

Public Law 96-519
96th Congress

An Act

Dec. 12, 1980

[H.R. 6086]

To provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767, 31 U.S.C. 240 et seq.) is amended by adding at the end thereof the following new section:

U.S. civilian and military personnel. Claims against U.S., payment. 31 USC 243a.

"SEC. 9. (a) Subject to any policies that the President may prescribe, the head of any agency, or his designee, may settle and pay not more than \$40,000 for any claim against the United States 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 in a foreign country, incurred on or after December 31, 1978, which damage or loss was incident to the service of that member, officer, or employee, and

"(1)(A) that member, officer, or employee was evacuated from that country on or after December 31, 1978, in accordance with a recommendation or order of the Secretary of State or other competent authority which was made in response to incidents of political unrest or hostile acts by people in that country, and (B) that damage or loss resulted from that evacuation or from any such incident or hostile act; or

"(2) that damage or loss resulted from acts of mob violence, terrorist attacks, or other hostile acts, directed against the United States Government or its officers or employees.

"(b) The head of the agency, or his designee, authorized under subsection (a) to settle and pay a claim of a person described in such subsection may, if such person is deceased, 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 section. Claims of survivors shall be settled and paid in the order set forth in the preceding sentence.

Survivors' claims.

"(c) A claim may be allowed under this section only if it is presented in writing within two years after the claim accrues, or within one year after the date of the enactment of this section, whichever is later.

"(d) The head of each agency shall issue regulations to carry out this section. The same standards applied in adjudicating a claim under section 3 of this Act shall be applied in adjudicating a claim under this section. Any claim to which this section applies but which has been adjudicated under section 3 of this Act by the applicable head of an agency before the date of the enactment of this section shall not be adjudicated under this section, but any amount of loss

Regulations.

31 USC 241.

adjudicated under such section 3 in connection with that claim which has not been paid shall be payable to the extent permitted in this section.

"(e) Upon payment of a claim under this section, the United States shall, to the extent of the amount of such payment, be subrogated to any right or claim, with respect to the same damage or loss for which the claim under this section was paid, that the claimant may have against the foreign country in which that damage or loss occurred."

31 U.S.C. 243a.

SEC. 2. No funds may be obligated or expended pursuant to the amendments made by this Act, for fiscal years beginning on or after October 1, 1980, except to the extent provided in advance in appropriation Acts. Any payments made pursuant to such amendments before October 1, 1980, may only be made from funds appropriated before the date of enactment of the Act.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-858 (Comm. on the Judiciary).

SENATE REPORTS: No. 96-881 accompanying S. 2582 and No. 96-882 accompanying H.R. 6086 (both from Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 126 (1980):

Apr. 21, considered and passed House.

Oct. 1, considered and passed Senate, amended.

Oct. 2, House disagreed to Senate amendments.

Dec. 1, Senate receded from its amendments.