Public Law 90-521

September 26, 1968
[H. R. 13669]

AN ACT

To amend section 2734 of title 10 of the United States Code to permit the use of officers of any of the services on claims commissions, and for other purposes; to amend section 2734a of title 10 to authorize the use of Coast Guard appropriations for certain claims settlements arising out of Coast Guard activities; and to amend section 2736 of title 10 to authorize advance payments in cases covered by sections 2733 and 2734 of title 10 and section 715 of title 32 involving military claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 2734 of title 10, United States Code, is amended by striking the words "appoint one or more claims commissions, each composed of one or more commissioned officers of the armed forces under his jurisdiction," and by inserting in lieu thereof the words "appoint one or more claims commissions, each composed of one or more commissioned officers of the armed forces,".

Military claims. Administration and settlement. 70A Stat. 154.

(b) Subsection (a) of section 2734 of title 10, United States Code, is amended by adding at the end thereof the following sentence: "An officer may serve on a claims commission under the jurisdiction of another armed force only with the consent of the Secretary of his department, or his designee, but shall perform his duties under regulations of the department appointing the commission."

76 Stat. 767.

SEC. 2. Subsection (a) of section 2736 of title 10, is amended by striking the words "as the result of an accident involving an aircraft or missile under the control of that department" and inserting in lieu thereof "under circumstances"; and the caption of section 2736 is amended to read as follows:

"§ 2736. Property loss; personal injury or death: advance payment."

and the chapter analysis of chapter 163 of title 10 of the United States Code is amended by striking

"2736. Property loss; personal injury or death: incident to aircraft or missile operation."

and inserting

"2736. Property loss; personal injury or death: advance payment."

SEC. 3. Section 2734(b)(3) of title 10, United States Code, is amended to read as follows:

"(3) it did not arise from action by an enemy or result directly or indirectly from an act of the armed forces of the United States in combat, except that a claim may be allowed if it arises from an accident or malfunction incident to the operation of an aircraft of the armed forces of the United States, including its airborne ordnance, indirectly related to combat, and occurring while preparing for, going to, or returning from a combat mission."

76 Stat. 512.

SEC. 4. (a) Subsection (c) of section 2734a of title 10, United States Code, is amended to read as follows:

"(c) A reimbursement or payment under this section shall be made by the Secretary of Defense out of appropriations for that purpose except that payment of claims against the Coast Guard arising while it is operating as a service of the Department of Transportation shall be made out of the appropriations for the operating expenses of the Coast Guard. The appropriations referred to in this subsection may be used to buy foreign currencies required for the reimbursement or payment."

(b) Section 2734a of title 10, United States Code, is amended by the addition of the following subsection:

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"(d) Upon the request of the Secretary of Transportation or his designee, any payments made relating to claims arising from the activities of the Coast Guard and covered by subsection (a) may be reimbursed or paid to the foreign country concerned by the authorized representative of the Department of Defense out of the appropriation for claims of the Department of Defense, subject to reimbursement from the Department of Transportation."

Approved September 26, 1968.

Public Law 90-522

AN ACT

September 26, 1968
[H. R. 10482]

To amend section 2733 of title 10, United States Code, to authorize the application of local law in determining the effect of claimant's contributory negligence, and to clarify the procedure for appeal from certain claims determinations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2733 of title 10, United States Code, is amended by—

Military claims.
Application of local law.
70A Stat. 153;
72 Stat. 1461.

(1) striking out the word "and" at the end of clause (4) of subsection (b) and inserting in place thereof "or, if so caused, allowed only to the extent that the law of the place where the act or omission complained of occurred would permit recovery from a private individual under like circumstances; and";

(2) striking out the period at the end of subsection (g) and inserting in place thereof the following: ", subject to appeal to the Secretary concerned, or his designee for that purpose.".

72 Stat. 813;
Post, p. 877.

Approved September 26, 1968.

Public Law 90-523

AN ACT

September 26, 1968
[S. 224]

To provide for the rehabilitation of the Eklutna project, Alaska, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the total sums expended by the Secretary of the Interior in rehabilitation of the Eklutna project, Alaska, from damage caused by the earthquake of March 27, 1964, less the difference between the actual cost of the new dam and the estimated cost of rehabilitating the old dam, shall be nonreimbursable and nonreturnable, and not subject to the provisions of the second sentence of section 1 of the Act of July 31, 1950, as amended: *Provided, however*, That the nonreimbursable and nonreturnable expenditures shall not exceed $2,805,437.

Eklutna project, Alaska.
Rehabilitation.

64 Stat. 382.
48 USC 312.

Approved September 26, 1968.