

Public Law 88-558

AN ACT

August 31, 1964
[H. R. 6910]

To provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Personnel and Civilian Employees' Claims Act of 1964".

Military Personnel and Civilian Employees' Claims Act of 1964.
Definitions.

SEC. 2. As used in this Act—

(1) "agency" includes an executive department, independent establishment, or corporation primarily acting as an instrumentality of the United States, but does not include any contractor with the United States;

(2) "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; and

(3) "settle" means consider, ascertain, adjust, determine, and dispose of any claim, whether by full or partial allowance or disallowance.

SEC. 3. (a) Under such regulations as the head of an agency may prescribe, he or his designee may settle and pay a claim arising after the effective date of this Act against the United States for not more than \$6,500 made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency, for damage to, or loss of, personal property incident to his service. If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled before its enactment.

Limitation.

(b) If a person named in subsection (a) is dead, the head of the agency concerned, or his designee, may settle and pay any claim made by the decedent's surviving (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sisters, or both, that arose before, concurrently with, or after the decedent's death and is otherwise covered by subsection (a). Claims of survivors shall be settled and paid in the order named.

Deceased persons.

(c) A claim may be allowed under subsection (a) for damage to, or loss of, property only if—

Conditions.

(1) it is presented in writing within two years after it accrues, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than two years after that cause ceases to exist, or two years after the war or armed conflict is terminated, whichever is earlier;

(2) it did not occur at quarters occupied by the claimant within the fifty States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States; or

(3) it was not caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee.

(d) For the purposes of subsection (c) (1), the dates of beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by a determination of the President.

(e) The head of each agency shall report once a year to Congress on claims settled under this section during the period covered by the

Report to Congress.

report. The report shall include for each claim the name of the claimant, the amount claimed, and the amount paid.

SEC. 4. Notwithstanding any other provision of law, the settlement of a claim under this Act is final and conclusive.

SEC. 5. Chapter 163 of title 10, United States Code, is amended, effective two years from the date of this Act, as follows:

(1) Section 2735 is amended by striking out the figure "2732," and the comma after the figure "2733".

(2) The analysis is amended by striking out the following item: "2732. Property loss: incident to service; members of Army, Navy, Air Force, or Marine Corps and civilian employees."

(3) Section 2732 is repealed.

SEC. 6. Section 2 of the Act of June 7, 1956, chapter 376 (70 Stat. 255), is repealed.

SEC. 7. Chapter 13 of title 14, United States Code, is amended, effective two years from the date of this Act, as follows:

(1) The analysis is amended by striking out the following item:

"490. Settlement of claims of military and civilian personnel."

(2) Section 490 is repealed.

Approved August 31, 1964.

10 USC 2731-2736.

70A Stat. 155.

Repeals.

14 USC 461-511.

63 Stat. 534; 72 Stat. 832.

Public Law 88-559

AN ACT

September 1, 1964 [S. 2961]

To provide for the disposition of the judgment funds on deposit to the credit of the Northern Cheyenne Tribe of the Tongue River Indian Reservation, Montana.

Indians. Northern Cheyenne Tribe.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Northern Cheyenne Tribe of Indians of the Tongue River Reservation in the State of Montana that were appropriated by the Act of January 6, 1964 (77 Stat. 857), to pay a judgment by the Indian Claims Commission in docket 329-C, and the interest thereon, after payment of litigation costs, may be advanced or expended for any purpose that will improve the economic and social conditions of the members of the tribe and is authorized by the tribal governing body thereof and approved by the Secretary of the Interior: *Provided*, That no more than \$100 per capita shall be distributed in unsupervised payments. Any part of such funds that is distributed per capita to the members of the tribe shall not be subject to the Federal or State income tax.

Approved September 1, 1964.