Mr. POAGE. It would require an annual appropriation, yes.

Mr. HALL. Mr. Speaker, is there any estimate or evidence of good faith that Mexico would match funds with us in an attempt to eliminate this, or at least meet in part the expense of the irradiation of these male screw-worms in order to speed their eradication in the future and eliminate the disease, as indeed we have done so well in the southeastern States of the United States?

Mr. POAGE. About 1 month ago there was a meeting in the city of Mexico between a number of American cattlemen and Mexican cattlemen. The Mexican cattlemen said their Government was now ready, and they too were ready to bear a share of this cost. Frankly, there has been no specific plan worked out for payment. That will take some time, but it cannot be done unless we pass the bill.

Mr. HALL. Does the gentleman have any estimate of what the annual cost or appropriation might be for the first, second, and third year of the program?

Mr. POAGE. It is costing today approximately half a million dollars a year to maintain the quarantine. If the whole program in Mexico would probably cost approximately a million and a half dollars for the first 2 years.

After that time we could expect to maintain the quarantine for a great deal less than the cost of maintaining it today. We are now maintaining it on about 1,850 miles of line. We could cut down about 150 miles of line and drive if we drove the screw-worm back to the isthmus of Tehuantepec.

That is the most attractive feature of the whole program, the endeavor to establish a much shorter line than we have had in the past. The Mexican border is long and crooked at the present time. There is a point at which one can maintain a much cheaper line, down on the isthmus.

Mr. HALL. I have one additional question.

As the gentleman knows, and as the members of the committee know, there is no statement by the Department of Agriculture in the committee report. Under the rules of the objections on both sides of the aisle, this is one of the requirements. Could the gentleman explain whether the Department of Agriculture favors this bill?

Mr. POAGE. The reason there is no report is that this matter came to our attention after the meeting of the cattlemen of which I spoke in Mexico City. We are acting in the hope that we could get this done before the beginning of the fiscal year. If we do not, there will not be funds to carry on the program.

In that hope the bill was introduced immediately. In fact, several bills have been introduced, but this bill was reported by the committee. The bill was introduced immediately, and we asked the Department for a report. Instead, they sent Dr. Meyers up to the committee. I have before me the testimony of Dr. Meyers in which he says that the Department has felt it could work out a reasonable arrangement, but did not have time to work out a formal report.

Mr. HALL. Is it important that this be done before the end of fiscal year 1966?

Mr. POAGE. We believe it is quite important. There is only one more Consent Calendar day between now and the end of the fiscal year.

Mr. HALL. Mr. Speaker, under the circumstance of the emergency, and in view of the excellent work which has been done in our Southeastern States to eradicate the screw-worm, considering the explanation of the gentleman, plus having an opportunity to read the report of Dr. Meyers of the Department of Agriculture, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the bill, as follows:

H.R. 14888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That the first paragraph of section 2672 of title 28, United States Code, is amended to read as follows:

"The head of each Federal or its designee, in accordance with regulations prescribed by the Attorney General, may consider, investigate, adjudge, compromise, and settle any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful action or omission of any employee of the agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred: Provided, That any award, compromise, or settlement in excess of $250 shall be effective only with the prior written approval of the Attorney General or his designee."

The second paragraph of section 2672 of title 28, United States Code, is amended to read as follows:

"Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award, compromise, settlement, or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud."

(e) The third paragraph of section 2672 of title 28, United States Code, is amended to read as follows:

"Any award, compromise, or settlement in an amount of $2,500 or less made pursuant to this section shall be paid by the head of the Federal agency concerned out of appropriations available to that agency. Payments of any award, compromise, or settlement in an amount in excess of $2,500 shall be made pursuant to this section or made by the Attorney General to the head of each Federal or its designee, in accordance with regulations prescribed by the Attorney General, may consider, investigate, adjudge, compromise, settlement, or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud."

(f) Subsection (a) of section 2675 of title 28, United States Code, is amended to read as follows:

"(a) An action shall not be instituted upon a claim against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful action or omission of any employee of the Government while acting within the scope of his office or employment if the claimant shall have presented the claim to the appropriate Federal agency and his claim shall have been finally determined by the agency in writing and sent by certified or registered mail. The failure of an agency to make final disposition of a claim within six months after it is filed or becomes known to the agency shall be deemed a final denial of the claim for purposes of this section. The provision of this subsection shall not apply to such claims as may be asserted under the Federal Rules of Civil Procedure by third party complaint, crossclaim, or counterclaim."

(b) Subsection (b) of section 2675 of title 28, United States Code, is amended by deleting the first sentence.

Sec. 3. Section 2677 of title 28, United States Code, is amended to read as follows:

"The Attorney General or his designee may arbitrate, compromise, or settle any claim in..."
conceivable under section 1346(b) of this title, after the commencement of an action thereon.

