

AMENDMENT TO RULES COMMITTEE PRINT 118-
10
OFFERED BY MRS. GONZÁLEZ-COLÓN OF PUERTO
RICO

Add at the end of title XVIII the following:

1 **SEC. 18**____. **SETTLEMENT OF CLAIMS AGAINST THE**
2 **UNITED STATES FOR CERTAIN RESIDENTS OF**
3 **THE ISLAND OF VIEQUES, PUERTO RICO.**

4 (a) **IN GENERAL.**—An individual claimant who has
5 resided on the island of Vieques, Puerto Rico, for not less
6 than 5 years prior to the date of enactment of this Act
7 and files a claim for compensation under this section with
8 the Special Master, appointed pursuant to subsection (c),
9 shall be awarded monetary compensation as described in
10 subsection (b) if—

11 (1) the Special Master determines that the
12 claimant is or was a resident or an immediate heir
13 (as determined by the laws of Puerto Rico) of a de-
14 ceased claimant on the island of Vieques, Puerto
15 Rico, during or after the United States Government
16 used the island of Vieques, Puerto Rico, for military
17 readiness;

1 (2) the claimant previously filed a lawsuit or an
2 administrative claim, or files a claim not later than
3 120 days after the date of the enactment of this Act
4 against the United States Government for personal
5 injury, including illness or death arising from use by
6 the United States Government of the island of
7 Vieques for military readiness; and

8 (3) the claimant submits to the Special Master
9 written medical documentation that indicates that it
10 is more likely than not the claimant contracted can-
11 cer, hypertension, cirrhosis, kidney disease, diabetes,
12 or a heavy metal poisoning as a result the United
13 States Government used the island of Vieques, Puer-
14 to Rico, for military readiness.

15 (b) AMOUNTS OF AWARD.—

16 (1) IN GENERAL.—A claimant who meets the
17 requirements of subsection (a) shall be awarded
18 compensation as follows:

19 (A) \$50,000 for 1 disease described in sub-
20 section (a)(3).

21 (B) \$80,000 for 2 diseases described in
22 subsection (a)(3).

23 (C) \$110,000 for 3 or more diseases de-
24 scribed in subsection (a)(3).

1 (2) INCREASE IN AWARD.—In the case that an
2 individual receiving an award under paragraph (1)
3 of this subsection contracts another disease under
4 subsection (a)(3) and files a new claim with the Spe-
5 cial Master for an additional award not later than
6 10 years after the date of the enactment of this Act,
7 the Special Master may award the individual an
8 amount that is equal to the difference between—

9 (A) the amount that the individual would
10 have been eligible to receive had the disease
11 been contracted before the individual filed an
12 initial claim under subsection (a); and

13 (B) the amount received by the individual
14 pursuant to paragraph (1).

15 (3) DECEASED CLAIMANTS.—In the case of an
16 individual who dies before making a claim under this
17 section or a claimant who dies before receiving an
18 award under this section, any immediate heir to the
19 individual or claimant, as determined by the laws of
20 Puerto Rico, shall be eligible for one of the following
21 awards:

22 (A) Compensation in accordance with
23 paragraph (1), divided among any such heir.

24 (B) Compensation based on the age of the
25 deceased, if the claimant shows that it is more

1 likely than not that the United States military
2 activity caused the individual's death as follows:

3 (i) In the case of an individual or
4 claimant who dies before attaining 20
5 years of age, \$110,000, divided among any
6 such heir.

7 (ii) In the case of an individual or
8 claimant who dies before attaining 40
9 years of age, \$80,000, divided among any
10 such heir.

11 (iii) In the case of an individual or
12 claimant who dies before attaining 60
13 years of age, \$50,000, divided among any
14 such heir.

15 (c) APPOINTMENT OF SPECIAL MASTER.—

16 (1) IN GENERAL.—The Attorney General shall
17 appoint a Special Master not later than 90 days
18 after the date of the enactment of this Act to con-
19 sider claims by individuals and the Municipality.

20 (2) QUALIFICATIONS.—The Attorney General
21 shall consider the following in choosing the Special
22 Master:

23 (A) The individual's experience in the proc-
24 essing of victims' claims in relation to foreign
25 or domestic governments.

1 (B) The individual's balance of experience
2 in representing the interests of the United
3 States and individual claimants.

4 (C) The individual's experience in matters
5 of national security.

6 (D) The individual's demonstrated abilities
7 in investigation and fact findings in complex
8 factual matters.

9 (E) Any experience the individual has had
10 advising the United States Government.

11 (d) AWARD AMOUNTS RELATED TO CLAIMS BY THE
12 MUNICIPALITY OF VIEQUES.—

13 (1) AWARD.—The Special Master, in exchange
14 for its administrative claims, shall provide the fol-
15 lowing as compensation to the Municipality of
16 Vieques:

17 (A) STAFF.—The Special Master shall pro-
18 vide medical staff, and other resources nec-
19 essary to build and operate a level three trauma
20 center (in this section, referred to as “medical
21 facility”) with a cancer center and renal dialysis
22 unit and its equipment. The medical facility
23 shall be able to treat life threatening, chronic,
24 heavy metal, and physical and mental diseases.
25 The medical facility shall be able to provide

1 basic x-ray, EKG, internal medicine expertise,
2 medical coordination personnel and case man-
3 agers, ultrasound, and resources necessary to
4 screen residents for cancer and the other pre-
5 vailing health problems.

