

## INFORMATION PAPER

**SUBJECT:** Tort Claims Against the U.S. Department of State

1. **Purpose.** To provide general information regarding claims for personal injury or property damage due to a Department of State employee.

2. **Facts:**

a. The Office of International Claims and Investment Disputes, within the Office of the Legal Adviser, is responsible for processing tort claims made against the Department of State.

b. The Office handles claims asserted under the Federal Tort Claims Act (FTCA) (28 U.S.C. §§ 1346, 2671-2680), which provides a limited waiver of sovereign immunity in certain cases in which an employee of the United States Government has committed a negligent or wrongful act or omission within the scope of his or her employment. Note, however, that the FTCA expressly bars claims based on any injury suffered in a foreign country, regardless of where the tortious act or omission occurred. See 28 U.S.C. 2680(k); *Sosa v Alvarez-Machain*, 542 U.S. 692 (2004).

c. The office also considers claims under the Secretary of State's discretionary authority to pay tort claims in the manner authorized by the FTCA when such claims arise in foreign countries in connection with Department of State operations abroad. See 22 U.S.C. § 2669-1; 22 USC 2669(f).

d. Claimants who believe they have suffered personal injury or property damage due to an act or omission of a Department of State employee, and who wish to submit a claim, are encouraged to consult the regulations promulgated by the Department of Justice, which apply to the handling of administrative claims under the FTCA. The regulations provide detailed information relating to the presentation of claims and the evidence and information that must be submitted to substantiate claims relating to death, personal injury or property damage. These regulations are at 28 C.F.R. Part 14.

e. Claimants should complete a Standard Form 95, Claim for Damage, Injury or Death, and submit the form to:

Office of the Legal Adviser  
Suite 203, South Building  
2430 E Street, NW  
Washington, DC 20037-2800

f. You may seek additional information by sending an email to [torts@state.gov](mailto:torts@state.gov).