

§ 2734a. Property loss; personal injury or death; incident to noncombat activities of armed forces in foreign countries; international agreements

(a) When the United States is a party to an international agreement which provides for the settlement or adjudication and cost sharing of claims against the United States arising out of the acts or omissions of a member or civilian employee of an armed force of the United States done in the performance of official duty, or arising out of any other act, omission, or occurrence for which an armed force of the United States is legally responsible under the law of another party to the international agreement, and causing damage in the territory of such party, the Secretary of Defense or the Secretary of Homeland Security or their designees may—

(1) reimburse the party to the agreement for the agreed pro rata share of amounts, including any authorized arbitration costs, paid by that party in satisfying awards or judgments on claims, in accordance with the agreement; or

(2) pay the party to the agreement the agreed pro rata share of any claim, including any authorized arbitration costs, for damage to property owned by it, in accordance with the agreement.

(b) A claim arising out of an act of an enemy of the United States or arising, directly or indirectly, from an act of the armed forces, or a member thereof, while engaged in combat may not be considered or paid under this section.

(c) A reimbursement or payment under this section shall be made by the Secretary of Defense out of appropriations as provided in section 2732 of this title except that payment of claims against the Coast Guard arising while it is operating as a service of the Department of Homeland Security shall be made out of the appropriations for the operating expenses of the Coast Guard. The appropriations referred to in this subsection may be used to buy foreign currencies required for the reimbursement or payment.

(d) Upon the request of the Secretary of Homeland Security or his designee, any payments made relating to claims arising from the activities of the Coast Guard and covered by subsection (a) may be reimbursed or paid to the foreign country concerned by the authorized representative of the Department of Defense out of appropriations as provided in section 2732 of this title, subject to reimbursement from the Department of Homeland Security.

(Added Pub. L. 87-651, title I, §113(a), Sept. 7, 1962, 76 Stat. 512; amended Pub. L. 90-521, §4, Sept. 26, 1968, 82 Stat. 874; Pub. L. 94-390, §1(1), Aug. 19, 1976, 90 Stat. 1191; Pub. L. 98-525, title XIV, §1405(42)(A), Oct. 19, 1984, 98 Stat. 2625; Pub. L. 101-510, div. A, title XIV, §1481(j)(4)(B), Nov. 5, 1990, 104 Stat. 1709; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2734a(a) ...	31:224i-2 (less proviso).	Aug. 31, 1954, ch. 1152, §1
2734a(b) ...	31:224i-2 (proviso, as applicable to 31:224i-2).	(less proviso, as applicable to §2, 4 (as applicable to §1), 68 Stat. 1006, 1007.
2734a(c) ...	31:224i-5 (as applicable to 31-224i-2).	

In subsection (a), the following substitutions are made: “Under” for “Pursuant to the terms”; “country” for “government”; “under its laws and regulations” for “in accordance with the laws and regulations of such foreign government”; “may” for “is authorized”; “amounts” for “sums”; and “spent” for “expended”. The words “now or may hereafter be” are omitted as surplusage.

In subsection (b), the following substitutions are made: “act” for “action” and “may” for “shall”.

In subsection (c), the words “pro rata” are omitted as surplusage. The following substitutions are made: “under this section” for “by the United States with respect to a settlement, award, or compromise made pursuant to sections 224i-2 to 224i-5 of this title”; “to buy” for “for the purchase of”; and “needed” for “necessary”. The words “which appropriations are authorized” are omitted as unnecessary.

Editorial Notes

AMENDMENTS

2002—Subsecs. (a), (c), (d). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation” wherever appearing.

1990—Subsec. (c). Pub. L. 101-510, §1481(j)(4)(B)(i), substituted “as provided in section 2732 of this title” for “for that purpose”.

Subsec. (d). Pub. L. 101-510, §1481(j)(4)(B)(ii), substituted “appropriations as provided in section 2732 of this title” for “the appropriation for claims of the Department of Defense”.

1984—Pub. L. 98-525 substituted “in foreign countries” for “; foreign countries” in section catchline.

1976—Subsec. (a). Pub. L. 94-390 substituted provisions authorizing the Secretary of Defense or the Secretary of Transportation to reimburse or pay, including arbitration costs, claims arising under international agreements to which the United States is a party and providing for settlement or adjudication and cost sharing based on the responsibility of the United States under the law of the other party to the international agreement, for provisions authorizing the Secretary of Defense to reimburse or pay claims arising under international agreements to which the United States is a party and providing for adjudication by the other country under its laws and regulations.

1968—Subsec. (c). Pub. L. 90-521, §4(a), provided for payment of claims against the Coast Guard arising while it is operating as a service of the Department of Transportation out of appropriations for operating expenses of the Coast Guard.

Subsec. (d). Pub. L. 90-521, §4(b), added subsec. (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

§ 2734b. Property loss; personal injury or death; incident to activities of armed forces of foreign countries in United States; international agreements

(a) When the United States is a party to an international agreement which provides for the settlement or adjudication by the United States

under its laws and regulations, and subject to agreed pro rata reimbursement, of claims against another party to the agreement arising out of the acts or omissions of a member or civilian employee of an armed force of that party done in the performance of official duty, or arising out of any other act, omission, or occurrence for which that armed force is legally responsible under applicable United States law, and causing damage in the United States, or a territory, Commonwealth, or possession thereof; those claims may be prosecuted against the United States, or settled by the United States, in accordance with the agreement, as if the acts or omissions upon which they are based were the acts or omissions of a member or a civilian employee of an armed force of the United States.

