

made by an officer or employee at a United States Government penal or correctional institution for damage to, or loss of, personal property incident to employment.

(b) A claim may not be allowed under this section if the loss occurred at quarters occupied by the claimant that were not assigned or provided in kind by the Government.

(c) A claim may be allowed only if—

(1) no part of the loss was caused by any negligent or wrongful act of the claimant or an agent or employee of the claimant;

(2) the Attorney General decides that possession of the property was reasonable or useful under the circumstances; and

(3) it is presented in writing within one year after it accrues.

(d) A claim may be paid under this section only if the claimant accepts the amount of the settlement in complete satisfaction of the claim.

(e) Necessary amounts are authorized to be appropriated to carry out this section.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 974.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3722(a)	31:238(1st sentence).	June 10, 1949, ch. 187, 63 Stat. 167.
3722(b)	31:238(2d sentence last 25 words before last semicolon).	
3722(c)	31:238(2d sentence less last 25 words before last semicolon).	
3722(d)	31:238(last sentence).	
3722(e)	31:238(note).	

In subsection (a), the words “and such other officer or officers as he may designate for such purpose” are omitted as unnecessary because of 28:509. The word “settle” is substituted for “consider, determine, adjust” for consistency. The words “the sum of” are omitted as surplus. The words “officer or employee” are substituted for “persons employed” for consistency in the revised title and with other titles of the United States Code. The words “or destruction” are omitted as surplus.

In subsection (b), the words “assigned to him . . . otherwise” are omitted as surplus.

In subsection (c)(1), the words “no part” are substituted for “not . . . in whole or in part” because of the restatement.

In subsection (c)(2), the words “the Attorney General decides that possession of” are substituted for “is determined” for clarity. The words “claimed to be damaged, lost, or destroyed” and “necessary, or proper . . . attendant” are omitted as surplus.

In subsection (c)(3), the word “accrues” is substituted for “the occurrence of the accident or incident out of which such claim arises” to eliminate unnecessary words.

In subsection (d), the words “A claim may be paid under this section” are added for clarity. The words “the amount of the settlement” are substituted for “an award hereunder” for consistency. The words “in complete satisfaction of the claim” are substituted for “shall release the United States, its agents or employees, from any further claim by such claimant arising out of the same incident” to eliminate unnecessary words.

§ 3723. Small claims for privately owned property damage or loss

(a) The head of an agency (except a military department of the Department of Defense or the Coast Guard) may settle a claim for not more than \$1,000 for damage to, or loss of, privately owned property that—

(1) is caused by the negligence of an officer or employee of the United States Government acting within the scope of employment; and

(2) may not be settled under chapter 171 of title 28.

(b) A claim under this section may be allowed only if it is presented to the head of the agency within one year after it accrues.

(c) A claim under this section may be paid as provided in section 1304 of this title only if the claimant accepts the amount of the settlement in complete satisfaction of the claim against the Government.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 975.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3723(a)	31:215(1st sentence), 216. 31:216(note). 31:216(note). 31:216(note).	Dec. 28, 1922, ch. 17, §§1–3, 42 Stat. 1066. July 3, 1943, ch. 189, §4, 57 Stat. 373. Dec. 28, 1945, ch. 597, §4(words before 3d comma), 59 Stat. 662. Dec. 28, 1945, ch. 597, 59 Stat. 662, §5(last sentence); added Mar. 20, 1946, ch. 104, 60 Stat. 56. Aug. 2, 1946, ch. 753, §424(a)(last par. on p. 846), 60 Stat. 846.
3723(b)	31:215(last sentence proviso).	
3723(c)	31:215(last sentence less proviso), 217.	

In subsection (a), before clause (1), the text of 31:216(words before semicolon) is omitted as unnecessary because of section 102 of the revised title. The words “acting on behalf of the Government of the United States” in 31:215 are omitted as unnecessary. The word “settle” is substituted for “consider, ascertain, adjust, and determine” for consistency. The words “after April 6, 1917” are omitted as executed.

In subsection (c), the words “A claim under this section may be paid” are added for clarity. The words “as provided in section 1304 of this title” are substituted for 31:215(last sentence less proviso) because 31:215(last sentence less proviso) is superseded by section 201 of the Supplemental Appropriations Act, 1978 (Pub. L. 95–240, 92 Stat. 116). The words “of the settlement” are substituted for “determined under the provisions of sections 215 and 216 of this title” in 31:217 for consistency and to eliminate unnecessary words. The word “complete” is substituted for “full” for consistency. The word “satisfaction” is substituted for “settlement” for clarity.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 3724. Claims for damages caused by investigative or law enforcement officers of the Department of Justice

(a) The Attorney General may settle, for not more than \$50,000 in any one case, a claim for personal injury, death, or damage to, or loss of, privately owned property, caused by an investigative or law enforcement officer as defined in section 2680(h) of title 28 who is employed by the Department of Justice acting within the scope of employment that may not be settled under chapter 171 of title 28. An officer or employee of the United States Government may not present a claim arising during the scope of employment. A claim may be allowed only if it is presented to the Attorney General within one year after it accrues.

