

28 USCS § 2401

Current through PL 115-237, approved 9/4/18, with a gap of PL 115-232

United States Code Service - Titles 1 through 54 > TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE > PART VI. PARTICULAR PROCEEDINGS > CHAPTER 161. UNITED STATES AS PARTY GENERALLY

§ 2401. Time for commencing action against United States

(a) Except as provided by chapter 71 of title 41 [[41 USCS §§ 7101](#) et seq.], every civil action commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues. The action of any person under legal disability or beyond the seas at the time the claim accrues may be commenced within three years after the disability ceases.

(b) a[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.

History

(June 25, 1948, ch 646, [62 Stat. 971](#); April 25, 1949, ch 92, § 1, *63 Stat. 62*; Sept. 8, 1959, *P.L. 86-238*, § 1(3), *73 Stat. 472*; July 18, 1966, *P.L. 89-506*, § 7, *80 Stat. 307*; Nov. 1, 1978, [P.L. 95-563](#), § 14(b), [92 Stat. 2389](#); Jan. 4, 2011, *P.L. 111-350*, § 5(g)(8), *124 Stat. 3848*.)

Prior law and revision:

Based on *title 28, U.S.C., 1940 ed.*, §§ 41(20), [942](#) (March 3, 1911, ch 231, § 24, part 20, [36 Stat. 1093](#); Nov. 23, 1921, ch 136, § 1310(c), [42 Stat. 311](#); June 2, 1924, 4:01 p.m., ch 234, § 1025(c), *43 Stat. 348*; Feb. 24, 1925, ch 309, *43 Stat. 972*; Feb. 26, 1926, ch 27, §§ 1122(c), 1200, *44 Stat. 121*, 125; Aug. 2, 1946, ch 753, § 420, [60 Stat. 845](#)).

Section consolidates provision in *section 41(20) of title 28, U.S.C., 1940 ed.*, as to time limitation for bringing actions against the United States under section 1346(a) of this title, with section 942 of said title 28.

Words "or within one year after the date of enactment of this Act whichever is later", in [section 942 of title 28, U.S.C.](#), 1940 ed., were omitted as executed.

Provisions of *section 41(20) of title 28, U.S.C., 1940 ed.*, relating to jurisdiction of district courts and trial by the court of actions against the United States are the basis of sections 1346(a) and 2402 of this title.

Words in subsec. (a) of this revised section, "person under legal disability or beyond the seas at the time the claim accrues" were substituted for "claims of married women, first accrued during marriage, of persons under the age of twenty-one years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim." (See reviser's note under section 2501 of this title.)

Words in *section 41(20) of title 28, U.S.C., 1940 ed.*, "nor shall any of the said disabilities operate cumulatively" were omitted. (See reviser's note under section 2501 of this title.)

A provision in *section 41(20) of title 28, U.S.C., 1940 ed.*, that disabilities other than those specifically mentioned should not prevent any action from being barred was omitted as superfluous.

Subsection (b) of the revised section simplifies and restates said [section 942 of title 28, U.S.C.](#), 1940 ed., without change of substance.

Changes were made in phraseology.

Senate Revision Amendment

Subsection (b) amended in the Senate to insert the 1 year limitation on the bringing of tort actions and to include the limitation upon the time in which tort claims not exceeding \$ 1000 must be presented to the appropriate Federal agencies for administrative disposition. 80th Congress Senate Report No. 1559, Amendment No. 48.

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