(b) When a dispute arises in the settlement or adjudication of a claim under this section whether an act or omission was in the performance of official duty, or whether the use of a vehicle of the armed forces was authorized, the dispute shall be decided under the international agreement with the foreign country concerned. Such a decision is final and conclusive. The Secretary of Defense may pay that part of the cost of obtaining such a decision that is chargeable to the United States under that agreement.

(c) A claim arising out of an act of an enemy of the United States may not be considered or paid under this section.

(d) A payment under this section shall be made by the Secretary of Defense out of appropriations as provided in section 2732 of this title.

(Added Pub. L. 87-651, title I, §113(a), Sept. 7, 1962, 76 Stat. 512; amended Pub. L. 94-390, §1(2), Aug. 19, 1976, 90 Stat. 1191; Pub. L. 101-510, div. A, title XIV, §1481(j)(4)(C), Nov. 5, 1990, 104 Stat. 1709.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2734b(a) ...	31:224i-3.	Aug. 31, 1954, ch. 1152, §§1 (proviso, less applicability to §1), 2, 3, 4 (less applicability to §1), 68 Stat. 1006, 1007.
2734b(b) ...	31:224i-4.	
2734b(c) ...	31:224i-2 (proviso, less applicability to 31:224i-2).	
	31:224i-5 (less applicability to 31:224i-2).	
2734b(d) ...		

In subsection (a), the following omissions as surplusage are made: “the terms of” and “now or may hereafter be”. The following substitutions are made: “country” for “government”; “in the United States, or a Territory, Commonwealth, or possession” for “within the territory of the United States”; “under” for “in accordance with”; “upon which they are based were the acts or omissions of” for “were performed”.

In subsection (b), the following substitutions are made: “under this section” for “asserted under section 224i-3 of this title”; “the dispute” for “such disputed question or questions”; “under” for “in accordance with the terms of”; and the last sentence for the last sentence of 31:224i-4. The following omissions as surplusage are made: “of a civilian employee or military personnel of a foreign country” and “of the armed forces for such party”.

In subsection (c), the word “act” is substituted for the word “action”.

In subsection (d), the words “under this section” are substituted for the words “by the United States with respect to a settlement, award, or compromise made pursuant to section 224i-2 to 224i-5 of this title”. The words “which appropriations are authorized” are omitted as unnecessary.

Editorial Notes

AMENDMENTS

1990—Subsec. (d). Pub. L. 101-510 substituted “as provided in section 2732 of this title” for “for that purpose”.

1976—Subsec. (a). Pub. L. 94-390 substituted provisions authorizing claims, for which another armed force is legally responsible under applicable United States law, to be prosecuted against the United States or settled by the United States in accordance with an international agreement providing for the settlement or adjudication by the United States under its laws and regulations as if the acts or omissions upon which the claims are based were of a member or a civilian employee of an armed force of the United States, for provisions authorizing claims to be prosecuted against the United States or settled by the United States by adjudication by the United States under its laws and regulations as if the acts or omissions upon which the claims are based were the acts or omissions in the performance of official duty of a civilian employee or a member of an armed force.

§ 2735. Settlement: final and conclusive

Notwithstanding any other provision of law, the settlement of a claim under section 2733, 2733a, 2734, 2734a, 2734b, or 2737 of this title is final and conclusive.

(Aug. 10, 1956, ch. 1041, 70A Stat. 155; Pub. L. 88-558, §5(1), Aug. 31, 1964, 78 Stat. 768; Pub. L. 92-413, Aug. 29, 1972, 86 Stat. 649; Pub. L. 116-92, div. A, title VII, §731(c)(1), Dec. 20, 2019, 133 Stat. 1460.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2735	31:222c (1st sentence of (e)). 31:223b (4th sentence). 31:224d (last proviso).	May 29, 1945, ch. 135, §1 (e) (1st sentence); restated July 3, 1952, ch. 548, §1 (1st sentence of last par.), 66 Stat. 323. July 3, 1943, ch. 189, §1 (4th sentence), 57 Stat. 373. Jan. 2, 1942, ch. 645, §1 (last proviso); restated Apr. 22, 1943, ch. 67, §1 (last proviso), 57 Stat. 67.

The words “for all purposes” and “to the contrary”, in each source credit; “by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of Defense, or their designees” and “such regulations as they, respectively, may prescribe hereunder”, in 31:222c(e); “by the Secretary of the Army, or his designee” and “such regulations as he may prescribe hereunder”, in 31:223b; and “by such Commissions”, in 31:224d; are omitted as surplusage.

Editorial Notes

AMENDMENTS

2019—Pub. L. 116-92 substituted “2733, 2733a,” for “2733”.

1972—Pub. L. 92-413 inserted reference to sections 2734a, 2734b, and 2737 of this title.

1964—Pub. L. 88-558 struck out reference to section 2732.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 116-92 applicable to any claim filed under section 2733a of this title, on or after Jan. 1, 2020, and any claim filed in calendar year 2020 deemed to be filed within the time period specified in section