 (A) of attorneys fees charged and submit to
15 Congress an annual report detailing—

16 “(i) the total amount paid under such
17 judgments, settlements, and awards;

18 “(ii) the total amount of attorney fees
19 paid in connection with such judgments,
20 settlements, and awards; and

21 “(iii) for each such judgment, settle-
22 ment, or award—

23 “(I) the name of the attorney for
24 the individual or legal representative
25 of the individual;

1 “(II) if applicable, the law firm
2 of the attorney; and

3 “(III) the amount of fees paid to
4 the attorney.

5 “(5) APPLICABILITY.—This subsection shall
6 apply with respect to any action filed under sub-
7 section (b) and any administrative action that is
8 pending on, or that is filed on or after, the date of
9 enactment of the Protect Camp Lejeune VETS Act,
10 including pending matters in which a judgment was
11 rendered, a settlement was entered, or another
12 award was made before such date of enactment.

13 “(6) SEVERABILITY.—If any provision of this
14 subsection or the application of such provision to
15 any person or circumstance is held to be invalid or
16 unconstitutional, the remainder of this subsection
17 and the application of such provisions to any person
18 or circumstance shall not be affected thereby.”.

19 (b) GUIDANCE.—Not later than 30 days after the
20 date of enactment of this Act, the Secretary of the Navy
21 shall issue guidance for claimants under the Camp
22 Lejeune Justice Act of 2022 (28 U.S.C. 2671 note prec.)
23 regarding the documentation necessary to establish a
24 claim under such Act.

1 (c) COMPENSATION SCHEDULE.—Not later than 180
2 days after the date of enactment of this Act, the Secretary
3 of the Navy shall issue a compensation schedule specifying
4 the amount of payments for claimants under the Camp
5 Lejeune Justice Act of 2022 (28 U.S.C. 2671 note prec.),
6 based on the injuries suffered by the claimant.

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