

REQUESTED APPROPRIATION TO PAY CLAIMS AND
JUDGMENTS RENDERED AGAINST UNITED STATES

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REQUEST FOR AN APPROPRIATION TO PAY CLAIMS AND JUDG-
MENTS RENDERED AGAINST THE UNITED STATES

NOVEMBER 6, 1973.—Referred to the Committee on Appropriations and ordered
to be printed

THE WHITE HOUSE,
Washington, November 6, 1973.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I ask the Congress today to consider an appropriation request of \$26,374,622 to pay claims and judgments rendered against the United States.

It has been the tradition of this Government to honor these claims and judgments promptly.

The details of this proposed appropriation are set forth in the enclosed letter from the Director of the Office of Management and Budget, with whose comments I concur.

Respectfully,

RICHARD NIXON.

[Estimate No. 37; 93d Cong. first sess.]

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 6, 1973.

The PRESIDENT,
The White House.

SIR: I have the honor to submit for your consideration a proposed supplemental appropriation to pay claims and judgments rendered against the United States, as provided by various laws, in the amount of \$26,374,622 together with such amounts as may be necessary to pay indefinite interest and costs as follows:

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in House Document Numbered — Ninety-third Congress, \$26,374,622, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the act.

The details of this proposed supplemental appropriation are covered in the letters from the various departments and agencies set forth in the enclosure to this letter.

In accordance with the provisions of law providing for this submission, I recommend that this proposed supplemental appropriation be transmitted to the Congress.

Respectfully,

ROY L. ASH, *Director.*

Enclosure.

**SUMMARY OF AMOUNTS INCLUDED IN THE PROPOSED SUPPLEMENTAL
APPROPRIATION TO PAY CERTAIN CLAIMS AND JUDGMENTS**

DAMAGE CLAIMS	
Department of the Navy.....	\$35, 500. 00
Department of the Treasury.....	1, 000. 00
Total damage claims.....	36, 500. 00
JUDGMENTS	
Indian Claims Commission.....	18, 182, 454. 07
U.S. Court of Claims.....	2, 367, 690. 71
U.S. district court.....	5, 387, 976. 39
Total judgments.....	25, 938, 121. 17
COMPROMISE SETTLEMENT	
Department of the Air Force.....	400, 000. 00
Grand total.....	26, 374, 621. 17

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DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., October 24, 1973.

Hon. ROY L. ASH.

*Director, Office of Management and Budget,
Washington, D.C.*

DEAR MR. ASH: Title 10, *United States Code*, section 2733, provides for the settlement of claims for personal injury and for damage to or loss of personal and real property caused by military or civilian personnel, while acting within the scope of their employment, or otherwise incident to noncombatant activities of the Department of the Navy. Claimants have a claim which arose on February 7, 1973. It was presented in writing during the statutory period and is of the character contemplated by the provisions of the law.

The amount of the claim is \$106,000.00. \$41,500.00 of this has been paid to claimants by their insurers, and the balance has been settled for \$50,500.00. This amount has been determined to be reasonable and appropriate under the circumstances. An advance payment of \$1,000.00 has been made pursuant to title 10, *United States Code*, section 2736. Payment to the claimants has been approved in the amount of \$15,000.00, the maximum authorized by statute for administrative settlement. It is recommended that the remaining \$35,500.00 be reported to the Congress for consideration and possible appropriation as provided in title 10, *United States Code*, section 2733(d).

A brief statement of the character of the claim, the amount claimed, and the amount reported follows:

Bernard Woudstra and Wilma Woudstra, 2149 Otis Drive, Apartment 335, Alameda, California 94501. On February 7, 1973, a Navy A7E Corsair II aircraft crashed into an apartment building owned and lived in by claimants. The building was totally destroyed.

Amount claimed: \$106,000.00. Amount reported: \$35,500.00.

Sincerely yours,

J. WILLIAM MIDDENDORF II,
Acting Secretary of the Navy.

OFFICE OF THE SECRETARY OF THE TREASURY,
Washington, D.C., October 24, 1973.

Hon. ROY L. ASH,

*Director, Office of Management and Budget,
Washington, D.C.*

DEAR MR. ASH: Pursuant to the procedures under the Small Claims Act, 42 Stat. 1066; 31 CFR 3.60 et seq., the claims of Jerry W. Graham and the General Motors Acceptance Corporation are forwarded for inclusion in a deficiency appropriation bill. It has been determined that the amount found due the claimants is not cognizable under the Federal Tort Claims Act because of the exception in the Act applying to "Any claim in respect of . . . the detention of any goods or mer-

chandise by any officer of Customs . . ." 28 U.S.C. 2680(c). This claim was certified as having been determined to be of the character contemplated by the provisions of the Small Claims Act for report to Congress for its consideration and the appropriation of funds.

The claims arose on approximately May 18, 1972, and were presented in writing within the statutory period as provided for in the Act. They have been determined to be meritorious in the total amount of \$1,000.

The claims relate to the apparent theft of Mr. Graham's 1967 Pontiac automobile while under Customs seizure in Nogales, Arizona.

It is requested that the amount of \$1,000.00 be established in an appropriation under the Treasury a total payment jointly to the claimants:

Sincerely yours,

EDWARD J. WIDMAYER,
Director, Office of Budget and Finance.

