

(a) and the final rule under subsection (b), the Secretary shall ensure that the authority of the Secretary to provide payments to State homes (as defined in section 101(19) of title 38, United States Code) pursuant to any such rule is retroactive to January 5, 2021.

SA 636. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ PERMANENT AUTHORIZATION OF UNDETECTABLE FIREARMS ACT OF 1988.

Section 2(f) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note; Public Law 100-649) is amended—

(1) by striking “EFFECTIVE DATE AND SUNSET PROVISION” and all that follows through “This Act and the amendments” and inserting the following: “EFFECTIVE DATE.—This Act and the amendments”; and

(2) by striking paragraph (2).

SA 637. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION —VIEQUES RECOVERY AND REDEVELOPMENT

SEC. ____ 01. SHORT TITLE.

This division may be cited as the “Vieques Recovery and Redevelopment Act”.

SEC. ____ 02. FINDINGS.

The Congress finds 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 because 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 to endure to receive treatment. Each trip to Ceiba, Puerto Rico, for the cancer patient is an additional out-of-pocket expense ranging from \$120 to \$200.

(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 Americans living on the islands to the residue of that weaponry which includes heavy metals and many other chemicals now known to harm human health.

(6) According to Government and independent documentation, the island of Vieques has high levels of heavy metals and has been exposed to chemical weapons and toxic chemicals. Since the military activity in Vieques, island residents have suffered from the health impacts from long-term exposure to environmental contamination as a result of 62 years of military operations, and have experienced 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 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 crisis that existed due to the toxic residue left on the island by the military’s activities.

(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-saving medical services to its residents. Due to legal restrictions, the Federal Emergency Management Agency (in this division referred to as “FEMA”) is unable to provide a hospital where its capabilities exceed the abilities of the facility that existed prior to Maria; therefore Vieques needs assistance to build a facility to manage the vast health needs of its residents.

(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, *Sanchez v. United States*, No. 3:09-cv-01260-DRD (D.P.R.). However, the United States Court of Appeals for the First Circuit referred the issue to Congress and urged it to address the humanitarian crisis. This bill attempts to satisfy that request such that Americans living on Vieques have a remedy for the suffering they have endured.

SEC. ____ 03. SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES FOR CERTAIN RESIDENTS OF THE ISLAND OF VIEQUES, PUERTO RICO.

(a) IN GENERAL.—An individual claimant who has resided on the island of Vieques, Puerto Rico, for not less than 5 years before the date of enactment of this Act and 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 an immediate heir (as determined by the laws of Puerto Rico) of a deceased 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 180 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 produces evidence to the Special Master, including in response to a request for additional information by the Special Master, including a medical professional certification, confirming the disease or illness of the claimant, sufficient to show that a causal relationship exists between the claimant’s chronic, life-threatening, or physical disease or illness limited to cancer, hypertension, cirrhosis, kidney disease, diabetes, or a heavy metal poisoning and the United States Government’s use of the island of Vieques, Puerto Rico, for military readiness, or that a causal relationship is at least as likely as not, which may include a declaration stating the years the claimant lived on Vieques and the disease or illness with which the claimant has been diagnosed.

(b) AMOUNTS OF AWARD.—

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

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

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

(C) \$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 (a)(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.—In the case of an individual who dies before making a claim under this section or a claimant who dies before receiving an award under this section, any immediate heir to the individual or claimant, as determined by the laws of Puerto Rico, shall be eligible for one of the following awards:

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

(B) Compensation based on the age of the deceased if the claimant produces evidence sufficient to conclude that a causal relationship exists between the United States Military activity and the death of the individual or that a causal relationship is as likely as not as follows:

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

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

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

(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: