

The Honorable Adam Smith
Chairman
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

The Honorable Mike Rogers
Ranking Member
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

August 23, 2021

Dear Chairman Smith and Ranking Member Rogers,

On behalf of the undersigned, which represents the interests and concerns of well over one million members of the Uniformed Services, their family members, retirees and survivors, we are pleased to offer our support for H.R. 2192, the *Camp Lejeune Justice Act of 2021*. We urge you to include this important legislation in the FY2022 National Defense Authorization Act (NDAA).

While the *Janey Ensminger Act* authorized medical care for military and family members who lived at Camp Lejeune and developed conditions tied to the base's water contamination, there are still barriers in place that prevent the victims of Camp Lejeune's contamination from achieving judicial relief in North Carolina.

In response to the 2014 Supreme Court decision in *CTS Corp. v. Waldburger*¹, which held that the *Comprehensive Environmental Response, Compensation and Liability Act* (CERCLA) does not preempt North Carolina's 10-year statute of repose, the North Carolina legislature quickly and unanimously passed an amendment to the state's statute of repose clarifying the statute's groundwater contamination exception. As a result, the amendment specifically excludes certain tort claims relating to groundwater contamination by a hazardous substance, such as those eventually discovered at Camp Lejeune, from North Carolina's 10-year statute of repose.²

The *Camp Lejeune Justice Act of 2021* will finally bring relief and justice to the veterans and their families living in North Carolina. It was after these veterans and their families were exposed to hazardous chemicals that the North Carolina legislature set a 10-year span for claims, creating a legal impossibility for these victims. By the time veterans and their families realized they had to seek legal redress for injuries, the time to file for redress had long passed.

It is with great pleasure, therefore, for us to support H.R. 2192, the *Camp Lejeune Justice Act of 2021*, which provides such a path for judicial relief for the servicemembers, veterans and their families exposed to water contamination at Camp Lejeune. Now is the time for these victims to receive the relief they are due, and, in the words of then-Navy Secretary Spencer who defended the denial of claims, to enable these victims to "take their own course of action."

On behalf of our membership, we thank you for your service and advocacy for our nation's servicemembers and veterans. We urge you to include the Camp Lejeune Justice Act in the FY2022 NDAA and look forward to working with you and your staff to pass this important piece of legislation to provide servicemembers, veterans and their families the justice they deserve.

¹ See *CTS Corp. v. Waldburger*, 134 S. Ct. 2175 (2014)

² See North Carolina General Statute § 1-52(16)



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