

## [CHAPTER 814]

## AN ACT

To authorize the Attorney General to adjudicate certain claims resulting from evacuation of certain persons of Japanese ancestry under military orders.

July 2, 1948  
[H. R. 3999]  
[Public Law 886]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Attorney General shall have jurisdiction to determine according to law any claim by a person of Japanese ancestry against the United States arising on or after December 7, 1941, when such claim is not compensated for by insurance or otherwise, for damage to or loss of real or personal property (including without limitation as to amount damage to or loss of personal property bailed to or in the custody of the Government or any agent thereof), that is a reasonable and natural consequence of the evacuation or exclusion of such person by the appropriate military commander from a military area in Arizona, California, Oregon, or Washington; or from the Territory of Alaska, or the Territory of Hawaii, under authority of Executive Order Numbered 9066, dated February 19, 1942 (3 CFR, Cum. Supp., 1092), section 67 of the Act of April 30, 1900 (48 U. S. C. 532), or Executive Order Numbered 9489, dated October 18, 1944 (3 CFR, 1944 Supp., 45). As used herein "evacuation" shall include voluntary departure from a military area prior to but in anticipation of an order of exclusion therefrom.

Japanese evacuation claims.

31 Stat. 153.  
3 CFR, 1944 Supp., p. 94.  
"Evacuation."

## LIMITATIONS; CLAIMS NOT TO BE CONSIDERED

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

(b) The Attorney General shall not consider any claim—

(1) by or on behalf of any person who after December 7, 1941, was voluntarily or involuntarily deported from the United States to Japan or by and on behalf of any alien who on December 7, 1941, was not actually residing in the United States;

(2) for damage or loss arising out of action taken by any Federal agency pursuant to sections 4067, 4068, 4069, and 4070 (relating to alien enemies) of the Revised Statutes, as amended (50 U. S. C. 21-24), or pursuant to the Trading With the Enemy Act, as amended (50 U. S. C. App., and Supp., 1-31, 616);

(3) for damage or loss to any property, or interest therein, vested in the United States pursuant to said Trading With the Enemy Act, as amended;

(4) for damage or loss on account of death or personal injury, personal inconvenience, physical hardship, or mental suffering; and

(5) for loss of anticipated profits or loss of anticipated earnings.

40 Stat. 411.  
50 U. S. C. app. §§1-38; Supp. I, §4 et seq.  
*Ante*, p. 1218; *post*, p. 1246.

## HEARINGS; EVIDENCE; RECORDS

SEC. 3. (a) The Attorney General 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 Attorney General. Subpenas may be served personally, by

38 Stat. 722.

Subpenas.

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.

Written record.

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

#### ADJUDICATIONS; PAYMENT OF AWARDS; EFFECT OF ADJUDICATIONS

SEC. 4. (a) The Attorney General 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) The Attorney General may make payment of any award not exceeding \$2,500 in amount 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 Attorney General 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. All awards not paid under subsection (b) hereof shall be paid in like manner as are final judgments of the Court of Claims.

Order of dismissal as bar.

(d) The payment of an award shall be final and conclusive for all purposes, notwithstanding any other provision of 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 Attorney General, 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.

#### ATTORNEYS' FEES

SEC. 5. The Attorney General, 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.

Penalty.

Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under 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.

#### ADMINISTRATION

SEC. 6. For the purposes of this Act the Attorney General may—

(a) appoint a clerk and such attorneys, examiners, interpreters, appraisers, and other employees as may be necessary;

(b) call upon any Federal department or agency for any information or records necessary;

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

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

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

(f) make such investigations as may be necessary;

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

(h) 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.

#### APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary.

Approved July 2, 1948.

[CHAPTER 815]

#### AN ACT

Authorizing the conveyance of certain lands in Park County, Wyoming, to the State of Wyoming.

July 2, 1948  
[H. R. 4462]

[Public Law 887]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to the State of Wyoming for the east half of the northeast quarter, section 36, township 58 north, range 100 west, of the sixth principal meridian, in Park County, Wyoming, subject to any existing lease or leases: *Provided,* That title to said land shall be held and considered to have been vested in the State of Wyoming on July 10, 1890.

Park County, Wyo.  
Issuance of patent.

Approved July 2, 1948.

[CHAPTER 816]

#### AN ACT

To amend the Veterans' Preference Act of 1944 to extend the benefits of such Act to certain mothers of veterans.

July 2, 1948  
[H. R. 5508]

[Public Law 888]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) clause (5) of section 2 of the Veterans' Preference Act of 1944, as amended, is amended by striking out "and were widows at the time of the death or disability of their ex-serviceman son or ex-servicewoman daughter".

(b) Clause (6) of section 2 of such Act, as amended, is amended by striking out "(B) The mother was divorced or separated from the father of said ex-serviceman son or ex-servicewoman daughter, and (C) said ex-serviceman son or ex-servicewoman daughter is the only child of said mother", and inserting in lieu thereof "(B) The mother was divorced or separated from the father of said ex-serviceman son or ex-servicewoman daughter, and (C) the mother has not remarried."

Approved July 2, 1948.

Veterans' Preference Act of 1944, amendment.  
*Ante*, p. 3.

[CHAPTER 817]

#### AN ACT

To authorize the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force to donate excess and surplus property for educational purposes.

July 2, 1948  
[H. R. 5882]

[Public Law 889]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Army, Secretary of the Navy, and Secretary of the Air Force

Donation of surplus property for educational purposes.