

(c) of Pub. L. 100-449, set out in a note under section 2112 of Title 19, Customs Duties.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-573 effective on close of 180th day after Oct. 30, 1984, see section 214(d) of Pub. L. 98-573, set out as a note under section 1304 of Title 19, Customs Duties.

#### EFFECTIVE DATE

Subsecs. (a) and (c)(2), (4) of this section applicable with respect to civil actions commenced on or after Nov. 1, 1980, see section 701(b)(1)(B) of Pub. L. 96-417, set out as an Effective Date of 1980 Amendment note under section 251 of this title.

#### EFFECT OF TERMINATION OF NAFTA COUNTRY STATUS

For provisions relating to effect of termination of NAFTA country status on sections 401 to 416 of Pub. L. 103-182, see section 3451 of Title 19, Customs Duties.

### § 2644. Interest

If, in a civil action in the Court of International Trade under section 515 of the Tariff Act of 1930, the plaintiff obtains monetary relief by a judgment or under a stipulation agreement, interest shall be allowed at an annual rate established under section 6621 of the Internal Revenue Code of 1986. Such interest shall be calculated from the date of the filing of the summons in such action to the date of the refund.

(Added Pub. L. 96-417, title III, §301, Oct. 10, 1980, 94 Stat. 1738; amended Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

#### REFERENCES IN TEXT

Section 515 of the Tariff Act of 1930, referred to in text, is classified to section 1515 of Title 19, Customs Duties.

Section 6621 of the Internal Revenue Code of 1986, referred to in text, is classified to section 6621 of Title 26, Internal Revenue Code.

#### AMENDMENTS

1986—Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

#### EFFECTIVE DATE

Section applicable with respect to civil actions commenced on or after Nov. 1, 1980, see section 701(b)(1)(B) of Pub. L. 96-417, set out as an Effective Date of 1980 Amendment note under section 251 of this title.

### § 2645. Decisions

(a) A final decision of the Court of International Trade in a contested civil action or a decision granting or refusing a preliminary injunction shall be supported by—

- (1) a statement of findings of fact and conclusions of law; or
- (2) an opinion stating the reasons and facts upon which the decision is based.

(b) After the Court of International Trade has rendered a judgment, the court may, upon the motion of a party or upon its own motion, amend its findings or make additional findings and may amend the decision and judgment accordingly. A motion of a party or the court shall be made not later than thirty days after the date of entry of the judgment.

(c) A decision of the Court of International Trade is final and conclusive, unless a retrial or

rehearing is granted pursuant to section 2646 of this title or an appeal is taken to the Court of Appeals for the Federal Circuit by filing a notice of appeal with the clerk of the Court of International Trade within the time and in the manner prescribed for appeals to United States courts of appeals from the United States district courts.

(Added Pub. L. 96-417, title III, §301, Oct. 10, 1980, 94 Stat. 1738; amended Pub. L. 97-164, title I, §141, Apr. 2, 1982, 96 Stat. 45.)

#### AMENDMENTS

1982—Subsec. (c). Pub. L. 97-164 substituted “is taken to the Court of Appeals for the Federal Circuit by filing a notice of appeal with the clerk of the Court of International Trade within the time and in the manner prescribed for appeals to United States courts of appeals from the United States district courts” for “is taken to the Court of Customs and Patent Appeals within the time and in the manner provided in section 2601 of this title”.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

### § 2646. Retrial or rehearing

After the Court of International Trade has rendered a judgment or order, the court may, upon the motion of a party or upon its own motion, grant a retrial or rehearing, as the case may be. A motion of a party or the court shall be made not later than thirty days after the date of entry of the judgment or order.

(Added Pub. L. 96-417, title III, §301, Oct. 10, 1980, 94 Stat. 1739.)

### § 2647. Repealed. Pub. L. 98-620, title IV, § 402(29)(G), Nov. 8, 1984, 98 Stat. 3359]

Section, added Pub. L. 96-417, title III, §301, Oct. 10, 1980, 94 Stat. 1739; amended Pub. L. 98-573, title VI, §623(b)(2), Oct. 30, 1984, 98 Stat. 3041, related to precedence of cases.

#### EFFECTIVE DATE OF REPEAL

Repeal not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as an Effective Date note under section 1657 of this title.

## CHAPTER 171—TORT CLAIMS PROCEDURE

Sec.	
2671.	Definitions.
2672.	Administrative adjustment of claims.
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2675.	Disposition by federal agency as prerequisite; evidence.
2676.	Judgment as bar.
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2678.	Attorney fees; penalty.
2679.	Exclusiveness of remedy.
2680.	Exceptions.

#### SENATE REVISION AMENDMENT

As printed in this report, this chapter should have read “173” and not “171”. It was properly numbered “173” in the bill. However, the chapter was renumbered “171”, without change in its section numbers, by Senate amendment. See 80th Congress Senate Report No. 1559.

## AMENDMENTS

1966—Pub. L. 89-506, §9(b), July 18, 1966, 80 Stat. 308, substituted “claims” for “claims of \$2,500 or less” in item 2672.

1959—Pub. L. 86-238, §1(2), Sept. 8, 1959, 73 Stat. 472, substituted “\$2,500” for “\$1,000” in item 2672.

