AMENDMENT TO H.R. 5687
OFFERED BY MISS GONZÁLEZ-COLON OF PUERTO RICO

Page 48, after line 22, insert the following (and redesignate succeeding divisions and conform the table of contents accordingly):

DIVISION C—VIEQUES RECOVERY AND REDEVELOPMENT ACT OF 2020

SEC. 1. SHORT TITLE.
This division may be cited as the “Vieques Recovery and Redevelopment Act of 2020”.

SEC. 2. FINDINGS.
The Congress find the following:

(1) Vieques is an island municipality of Puerto Rico, measuring approximately 21 miles long by 4 miles wide, and located approximately 8 miles east of the main island of Puerto Rico.

(2) Prior to Hurricane Maria, residents of Vieques were served by an urgent medical care facility, the Susana Centeno Family Health Center, and residents had to travel off-island to obtain medical services, including most types of emergency care be-
cause the facility did not have the basic use of x-ray machines, CT machines, EKG machines, ultrasounds, or PET scans.

(3) The predominant means of transporting passengers and goods between Vieques and the main island of Puerto Rico is by ferry boat service, and over the years, the efficiency of this service has frequently been disrupted, unreliable, and difficult for cancer patients, and patients experiencing other severe conditions, to endure to receive treatment.

(4) The United States Military maintained a presence on the eastern and western portions of Vieques for close to 60 years, and used parts of the island as a training range during those years, dropping over 80 million tons of ordnance and other weaponry available to the United States military since World War II.

(5) The unintended, unknown, and unavoidable consequences of these exercises were to expose residents to the residue of that weaponry which includes heavy metals and many other chemicals now known to harm human health.

(6) There has repeatedly been brought up by residents and independent organizations that the island of Vieques has high levels of heavy metals and
toxic chemicals. Since the military activity in Vieques, island residents have suffered from many health impacts that have been attributed to exposure to environmental contamination have been claimed to experience higher rates of certain diseases among residents, including cancer, cirrhosis, hypertension, diabetes, heavy metal diseases, along with many unnamed and uncategorized illnesses. These toxic residues may be one of the factors that have caused the American residents of Vieques to develop illnesses due to ongoing exposure.

(7) In 2017, Vieques was hit by Hurricane Maria, an unusually destructive storm that devastated Puerto Rico and intensified the existing humanitarian crisis on the island by destroying existing medical facilities.

(8) The medical systems in place prior to Hurricane Maria were unable to properly handle the health needs of Vieques residents.

(9) After Maria, the medical facility was closed due to damage and continues to be unable to perform even the few basic services that it did provide. Vieques needs a medical facility that can treat and address the critical and urgent need to get life-savin-
(10) Every American has benefitted from the sacrifices of those Americans who have lived and are living on Vieques and it is our intent to acknowledge that sacrifice and to treat those Americans with the same respect and appreciation that other Americans enjoy.

(11) In 2012, the residents of Vieques were denied the ability to address their needs in Court due to sovereign immunity, Sánchez v. United States, No. 3:09-cv-01260-DRD (D.P.R.).

SEC. 3. SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES FOR CERTAIN RESIDENTS OF THE ISLAND OF VIEQUES, PUERTO RICO.

(a) IN GENERAL.—An individual claimant who files a claim for compensation under this section with the Special Master, appointed pursuant to subsection (c), shall be awarded monetary compensation as described in subsection (b) if—

(1) the Special Master determines that the claimant is or was a resident, or the child of a resident, or immediate family member of a deceased individual claimant on the island of Vieques, Puerto Rico, during or after the United States Government used the island of Vieques, Puerto Rico, for military readiness;
(2) the claimant previously filed a lawsuit or an administrative claim, or files a claim not later than 120 days after the date of the enactment of this Act against the United States Government for personal injury, including illness or death arising from use by the United States Government of the island of Vieques for military readiness; and

(3) the claimant submits to the Special Master written medical documentation that indicates the claimant contracted a chronic, life threatening, or physical or mental disease or illness, including cancer, hypertension, cirrhosis, kidney disease, diabetes, or a heavy metal poisoning, during or after the United States Government used the island of Vieques, Puerto Rico, for military readiness.

(b) AMOUNTS OF AWARD.—

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

(A) $10,000 for exposure in the case of a claimant who provides proof—

(i) of a previously filed lawsuit or administrative claim and 5 years of residency on the island of Vieques, Puerto Rico dur-
ing or immediately after the time of operation of the Vieques range; or

(ii) that the claimant is the child of a resident of Vieques, Puerto Rico if the parent meets the 5 year residency requirement.

(B) $50,000 for 1 disease described in subsection (a)(3).

(C) $80,000 for 2 diseases described in subsection (a)(3).

