

(1) **IN GENERAL.**—The district court shall enter such orders as may be necessary to enforce the judgment on behalf of the foreign nation unless the court finds that—

(A) the judgment was rendered under a system that provides tribunals or procedures incompatible with the requirements of due process of law;

(B) the foreign court lacked personal jurisdiction over the defendant;

(C) the foreign court lacked jurisdiction over the subject matter;

(D) the foreign nation did not take steps, in accordance with the principles of due process, to give notice of the proceedings to a person with an interest in the property of the proceedings<sup>2</sup> in sufficient time to enable him or her to defend; or

(E) the judgment was obtained by fraud.

(2) **PROCESS.**—Process to enforce a judgment under this section shall be in accordance with rule 69(a) of the Federal Rules of Civil Procedure.

(3) **PRESERVATION OF PROPERTY.**—

(A) **RESTRAINING ORDERS.**—

(i) **IN GENERAL.**—To preserve the availability of property subject to civil or criminal forfeiture under foreign law, the Government may apply for, and the court may issue, a restraining order at any time before or after the initiation of forfeiture proceedings by a foreign nation.

(ii) **PROCEDURES.**—

(I) **IN GENERAL.**—A restraining order under this subparagraph shall be issued in a manner consistent with subparagraphs (A), (C), and (E) of paragraph (1) and the procedural due process protections for a restraining order under section 983(j) of title 18.

(II) **APPLICATION.**—For purposes of applying such section 983(j)—

(aa) references in such section 983(j) to civil forfeiture or the filing of a complaint shall be deemed to refer to the applicable foreign criminal or forfeiture proceedings; and

(bb) the reference in paragraph (1)(B)(i) of such section 983(j) to the United States shall be deemed to refer to the foreign nation.

(B) **EVIDENCE.**—The court, in issuing a restraining order under subparagraph (A)—

(i) may rely on information set forth in an affidavit describing the nature of the proceeding or investigation underway in the foreign country, and setting forth a reasonable basis to believe that the property to be restrained will be named in a judgment of forfeiture at the conclusion of such proceeding; or

(ii) may register and enforce a restraining order that has been issued by a court of competent jurisdiction in the foreign country and certified by the Attorney General pursuant to subsection (b)(2).

(C) **LIMIT ON GROUNDS FOR OBJECTION.**—No person may object to a restraining order

under subparagraph (A) on any ground that is the subject of parallel litigation involving the same property that is pending in a foreign court.

(e) **FINALITY OF FOREIGN FINDINGS.**—In entering orders to enforce the judgment, the court shall be bound by the findings of fact to the extent that they are stated in the foreign forfeiture or confiscation judgment.

(f) **CURRENCY CONVERSION.**—The rate of exchange in effect at the time the suit to enforce is filed by the foreign nation shall be used in calculating the amount stated in any forfeiture or confiscation judgment requiring the payment of a sum of money submitted for registration.

(Added Pub. L. 106-185, §15(a), Apr. 25, 2000, 114 Stat. 219; amended Pub. L. 107-56, title III, §323, Oct. 26, 2001, 115 Stat. 315; Pub. L. 111-342, §2, Dec. 22, 2010, 124 Stat. 3607.)

#### REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsecs. (c)(2)(C) and (d)(2), are set out in the Appendix to this title.

#### AMENDMENTS

2010—Subsec. (d)(3)(A). Pub. L. 111-342 amended subpar. (A) generally. Prior to amendment, text read as follows: “To preserve the availability of property subject to a foreign forfeiture or confiscation judgment, the Government may apply for, and the court may issue, a restraining order pursuant to section 983(j) of title 18, at any time before or after an application is filed pursuant to subsection (c)(1) of this section.”

2001—Subsec. (a)(2)(A). Pub. L. 107-56, §323(4), inserted “, any violation of foreign law that would constitute a violation or an offense for which property could be forfeited under Federal law if the offense were committed in the United States” after “United Nations Convention”.

Subsec. (b)(1)(C). Pub. L. 107-56, §323(2), substituted “establishing that the foreign nation took steps, in accordance with the principles of due process, to give notice of the proceedings to all persons with an interest in the property in sufficient time to enable such persons” for “establishing that the defendant received notice of the proceedings in sufficient time to enable the defendant”.

Subsec. (d)(1)(D). Pub. L. 107-56, §323(3), substituted “the foreign nation did not take steps, in accordance with the principles of due process, to give notice of the proceedings to a person with an interest in the property” for “the defendant in the proceedings in the foreign court did not receive notice”.

Subsec. (d)(3). Pub. L. 107-56, §323(1), added par. (3).

#### EFFECTIVE DATE

Section applicable to any forfeiture proceeding commenced on or after the date that is 120 days after Apr. 25, 2000, see section 21 of Pub. L. 106-185, set out as an Effective Date of 2000 Amendment note under section 1324 of Title 8, Aliens and Nationality.

### CHAPTER 165—UNITED STATES COURT OF FEDERAL CLAIMS PROCEDURE

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<sup>2</sup>So in original. The words “of the proceedings” probably should not appear.

<sup>1</sup>So in original. Does not conform to section catchline.

- 2509. Congressional reference cases.
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- 2515. New trial, stay of judgment.<sup>1</sup>
- 2516. Interest on claims and judgments.
- 2517. Payment of judgments.
- [2518. Repealed.]
- 2519. Conclusiveness of judgment.
- [2520. Repealed.]
- 2521. Subpoenas and incidental powers.
- 2522. Notice of appeal.

