Public Law 85-217

AN ACT

August 29, 1957
[H. R. 5807]

To amend further and make permanent the Missing Persons Act, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Missing Persons Act (56 Stat. 143), as amended, is further amended as follows:

Missing Persons Act, amendments.
50 USC app. 1001 note.

(a) Section 1 (a) (3) is amended to read as follows:

"Person".

"(3) Civilian officers and employees of the departments, exclusive of part time or intermittent employees or native labor casually hired on an hourly or per diem basis, who are citizens or nationals of the United States, or who are aliens who have been admitted to the United States for permanent residence, except that the following categories of civilian officers and employees shall be covered only upon a determination by the head of the department concerned that such status is the proximate result of employment by the department:

"(i) persons who enter any status listed in section 2 of this Act within the continental limits of the United States and

"(ii) persons who enter any status listed in section 2 of this Act who are residents at or in the vicinity of their places of employment in the Territories and possessions or in foreign countries and who were not living there solely as a result of their employment."

50 USC app. 1002.

(b) Section 2 is amended to read as follows:

Missing, interned, or captive persons.

"SEC. 2. (a) Any person who is in the active service, or is performing full-time training duty, other full-time duty, or inactive duty training and who is officially determined to be absent in a status of missing, missing in action, interned in a foreign country, captured by a hostile force, beleaguered by a hostile force, or besieged by a hostile force shall, for the period he is officially carried or determined to be in any such status, be entitled to receive or to have credited to his account the same basic pay, special pay, incentive pay, basic allowance for quarters, basic allowance for subsistence, and station per diem allowances for not to exceed ninety days, to which he was entitled at the beginning of such period of absence or may become entitled thereafter, except that the pay and allowances for a person who is performing full-time training duty or other full-time duty without pay, or inactive duty training with or without pay, shall be that to which he would have been entitled if he had been performing full-time active duty with pay, and entitlement to pay and allowances shall terminate upon the date of receipt by the department concerned of evidence that the person is dead or upon the date of death prescribed or determined under provisions of section 5 of this Act. Such entitlement to pay and allowances shall not terminate upon the expiration of a term of service during absence and, in case of death during absence, shall not terminate earlier than the dates herein prescribed. There shall be no entitlement to pay and allowances for any period during which such person may be officially determined absent from his post of duty without authority and he shall be indebted to the Government for any payments from amounts credited to his account for such period. Persons performing full-time training duty, or inactive duty training shall be entitled to the benefits of this section only when such persons are officially determined to be absent in a status of missing, missing in action, interned in a foreign country, captured by a hostile force, beleaguered by a hostile force, or besieged by a hostile force as a result of the performance of prescribed duty ordered by competent authority:

50 USC app. 1005.

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Philippine Scouts.

"(b) Notwithstanding any other provision of law, such entitlement to pay and allowances shall not be denied, in the case of any member of the Philippine Scouts who was captured in the Philippine Islands by the enemy during World War II, solely on the ground that such member was paroled and permitted to return to his home and engage in civilian pursuits prior to the termination of the Japanese occupation of such islands. Claims of members of the Philippine Scouts for pay and allowances under this subsection (whether or not such claims have been presented and rejected or disallowed) may, until three years after the date of enactment of this subsection, be presented for consideration or reconsideration and payment under this subsection: *Provided*, That no claims shall be approved for payment if the claimant voluntarily participated with or for the Japanese Government, Japanese nationals, or others and performed actions or duties of a military nature hostile to the United States: *Provided further*, That except in the event of legal proceedings, any person except the authorized representative of the American Red Cross, the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars, and such other organizations as shall be approved by the Secretary of Defense, who shall hereafter, directly or indirectly, solicit, contract for, charge, or receive any fee or compensation for rendering assistance in the preparation, execution or filing of the necessary papers in any application for the pay and allowances authorized by this subsection shall be guilty of a misdemeanor, and each and every offense shall be punishable by a fine of not more than $500 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment.

"(c) No part of any amount paid on any claim filed pursuant to subsection (b) of this section in excess of 10 per centum of the first $1,000 so paid on such claim, and 7 per centum of the amount so paid over $1,000, shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with any such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $10,000 or imprisoned not more than one year, or both."

50 USC app. 1009.

(c) Section 9 is amended by redesignating that section as subsection (a) and adding the following new subsection at the end thereof:

"Dependent".

"(b) A dependent of any person in active service, as defined by this Act, is a 'person' under this Act for the sole purpose of determining status as provided in sections 5 and 9, and any determination under those sections by the head of the department concerned shall be conclusive on all other departments of the Government: *Provided*, That nothing in this section shall be construed as conferring upon any dependent any right to pay, allowances or other compensation to which not otherwise entitled."

50 USC app. 1012.

(d) Section 12 is amended to read as follows:

Moving dependents and effects.

