

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”.

Statutory Notes and Related Subsidiaries

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 Repealed.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.

Statutory Notes and Related Subsidiaries

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.
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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.

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

FEDERAL CAUSE OF ACTION RELATING TO WATER AT CAMP LEJEUNE, NORTH CAROLINA

Pub. L. 117-168, title VIII, § 804, Aug. 10, 2022, 136 Stat. 1802, provided that:

“(a) SHORT TITLE.—This section may be cited as the ‘Camp Lejeune Justice Act of 2022’.

“(b) IN GENERAL.—An individual, including a veteran (as defined in section 101 of title 38, United States Code), or the legal representative of such an individual, who resided, worked, or was otherwise exposed (including in utero exposure) for not less than 30 days during the period beginning on August 1, 1953, and ending on December 31, 1987, to water at Camp Lejeune, North Carolina, that was supplied by, or on behalf of, the United States may bring an action in the United States District Court for the Eastern District of North Carolina to obtain appropriate relief for harm that was caused by exposure to the water at Camp Lejeune.

“(c) BURDENS AND STANDARD OF PROOF.—

“(1) IN GENERAL.—The burden of proof shall be on the party filing the action to show one or more relationships between the water at Camp Lejeune and the harm.

“(2) STANDARDS.—To meet the burden of proof described in paragraph (1), a party shall produce evidence showing that the relationship between exposure to the water at Camp Lejeune and the harm is—

“(A) sufficient to conclude that a causal relationship exists; or

“(B) sufficient to conclude that a causal relationship is at least as likely as not.

“(d) EXCLUSIVE JURISDICTION AND VENUE.—The United States District Court for the Eastern District of North Carolina shall have exclusive jurisdiction over any action filed under subsection (b), and shall be the exclusive venue for such an action. Nothing in this subsection shall impair the right of any party to a trial by jury.

“(e) EXCLUSIVE REMEDY.—

“(1) IN GENERAL.—An individual, or legal representative of an individual, who brings an action under this section for a harm described in subsection (b), including a latent disease, may not thereafter bring a tort action against the United States for such harm pursuant to any other law.

“(2) HEALTH AND DISABILITY BENEFITS RELATING TO WATER EXPOSURE.—Any award made to an individual, or legal representative of an individual, under this section shall be offset by the amount of any disability award, payment, or benefit provided to the individual, or legal representative—

“(A) under—

“(i) any program under the laws administered by the Secretary of Veterans Affairs;

“(ii) the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or

“(iii) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

“(B) in connection with health care or a disability relating to exposure to the water at Camp Lejeune.

“(f) IMMUNITY LIMITATION.—The United States may not assert any claim to immunity in an action under this section that would otherwise be available under section 2680(a) of title 28, United States Code.

“(g) NO PUNITIVE DAMAGES.—Punitive damages may not be awarded in any action under this section.

“(h) DISPOSITION BY FEDERAL AGENCY REQUIRED.—An individual may not bring an action under this section before complying with section 2675 of title 28, United States Code.

“(i) EXCEPTION FOR COMBATANT ACTIVITIES.—This section does not apply to any claim or action arising out of the combatant activities of the Armed Forces.

“(j) APPLICABILITY; PERIOD FOR FILING.—

“(1) APPLICABILITY.—This section shall apply only to a claim accruing before the date of enactment of this Act [Aug. 10, 2022].

“(2) STATUTE OF LIMITATIONS.—A claim in an action under this section may not be commenced after the later of—

“(A) the date that is two years after the date of enactment of this Act; or

“(B) the date that is 180 days after the date on which the claim is denied under section 2675 of title 28, United States Code.

“(3) INAPPLICABILITY OF OTHER LIMITATIONS.—Any applicable statute of repose or statute of limitations, other than under paragraph (2), shall not apply to a claim under this section.”

§ 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.

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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,