## AMENDMENTS

2000—Pub. L. 106-518, title II, §207, Nov. 13, 2000, 114 Stat. 2414, struck out item 2520 “Fees”.

1992—Pub. L. 102-572, title IX, §§902(a)(1), 910(b), Oct. 29, 1992, 106 Stat. 4516, 4520, substituted “UNITED STATES COURT OF FEDERAL CLAIMS” for “UNITED STATES CLAIMS COURT” in chapter heading and inserted “and incidental powers” in item 2521.

1982—Pub. L. 97-164, title I, §139(b)(2), (i)(2), (l), (n)(4), (o)(2), (q)(2), Apr. 2, 1982, 96 Stat. 42-44, substituted “UNITED STATES CLAIMS COURT” for “COURT OF CLAIMS” in chapter heading, substituted “Proceedings generally” for “Proceedings before commissioners generally” in item 2503, substituted “Referral of cases by Comptroller General” for “Referral of cases by the Comptroller General or the head of an executive department or agency” in item 2510, struck out item 2518 “Certification of judgments for appropriation”, substituted “Fees” for “Fees; cost of printing record” in item 2520, and added item 2522.

1978—Pub. L. 95-563, §14(h)(2)(B), Nov. 1, 1978, 92 Stat. 2390, inserted “or the head of an executive department or agency” after “Comptroller General” in item 2510.

1954—Act Sept. 3, 1954, ch. 1263, §§46, 54(c), 55(d), 59(b), 68 Stat. 1243, 1247, 1248, substituted “Trial before judges” for “Place of taking evidence” in item 2505, and “Calls and discovery,” for “Calls on departments for information” in item 2507, rephrased item 2510, and added item 2521.

**§ 2501. Time for filing suit**

Every claim of which the United States Court of Federal Claims has jurisdiction shall be barred unless the petition thereon is filed within six years after such claim first accrues.

Every claim under section 1497 of this title shall be barred unless the petition thereon is filed within two years after the termination of the river and harbor improvements operations on which the claim is based.

A petition on the claim of a person under legal disability or beyond the seas at the time the claim accrues may be filed within three years after the disability ceases.

A suit for the fees of an officer of the United States shall not be filed until his account for such fees has been finally acted upon, unless the Government Accountability Office fails to act within six months after receiving the account.

(June 25, 1948, ch. 646, 62 Stat. 976; Sept. 3, 1954, ch. 1263, §52, 68 Stat. 1246; Pub. L. 97-164, title I, §139(a), Apr. 2, 1982, 96 Stat. 42; Pub. L. 102-572, title IX, §902(a)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

## HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§250(2), 250a, and 262 (Mar. 3, 1911, ch. 231, §§145, 156, 36 Stat. 1136, 1139; June 10, 1921, ch. 18, §304, 42 Stat. 24; Aug. 30, 1935, ch. 831, §13, 49 Stat. 1049; July 13, 1943, ch. 231, 57 Stat. 553).

Section consolidates limitation provisions of sections 250(2), 250a, and 262 of title 28, U.S.C., 1940 ed.

Words “a person under legal disability or beyond the seas at the time the claim accrues” were substituted for “married women first accrued during marriage, of persons under the age of twenty-one years first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued; entitled to the claim.”. The revised language will cover all legal disabilities actually barring suit. For example, the particular reference to married women is archaic, and is eliminated by use of the general language substituted.

Words “nor shall any of the said disabilities operate cumulatively” were omitted, in view of the elimination of the reference to specific disabilities. Also, persons under legal disability could not sue, and their suits should not be barred until they become able to sue. Similar sections of the U.S. Code do not contain any such provision. (For example, see section 502 of title 28, U.S.C., 1940 ed., incorporated in section 544 of this title.)

The section was extended to include claims referred by the head of an executive department in conformity with section 2510 of this title.

## AMENDMENTS

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in last par.

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1982—Pub. L. 97-164 substituted “United States Claims Court” for “Court of Claims”.

1954—Act Sept. 3, 1954, struck out “, or the claim is referred by the Senate or House of Representatives, or by the head of an executive department” in first par.

## EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 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.

**§ 2502. Aliens’ privilege to sue**

(a) Citizens or subjects of any foreign government which accords to citizens of the United States the right to prosecute claims against their government in its courts may sue the United States in the United States Court of Federal Claims if the subject matter of the suit is otherwise within such court’s jurisdiction.

(b) See section 7422(f) of the Internal Revenue Code of 1986 for exception with respect to suits involving internal revenue taxes.

(June 25, 1948, ch. 646, 62 Stat. 976; Pub. L. 89-713, §3(b), Nov. 2, 1966, 80 Stat. 1108; Pub. L. 97-164, title I, §139(a), Apr. 2, 1982, 96 Stat. 42; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 102-572, title IX, §902(a)(1), Oct. 29, 1992, 106 Stat. 4516.)

## HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §261 (Mar. 3, 1911, ch. 231, §155, 36 Stat. 1139).

Changes were made in phraseology.

## REFERENCES IN TEXT

Section 7422(f) of the Internal Revenue Code of 1986, referred to in subsec. (b), is classified to section 7422(f) of Title 26, Internal Revenue Code.