

Public Law 89-185

AN ACT

September 15, 1965
[H. R. 5024]

To amend titles 10 and 14, United States Code, and the Military Personnel and Civilian Employees' Claims Act of 1964, with respect to 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 section 2732 of title 10, United States Code, is amended as follows:

Subsection (a) is amended by striking out "\$6,500" and inserting in place thereof "\$10,000".

SEC. 2. Section 490(a) of title 14, United States Code, is amended by striking out "\$6,500" and inserting in place thereof "\$10,000".

SEC. 3. (a) Section 2 of the Military Personnel and Civilian Claims Act of 1964 (78 Stat. 767) is amended to read as follows:

"SEC. 2. As used in this Act—

"(1) 'agency' includes an executive department, military 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.

"(4) 'military department' means Department of the Army, Department of the Navy, and the Department of the Air Force."

(b) Section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767) is amended to read as follows:

"SEC. 3. (a) (1) Under such regulations as the Secretary of a military department, or the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a part of the Navy, 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 \$10,000 made by a member of the uniformed services under the jurisdiction of that department or the Coast Guard or by a civilian officer or employee of that department or the Coast Guard, 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.

"(2) Under such regulations as the Secretary of Defense may prescribe, he or any officer designated by him has the same authority as the Secretary of a military department with respect to a claim by a civilian employee of the Department of Defense not otherwise covered by this subsection for damage to, or loss of personal property incident to, his service.

"(3) If a person named in this subsection is dead, the Secretary of the military department concerned or his designee, or the Secretary of the Treasury or his designee, or the Secretary of Defense or his designee, as the case may be, 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 this subsection. Claims of survivors shall be settled and paid in the order named.

Uniformed serv-
ices.
Claims settle-
ment.
72 Stat. 1461.
72 Stat. 832.

31 USC 240.
Definitions.

Military depart-
ments.
\$10,000 limita-
tion.
31 USC 241.

Civilian em-
ployees.

Non-military
departments.
\$6,500 limita-
tion.

"(b) (1) Subject to any policies the President may prescribe to effectuate the purposes of this subsection and under such regulations as the head of an agency, other than a military department, the Secretary of the Treasury with respect to the Coast Guard, or the Department of Defense, 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.

"(2) If a person named in this subsection 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 this subsection. Claims of survivors shall be settled and paid in the order named."

Settlement con-
ditions.

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

(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.

War duration,
determination.

(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.

Report to Con-
gress.

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

Effective dates.

SEC. 4. Sections 1 and 2 of this Act are effective July 2, 1952, and section 3 of this Act is effective August 31, 1964, for the purpose of reconsideration of settled claims as provided in this section. Notwithstanding section 2735 of title 10, United States Code, section 490 (a) of title 14, United States Code, the Act of October 9, 1940, chapter 788 (31 U.S.C. 71a), or section 4 of the Military Personnel and Civilian Employees' Claims Act of 1964, a claim heretofore settled in the amount of \$6,500 solely by reason of the maximum limitation established by section 1(a) of the Military Personnel Claims Act of 1945, as amended (70 Stat. 255), section 2732(a) of title 10, United States Code, section 490(a) of title 14, United States Code, or section 3(a) of the Military Personnel and Civilian Employees' Claims Act of 1964 may, upon written request of the claimant made within one year from the date of enactment of this Act, be reconsidered and settled under the amendments contained in sections 1, 2, and 3 of this Act.

70A Stat. 155.

72 Stat. 832.

54 Stat. 1061.

78 Stat. 768.

31 USC 242.

31 USC 222c.

72 Stat. 1461.

31 USC 241.

SEC. 5. The Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767) is amended by the addition of the following section:

Limitation.
31 USC 240 note.

"SEC. 8. No more than 10 per centum of the amount paid in settlement of each individual claim submitted and settled under the authority of this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Penalty.

Approved September 15, 1965.

Public Law 89-186

AN ACT

September 15, 1965
[S. 2420]

To provide continuing authority for the protection of former Presidents and their wives or widows, 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 second clause of title 18, United States Code, section 3056, is amended to read as follows: "protect the person of a former President and his wife during his lifetime and the person of a widow and minor children of a former President for a period of four years after he leaves or dies in office, unless such protection is declined;"

Former Presidents and families.
Protection.
65 Stat. 122;
76 Stat. 956.

Approved September 15, 1965.

Public Law 89-187

JOINT RESOLUTION

September 15, 1965
[S. J. Res. 53]

To establish a tercentenary commission to commemorate the advent and history of Father Jacques Marquette in North America, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a commission to be known as the Father Marquette Tercentenary Commission, which shall be composed of twelve members as follows:

Father Marquette Tercentenary Commission.
Establishment.

(1) Four Members of the Senate to be appointed by the President of the Senate;

(2) Four Members of the House of Representatives to be appointed by the Speaker of the House of Representatives; and

(3) Four members to be appointed by the President of the United States.

(b) The President shall, at the time of appointment, designate one of the members appointed by him to serve as Chairman and executive officer. The members of the Commission shall receive no salary by reason of their services as members, but the executive officer may reimburse them for reasonable and necessary expenses incurred by them in conducting Commission business.

(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 2. The functions of the Commission shall be to develop and execute suitable plans for the celebration of the three hundredth anniversary of the advent and subsequent history of Father Jacques

Functions.