(b) A claim may be paid under this section only if the claimant accepts the amount of the settlement in complete satisfaction of the claim against the Government.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 975; Pub. L. 101-203, §1(a), (b)(1), Dec. 7, 1989, 103 Stat. 1805; Pub. L. 105-362, title X, §1001(c), Nov. 10, 1998, 112 Stat. 3291.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3724(a)	31:224b(words before 9th comma and between 10th and 11th commas, 1st, 2d provisos). 31:224b(note).	Mar. 20, 1936, ch. 159, 49 Stat. 1184. Aug. 2, 1946, ch. 753, §424(a)(2d par. on p. 847), (b)(related to 2d par. of (a) on p. 847), 60 Stat. 847.
3724(b)	31:224b(words between 9th and 10th commas and between 11th comma and 1st proviso).	
3724(c)	31:224b(last proviso).	

In subsection (a), the words “of the United States” are omitted as unnecessary. The word “settle” is substituted for “consider, adjust, and determine” for consistency. The words “after January 1, 1934” are omitted as executed. The words “personal injury, death” are substituted for “damages to any person” for clarity. The words “of the Department of Justice” are omitted as unnecessary. The words “that may not be settled under chapter 171 of title 28” are substituted for section 424(a)(2d par. on p. 847) and (b)(related to 2d par. of (a) on p. 847) of the Legislative Reorganization Act of 1946 (31:224b(note)) because of the restatement. The words “An officer or employee of the United States Government may not present a claim arising during the scope of employment” are substituted for 31:224b(1st proviso) to eliminate unnecessary words. The text of 31:224b(2d proviso words after semicolon) is omitted as executed.

In subsection (b), the word “settlement” is substituted for “amount as may be found due to any claimant . . . as a legal claim” for clarity and consistency. The words “by Congress” are omitted as surplus.

In subsection (c), the words “A claim may be paid under this section” are added for clarity. The words “of the settlement” are substituted for “determined to be due him under the provisions of this section” for consistency and to eliminate unnecessary words. The word “complete” is substituted for “full and final” to eliminate unnecessary words. The word “satisfaction” is substituted for “settlement” for clarity.

Editorial Notes

AMENDMENTS

1998—Subsecs. (b), (c). Pub. L. 105-362 redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “The Attorney General shall report annually to the Congress on all settlements made under this section. With respect to each such settlement, the Attorney General shall include a brief statement on the type of the claim, the amount claimed, and the amount of the settlement.”

1989—Pub. L. 101-203, §1(b)(1), amended section catchline generally, substituting “investigative or law enforcement officers of the Department of Justice” for “the Federal Bureau of Investigation”.

Subsec. (a). Pub. L. 101-203, §1(a)(1), substituted “\$50,000” for “\$500” and “an investigative or law enforcement officer as defined in section 2680(h) of title 28 who is employed by the Department of Justice” for “the Director or an Assistant Director, inspector, or special agent of the Federal Bureau of Investigation”.

Subsec. (b). Pub. L. 101-203, §1(a)(2), substituted “report annually to the Congress on all settlements made under this section. With respect to each such settlement, the” for “certify to Congress a settlement under this section for payment out of an appropriation that may be made to pay the settlement. The”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-203, §2, Dec. 7, 1989, 103 Stat. 1805, provided that: “The amendments made by section 1 [amending this section] shall apply to—

“(1) any claim arising on or after the date of the enactment of this Act [Dec. 7, 1989],

“(2) any claim pending on such date, and

“(3) any claim arising before such date which has not been settled if the time for presenting the claim to the Attorney General under the last sentence of section 3724(a) of title 31, United States Code, has not expired.”

SETTLEMENT OF CLAIMS FOR DAMAGE TO OR LOSS OF PRIVATELY OWNED PROPERTY

Pub. L. 106-185, §3(b), Apr. 25, 2000, 114 Stat. 211, provided that:

“(1) IN GENERAL.—With respect to a claim that cannot be settled under chapter 171 of title 28, United States Code, the Attorney General may settle, for not more than \$50,000 in any case, a claim for damage to, or loss of, privately owned property caused by an investigative or law enforcement officer (as defined in section 2680(h) of title 28, United States Code) who is employed by the Department of Justice acting within the scope of his or her employment.

“(2) LIMITATIONS.—The Attorney General may not pay a claim under paragraph (1) that—

“(A) is presented to the Attorney General more than 1 year after it accrues; or

“(B) is presented by an officer or employee of the Federal Government and arose within the scope of employment.”

§ 3725. Claims of non-nationals for personal injury or death in a foreign country

(a) The Secretary of State may settle, for not more than \$1,500 in any one case, a claim for personal injury or death of an individual not a national of the United States in a foreign country in which the United States exercises privileges of extraterritoriality when the injury or death is caused by an officer, employee, or agent of the United States Government (except of a military department of the Department of Defense or the Coast Guard). An officer or employee of the Government may not present a claim. A claim under