IN THE SENATE OF THE UNITED STATES

JUNE 7, 1966
Read twice and referred to the Committee on the Judiciary

JUNE 24, 1966
Reported by Mr. ERVIN, without amendment

AN ACT

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

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, com-
promise, or settlement in excess of $25,000 shall be effected
only with the prior written approval of the Attorney General
or his designee."

(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."

(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 appropri-
tions available to that agency. Payment of any award, com-
promise, 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."

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."

(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:

"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."

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

"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."

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

"(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:

“(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".

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

“(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.”

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."

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

Passed the House of Representatives June 6, 1966.

Attest: RALPH R. ROBERTS,

Clerk.