

is contended that the agencies now have the necessary people.

Up until this bill, the Department of Justice has had the obligation of bringing uniformity to the question of settlements. A person hit by a truck operated by the Post Office, or Defense, or Interior Departments, has the same type of claim. We cannot expect each individual department to apply a uniform rule.

To suggest that the Department of Justice exercise the necessary control by setting rules and regulations, is to avoid reality.

If the Department of Justice were not trying to abdicate its responsibility to police these claims against the Government, they would not have suggested this amendment to the Federal Tort Claims Act.

If we are interested in protecting the United States properly against claims and also against a continuing increase in Government personnel, we will vote against H.R. 13650 until the provision which I have discussed is deleted therefrom.

Mr. McCLORY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I take this additional time because I want to point out to the gentleman that the testimony before the committee was to the effect that the existing personnel would process these claims that are settled, and because at the present time this settlement process is already carried on by the various agencies. This measure, if adopted, should provide for greater uniformity, since the settlements will have to be made in accordance with regulations of the Attorney General.

Mr. Speaker, I urge the unanimous support of this legislation.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I am referring to the bill and also to the second sentence on page 3 under the paragraph entitled "Purpose," wherein it states:

Settlements for more than \$25,000 must have the prior written approval of the Attorney General or his designee.

Now, Mr. Speaker, the question presents itself, if the Attorney General should happen to be a liberal, or a relatively weak Attorney General, one who is not thinking of the taxpayers' funds, and if he should certify an amount greater than \$25,000, is there any upward limit to which he could or would not go toward this end?

In other words, could the Attorney General not certify \$250,000 or more, to be the settlement by any given agency in any particular torts claim? If so, is this not a defect in the bill?

Mr. ASHMORE. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from South Carolina.

Mr. ASHMORE. The Attorney General can do that now. He can settle in excess of a \$25,000 claim. He has that authority now.

Mr. HALL. And it does not matter even if it is greater than \$25,000?

Mr. ASHMORE. Yes.

Mr. HALL. With no upper limit?

Mr. ASHMORE. That is correct.

Mr. McCLORY. As I understand it, the Attorney General defends and represents the interests of the United States at the present time, and he would continue 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 under this bill. 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 torts 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.

Mr. ASHMORE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this is really not a marked change I will say to the gentleman from Missouri, of what this Congress has authorized concerning the handling of 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 determination 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, instrumentality, or other 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 for the agency.

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, shall attempt collection of all claims of the United States for money or property arising out of the activities of, or referred to, his agency.

(b) with respect to such claims of the United States that have not been referred to another agency, including the General Accounting Office, for further collection action and that the compromise of which does not exceed \$5,000, exclusive of interest, 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 of 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 the antitrust laws; nor shall the head of an agency, other than the Comptroller General of the United States, have authority to compromise a claim that arises from an exception made by the General Accounting Office in the account of an accountable officer.

(c) A compromise effected pursuant to authority conferred by 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 or value 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 claims, or diminish his existing authority to settle, compromise, or close claims.

Sec. 5. This Act shall become effective on the one hundred and eightieth day following the date of its enactment.

The SPEAKER. Is a second demanded?

Mr. McCLORY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as 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 in an effort to provide more expeditiously for claims to be settled and to protect the interests and rights of individual citizens of this country and at the same time provide necessary safeguards for the protection of the interests of the Government.