

Public Law 89-757

AN ACT

November 5, 1966
[H. R. 2266]

To provide for the settlement of claims resulting from an explosion at a United States ordnance plant in Bowie County, Texas, on July 8, 1963.

Bowie County,
Tex.
Settlement of
certain claims.

Rule of pro-
cedure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress recognizes and assumes the compassionate responsibility of the United States for the losses sustained by reason of the explosion at Day and Zimmerman, Incorporated, an ordnance plant wholly owned by the United States in Bowie County, Texas, on July 8, 1963, and hereby provides the procedure by which the amounts shall be determined and paid.

SEC. 2. The Secretary of the Army (hereinafter referred to as the "Secretary") or his designee, is authorized to receive, investigate, and settle claims against the United States for death or personal injury proximately resulting from the explosion referred to in the first section of this Act. No claim may be approved by the Secretary in an amount in excess of \$25,000.

SEC. 3. (a) The Secretary shall promulgate and publish within sixty days after the date of the enactment of this Act rules of procedure for the consideration and disposition of claims filed under this Act.

(b) Claimants shall submit their claims in writing to the Secretary, under such rules as he may prescribe pursuant to subsection (a), within six months after the date of the enactment of this Act.

(c) The Secretary shall determine the amount of awards, if any, in the case of each claim within eighteen months from the date on which the claim was submitted.

(d) Except as otherwise provided herein, the law of the State of Texas shall apply.

SEC. 4. (a) With respect to claims filed and awards paid pursuant to the provisions of this Act, the Secretary shall limit himself to the determination of—

(1) whether the losses sustained resulted from the explosion at the said ordnance plant in Bowie County, Texas, on July 8, 1963;

(2) the amounts to be awarded as compensation for such losses not to exceed \$25,000 in each claim; and

(3) the persons entitled to receive such awards.

(b) Claims for awards based on death shall be submitted only by duly authorized legal representatives.

SEC. 5. (a) In determining the amounts to be awarded for death, or personal injury, the Secretary shall reduce any such amounts by an amount equal to the total of insurance benefits (except life insurance benefits), or other payments or settlements of any nature, previously paid or to be paid with respect to such death claims or personal injury.

(b) Payments approved by the Secretary for death or personal injury, shall not be subject to insurance subrogation claims in any respect.

(c) The Secretary shall not include in any award any amount for reimbursement to any insurance company or compensation insurance fund for loss payments made by such company or fund.

SEC. 6. (a) The payment to any person of an award pursuant to a claim filed under the provisions of this Act shall be in full settlement and discharge of all claims of such person against the United States resulting from the explosion described in the first section of this Act.

(b) No claim cognizable under the provisions of this Act shall be assigned or transferred, except to the United States.

SEC. 7. The Secretary of the Army shall require assignment to the United States of any right of action against a third party arising from the death, or personal injury claim with respect to which settlement is made.

SEC. 8. The Secretary shall, within two years and six months after the date of enactment of this Act, transmit to the Congress a report setting forth—

Report to Congress.

(1) each claim settled by him and paid pursuant to the provisions of this Act, with a brief statement concerning the character and equity of each such claim, the amount claimed, and the amount approved and paid; and

(2) each claim submitted to him in accordance with the provisions of this Act which has not been settled by him, with supporting papers and a statement of his findings of facts and recommendations with respect to each such claim.

SEC. 9. Attorney and agent fees shall be paid out of the awards hereunder. No attorney or agent on account of services rendered in connection with each claim shall receive in excess of 20 per centum of the amount paid, any contract to the contrary notwithstanding.

Whoever violates the provisions of this Act shall be fined a sum not to exceed \$1,000.

Violations.

SEC. 10. The Secretary of the Treasury shall pay out of moneys in the Treasury not otherwise appropriated the claims referred to in this Act in the amounts approved for payment by the Secretary of the Army or his designee and the administrative costs of the investigation and settlement of claims under this Act. The authority of the Secretary of the Treasury to make payment of awards so fixed and determined shall terminate three years from the effective date of this Act.

Approved November 5, 1966.

Public Law 89-758

AN ACT

To permit the sale of grain storage facilities to public and private nonprofit agencies and organizations.

November 5, 1966
[H. R. 12360]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(h) of the Commodity Credit Corporation Charter Act, as amended, is amended by inserting before the period at the end thereof the following: “: *Provided*, That, notwithstanding any other provision of law, where a grain storage facility owned by the Corporation is not needed by the Corporation and, upon being offered for sale no person offers to pay the minimum price set by the Corporation for such facility for use in connection with storage or handling of agricultural commodities, then the Corporation may, without declaring such facility to be excess property, sell it by bids at not less than such minimum price to any public or private nonprofit agency or organization for use for the purposes of such agency or organization. This provision shall apply also to facilities which on the effective date of this Act have been declared excess to the needs of the Commodity Credit Corporation but have not been claimed by any other Government agency, or surplus to the needs of the Government but not disposed of pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

Grain storage facilities.
Sale.
62 Stat. 1071.
15 USC 714b.

Approved November 5, 1966.

63 Stat. 377.
40 USC 471 note.