

105TH CONGRESS
1ST SESSION

S. 1168

For the relief of Retired Sergeant First Class James D. Benoit, Wan Sook Benoit, and the estate of David Benoit, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 1997

Mr. LEVIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

For the relief of Retired Sergeant First Class James D. Benoit, Wan Sook Benoit, and the estate of David Benoit, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONSENT TO SUIT.**

4 Notwithstanding section 2735 of title 10, United
5 States Code, and any other provision of law, the United
6 States Court of Federal Claims shall have jurisdiction to
7 hear, determine, and render judgment on a claim by Re-
8 tired Sergeant First Class James D. Benoit, Wan Sook
9 Benoit, or the estate of David Benoit concerning the death
10 of David Benoit on June 28, 1983.

1 **SEC. 2. LIMITATIONS PERIOD.**

2 Suit on a claim under section 1 may be instituted
3 at any time not later than 1 year after the date of enact-
4 ment of this Act.

5 **SEC. 3. PRIOR SETTLEMENT.**

6 Settlement of a claim prior to the date of enactment
7 of this Act shall not bar a claim under section 1. The dam-
8 ages awarded on a claim under section 1 shall reflect the
9 settlement of a claim prior to the date of enactment of
10 this Act.

11 **SEC. 4. NO INFERENCE OF LIABILITY.**

12 Nothing in this Act shall be construed as an inference
13 of liability on the part of the United States.

○