(D) $110,000 for 3 or more diseases described in subsection (a)(3).

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

(A) the amount that the individual would have been eligible to receive had the disease been contracted before the individual filed an initial claim under subsection (a); and
(B) the amount received by the individual pursuant to paragraph (1).

(3) DECEASED CLAIMANTS.—A deceased claimant who filed a claim or whose immediate family member filed a claim after the claimant’s death is eligible to—

(A) receive compensation in accordance with paragraph (1); or

(B) receive compensation based on the age of the deceased as follows:

(i) $110,000 if the claimant died before 20 years old.
(ii) $80,000 if claimant died before 40 years old.
(iii) $50,000 if claimant died before 60 years old.

(4) DECEASED INDIVIDUALS.—In the case of an individual who was deceased at the time of the initial claim or who has died before receiving payment under this section, such payment shall be made to the heirs as determined by Puerto Rican law.

(c) APPOINTMENT OF SPECIAL MASTER.—

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

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

(A) The individual’s experience in the processing of victims’ claims in relation to government activities.

(B) The individual’s demonstrated abilities in investigation and fact findings in complex factual matters.

(C) Any experience the individual has had advising the United States Government.

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

(1) AWARD.—The Special Master, in exchange for its Administrative Claims, shall provide the following as compensation to the Municipality of Vieques:

(A) STAFF.—The Special Master shall provide medical staff, and other resources necessary to build and operate a level three trauma center (in this section, referred to as “medical facility”) with cancer center and renal dialysis unit and its equipment. The medical facility
shall be able to treat life threatening, chronic, heavy metal, and physical and mental diseases. The medical facility shall be able to provide basic x-ray, EKG, internal medicine expertise, medical coordination personnel and case managers, ultrasound, and resources necessary to screen residents for cancer and the other prevailing health problems.

(B) OPERATIONS.—The Special Master shall fund the operations of the medical facility to provide medical care for pediatric and adult patients who reside on the island of Vieques, allowing the patients to be referred for tertiary and quaternary health care facilities when necessary, and providing the transportation and medical costs when traveling off the island of Vieques, until such time as medical testing establishes that the disease levels are reduced to the average in the United States.

(C) INTERIM SERVICES.—Before the hospital on the island of Vieques is operational, the Special Master shall provide—

(i) urgent healthcare air transport to and from hospitals on the mainland of
Puerto Rico and island of Vieques for residents;

(ii) medical coordination personnel and case managers;

(iii) telemedicine communication abilities; and

(iv) any other services that are necessary to alleviate the health crisis on the island of Vieques.

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

(E) PROCUREMENT.—The Special Master shall provide amounts necessary to compensate the Municipality of Vieques for—

(i) contractual procurement obligations and additional expenses incurred by the Municipality as a result of the enactment of this section and settlement of its claim; and

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

(F) Consulting Firms.—The Special Master shall provide amounts necessary for the Special Master to contract with consulting firms for technical advice on any aspect of his/her duties.

(G) Energy Grid.—The Special Master shall assist the territorial and local authorities in determining the best strategy for ensuring a reliable power source and transmission and distribution grid on Vieques, which is hurricane resilient and can effectively sustain the needs of Vieques and shall authorize such construction as an award to the Municipality.

(2) Source.—Amounts awarded under this division shall be made from amounts appropriated under section 1304 of title 31, United States Code, commonly known as the “Judgment Fund”, as if claims were adjudicated by a United States District Court under section 1346(b) of title 28, United States Code.

(3) Determination and Payment of Claims.—
(A) Establishment of Filing Procedures.—The Attorney General shall establish procedures whereby individuals and the Municipality may submit claims for payments under this section to the Special Master.

(B) Determination of Claims.—The Special Master shall, in accordance with this subsection, determine whether each claim meets the requirements of this section. Vieques claims already disposed of by a court under chapter 171 of title 28, United States Code, shall be treated as if they are currently filed.

(e) Action on Claims.—The Special Master shall make a determination on any claim filed under the procedures established under this section not later than 150 days after the date on which the claim is filed.

(f) Payment in Full Settlement of Claims by Individuals and the Municipality of Vieques Against the United States.—The acceptance by an individual or the Municipality of Vieques a payment of an award under this section shall—

(1) be final and conclusive;

(2) be deemed to be in full satisfaction of all claims under chapter 171 of title 28, United States Code; and
(3) constitute a complete release by the individual or Municipality of such claim against the United States and against any employee of the United States acting in the scope of employment who is involved in the matter giving rise to the claim.

(g) Certification of Treatment of Payments Under Other Laws.—Amounts paid to an individual under this section

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

(2) may not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(e)(2)(C) of title 31, United States Code, or the amount of such benefits.