

AMENDMENT TO RULES COMMITTEE PRINT 119-

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OFFERED BY MR. MURPHY OF NORTH CAROLINA

At the end of subtitle B of title XVII, insert the following new section:

1 **SEC. 17___.** **TECHNICAL CORRECTIONS TO THE CAMP**
2 **LEJEUNE JUSTICE ACT OF 2022.**

3 (a) **IN GENERAL.**—Section 804 of the Camp Lejeune
4 Justice Act of 2022 (28 U.S.C. 2671 note prec.) is amend-
5 ed—

6 (1) in subsection (b)—

7 (A) by striking “in the United States Dis-
8 trict Court for the Eastern District of North
9 Carolina”;

10 (2) by amending subsection (c) to read as fol-
11 lows:

12 “(c) **BURDENS AND STANDARD OF PROOF.**—

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

16 “(A) the existence of 1 or more relation-
17 ships between the type of contaminant in any

1 water at Camp Lejeune and the type of harm
2 suffered by the individual harm; and

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

6 “(2) EVIDENTIARY STANDARDS.—To meet the
7 causal relationship described in paragraph (1), a
8 party shall produce evidence showing that the rela-
9 tionship between exposure to any level of contami-
10 nants of a type in any water at Camp Lejeune and
11 the type of harm is—

12 “(A) sufficient to conclude that a causal
13 relationship exists; or

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

16 (3) by amending subsection (d) to read as fol-
17 lows:

18 “(d) EXCLUSIVE JURISDICTION AND VENUE.—

19 “(1) IN GENERAL.—The United States District
20 Court for the Eastern District of North Carolina
21 shall have exclusive jurisdiction and venue for co-
22 ordinated or consolidated pretrial administrative and
23 procedural matters and resolution over any action
24 filed under subsection (b).

1 “(2) TRANSFER.—A party filing an action
2 under subsection (b) may transfer such action to
3 any district court of the Eastern, Middle or Western
4 Districts of North Carolina or the District of South
5 Carolina for pretrial and trial of such action, includ-
6 ing the adjudication of all evidentiary motions.

7 “(3) JURY TRIAL.—Any action against the
8 United States under subsection (b) shall, at the re-
9 quest of either party to such action, be tried by the
10 court with a jury.

11 “(4) EXPEDITED DISPOSITION.—The court
12 shall advance an action filed under subsection (b) on
13 the docket, and expedite the disposition of such ac-
14 tion to the greatest extent possible.”; and

15 (4) by adding at the end the following:

16 “(k) ATTORNEY FEES.—

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

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

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

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

6 “(3) RULE OF CONSTRUCTION.—Nothing in
7 this subsection shall prohibit an individual or the
8 legal representative of an individual and such indi-
9 vidual’s or representative’s attorney from agreeing to
10 a fee award that is less than the maximum percent-
11 age specified in paragraph (1).”.

12 (b) EFFECTIVE DATE.—This section and the amend-
13 ments made by this section shall take effect as if enacted
14 on August 10, 2022, and shall apply to any claim or action
15 under section 804 of the Camp Lejeune Justice Act of
16 2022 that is pending on, or filed on or after, the date
17 of enactment of this section.

18 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion or an amendment made by this section shall be con-
20 strued to modify the applicability or statute of limitations
21 provisions under section 804(j) of the Camp Lejeune Jus-
22 tice Act of 2022 (28 U.S.C. 2671 note prec.).

