

United States Senate

WASHINGTON, DC 20510

May 17, 2023

The Honorable Carlos Del Toro
Secretary of the Navy
1200 Navy Pentagon,
Washington, DC 20350-1200

Attorney General Merrick B. Garland
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Secretary Del Toro and Attorney General Garland:

We write concerning reported delays in settling claims and lawsuits filed by veterans, military personnel, and their families related to injuries associated with water contamination at Camp Lejeune Marine Corps Base in Jacksonville, North Carolina between August 1, 1953, and December 31, 1987. It is imperative that the Navy Judge Advocate General (JAG) and Department of Justice (DOJ) act expeditiously to ensure these individuals receive the justice they deserve without undue delay.

As you know, Congress passed the *Camp Lejeune Justice Act* as a part of the *Honoring our Promise to Address Comprehensive Toxics (PACT) Act*, which President Biden signed into law on August 10, 2022.¹ According to recent reports, over 45,000 claims have been filed since enactment, yet the Navy has taken no action to resolve a single claim.² Additionally, reports indicate over 900 lawsuits have been filed in the Eastern District of North Carolina, which is allowed only after the Navy has failed to provide a final disposition of the claim within 180 days.³ Reports also suggest that many of those filing claims are elderly and/or have adverse health conditions and a growing number have died without seeing a resolution to their case.⁴ Further delay is unacceptable, and it is critically important that JAG and DOJ move quickly to adjudicate or settle these cases in a transparent, efficient manner. Anything less is an injustice.

¹ Pub. L. No. 117-168, § 804, 136 Stat. 1759, 1803 (2022).

² Kaustuv Basu, *Veterans on Borrowed Time Fume Over Delays on Toxic Water Claims*, Bloomberg Law (May 8, 2023), <https://news.bloomberglaw.com/health-law-and-business/veterans-on-borrowed-time-fume-over-delays-on-toxic-water-claims>

³ Diana Novak Jones, *Camp Lejeune lawsuits slam North Carolina federal court*, REUTERS (May 4, 2023), <https://www.reuters.com/legal/litigation/camp-lejeune-lawsuits-slam-north-carolina-federal-court-2023-05-04/>

⁴ Mike Magner, *Camp Lejeune health claims are mired despite law allowing suits*. Roll Call (March 23, 2023) <https://rollcall.com/2023/03/23/camp-lejeune-health-claims-are-mired-despite-law-allowing-suits/>

Constituents have reached out to our offices with concerns about the Navy and DOJ's delay in adjudicating claims and settling lawsuits. In order to conduct oversight of the implementation of the *Camp Lejeune Justice Act* and to ensure those impacted by contaminated water receive justice in a timely manner, we request answers to the following questions:

- How many Camp Lejeune claims has the Navy Judge Advocate General received? Please provide a detailed status of each including current disposition.
- How many Camp Lejeune lawsuits have been filed in federal court since 2022? Please provide a detailed status of each including current procedural posture.
- How many individuals with pending Camp Lejeune claims have died while waiting for a resolution to their case?
- What are the Department of the Navy and the Department of Justice's plans to process these claims in a timely manner?
- What are DOJ's guidelines for resolving these cases?
- Will cases brought in federal court be litigated by lawyers from DOJ headquarters or by lawyers in the Office of the U.S. Attorney for the Eastern District of North Carolina?

Our nation's service members and their families have made incredible sacrifices in service to the United States. We owe it to them to provide efficient and timely processing of their claims resulting from government negligence. We respectfully request a response to these questions no later than June 9, 2023.

Sincerely,



Ted Budd
U.S. Senator



Thom Tillis
U.S. Senator



Mike Braun
U.S. Senator



Chuck Edwards
Member of Congress



Gregory F. Murphy, M.D.
Member of Congress



Matthew Cartwright
Member of Congress



Richard Hudson
Member of Congress



Valerie Foushee
Member of Congress



Don Davis
Member of Congress



Dan Bishop
Member of Congress

cc: Michael F. Easley Jr., U.S. Attorney for the Eastern District of North Carolina