

certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

SEC. 538. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount for indirect expenses in connection with such project in excess of 20 per centum of the direct costs.

Research projects, indirect expenses.

SEC. 539. Of the funds made available in this Act for repair, alteration, and conversion of naval vessels, at least 35 per centum shall be available for such repair, alteration, and conversion in privately owned shipyards: *Provided*, That if determined by the Secretary of Defense to be inconsistent with the public interest based on urgency of requirement to have such vessels repaired, altered, or converted as required above, such work may be done in Navy or private shipyards as he may direct.

Use of privately owned shipyards.

SEC. 540. None of the funds appropriated in this Act shall be used to conduct or assist in conducting any program (including but not limited to the payment of salaries, administrative expenses, and the conduct of research activities) related directly or indirectly to the establishment of a national service corps or similar domestic peace corps type of program.

Restriction.

SEC. 541. This Act may be cited as the "Department of Defense Appropriation Act, 1965."

Short title.

Approved August 19, 1964.

Public Law 88-447

AN ACT

To provide for the settlement of claims of certain inhabitants of the United States living in the area inundated by the sudden floods of the Rio Grande as a result of the construction of the Falcon Dam, and for other purposes.

August 19, 1964
[H. R. 8999]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Commissioner on the International Boundary and Water Commission United States and Mexico (hereafter in this Act referred to as the "Commissioner") shall have jurisdiction to receive, adjudicate, and provide for the payment of any claim, which claim is not compensated for by insurance or otherwise, (1) by any person or his heirs at law against the United States for damage to or loss of personal property sustained on or after August 27, 1953, and before September 1, 1954, by reason of the sudden floods of the Rio Grande resulting from the construction of the Falcon Dam pursuant to a treaty between the United States and the Republic of Mexico, (2) by any welfare agency or municipal corporation or other political subdivision of the State of Texas, for actual expenses incurred on account of assistance rendered in the emergency relocation of any person or his personal property by reason of those floods, or (3) by any person against the United States for actual expenses incurred by him in the process and as a direct result of moving himself, his family, and their possessions, where such moving was made necessary by reason of the construction of such dam. In the consideration of claims filed under clause (1) of this section, the Commissioner shall take into account the difficulty to

Falcon Dam, damage claims. Settlement.

59 Stat. 1219.

claimants of obtaining formal proof of all items of loss in claims presented to him, and shall not be bound by formal rules of evidence, but may rely on such presumptions and other methods of establishing losses as he may find to be equitable.

Prohibition of certain claims.

SEC. 2. (a) The Commissioner shall receive claims for a period of twelve months from the date of enactment of this Act. All claims not presented within that time shall be forever barred.

(b) The Commissioner shall not consider any claim—

- (1) for damage or loss on account of death or personal injury, personal inconvenience, physical hardship, or mental suffering; or
- (2) for loss of anticipated profits or loss of anticipated earnings.

Investigation, hearings, etc.

SEC. 3. (a) The Commissioner shall give reasonable notice to the interested parties and an opportunity for them to be heard and to present evidence before making a final determination upon any claim.

(b) For the purpose of any hearing or investigation authorized under this Act, the provisions of sections 9 and 10 (relating to examination of documentary evidence, attendance of witnesses, and production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Commissioner. Subpenas may be served personally, by registered mail, by telegraph, or by leaving a copy thereof at the residence or principal place of business of the person required to be served. A verified return by the individual so serving the same, setting forth the manner of service, shall be proof of service. The United States marshals or their deputies shall serve such process in their respective districts.

38 Stat. 722.

(c) A written record shall be kept of all hearings and proceedings under this Act and shall be open to public inspection.

60 Stat. 809.

(d) The provisions of section 10 of the Administrative Expenses Act of 1946 (5 U.S.C. 95a) shall apply with respect to witnesses summoned to attend any hearing or investigation authorized under this Act.

Adjudication.

SEC. 4. (a) The Commissioner shall adjudicate all claims filed under this Act by award or order of dismissal, as the case may be, upon written findings of fact and reasons for the decision. A copy of each such adjudication shall be mailed to the claimant or his attorney.

(b) No payment of any award on a claim for moving expenses under section 1(3) of this Act to the owners and tenants or their heirs at law of any parcel of land shall exceed 25 per centum of its fair value, as determined by the court proceedings in eminent domain or the Commissioner in the event no court proceedings were had. In any event, except for awards on claims by welfare agencies, municipal corporations, or other political subdivisions of the State of Texas, no payment of any award shall exceed \$2,500 in amount. Subject to these limitations, the Commissioner may make payment of awards out of such funds as may be made available for this purpose by Congress.

Report to Congress.

(c) On the first day of each regular session of Congress the Commissioner shall transmit to Congress a full and complete statement of all adjudications rendered under this Act during the previous year, stating the name and address of each claimant, the amount claimed, the amount awarded, the amount paid, and a brief synopsis of the facts in the case and the reasons for each adjudication.

(d) The payment of an award shall be final and conclusive for all purposes, notwithstanding any other provision of the law to the contrary, and shall be a full discharge of the United States and all of its officers, agents, servants, and employees with respect to all claims arising out of the same subject matter. An order of dismissal against a claimant, unless set aside by the Commissioner, shall thereafter bar any further claim against the United States or any officer, agent, servant, or employee thereof arising out of the same subject matter.

SEC. 5. The Commissioner shall complete the adjudication of claims and payment of awards pursuant to this Act not later than one year following the enactment of legislation making appropriations for the payment of awards and administrative expenses necessary for the settlement of claims.

Time limitation.

SEC. 6. The Commissioner, in rendering an award in favor of any claimant, may as a part of the award determine and allow reasonable attorneys' fees, which shall not exceed 10 per centum of the amount allowed, to be paid out of, but not in addition to, the amount of such award.

Attorneys' fees.

Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that limited by the terms of this section, if recovery be had, shall be guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not more than \$2,000, or imprisonment for not more than one year, or both.

SEC. 7. For the purposes of this Act the Commissioner may—

Administrative authority.

(1) employ and fix the compensation of such personnel as he deems advisable and necessary for the purpose of carrying out the provisions of this Act, without regard to the provisions of the civil service laws and Classification Act of 1949, as amended;

Ante, p. 400.

(2) call upon any other Federal department or agency for any information or records necessary, and may utilize the services of experts from such Federal department or agency, on a reimbursable basis;

(3) secure the cooperation of State and local agencies, governmental or otherwise, and reimburse such agencies for services rendered;

(4) utilize such voluntary and uncompensated services as may from time to time be needed and available;

(5) assist needy claimants in the preparation and filing of claims;

(6) make such investigations as may be necessary;

(7) make expenditures for witness fees and mileage and for other administrative expenses;

(8) prescribe such rules and regulations, perform such acts not inconsistent with law, and delegate such authority as he may deem proper in carrying out the provisions of this Act.

SEC. 8. There is authorized to be appropriated to the Department of State for use of the United States Section, International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to carry out the provisions of this Act. Pending the appropriation of such funds, not to exceed \$20,000 of funds appropriated for the construction of Falcon Dam shall be available for the payment of administrative costs of the claims program provided for in this Act.

Appropriation.

Approved August 19, 1964.