

Public Law 89-506

AN ACT

To amend the Federal Tort Claims Act to authorize increased agency consideration of tort claims against the Government, and for other purposes.

July 18, 1966
[H. R. 13650]

Federal Tort
Claims Act,
amendment.
63 Stat. 62;
73 Stat. 471.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That the first paragraph of section 2672 of title 28, United States Code, is amended to read as follows:

"The head of each Federal agency or his designee, in accordance with regulations prescribed by the Attorney General, may consider, ascertain, adjust, determine, compromise, and settle any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred: *Provided*, That any award, compromise, or settlement in excess of \$25,000 shall be effected only with the prior written approval of the Attorney General or his designee."

Finality of
award.
62 Stat. 983.

(b) The second paragraph of section 2672 of title 28, United States Code, is amended to read as follows:

"Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award, compromise, settlement, or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud."

Payment of
award.

(c) The third paragraph of section 2672 of title 28, United States Code, is amended to read as follows:

"Any award, compromise, or settlement in an amount of \$2,500 or less made pursuant to this section shall be paid by the head of the Federal agency concerned out of appropriations available to that agency. Payment of any award, compromise, or settlement in an amount in excess of \$2,500 made pursuant to this section or made by the Attorney General in any amount pursuant to section 2677 of this title shall be paid in a manner similar to judgments and compromises in like causes and appropriations or funds available for the payment of such judgments and compromises are hereby made available for the payment of awards, compromises, or settlements under this chapter."

Disposition by
Federal agency
as prerequisite.

Sec. 2. (a) Subsection (a) of section 2675 of title 28, United States Code, is amended to read as follows:

"(a) An action shall not be instituted upon a claim against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail. The failure of an agency to make final disposition of a claim within six months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of this section. The provisions of this subsection shall not apply to such claims as may be asserted under the Federal Rules of Civil Procedure by third party complaint, cross-claim, or counterclaim."

28 USC app.

(b) Subsection (b) of section 2675 of title 28, United States Code, is amended by deleting the first sentence thereof.

SEC. 3. Section 2677 of title 28, United States Code, is amended to read as follows:

Compromise.
62 Stat. 984.

"The Attorney General or his designee may arbitrate, compromise, or settle any claim cognizable under section 1346(b) of this title, after the commencement of an action thereon."

63 Stat. 62.

SEC. 4. The first paragraph of section 2678 of title 28, United States Code, is amended to read as follows:

Attorney fees,
penalty.
28 USC 2678.

"No attorney shall charge, demand, receive, or collect for services rendered, fees in excess of 25 per centum of any judgment rendered pursuant to section 1346(b) of this title or any settlement made pursuant to section 2677 of this title, or in excess of 20 per centum of any award, compromise, or settlement made pursuant to section 2672 of this title."

Ante, p. 306.

SEC. 5. (a) Subsection (b) of section 2679 of title 28, United States Code, is amended to read as follows:

Exclusiveness
of remedy.

"(b) The remedy against the United States provided by sections 1346(b) and 2672 of this title for injury or loss of property or personal injury or death, resulting from the operation by any employee of the Government of any motor vehicle while acting within the scope of his office or employment, shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against the employee or his estate whose act or omission gave rise to the claim."

(b) Subsection (a) of section 4116 of title 38, United States Code, is amended to read as follows:

Certain malprac-
tice and negli-
gence suits.
79 Stat. 1156.

"(a) The remedy against the United States provided by sections 1346(b) and 2672 of title 28 for damages for personal injury, including death allegedly arising from malpractice or negligence of a physician, dentist, nurse, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of his duties in or for the Department of Medicine and Surgery shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or his estate) whose act or omission gave rise to such claim."

SEC. 6. Section 1302 of the Act of July 27, 1956, as amended (70 Stat. 694, 75 Stat. 416; 31 U.S.C. 724a), is further amended (1) by inserting a comma and the word "awards," after the word "judgments" and before the word "and"; (2) by deleting the word "or" after the number "2414" and inserting in lieu thereof a comma; and (3) by inserting after the number "2517" the phrase ", 2672, or 2677".

Judgments and
compromise set-
tlements against
U.S., appropria-
tions.

SEC. 7. Subsection (b) of section 2401 of title 28, United States Code, is amended to read as follows:

Time for com-
mencing action.

"(b) a tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after such claim accrues or unless action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented."

SEC. 8. The first sentence of section 2671 of title 28, United States Code, is amended to read as follows: "As used in this chapter and sections 1346(b) and 2401(b) of this title, the term 'Federal agency' includes the executive departments, 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."

"Federal
agency."

Ante, p. 306.

SEC. 9. (a) The section heading of section 2672 of title 28, United States Code, is amended to read as follows:

“§ 2672. Administrative adjustment of claims”

(b) The analysis of chapter 171 of title 28, United States Code, immediately preceding section 2671 of such title, is amended by deleting the item

“2672. Administrative adjustment of claims of \$2,500 or less.”

and inserting in lieu thereof:

“2672. Administrative adjustment of claims.”

Effective date.

SEC. 10. This Act shall apply to claims accruing six months or more after the date of its enactment.

Approved July 18, 1966.

Public Law 89-507

AN ACT

To provide for judgments for costs against the United States.

July 18, 1966
[H. R. 14182]

Judgments for
costs against U.S.
62 Stat. 973.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2412 of title 28 of the United States Code is amended to read as follows:

“Except as otherwise specifically provided by statute, a judgment for costs, as enumerated in section 1920 of this title but not including the fees and expenses of attorneys may be awarded to the prevailing party in any civil action brought by or against the United States or any agency or official of the United States acting in his official capacity, in any court having jurisdiction of such action. A judgment for costs when taxed against the Government shall, in an amount established by statute or court rule or order, be limited to reimbursing in whole or in part the prevailing party for the costs incurred by him in the litigation. Payment of a judgment for costs shall be as provided in section 2414 and section 2517 of this title for the payment of judgments against the United States.”

75 Stat. 415;
62 Stat. 979.

Repeal.

SEC. 2. Section 2520(d) of title 28 of the United States Code is hereby repealed.

Applicability.

SEC. 3. These amendments shall apply only to judgments entered in actions filed subsequent to the date of enactment of this Act. These amendments shall not authorize the reopening or modification of judgments entered prior to the enactment of this Act.

Approved July 18, 1966.

Public Law 89-508

AN ACT

To avoid unnecessary litigation by providing for the collection of claims of the United States, and for other purposes.

July 19, 1966
[H. R. 13651]

Federal Claims
Collection Act of
1966.
Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Federal Claims Collection Act of 1966”.

SEC. 2. In this Act—

(a) “agency” means any department, office, commission, board, service, Government corporation, instrumentality, or other establishment or body in either the executive or legislative branch of the Federal Government;