

CLAIMS AND JUDGMENTS

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D C, September 20, 1961

The PRESIDENT,
The White House

SIR I have the honor to submit herewith 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 \$16,099,744, together with such amounts as may be necessary to pay indefinite interest and costs, as follows:

CLAIMS AND JUDGMENTS

For payment of claims as settled and determined by departments and courts 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 Senate Document Numbered 56, Eighty-seventh Congress, \$16,099,744 (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 have 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 the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

This sum is in addition to the earlier proposed supplemental appropriation of \$21,751,161 which was included in House Document No. 229, 87th Congress, and was for the same type of claims and judgments.

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

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

Respectfully yours,

DAVID E. BELL,
Director of the Bureau of the Budget

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

DAMAGE CLAIMS	
Department of Defense	
Department of the Navy	\$96,633 80
Department of the Air Force	41,876 64
Total damage claims	<u>138,510 44</u>
OTHER CLAIMS	
Court Claims Commission	14,789,476 15
Department of the Interior	44,136 79
Total, other claims	<u>14,833,612 94</u>
JUDGMENTS	
Court of Claims	
Department of Defense	232,620 32
Department of the Army	895,000 00
U.S. district courts	
Department of Agriculture	
Total judgments	<u>1,127,620 32</u>
Grand total	<u>16,099,743 70</u>

DETAIL OF PROPOSED SUPPLEMENTAL APPROPRIATION
TO PAY CERTAIN CLAIMS AND JUDGMENTS RENDERED
AGAINST THE UNITED STATES, TO BE PAID OUT OF
THE GENERAL FUND OF THE TREASURY UNLESS
OTHERWISE INDICATED

DAMAGE CLAIMS

DEPARTMENT OF DEFENSE

DEPARTMENT OF THE NAVY

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D C, August 25, 1961.

Hon DAVID E BELL,
Director, Bureau of the Budget,
Washington, D.C.

MY DEAR MR BELL: In accordance with title 10, United States Code, section 2733, enacted August 10, 1956 (70A Stat 153, as amended by Public Law 85-729, 72 Stat 813, enacted Aug. 23, 1958), which provides for the settlement of claims for damage to, or loss or destruction of property, or personal injury or death, caused by military personnel or civilian employees acting within the scope of their employment, or otherwise incident to the noncombat activities of the Department of the Navy, this Department has considered, ascertained, adjusted, and determined in an amount in excess of \$5,000, the claim set forth below for damages as hereinafter specified

The claim arose in 1961 and was presented in writing within the statutory period provided for in the act. The amount found due the claimant, which it has agreed to accept in full satisfaction and final settlement of its claim, is hereby certified as having been determined to be of the character contemplated by the provisions of the act for report to the Congress for its consideration and it is recommended that it be submitted to the Congress for an appropriation for the payment thereof. A brief statement of the character of the claim, the amount claimed, and the amount reported, follows:

Citizens National Bank, trustee under the will of Jerome O'Neill, deceased, 17 South Spring Street, Los Angeles, Calif. On January 19, 1961, a grass fire was started on the Marine Corps Base, Camp Pendleton, Calif., as the result of firing of high explosives during authorized training exercises. This fire spread into "Rancho Mission Viejo" held by the Citizens National Bank as trustee under the will of Jerome O'Neill, deceased, burned off 2,570 acres of open range grass, destroyed 2,200 fence posts with attached barbed fencing wire, and necessitated the leasing of a bulldozer to clear 3 miles of firebreak. The claimant has agreed to accept the amount of \$7,817.80 in full satisfaction and final settlement of its claim. Payment in the amount of \$5,000 has already been effected administratively for the claimant by the Department of the Navy.

Amount claimed, \$7,817.80, amount reported, \$2,817.80

Sincerely yours,

PAUL B. FAY, Jr.,
Acting Secretary of the Navy.

Aircraft parts and debris came down onto three different sections of the city causing extensive property damage. Claimant's subrogor, Mrs Agnes Nilsson Grove, was among those suffering property damage. Claimant settled with its insured in the amount of \$19,250.

Amount claimed, \$19,250, amount reported, \$19,250

Sincerely yours,

LYLE S GARLOCK,
Assistant Secretary of the Air Force.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, D.C., August 31, 1961

Hon. DAVID E. BELL,
Director, Bureau of the Budget,
Washington, D.C.

DEAR MR DIRECTOR: In accordance with the provisions of title 10, United States Code, section 2733, this Department has considered, ascertained, adjusted, and determined, in an amount in excess of \$5,000, a claim for damage to property, as hereinafter specified.

The incident which gave rise to the claim occurred on March 31, 1960. The claimant is Brotherhood Mutual Insurance Co., subrogee of Agnes W. Diffe, care of Light Adjustment Co., 1220 West Sixth, Little Rock, Ark. The amount found due the claimant is \$7,250.

Under the authority of section 1, Public Law 86-476, approved May 24, 1960, Agnes W. Diffe was paid the sum of \$1,214.90. Brotherhood Mutual Insurance Co., became subrogated to the rights of Mrs. Diffe in the amount of \$7,250.

Accordingly, the award due Brotherhood Mutual Insurance Co., in the amount of \$7,250 is hereby certified as having been determined to be of the character contemplated by the provisions of title 10, United States Code, section 2733.

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

On March 31, 1960, a U S Air Force B-47E jet aircraft, while on an authorized mission, exploded and disintegrated in flight over the city of Little Rock, Ark. Aircraft parts and debris came down onto three different sections of the city causing extensive property damage. Claimant's subrogor Agnes W. Diffe, was among those suffering property damage. Claimant settled with its insured in the amount of \$7,250.

Amount claimed, \$7,250; amount reported, \$7,250

Sincerely yours,

LYLE S. GARLOCK,
Assistant Secretary of the Air Force.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, D.C., August 31, 1961.

