

TITLE 28--JUDICIARY AND JUDICIAL PROCEDURE

PART VI--PARTICULAR PROCEEDINGS

CHAPTER 171--TORT CLAIMS PROCEDURE

Sec. 2672. Administrative adjustment of claims

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. Notwithstanding the proviso contained in the preceding sentence, any award, compromise, or settlement may be effected without the prior written approval of the Attorney General or his or her designee, to the extent that the Attorney General delegates to the head of the agency the authority to make such award, compromise, or settlement. Such delegations may not exceed the authority delegated by the Attorney General to the United States attorneys to settle claims for money damages against the United States. Each Federal agency may use arbitration, or other alternative means of dispute resolution under the provisions of subchapter IV of chapter 5 of title 5, to settle any tort claim against the United States, to the extent of the agency's authority to award, compromise, or settle such claim without the prior written approval of the Attorney General or his or her designee.

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.

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.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the government whose act or omission gave rise to the claim, by reason of the same subject matter.

(June 25, 1948, ch. 646, 62 Stat. 983; Apr. 25, 1949, ch. 92, Sec. 2(b), 63 Stat. 62; May 24, 1949, ch. 139, Sec. 125, 63 Stat. 106; Sept. 23, 1950, ch. 1010, Sec. 9, 64 Stat. 987; Pub. L. 86-238, Sec. 1(1), Sept. 8, 1959, 73 Stat. 471; Pub. L. 89-506, Secs. 1, 9(a), July 18, 1966, 80 Stat. 306, 308; Pub. L. 101-552, Sec. 8(a), Nov. 15, 1990, 104 Stat. 2746.)

Historical and Revision Notes

1948 Act

Based on title 28, U.S.C., 1940 ed., Sec. 921 (Aug. 2, 1946, ch. 753, Sec. 403, 60 Stat. 843).

The phrase "accruing on and after January 1, 1945" was omitted because executed as of the date of the enactment of this revised title.

Changes were made in phraseology.

1949 Act

This section corrects a typographical error in section 2672 of title 28, U.S.C.

Amendments

1990--Pub. L. 101-552 inserted at end of first par.

"Notwithstanding the proviso contained in the preceding sentence, any award, compromise, or settlement may be effected without the prior written approval of the Attorney General or his or her designee, to the extent that the Attorney General delegates to the head of the agency the authority to make such award, compromise, or settlement. Such delegations may not exceed the authority delegated by the Attorney General to the United States attorneys to settle claims for money damages against the United States. Each Federal agency may use arbitration, or other alternative means of dispute resolution under the provisions of subchapter IV of chapter 5 of title 5, to settle any tort claim against the United States, to the extent of the agency's authority to award, compromise, or settle such claim without the prior written

approval of the Attorney General or his or her designee."

1966--Pub. L. 89-506 substituted ``claims" for ``claims of \$2,500 or less" in section catchline, authorized administrative settlement of tort claims, in accordance with regulations prescribed by the Attorney General, of up to \$25,000 and, with the prior written approval of the Attorney General or his designee, in excess of \$25,000, inserted ``compromise" and ``settlement" to list of administrative acts that would be final and conclusive on all officers of the government, authorized the payment of administrative settlements in excess of \$2,500 in the manner similar to judgments and compromises in like causes, and made appropriations and funds which were available for the payment of such judgments and compromises available for the payment of awards, compromises, or settlements under this chapter.

1959--Pub. L. 86-238 substituted ``\$2,500" for ``\$1,000" in section catchline and text.

1950--Act Sept. 23, 1950, struck out requirement for specific authorization for payment of tort claims in appropriation acts.

1949--Act Apr. 25, 1949, inserted ``accruing on or after January 1, 1945" after ``United States" in first par.

Act May 24, 1949, substituted ``2677" for ``2678" in third par.

Effective Date of 1966 Amendment

Section 10 of Pub. L. 89-506 provided that: ``This Act [amending this section, sections 2401, 2671, 2675, 2677, 2678, and 2679 of this title, section 724a of former Title 31, Money and Finance, and former section 4116 of Title 38, Veterans' Benefits], shall apply to claims accruing six months or more after the date of its enactment [July 18, 1966]."

Laws Unaffected

Section 424(b) of act Aug. 2, 1946, ch. 753, title IV, 60 Stat. 856, provided that: ``Nothing contained herein shall be deemed to repeal any provision of law authorizing any Federal agency to consider, ascertain, adjust, settle, determine, or pay any claim on account of damage to or loss of property or on account of personal injury or death, in cases in which such damage, loss, injury, or death was not caused by any negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, or any other claim not cognizable under part 2 of this title."