

§ 25.201

33 CFR Ch. I (7–1–05 Edition)

§ 25.201 Scope.

This subpart prescribes the requirements for the administrative settlement of maritime tort claims against the United States for death, personal injury, damage to or loss of property caused by a vessel or other property in the service of the Coast Guard, or a maritime tort committed by an agent of the Coast Guard, and for claims for towage and salvage services rendered to a Coast Guard vessel or property.

§ 25.203 Claims payable.

A claim is payable under this subpart if it is:

- (a) A claim for death, personal injury, damage to or loss of real or personal property arising from a maritime tort caused by an agent or employee of the Coast Guard, or a vessel or other property in the service of the Coast Guard, including an auxiliary facility operated under specific orders and acting within the scope of such orders; or
- (b) A claim for compensation for towage and salvage services rendered to a vessel in the service of the Coast Guard or to other property under the jurisdiction of the Coast Guard.

§ 25.205 Claims not payable.

A claim is not payable under this subpart if it:

- (a) Results from action by an enemy, or directly or indirectly from an act of the armed services of the United States in combat;
- (b) Is purely contractual in nature;
- (c) Is for death or personal injury of a United States employee for whom benefits are provided under the Federal Employees' Compensation Act, or any other system of compensation where contribution is made or insurance premiums paid directly or indirectly by the United States on behalf of the injured employee;
- (d) Is one for which a foreign country is responsible under Article VIII of the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty, or other similar treaty agreement;
- (e) Arises from private or domestic obligations as distinguished from governmental transactions; or
- (f) Is for damage to or loss of personal property of military personnel or

civilian employees which is cognizable under the Military Personnel and Civilian Employees' Claims Act, as amended.

§ 25.207 Time limitation on claims.

(a) A settlement authority may administratively settle and approve a claim for final payment within two years from the date that the cause of action accrues. Otherwise, the claim is barred. This two-year period is not extended by presenting a claim nor by negotiations or correspondence. The existence of an administrative claim does not extend the two year statute of limitations in 46 U.S.C. 745.

(b) If a complaint is filed in a Federal District Court before the expiration of the two-year period, an administrative settlement may be negotiated by the settlement authority only with the consent of the Department of Justice. Payment is made upon final dismissal of the complaint.

Subpart C—Federal Tort Claims

AUTHORITY: 28 U.S.C. 2672; 28 CFR 14.11; 49 CFR 1.45(a)(2); 49 CFR 1.45(a)(3).

§ 25.301 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States arising out of Coast Guard activities under the Federal Tort Claims Act.

§ 25.303 Procedure.

A claim shall be presented and processed in accordance with 28 CFR Part 14. Should there be a conflict between the provisions of 33 CFR Part 25, Subpart A and the Department of Justice regulations in 28 CFR Part 14, the Department of Justice regulations govern.

Subpart D—Military Claims

AUTHORITY: 10 U.S.C. 2733; 49 CFR 1.46(j).

§ 25.401 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States arising out of the activities of