

## EXERCISE OF FUNCTIONS

SEC. 9. The functions granted to the Surgeon General under this Act shall be exercised under the supervision and direction of the Secretary of Health, Education, and Welfare.

## DEFINITIONS

SEC. 10. For purposes of this Act—

(a) The term “Surgeon General” means the Surgeon General of the Public Health Service.

(b) (1) The term “eligible person” means any individual who has not attained the age of twenty years and any expectant mother.

(2) The number of eligible persons shall be determined by the Surgeon General, as of June 30, 1955, on the basis of estimates developed after consideration of the latest information furnished by the Department of Commerce or any other department or agency of the United States.

(3) The number of unvaccinated eligible persons means the number of eligible persons, reduced by (A) the number who were vaccinated against poliomyelitis during 1954, and (B) two-thirds of the number who the Surgeon General estimates will receive vaccination under the current program of the National Foundation for Infantile Paralysis.

(c) The term “State” includes Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the District of Columbia.

(d) The cost of the poliomyelitis vaccine shall be determined by the Surgeon General on the basis of information available to him; and such cost may be determined from time to time or as of a specified date and may be determined to be a single figure for all States or varied in accordance with actual cost.

(e) The term “approved nonprofit organization” means, in the case of any State, a nonprofit organization approved by the State agency responsible for administration or supervision of administration of the State plan.

Approved August 12, 1955.

## Public Law 378

## CHAPTER 864

## AN ACT

To provide for settlement of claims resulting from the disaster which occurred at Texas City, Texas, on April 16 and 17, 1947.

August 12, 1955  
[S. 1077]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* The Congress recognizes and assumes the compassionate responsibility of the United States for the losses sustained by reason of the explosions and fires at Texas City, Texas, and hereby provides the procedure by which the amounts shall be determined and paid.

Texas City disaster.  
Claims settlement.

SEC. 2. The Secretary of the Army or such persons as he may designate shall investigate and settle claims against the United States for death, personal injury, and property losses proximately resulting from the disaster at Texas City, Texas, on April 16 and 17, 1947, commonly referred to as the Texas City disaster.

SEC. 3. (a) Claimants shall submit their claims in writing to the Secretary of the Army, under such rules as he prescribes, within one hundred eighty days after the enactment of this Act.

No claim shall be entertained by the Secretary of the Army unless it shall appear to his satisfaction that such claim was a part of a civil action filed against the United States in a United States district court prior to April 25, 1950, except that, for good cause, the Secretary may waive the limitation date of April 25, 1950, where it is shown that claimant, by reason of infancy, insanity, or other legal reason, was unable to bring such civil action.

(b) The Secretary of the Army shall promulgate and publish rules of procedure for handling the claims referred to in section 2 within sixty days after the date of enactment of this Act.

He shall determine and fix the amount of awards, if any, in each claim within twelve months from the date on which the claim was submitted.

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

SEC. 4. Since it is the intention and purpose of this Act, and of the Congress, to relieve the claimants hereunder, the Secretary of the Army shall limit himself to the determination of—

(1) whether the losses sustained resulted from the explosions and fires at Texas City on April 16 and 17, 1947;

(2) the amounts to be allowed and paid pursuant to this Act; and

(3) the persons entitled to receive the same.

**Limitations on amounts.**

SEC. 5. (a) Claims for awards based on death shall be submitted only by duly authorized legal representatives. No claim under this subsection shall be approved by the Secretary of the Army in amount in excess of \$25,000.

(b) No claims for personal injuries may be approved by the Secretary of the Army in amount in excess of \$25,000.

(c) No claim for property losses may be approved by the Secretary of the Army in amount in excess of \$25,000.

SEC. 6. (a) In determining the amounts to be awarded for death, personal injury, or property losses, the Secretary of the Army shall reduce any such amount by an amount equal to the total of insurance benefits (except life insurance benefits), or other payments or settlements of any nature, previously paid with respect to such death claims, personal injury, or property loss.

(b) Payments approved by the Secretary of the Army on death, personal injury, and property loss claims, shall not be subject to insurance subrogation claims in any respect.

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

(d) Except as to the United States, no claim cognizable under this Act shall be assigned or transferred.

SEC. 7. 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.

SEC. 8. A payment made under the provisions of section 7 shall be in full settlement and discharge of all claims against the Government of the United States.

SEC. 9. 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, personal injury, or property loss claim with respect to which settlement is made.

**Reports to Congress.**

SEC. 10. The Secretary of the Army shall, twenty-four months after the date of enactment of this Act transmit to the Congress—

(a) a statement of each claim submitted to the Secretary of the Army in accordance with this Act which has not been settled by him, with supporting papers and a report of his findings of facts and recommendations; and

(b) a report of each claim settled by him and paid pursuant to this Act. The reports shall contain a brief statement concerning the character and justice of each claim, the amount claimed, and the amount approved and paid.

SEC. 11. 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 10 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 \$5,000.

SEC. 12. If any particular provision of this Act or the application thereof to any person or circumstance, is held invalid, the remainder of the Act shall not be affected thereby.

Approved August 12, 1955.

*Attorney and  
agent fees.*

*Penalty for vi-  
olations.*

*Separability.*

## Public Law 379

## CHAPTER 865

### AN ACT

To repeal the manufacturers excise tax on motorcycles.

August 12, 1955  
[H. R. 5647]

*68A Stat. 481.  
26 USC 4061.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4061 (a) (2) of the Internal Revenue Code of 1954 (relating to tax on certain motor vehicles) is hereby amended by striking out "Motorcycles".*

SEC. 2. The amendment made by the first section of this Act shall apply only with respect to articles sold on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act.

Approved August 12, 1955.

## Public Law 380

## CHAPTER 866

### AN ACT

To provide for the granting of career-conditional and career appointments to certain qualified employees.

August 12, 1955  
[S. 1849]

*Government em-  
ployees.  
Career-condi-  
tional and career  
appointments.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the appointment of each employee of the Federal Government or the municipal government of the District of Columbia who—*

(1) on the effective date of this Act is serving under an indefinite or temporary appointment in a position in the competitive civil service other than a position for which the salary is fixed by the Postal Field Service Compensation Act of 1955 (Public Law 68, Eighty-fourth Congress);

(2) on January 23, 1955, was serving in a position in the competitive civil service;

(3) from January 23, 1955, to the effective date of this Act, served in a position or positions in the competitive civil service without break in service;

(4) (A) during the period beginning June 3, 1950, and ending January 23, 1955, passed a qualifying examination for a position

*Ante, p. 88.*