**§ 2671. Definitions**

As used in this chapter and sections 1346(b) and 2401(b) of this title, the term “Federal agency” includes the executive departments, the judicial and legislative branches, the military departments, independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States, but does not include any contractor with the United States.

“Employee of the government” includes (1) officers or employees of any federal agency, members of the military or naval forces of the United States, members of the National Guard while engaged in training or duty under section 115, 316, 502, 503, 504, or 505 of title 32, and persons acting on behalf of a federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation, and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.

“Acting within the scope of his office or employment”, in the case of a member of the military or naval forces of the United States or a member of the National Guard as defined in section 101(3) of title 32, means acting in line of duty.

(June 25, 1948, ch. 646, 62 Stat. 982; May 24, 1949, ch. 139, §124, 63 Stat. 106; Pub. L. 89-506, §8, July 18, 1966, 80 Stat. 307; Pub. L. 97-124, §1, Dec. 29, 1981, 95 Stat. 1666; Pub. L. 100-694, §3, Nov. 18, 1988, 102 Stat. 4564; Pub. L. 106-398, §1 [[div. A], title VI, §665(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-169; Pub. L. 106-518, title IV, §401, Nov. 13, 2000, 114 Stat. 2421.)

## HISTORICAL AND REVISION NOTES

## 1948 ACT

Based on title 28, U.S.C., 1940 ed., §941 (Aug. 2, 1946, ch. 753, §402, 60 Stat. 842).

Changes were made in phraseology.

## 1949 ACT

This section corrects a typographical error in section 2671 of title 28, U.S.C.

## AMENDMENTS

2000—Pub. L. 106-518, in par. defining “Employee of the government”, inserted “(1)” after “includes” and added cl. (2).

Pub. L. 106-398 inserted “115,” after “members of the National Guard while engaged in training or duty under section” in par. defining “Employee of the government”.

1988—Pub. L. 100-694 inserted “the judicial and legislative branches,” after “departments,” in first par.

1981—Pub. L. 97-124 inserted “members of the National Guard while engaged in training or duty under section 316, 502, 503, 504, or 505 of title 32,” in definition of “Employee of the government” and “or a member of the National Guard as defined in section 101(3) of title 32” in definition of “Acting within the scope of his office or employment”.

1966—Pub. L. 89-506 expanded definition of “Federal agency” to include military departments.

1949—Act May 24, 1949, corrected spelling of “office”.

## EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-398, §1 [[div. A], title VI, §665(c)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-169, provided that: “The amendment made by subsection (b) [amending this section] shall apply with respect to acts and omissions occurring before, on, or after the date of the enactment of this Act [Oct. 30, 2000].”

## EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-694 effective Nov. 18, 1988, and applicable to all claims, civil actions, and proceedings pending on, or filed on or after, Nov. 18, 1988, see section 8 of Pub. L. 100-694, set out as a note under section 2679 of this title.

## EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-124 applicable only with respect to claims arising on or after Dec. 29, 1981, see section 4 of Pub. L. 97-124, set out as a note under section 1089 of Title 10, Armed Forces.

## EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-506 applicable to claims accruing six months or more after July 18, 1966, see section 10 of Pub. L. 89-506, set out as a note under section 2672 of this title.

## SHORT TITLE

This chapter is popularly known as the Federal Tort Claims Act. The Federal Tort Claims Act was previously the official short title of title IV of act Aug. 2, 1946, ch. 753, 60 Stat. 842, which was classified principally to chapter 20 (§§921, 922, 931-934, 941-946) of former Title 28, Judicial Code and Judiciary. Title IV of act Aug. 2, 1946, was substantially repealed and reenacted as sections 1346(b) and 2671 et seq. of this title by act June 25, 1948, ch. 646, 62 Stat. 992, the first section of which enacted this title. For complete classification of title IV to the Code, see Tables. For distribution of former sections of Title 28 into this title, see Table at the beginning of this title.

## SEVERABILITY

Pub. L. 100-694, §7, Nov. 18, 1988, 102 Stat. 4565, provided that: “If any provision of this Act [see Short Title of 1988 Amendment note under section 1 of this title] or the amendments made by this Act or the application of the provision to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of the provision to any other person or circumstance shall not be affected by that invalidation.”

## LAW ENFORCEMENT OFFICER ACTING WITHIN SCOPE OF OFFICE OR EMPLOYMENT

Pub. L. 105-277, div. A, §101(h) [title VI, §627], Oct. 21, 1998, 112 Stat. 2681-480, 2681-519, as amended by Pub. L. 106-58, title VI, §623, Sept. 29, 1999, 113 Stat. 471, provided that:

“(a) DEFINITIONS.—In this section—

“(1) the term ‘crime of violence’ has the meaning given that term in section 16 of title 18, United States Code; and

“(2) the term ‘law enforcement officer’ means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5, United States Code; and any special agent in the Diplomatic Security Service of the Department of State.

“(b) RULE OF CONSTRUCTION.—Effective on the date of the enactment of this Act [Oct. 21, 1998] and thereafter, and notwithstanding any other provision of law, for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, a law enforcement officer shall be construed to be act-