

ENSURING JUSTICE FOR CAMP LEJEUNE VICTIMS ACT

Introduced by Senators Thom Tillis (R-NC) and Richard Blumenthal (D-CT)

The *Camp Lejeune Justice Act* was enacted in August 2022 to correct decades of injustice by providing judicial relief for individuals exposed to toxic chemicals at Camp Lejeune, North Carolina. Judicial interpretation of the law has diverged from the drafters' intent, and the law must be amended to ensure that veterans and other victims of contaminated water have all the rights and opportunities for relief that Congress intended.

The *Ensuring Justice for Camp Lejeune Victims Act* provides full and faster relief by:

PERMITTING CASES TO BE HEARD IN ANY DISTRICT COURT IN THE 4TH CIRCUIT.

- Currently, cases may only be heard in the Eastern District of North Carolina (EDNC). This was intended to ensure consistency of decisions, but the volume of cases has created a backlog and slowed proceedings. No cases have gone to trial yet.
- Permitting cases to be heard in other districts within the 4th Circuit will ensure speedier resolution of cases, while still maintaining consistency within a single circuit.

CLEARLY PROVIDING FOR JURY TRIALS, NOT JUST BENCH TRIALS.

- Congress' primary intent in drafting the legislation was to provide victims of contaminated water the choice of a jury trial, ensuring a compensation process that would be fair and proportionate to the level of harm and injuries caused by exposure.
- During drafting, the Department of Justice (DOJ) provided technical assistance (TA) opposing the bill, in part because the bill "permits jury trials."
- Congress chose to affirm the creation of jury trials and not to amend the bill, in part due to the DOJ's confirmation that the bill guaranteed the right to jury trials.
- DOJ reversed itself in court, and instead argued that the law did not create jury trials. The judges agreed, and ruled that the law's original language did not provide a jury trial right.
- The *Ensuring Justice for Camp Lejeune Victims Act* would correct this and restore the jury trial right as intended by Congress.

EXPRESSLY STATING THAT VICTIMS MUST ONLY SHOW GENERAL CAUSATION.

- The CLJA allows anyone to bring an action if they resided, worked, or were otherwise exposed (including in utero exposure) to water at Camp Lejeune for at least 30 days between 1953 and 1987.
- Congress only intended for victims to show general causation, however, the EDNC has ruled that victims must show more to receive relief.
- This bill would help expedite the resolution of cases and provide justice to victims faster by clarifying that victims must only show general causation. Otherwise, victims will be required to prove in court exactly which water source they used on base between 36 and 71 years ago, evidence that is difficult or impossible to obtain given the passage of time.

CAPPING ATTORNEY FEES AT 20% FOR SETTLEMENTS AND 25% FOR TRIALS.

- In response to concerns about rampant TV advertisements and reports of law firms charging exorbitant fees, this bill protects veterans and victims from any such excessive legal fees by applying attorney fee caps from the Federal Tort Claims Act (FTCA) to Camp Lejeune cases, formalizing the fee caps announced by the DOJ in September 2023.