

# S. 3162

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## IN THE SENATE OF THE UNITED STATES

April 1, 1966

Mr. EAVIS introduced the following bill: which was read twice and referred to the Committee on the Judiciary

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## A BILL

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

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That (a) the first paragraph of section 2672 of title 28,  
4 United States Code, is amended to read as follows:

5       “The head of each Federal agency or his designee may  
6 consider, ascertain, adjust, determine, compromise, and settle  
7 any claim for money damages against the United States for  
8 injury or loss of property or personal injury or death caused  
9 by the negligent or wrongful act or omission of any employee  
10 of the agency while acting within the scope of his office or

1 employment, under circumstances where the United States,  
2 if a private person, would be liable to the claimant in accord-  
3 ance with the law of the place where the act or omission  
4 occurred: *Provided*, That any award, compromise, or settle-  
5 ment in excess of \$25,000 shall be effected only with the  
6 prior written approval of the Attorney General or his  
7 designee.”

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

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

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

17 “Payment of any award, compromise, or settlement in  
18 an amount in excess of \$2,500 made pursuant to this section  
19 or made by the Attorney General pursuant to section 2677  
20 of this title shall be paid in a manner similar to judgments  
21 and compromises in like causes and appropriations or funds  
22 available for the payment of such judgments and compro-  
23 mises are hereby made available for the payment of awards,  
24 compromises, or settlements under this chapter.”

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

3        “(a) An action shall not be instituted upon a claim  
4 against the United States for money damages for injury or  
5 loss of property or personal injury or death caused by the  
6 negligent or wrongful act or omission of any employee of  
7 the Government while acting within the scope of his office  
8 or employment, unless the claimant shall have first presented  
9 the claim to the appropriate Federal agency and his claim  
10 shall have been finally denied by the agency in writing and  
11 sent by certified or registered mail. The failure of an agency  
12 to make final disposition of a claim within six months after  
13 it is filed shall, at the option of the claimant any time there-  
14 after, be deemed a final denial of the claim for purposes of  
15 this section.”

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

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

20        “The Attorney General or his designee may arbitrate,  
21 compromise, or settle any claim cognizable under section  
22 1346 (b) of this title, after the commencement of an action  
23 thereon.”

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

3        “The court rendering a judgment for the plaintiff pur-  
4 suant to section 1346 (b) of this title, or the head of the  
5 Federal agency acting pursuant to section 2672, or the At-  
6 torney General acting pursuant to section 2677 of this title,  
7 making an award, compromise, or settlement, may, as a  
8 part of such judgment, award, compromise, or settlement,  
9 determine and allow reasonable attorney fees, which, if the  
10 recovery is \$500 or more, may be up to but shall not  
11 exceed either 20 per centum of the amount recovered under  
12 section 2672 of this title or the amount contracted between  
13 the parties nor may not exceed 25 per centum of the amount  
14 recovered under section 1346 (b) of this title, to be paid  
15 out of but not in addition to the amount of judgment, award,  
16 compromise, or settlement recovered, to the attorneys repre-  
17 senting the claimant.”

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

20        “(b) The remedy against the United States provided  
21 by sections 1346 (b) and 2672 of this title for injury or loss  
22 of property or personal injury or death, resulting from the  
23 operation by any employee of the Government of any motor  
24 vehicle while acting within the scope of his office or employ-  
25 ment, shall hereafter be exclusive of any other civil action

1 or proceeding by reason of the same subject matter against  
2 the employee or his estate whose act or omission gave rise  
3 to the claim.”

4 SEC. 6. Section 1302 of the Act of July 27, 1956, as  
5 amended (70 Stat. 694; 75 Stat. 416; 31 U.S.C. 724a), is  
6 further amended (1) by inserting a comma and the word  
7 “awards,” after the word “judgments” and before the word  
8 “and”; (2) by deleting the word “or” after the number  
9 “2414” and inserting in lieu thereof a comma; and (3) by  
10 inserting after the number “2517” the phrase “, 2672, or  
11 2677”.

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

14 “(b) a tort claim against the United States shall be for-  
15 ever barred unless it is presented in writing to the appro-  
16 priate Federal agency within two years after such claim  
17 accrues or unless action is begun within six months after the  
18 date of mailing, by certified or registered mail, of notice of  
19 final denial of the claim by the agency to which it was  
20 presented.”

21 SEC. 8. The first sentence of section 2671 of title 28,  
22 United States Code, is amended to read as follows:

23 “As used in this chapter and sections 1346(b) and  
24 2401 (b) of this title, the term ‘Federal Agency’ includes  
25 the executive departments, the military departments, inde-

1 pendent establishments of the United States, and corpora-  
2 tions primarily acting as instrumentalities or agencies of the  
3 United States but does not include any contractor with the  
4 United States.”

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

7 “§ 2672. Administrative adjustment of claims.”

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

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

11 and inserting in lieu thereof:

“2672. Administrative adjustment of claims.”

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

80TH CONGRESS  
2D SESSION

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By **Mr. ERVIN**

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