Sec. 4. The first paragraph of section 2678 of title 28, United States Code, is amended to read as follows:

"No attorney shall charge, demand, receive, or collect for services rendered, fees in excess of 25 percent of any judgment rendered pursuant to section 2678(b) of this title or any settlement made pursuant to section 2678(b) thereof, in excess of 25 percent of any award, compromise, or settlement made pursuant to section 2678(b) of this title.

Sec. 5. (a) Subsection (b) of section 2679 of title 28, United States Code, is amended to read as follows:

"(a) The remedy against the United States provided by sections 1346(b) and 2672 of this title for injury or loss of property or personal injury or death, resulting from the negligence of any employee of the Government, may settle any and all claims against the United States for injury or loss of property or personal injury or death, resulting from the negligence of any employee of the Government of any motor vehicle while acting within the scope of his office or employment, shall, as amended (70 Stat. 694, 71 Stat. 416; 31 U.S.C. 7324a), be further amended (1) by inserting a comma and the word "awards," after the word "judgments," and before the word "and" thereof; and (2) by deleting the word "thereafter" after the number "2614" and inserting in lieu thereof a comma; and (3) by inserting after the number "2617" the phrase ", 2672, or 2677."
Mr. ASHMORE. Yes.
Mr. HALL. With no upper limit?
Mr. ASHMORE. That is correct.
Mr. MCCLOY. As I understand it, the Attorney General defends and represents the interests of the United States at all times. He has the sole responsibility to decide whether it would be in the interest of the United States continuation to be the one to represent these interests in court. If he wants to settle before trial, but after suit is filed, there is no upper limit at the present time or ever. This bill merely requires him to give his approval in the case of any settlement above $25,000 made before suit is filed.
Mr. HALL. I simply want to make the statement that I think there should be an upper limit on the amount that any one appointed officer of the Federal Government can settle for in a tort claim regardless of how much it is. Because if there is no such limit, then indeed this Congress has again relegated to the executive branch its responsibility. He is the man who handles the litigation. The Attorney General is the chief lawyer of the United States. He handles all of these claims when they are litigated. It is his sole responsibility. He is the man who makes the decision as to whether the claim should be settled or not and the larger they are the more he is concerned with it and he must make the decision.
The SPEAKER. The question is, will the House suspend the rules and pass the bill with amendments.
The question was taken; and (two-thirds having voted in favor thereof), the bill, as amended, was passed.
A motion to reconsider was laid on the table.

COLLECTION OF CLAIMS OF THE UNITED STATES

Mr. ASHMORE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13651) to avoid unnecessary litigation by providing for the collection of claims of the United States, and for other purposes, with the committee amendments.

The Clerk read as follows:

H.R. 13651
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Claims Collection Act of 1966".
Sec. 2. In this Act—
(a) "agency" means any department, office, commission, board, service, government corporation, or establishment or body in either the executive or legislative branch of the Federal Government;
(b) "head of an agency" includes, where applicable, commission, board, or other group of individuals having the decisionmaking responsibility.
Sec. 3 (a) The head of an agency or his designee, pursuant to regulations prescribed by him and in conformity with such standards as may be promulgated jointly by the Attorney General and the Comptroller General, may (1) compromise any such claim, or (2) cause collection action on any such claim to be terminated or suspended where it appears that no person liable on the claim has the present or prospective financial ability to pay any significant sum thereon or that the cost of collecting the claim is likely to exceed the amount of recovery. The Comptroller General or his designee shall have the foregoing authority with respect to claims referred to the General Accounting Office by another agency for further collection action. The head of an agency or his designee shall not exercise the foregoing authority with respect to a claim as to which there is an indication or fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim, or a claim based in whole or in part on conduct in violation of law, the head of an agency, other than the Comptroller General of the United States, shall not have authority to compromise a claim that arises from an exception made by the General Accounting Office in the account of an accountable officer, or that is compromised pursuant to subsection (b) of this section shall be final and conclusive on the debtor and on all officials, agencies, and courts of the United States, except if procured by fraud, misrepresentation, the presentation of a false claim, or mutual mistake of fact. No accountable officer shall be liable for any amount paid or for the value of property lost, damaged, or destroyed, where the recovery of such amount may not be had because of a compromise with a person primarily responsible under subsection (b). Sec. 4. Nothing in this Act shall increase or diminish the existing authority of the head of an agency to litigate cases, or compromise, or close claims.
Sec. 5. This Act shall become effective on the one hundred and eighth day following the date of its enactment.
The SPEAKER. Is a second demanded?
Mr. McCLOY. Mr. Speaker, I demand a second.
The SPEAKER. Without objection, a second will be ordered.
There was no objection.
Mr. SPEAKER. The Chair recognizes the gentleman from South Carolina [Mr. Ashmore].
Mr. ASHMORE. Mr. Speaker, I have a short statement which includes a brief analysis of the bill.
Mr. Speaker, this is another one of the bills which was sent to the Committee on the Judiciary in an executive communication to provide more expeditiously for claims to be settled and to protect the interests and rights of individuals citizens of this country and at the same time provide necessary safeguards for the protection of the interests of the Government.

June 6, 1966