"SEC. 12. The dependents and household and personal effects of any person in active service (without regard to pay grade) who is officially reported as dead, injured, missing for a period of thirty days or more, interned in a foreign country, or captured by a hostile force, may be moved (including packing, crating, drayage, temporary storage, and unpacking of household and personal effects) to the official residence of record for any such person or to the residence of his dependent, next of kin, or other person entitled to receive custody of the effects in accordance with regulations issued by the head of the department concerned; or, upon application by such dependent, next of

kin, or other person, or upon the person's application if injured, to such other location as may be determined in advance or subsequently approved by the head of the department concerned or by such person as he may designate. When the head of the department concerned determines that an emergency exists and that such sale would be in the best interests of the Government, he may provide for the disposition of the motor vehicles and other bulky items of such household and personal effects of the person by public or private sale. Prior to any such sale, and if practicable, a reasonable effort shall be made to determine the desires of the interested persons. The net proceeds received from such sale shall be transmitted to the owner or to other persons in accordance with regulations issued by head of the department concerned; but if there be no such persons or if such persons or their addresses are not ascertainable within one year from the date of sale, the net proceeds may be covered into the Treasury as miscellaneous receipts. Claims for net proceeds which are covered into the Treasury under the authority of this section may be filed with the General Accounting Office by the rightful owners, their heirs or next of kin, or their legal representatives at any time prior to the expiration of five years from the date the proceeds are covered into the Treasury; and, if so filed, the General Accounting Office shall allow or disallow the claim. When such claim is allowed it shall be paid from the appropriation for refunding moneys erroneously received and covered. If claims are not filed prior to the expiration of five years from the date the proceeds are covered into the Treasury, they shall be barred from being acted on by the courts or the General Accounting Office. The provisions of this section do not amend or repeal the Federal Tort Claims Act (60 Stat. 842–847), as amended; sections 2575, 2733, 4712, 4713, 6522, 9712, 9713, title 10, United States Code; or section 507, title 14, United States Code. The head of the department concerned is authorized to store the household and personal effects of the person until such time as proper disposition can be made. The cost of such storage and transportation, including packing, crating, drayage, temporary storage, and unpacking of household and personal effects, shall be charged against appropriations currently available. In lieu of transportation authorized by this section for dependents, the head of the department concerned may authorize the payment in money of amounts equal to such commercial transportation costs or a monetary allowance in lieu of transportation as authorized by law for the whole or such part of travel for which transportation in kind is not furnished, when such travel shall have been completed. When the person is in an 'injured' status, the movement of dependents or household and personal effects provided for herein may be authorized only in cases where the anticipated period of hospitalization or treatment will be of prolonged duration. No transportation shall be authorized pursuant to this section upon application by dependents unless a reasonable relationship exists between the condition and circumstances of the dependents and the destination to which transportation is requested. Beginning June 25, 1950, and for the purposes of this section only, the terms 'household and personal effects' and 'household effects' may include, in addition to other authorized weight allowances, not to exceed one privately owned motor vehicle, shipment of which at Government expense is authorized in those cases where the vehicle is located outside the continental limits of the United States or in Alaska."

Sales.

31 USC 223b note *et seq.*; 33 USC 853 note; 34 USC 600 note.
70A Stat. 144, 153, 264, 265, 419, 585, 586; 63 Stat. 538.

(e) Section 15 is amended to read as follows:

"SEC. 15. This Act, except sections 13, 16, and 17, is effective from September 8, 1939."

Effective dates.
50 USC app. 1015, 1013, 1016, 1017.

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SEC. 2. Subsection 2 (b) Missing Persons Act, as added by this Act, is effective from September 8, 1939. All other amendments made by this Act are effective upon the date of enactment of this Act.

Approved August 29, 1957.

Public Law 85-218

August 29, 1957
[S. J. Res. 96]

JOINT RESOLUTION

To authorize establishment of the United States ship Enterprise (CV–6) in the Nation's Capital as a memorial museum.

Whereas the United States ship Enterprise, after twenty years of outstanding service in the United States Navy, has been declared to be obsolete by reason of having outlived its military usefulness; and

Whereas the United States ship Enterprise was known as the "fightingest carrier in the fleet" during World War II, during which time it accumulated eighteen of twenty-two possible combat stars for carriers in the Pacific area; and

Whereas the United States ship Enterprise at one period during World War II was the only aircraft carrier operating in the Pacific; and

Whereas, although reported by the Japanese to be sunk seven times, the United States ship Enterprise succeeded in accounting for nine hundred and eleven Japanese aircraft, seventy-one enemy ships sunk by her pilots, and another one hundred and ninety-two ships damaged or probably sunk; and

Whereas the United States ship Enterprise was called "The Galloping Ghost of the Oahu Coast" by Fleet Admiral William F. Halsey, Junior, and during the early days of World War II symbolized the American resistance against a foe advancing with seemingly overwhelming strength: Now, therefore, be it

USS *Enterprise*. Memorial museum.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the conditions hereafter prescribed, at such time as the United States ship Enterprise is released by the United States and acquired by the Enterprise Association and its distinguished leader, Fleet Admiral William F. Halsey, United States Navy (retired), it may be berthed at, or in the vicinity of, the Nation's Capital as a memorial museum to be supported and maintained by private funds at no expense to the United States or the Government of the District of Columbia.

Transfer.

SEC. 2. In furtherance of the purposes of this Act, the Secretary of the Navy is authorized to transfer the Enterprise to the Enterprise Association upon conditions (1) that a showing satisfactory to the Secretary of the Navy that the association is in a suitable position financially, or will be in a suitable position financially, to move, repair, renovate, berth, prepare for display, maintain and administer such vessel satisfactorily and in the public interest for purposes of this Act; (2) that a site for berthing the vessel with adequate land approach facilities is approved (a) by the Secretary of the Navy, the National Capital Planning Commission and the Secretary of Commerce and (b) if such site is within or adjacent to areas under their jurisdiction, also by the Secretary of the Interior, the Fine Arts Commission and the Board of Commissioners of the District of Columbia; (3) that the Enterprise will not be operated for profit above necessary operating and maintenance costs.