

Coast Guard, DHS

§ 25.703

(e) Arises from private or domestic obligations as distinguished from governmental transactions;

(f) Is a bastardy claim; or

(g) Involves a patent or copyright infringement.

§ 25.511 Time limitation on claims.

A claim may be settled only if presented in writing within two years after it accrues. Under appropriate circumstances, a claim presented orally may be considered.

§ 25.513 Amount claimed.

The claimant shall state the amount claimed in the currency of the country where the incident occurred or where the claimant resided at the time of the incident.

§ 25.515 Settlement and notice to claimant.

If a claim is determined to be meritorious in any amount, a written acceptance and release or a claim settlement agreement shall be signed by the claimant before payment. The release executed by the claimant shall release the United States and also release the tort-feasor or the person who occasioned the damage, injury, or death.

Subpart F—Claims Not Cognizable Under Other Law

AUTHORITY: 10 U.S.C. 2737; 49 CFR 1.45(a)(2).

§ 25.601 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States under 10 U.S.C. 2737 incident to use of property of the United States and not cognizable under other law.

§ 25.603 Claims payable.

A claim for death, personal injury, or damage to or loss of real or personal property under this subpart is payable when caused by a military member or a civilian employee of the Coast Guard:

(a) Incident to the use of a vehicle of the United States at any place; or

(b) Incident to the use of any other property of the United States on a government installation.

§ 25.605 Claims not payable.

A claim is not payable under this subpart if it:

(a) Is legally recoverable by the claimant under a compensation statute or an insurance policy;

(b) Results wholly or partly from the negligent or wrongful act of the claimant, claimant's agent or employee;

(c) Is a subrogated claim;

(d) Is cognizable under any other provision of law or regulation administered by the Coast Guard; or

(e) Is for any element of damage pertaining to death or personal injury, other than the cost of reasonable medical, hospital, and burial expenses actually incurred and not otherwise furnished or paid by the United States.

§ 25.607 Time limitation on claims.

A claim may be settled only if presented in writing within two years after it accrues.

§ 25.609 Settlement and notice to claimant.

If a claim is determined to be meritorious in any amount, the claimant must sign a written acceptance and release or a claim settlement agreement before payment. Although larger claims may be considered, no claim may be approved or paid in an amount that exceeds \$1,000.00.

Subpart G—Article 139, Uniform Code of Military Justice

AUTHORITY: 10 U.S.C. 939; 49 CFR 1.46(b).

§ 25.701 Scope.

This subpart prescribes the requirements for the administrative settlement of claims under Article 139, Uniform Code of Military Justice, 10 U.S.C. 939, against military members of the Coast Guard for damage to property willfully caused by them or loss of property wrongfully taken by them.

§ 25.703 Claims payable.

A claim for damage to or loss of real or personal property caused by a military member of the Coast Guard is payable under this subpart when the damage or loss results from:

(a) Willful or intentional acts;

§ 25.705

- (b) Wrongful taking; or
- (c) Riotous, violent, and reckless conduct or acts of depredation by an individual or group that evidences willfulness.

§ 25.705 Claims not payable.

A claim is not payable under this subpart if it:

- (a) Is for death or personal injury;
- (b) Results wholly or partly from the grossly negligent, or reckless act of the claimant, claimant's agent or employee;
- (c) Is a subrogated claim;
- (d) Is for damage to or loss of property owned by the United States or property of a Nonappropriated Fund Activity;
- (e) Results from negligence;
- (f) Is for indirect or remote damages;
- (g) Is for damage to or loss of property resulting from the act or omission of a member of the Coast Guard acting within the scope of the member's employment;
- (h) Extends to damage or loss that results from the owner's failure to mitigate damages; or
- (i) Has been paid by a third party.

§ 25.707 Time limitation on claims.

A claim may be settled only if presented within 90 days after it accrues unless good cause is shown for the delay.

§ 25.709 Assessment limitation on claims.

A claim is permitted in any amount; however, this subpart prohibits any assessment that exceeds one-half of one month's basic pay against the pay of any offender.

Subpart H—Pollution Removal Damage Claims

AUTHORITY: 33 U.S.C. 1321(j)(1)(A); 33 U.S.C. 1321(l); EO 11735, sec. 5 (a), (b)(3); 49 CFR 1.46(m).

§ 25.801 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States for damage to or loss of property resulting from containment or removal activities during Phase III or IV

33 CFR Ch. I (7-1-05 Edition)

of the National Contingency Plan, under the Federal Water Pollution Control Act, as amended. 33 U.S.C. 1321.

§ 25.803 Claims payable.

A claim for damage to or loss of real or personal property is payable under this subpart if:

- (a) Caused by the United States, its employees, agents or contractors during containment, countermeasures, cleanup, mitigation, and disposal activities under the National Contingency Plan; and
- (b) In the exercise of care reasonable under the circumstances, the incident giving rise to the claim was necessary and the damage unavoidable.

§ 25.805 Claims not payable.

A claim is not payable under this subpart if it:

- (a) Is for death or personal injury; or
- (b) Arises out of activities to contain or remove a discharge of oil or other hazardous polluting substance from a United States or foreign public vessel or federally controlled facility.

PART 26—VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE REGULATIONS

Sec.	
26.01	Purpose.
26.02	Definitions.
26.03	Radiotelephone required.
26.04	Use of the designated frequency.
26.05	Use of radiotelephone.
26.06	Maintenance of radiotelephone; failure of radiotelephone.
26.07	Communications.
26.08	Exemption procedures.
26.09	List of exemptions.

AUTHORITY: 14 U.S.C. 2, 33 U.S.C. 1201-1208; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170. Rule 1, International Regulations for the Prevention of Collisions at Sea.

SOURCE: CGD 71-114R, 37 FR 12720, June 28, 1972, unless otherwise noted.

§ 26.01 Purpose.

- (a) The purpose of this part is to implement the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act. This part:
 - (1) Requires the use of the vessel bridge-to-bridge radiotelephone;