

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 Repealed.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.
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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”.