

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.

○