

118TH CONGRESS
2D SESSION

S. 5257

To amend the Camp Lejeune Justice Act of 2022 to make technical corrections.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. TILLIS (for himself, Mr. BLUMENTHAL, Mr. BUDD, Ms. KLOBUCHAR, Mr. RUBIO, Mr. WHITEHOUSE, Mr. BRAUN, Mr. COONS, Mrs. SHAHEEN, Ms. DUCKWORTH, Mr. PETERS, and Ms. HIRONO) 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 make technical corrections.

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 “Ensuring Justice for
5 Camp Lejeune Victims Act of 2024”.

6 **SEC. 2. TECHNICAL CORRECTIONS TO THE CAMP LEJEUNE**
7 **JUSTICE ACT OF 2022.**

8 Section 804 of the Camp Lejeune Justice Act of 2022
9 (28 U.S.C. 2671 note prec.) is amended—

1 (1) in subsection (b)—

2 (A) by striking “in the United States Dis-
3 trict Court for the Eastern District of North
4 Carolina”; and

5 (B) by inserting “, including a latent or
6 potential harm,” after “appropriate relief for
7 harm”;

8 (2) by amending subsection (c) to read as fol-
9 lows:

10 “(c) BURDENS AND STANDARD OF PROOF.—

11 “(1) IN GENERAL.—The party filing an action
12 under this section shall be entitled to appropriate re-
13 lief upon showing—

14 “(A) the existence of one or more relation-
15 ships between the type of contaminant in any
16 water at Camp Lejeune and the type of harm
17 suffered by the individual, including latent or
18 potential harm; and

19 “(B) that the individual was present at
20 Camp Lejeune for a period of not less than 30
21 days, whether or not consecutive.

22 “(2) EVIDENTIARY STANDARDS.—To meet the
23 burden of proof described in paragraph (1), a party
24 shall produce evidence showing that the relationship
25 between exposure to any level of contaminants of a

1 type in any water at Camp Lejeune and the type of
2 harm is—

3 “(A) sufficient to conclude that a causal
4 relationship exists; or

5 “(B) sufficient to conclude that a causal
6 relationship is at least as likely as not.”;

7 (3) by amending subsection (d) to read as fol-
8 lows:

9 “(d) EXCLUSIVE JURISDICTION AND VENUE.—The
10 United States District Court for the Eastern District of
11 North Carolina shall have exclusive jurisdiction and venue
12 for coordinated or consolidated pretrial administrative and
13 procedural matters and resolution over any action filed
14 under subsection (b), and a party filing the action may
15 transfer such action to any district court of the United
16 States situated within the fourth judicial circuit for trial
17 of such action, including all matters related to causation
18 and admission of evidence. Any action against the United
19 States under subsection (b) shall, at the request of either
20 party to such action, be tried by the court with a jury.
21 The court shall advance an action filed under subsection
22 (b) on the docket, and expedite the disposition of such ac-
23 tion to the greatest extent possible.”;

24 (4) in subsection (e)—

1 (A) in paragraph (1), by striking “latent
2 disease” and inserting “latent or potential
3 harm”; and

4 (B) in paragraph (2), in the matter pre-
5 ceding subparagraph (A), by striking “shall be
6 offset” and inserting “may be offset”; and

7 (5) by adding at the end the following:

8 “(k) ATTORNEY FEES.—

9 “(1) IN GENERAL.—The total amount of attor-
10 neys fees under this section shall be in an amount
11 that is not more than—

12 “(A) 20 percent of any settlement entered
13 into before a civil action under subsection (b) is
14 commenced; or

15 “(B) 25 percent of any judgement ren-
16 dered or settlement entered into after a civil ac-
17 tion under subsection (b) is commenced.

18 “(2) DIVISION OF FEES.—A division of a fee
19 under paragraph (1) between attorneys who are not
20 in the same firm may be made only if the division
21 is in proportion to the services performed by each
22 attorney.

23 “(3) RULE OF CONSTRUCTION.—Nothing in
24 this subsection shall prohibit an individual or the
25 legal representative of an individual and such indi-

1 vidual’s or representative’s attorney from agreeing to
2 a fee award that is less than the maximum percent-
3 age specified in paragraph (1).”.

4 **SEC. 3. EFFECTIVE DATE.**

5 This Act and the amendments made by this Act shall
6 take effect as if enacted on August 10, 2022, and shall
7 apply to any claim under section 804 of the Camp Lejeune
8 Justice Act of 2022 that is pending on the date of enact-
9 ment of this Act.

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