OFFICE OF THE SECRETARY OF THE TREASURY,
Washington, D.C., October 24, 1973.

Hon. Roy L. Ash,
Director, Office of Management and Budget,
Washington, D.C.

DEAR MR. ASH: Awards rendered by the Indian Claims Commission and judgments over \$100,000 which have been rendered by the United States Court of Claims, the United States District Court and claims under the Federal Tort Claims Act have been presented to this department for payment as follows:

Indian Claims Commission: Schedule A.....	\$18, 182, 454. 07
U.S. Court of Claims: Schedule B.....	2, 367, 690. 71
U.S. District Court: Schedule C.....	5, 387, 976. 39
Federal Tort Claims Act: Schedule D.....	400, 000. 00
Total.....	26, 338, 121. 17

An appropriation of \$26,338,121.17 is hereby requested, together with such amounts as may be necessary to pay indefinite interest and costs. We understand that no judgment shall be paid until the right of appeal has expired.

Sincerely yours,

EDWARD J. WIDMAYER,
Director, Office of Budget and Finance.

Attachments.

SCHEDULE A.—Awards rendered by the Indian Claims Commission against the United States for payment by Department of the Treasury, Fiscal Service, Bureau of Accounts

Docket No.	Claimant	Amount	Date of award	Nature of claim
30 and 18.....	The Fort Sill Apache Tribe of Oklahoma, The Chiricahua Apache Tribe, et al.....	\$521,796.00	Aug. 25, 1973	Compensation for land.
30-A and 18-A.....	do.....	15,007,300.00	do.....	Do.
23 and 25 consolidated.....	The Mohave Indians who are members of the Colorado River Indian Tribes; and others, Mohave Tribe of Indians of Arizona, California, and Nevada; and others.....	408,358.07	Sept. 20, 1973	Do.
18.....	The Confederated Tribes of the Warm Springs Reservation of Oregon.....	1,225,000.00	Oct. 17, 1973	Do.
Total.....		18,182,454.07		

SCHEDULE B.—Judgments over \$100,000 rendered by the U.S. Court of Claims against the United States for payment by Department of the Treasury, Fiscal Service, Bureau of Accounts

Docket No.	Claimant	Amount	Date of judgment	Nature of claim
571-72.....	Pan American World Airways, Inc.....	\$1,000,000.00	Sept. 21, 1973	Breach of contract.
359-71.....	J. W. Bateson Co., Inc.....	303,000.00	Sept. 20, 1973	Do.
357-72.....	John McShain, Inc.....	207,000.71	Oct. 5, 1973	Do.
431-70.....	The Muecke Co.....	200,000.00	Oct. 12, 1973	Do.
Total.....		2,307,000.71		

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**SCHEDULE C.—Judgments over \$100,000 rendered by the U.S. district courts against the United States for payment by Department of the Treasury,
Fiscal Service, Bureau of Accounts**

Docket No.	Claimant	Amount	Date of Judgment	Nature of claim
DEPARTMENT OF DEFENSE DEPARTMENT OF THE NAVY				
72-3721-PII District of California.	Central C.I.T. Corp., a corporation, and Hughes Air Corp., a corporation d/b/a Air West.....	\$1,200,000.00	Sept. 17, 1973	Destruction of DC-9.
DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION				
7-266 Northern District of Texas, Wichita Falls Division.	Robble Dean Harris, individually, and Jack G. Banner, Esq.....	150,000.00	Sept. 27, 1973	Wrongful death.
7-267 Northern District of Texas, Wichita Falls Division.	Marilyn R. Cox and Jack G. Banner, Esq. Marilyn R. Cox, for the use and benefit of Jan V. Cox, a minor, and Jack G. Banner, Esq.	287,500.00	Sept. 27, 1973	Do.
DEPARTMENT OF DEFENSE DEPARTMENT OF THE NAVY				
72-311-PII District of California.	Central Elizabeth W. Kaufman, as executrix of the estate of Arnold Kaufman for the use and benefit of Elizabeth W. Kaufman.	117,971.53	Aug. 14, 1973	Do.
71-633-PII District of California.	Central Norene E. Forgy; John Stephen Forgy and Mark Edward Forgy, miners, by and through their guardian ad litem Norene E. Forgy.	352,230.00	Aug. 30, 1973	Wrongful death.
DEPARTMENT OF THE ARMY				
68-198 S District of California.	Central John Babbs.....	150,271.81	Feb. 4, 1971	Personal injury.
	Total	5,387,970.39		

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SCHEDULE D.—Compromise settlements over \$100,000 under the Federal Tort Claims Act for payment by Department of the Treasury, Fiscal Service, Bureau of Accounts

Agency claim No.	Claimant	Amount	Date of settlement	Nature of claim
DEPARTMENT OF THE AIR FORCE				
SB/PSAX/73/ 0226/T.	Billy Daphene Garland, Jr., a minor; by and through my father and natural and legal guardian, Billy Daphene Garland, Sr., and Salvatore R. Scarlto.	\$200,000.00	Sept. 20, 1973	Personal injury.
SB/PSAX/73/ 0226/T.	Donald Clay Garland, a minor; by and through my father and natural guardian, Billy Daphene Garland, Sr., and Salvatore R. Scarlto.	200,000.00do.....	Do.
Total.....	400,000.00

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