

117TH CONGRESS
2D SESSION

S. 5130

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2022

Mr. SULLIVAN (for himself, Mr. GRASSLEY, Mr. CRAMER, Mr. TUBERVILLE, Ms. ERNST, and Mr. MCCONNELL) 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 (i), (j), and (k), respectively; and

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

10 “(h) ATTORNEY FEES.—

11 “(1) GENERAL RULE.—Notwithstanding any
12 contract, the attorney of an individual, or of the
13 legal representative of an individual, may not re-
14 ceive, for services rendered in connection with an ac-
15 tion filed under subsection (b) or any administrative
16 action relating to such an action (as described in
17 section 2675 of title 28, United States Code) (in this
18 subsection referred to as an ‘administrative claim’),
19 more than the percentage specified in paragraph (2)
20 of a payment made in the action.

21 “(2) APPLICABLE PERCENTAGE LIMITATIONS.—

22 The percentage specified in this paragraph is—

23 “(A) 2 percent for an administrative claim
24 with respect to which a party entered a contract
25 for services on or after August 10, 2022; or

26 “(B) 10 percent for—

1 “(i) an administrative claim with re-
2 spect to which a party entered a contract
3 for services before August 10, 2022;

4 “(ii) a resubmission of an administra-
5 tive claim after the denial of an initial ad-
6 ministrative claim, without regard to the
7 date on which the party entered the appli-
8 cable contract for services; or

9 “(iii) a judgment rendered or settle-
10 ment entered in an action filed under sub-
11 section (b).

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

14 “(4) TERMS FOR PAYMENT OF FEES.—Any
15 judgment rendered, settlement entered, or other
16 award made with respect to an action filed under
17 subsection (b) or an administrative claim shall pro-
18 vide that—

19 “(A) the Government may not pay attor-
20 neys fees to an attorney directly; and

21 “(B) attorneys fees shall be payable to the
22 attorney by an individual, or legal representa-
23 tive of an individual, after the individual or
24 legal representative receives the amounts pay-
25 able under the judgment, settlement, or award.

1 “(5) DISCLOSURE.—

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

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

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

15 “(ii) the total amount of attorney fees
16 paid in connection with such judgments,
17 settlements, and awards; and

18 “(iii) for each such judgment, settle-
19 ment, or award—

20 “(I) the name of the attorney for
21 the individual or legal representative
22 of the individual;

23 “(II) if applicable, the law firm
24 of the attorney; and

1 “(III) the amount of fees paid to
2 the attorney.”.

3 (b) UPDATE OF REGULATIONS.—The Secretary of
4 Veterans Affairs shall amend section 14.636 of title 38,
5 Code of Federal Regulations, and any other relevant regu-
6 lations, to comply with the amendments made by sub-
7 section (a).

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