Hon. DAVID E. BELL,
Director, Bureau of the Budget,
Washington, D.C.

DEAR MR. DIRECTOR: In accordance with the provisions of title 10, United States Code, section 2733, this Department has considered, ascertained, adjusted, and determined, in an amount in excess of \$5,000, a claim for damage to property, as hereinafter specified.

The incident which gave rise to the claim occurred on March 31, 1960. The claimant is General Insurance Co of America, Post Office Box 3541, Little Rock, Ark., subrogee of Robert H and Ada Martin. The amount found due the claimant is \$7,750 which amount the claimant has agreed to accept in full satisfaction and final settlement.

Under the authority of section 1, Public Law 86-476, approved May 24, 1960, Robert H and Ada Martin were paid the sum of \$305.86. General Insurance Co of America became subrogated to the rights of Robert H and Ada Martin in the amount of \$8,000.

Accordingly, the award due General Insurance Co. of America in the amount of \$7,750 is hereby certified as having been determined to be of the character contemplated by the provisions of title 10, United States Code, section 2733.

A brief statement of the character of the claim, the amount claimed, and the amount reported follow.

On March 31, 1960, a U S Air Force B-47E jet aircraft, while on an authorized mission, exploded and disintegrated in flight over the city of Little Rock, Ark. Aircraft parts and debris came down onto three different sections of the city causing extensive property damage. Claimant's subrogors, Robert H and Ada Martin, were among those suffering property damage. Claimant settled with its insureds in the amount of \$8,000.

Amount claimed, \$8,000, amount reported, \$7,750.

Sincerely yours,

LYLE S. GARLOCK,
Assistant Secretary of the Air Force.

OTHER CLAIMS

INDIAN CLAIMS COMMISSION

TREASURY DEPARTMENT,
Washington, D.C., September 18, 1961.

Hon. DAVID E. BELL,
Director, Bureau of the Budget,
Washington, D.C.

DEAR MR. BELL: An appropriation will be required for the payment of an award presented to this Department which has been rendered by the Indian Claims Commission in the amount of \$14,789,476.15 in favor of the Cherokee Nation or Tribe of Indians, as set forth in the following schedule A-1. This amount may be established in an appropriation under the Treasury Department.

Very truly yours,

W. L. JOHNSON,
Budget Office, Treasury.

SCHEDULE A-1

Award rendered by the Indian Claims Commission against the United States—
Treasury Department, Fiscal Service, Bureau of Accounts, Budget and Administrative Accounts Branch

Doc- et No	Claimant	Amount	Date of award	Presented to Treasury	Nature of claim
173	The Cherokee Nation or Tribe of Indians	\$14,789,476.15	Sept 14, 1961	Sept 14, 1961	Compensation for land

DEPARTMENT OF THE INTERIOR

TREASURY DEPARTMENT,
Washington, D C, September 18, 1961.

Hon DAVID E. BELL,
Director, Bureau of the Budget,
Washington, D.C.

DEAR MR. BELL: The Secretary of the Interior has certified to the Secretary of the Treasury in accordance with the provisions of sections 8 and 9 of Public Law 85-923, approved September 2, 1958 (72 Stat. 1773), that the amount of \$44,136 79 is due the Lower Brule Sioux Tribe as reimbursable expenses incurred in connection with the taking of tribal and individual Indian lands for the Fort Randall Dam and Reservoir project.

Based on the certification of the Secretary of the Interior, I certify that the amount due as stated above is a legal claim and I recommend that it be submitted to Congress for appropriation for the payment thereof.

Very truly yours,

W. L. JOHNSON,
Budget Officer, Treasury.

JUDGMENTS

TREASURY DEPARTMENT,
Washington, D.C, September 18, 1961.

Hon. DAVID E. BELL,
Director, Bureau of the Budget,
Washington, D.C.

DEAR MR. BELL: An appropriation will be required for the payment of judgments over \$100,000 presented to this Department, which have been rendered by the U S. Court of Claims and the U S district courts, in an aggregate amount of \$1,127,620.32, together with such amounts as may be necessary to pay indefinite interest and costs as follows:

U S. Court of Claims Payable from the general fund (schedule B)-- \$232, 620 32
U S district courts Payable from the general fund (schedule C)-- 895, 000 00

Total..... 1, 127, 620 32

These totals are itemized by departments in the appended schedules It is, of course, understood that none of the judgments shall be paid until the right of appeal has expired.

Very truly yours,

W L JOHNSON,
Budget Officer, Treasury.

SCHEDULE B
Judgments over \$100,000 rendered by the U S Court of Claims against the United States—Treasury Department, Fiscal Service, Bureau of Accounts, Budget and Administrative Accounts Branch

Docket No	Claimant	Amount	Date of judgment	Presented to Treasury	Released by Justice	Nature of claim
20-56	DEPARTMENT OF DEFENSE DEPARTMENT OF THE ARMY S Harvey Klein, assignee for the benefit of creditors of Bean Rodentec Corp	\$232, 620 32	Jan 18, 1961	July 11, 1961	Sept 6, 1961	Breach of contract

SCHEDULE C
Judgments over \$100,000 rendered by the U S district courts against the United States—Treasury Department, Fiscal Service, Bureau of Accounts, Budget and Administrative Accounts Branch

Docket No and court	Claimant	Amounts awarded in decree (interest as authorized)		Date of judgment	Received by Justice	Act and nature of claim
		Principal	Cost			
3533—Western district of Washington...	DEPARTMENT OF AGRICULTURE Rayonier, Inc, a Delaware corporation...	\$895, 000	Aug 15, 1961	Sept 11, 1961	Federal Tort Claims Act, recovery of loss due to forest fire