6 (B) OPERATIONS.—The Special Master
7 shall fund the operations of the medical facility
8 to provide medical care for pediatric and adult
9 patients who reside on the island of Vieques, al-
10 lowing the patients to be referred for tertiary
11 and quaternary health care facilities when nec-
12 essary, and providing the transportation and
13 medical costs when traveling off the island of
14 Vieques, until such time as medical testing es-
15 tablishes that the disease levels are reduced to
16 the average in the United States.

17 (C) INTERIM SERVICES.—Before the med-
18 ical facility on the island of Vieques is oper-
19 ational, the Special Master shall provide—

20 (i) urgent health care air transport to
21 hospitals on the mainland of Puerto Rico
22 from the island of Vieques;

23 (ii) medical coordination personnel
24 and case managers;

1 (iii) telemedicine communication abili-
2 ties; and

3 (iv) any other services that are nec-
4 essary to alleviate the health crisis on the
5 island of Vieques.

6 (D) SCREENING.—The Special Master
7 shall make available, at no cost to the patient,
8 medical screening for cancer, cirrhosis, diabetes,
9 and heavy metal contamination on the island of
10 Vieques.

11 (E) ACADEMIC PARTNER.—The Special
12 Master shall appoint an academic partner, with
13 appropriate experience and an established rela-
14 tionship with the Municipality of Vieques
15 shall—

16 (i) lead a research and outreach en-
17 deavor on behalf of the Municipality of
18 Vieques;

19 (ii) select the appropriate scientific ex-
20 pertise and administer defined studies,
21 conducting testing and evaluation of the
22 soils, seas, plant and animal food sources,
23 and the health of residents; and

24 (iii) determine and implement the
25 most efficient and effective way to reduce

1 the environmental toxins to a level suffi-
2 cient to return the soils, seas, food sources,
3 and health circumstances to a level that re-
4 duces the diseases on the island of Vieques
5 to the average in the United States.

6 (F) DUTIES.—The Special Master shall
7 provide amounts necessary for the academic
8 partner and medical coordinator to carry out
9 the duties described in subparagraphs (A)
10 through (D).

11 (G) PROCUREMENT.—The Special Master
12 shall provide amounts necessary to compensate
13 the Municipality of Vieques for—

14 (i) contractual procurement obliga-
15 tions and additional expenses incurred by
16 the Municipality as a result of the enact-
17 ment of this section and settlement of its
18 claim; and

19 (ii) any other damages and costs to be
20 incurred by the Municipality, if the Special
21 Master determines that it is necessary to
22 carry out the purpose of this section.

23 (H) CONSULTING FIRMS.—The Special
24 Master shall provide amounts necessary for the
25 Special Master to contract with consulting

1 firms for technical advice on any aspect of the
2 Special Master's duties.

3 (I) POWER SOURCE.—The Special Master
4 shall determine the best source of producing
5 independent power on the island of Vieques that
6 is hurricane resilient and can effectively sustain
7 the needs of the island and shall authorize such
8 construction as an award to the Municipality of
9 Vieques.

10 (2) SOURCE.—Amounts awarded under this Act
11 shall be made from amounts appropriated under sec-
12 tion 1304 of title 31, United States Code, commonly
13 known as the “Judgment Fund”, as if claims were
14 adjudicated by a United States District Court under
15 section 1346(b) of title 28, United States Code.

16 (3) DETERMINATION AND PAYMENT OF
17 CLAIMS.—

18 (A) ESTABLISHMENT OF FILING PROCE-
19 DURES.—The Attorney General shall establish
20 procedures whereby individuals and the Munici-
21 pality may submit claims for payments under
22 this section to the Special Master.

23 (B) DETERMINATION OF CLAIMS.—The
24 Special Master shall, in accordance with this
25 subsection, determine whether each claim meets

1 the requirements of this section. Claims filed by
2 residents of the island of Vieques that have
3 been disposed of by a court under chapter 171
4 of title 28, United States Code, shall be treated
5 as if such claims are currently filed.

6 (e) ACTION ON CLAIMS.—The Special Master shall
7 make a determination on any claim filed under the proce-
8 dures established under this section not later than 150
9 days after the date on which the claim is filed.

10 (f) PAYMENT IN FULL SETTLEMENT OF CLAIMS BY
11 INDIVIDUALS AND THE MUNICIPALITY OF VIEQUES
12 AGAINST THE UNITED STATES.—The acceptance by an
13 individual or the Municipality of Vieques of a payment of
14 an award under this section shall—

15 (1) be final and conclusive;

16 (2) be deemed to be in full satisfaction of all
17 claims under chapter 171 of title 28, United States
18 Code; and

19 (3) constitute a complete release by the indi-
20 vidual or Municipality of such claim against the
21 United States and against any employee of the
22 United States acting in the scope of employment
23 who is involved in the matter giving rise to the
24 claim.

1 (g) CERTIFICATION OF TREATMENT OF PAYMENTS
2 UNDER OTHER LAWS.—Amounts paid to an individual
3 under this section—

4 (1) shall be treated for purposes of the laws of
5 the United States as damages for human suffering;
6 and

7 (2) may not be included as income or resources
8 for purposes of determining eligibility to receive ben-
9 efits described in section 3803(c)(2)(C) of title 31,
10 United States Code, or the amount of such benefits.

11 (h) ATTORNEY'S FEES.—A representative of an indi-
12 vidual may not receive, for services rendered in connection
13 with a claim of the individual under this Act, more than
14 20 percent of a payment made under this Act.

