express or implied, or otherwise, and
including claims of the foregoing cat-
egories arising out of civil works, pro-
vided they do not exceed $1,000. The act
further provides that the damage to or
loss or destruction of property shall
not have been caused in whole or in
part by any negligence or wrongful act
on the part of the claimant, his agent
or employee; that no claim shall be set-
tled under the act unless presented in
writing within one year after the inci-
dent out of which such claim arises
shall have occurred except that if the
incident occurs in time of war, or if
war intervenes within one year after
its occurrence, any claim may, on good
cause shown, be presented within one
year after peace is established. The
Secretary of the Army is authorized to
report such claims as exceed $1,000 to
Congress for its consideration.

§ 211.16 Scope and application of Army
Regulations.

(a) AR (Army Regulations) 25–25 has
been issued in furtherance of the act of
July 3, 1943. The regulations in this
part, in keeping with the terms of the
act, apply to claims for damages only.
Paragraph 7 of AR 25–25 provides that
claims for damages to real property in-
cident to the use and occupancy there-
of by the government under a lease ex-
press or implied, or otherwise, are pay-
able under this section even though le-
gally enforceable against the Govern-
ment as contract claims. However, if
deemed preferable in the best interest
of the Government claims payable
under paragraph 7 may be processed to
the General Accounting Office for di-
rect settlement under sec. 236, Revised
Statutes. Claims for rent of real prop-
erty are not payable under AR 25–25.

(b) AR 100–64 has been issued in fur-
therance of Section 236, Revised Stat-
utes, as amended by the act of June 10,
1921; 42 Stat. 24, 31 U.S.C. 71. These reg-
ulations provide exclusive authority
for the consideration and settlement of
claims for rent and other payments of
an express or implied contractual na-
ture, and optional authority with AR
25–25 for settlement of damages, in ex-
cess of $1,000 arising out of the use and
occupancy of real estate by the Depart-
ment of the Army or the Army under
an agreement expressed or implied. AR
100–64 applies to all claims for rent re-
gardless of amount and for other pay-
ments of a contractual nature, for ex-
ample, claims for electricity, heat,
light, water, and other out-of-pocket
expenses, repairs, etc., where such ex-
penses are not included in the lease as
a part of the rental consideration.

§ 211.17 Authority of Division Engi-
neers, Corps of Engineers to settle
claims.

(a) Authority has been delegated to
Division Engineers, within the geo-
ographical limits of their respective ju-
risdictions, to approve or disapprove,
in amounts not exceeding $1,000, any
claim within the purview of the act of
July 3, 1943, as amended. Insofar as real
estate claims are concerned this dele-
gation of authority applies only to
claims for damages incident to the use
and occupancy of real property by the
Department of the Army or the Army.

(b) Division Engineers have no au-
thority to settle and make payment of
claims for damages in excess of $1,000
or for rents or other payments of a con-
tractual nature regardless of amount
arising out of the use and occupation of
real estate under an agreement, ex-
press or implied, or otherwise.

§ 211.18 Action by claimant.

Real estate claims may be presented
by the owner of the property or his
duly authorized agent or legal rep-
resentative. The word “owner”, as so
used, includes lessees, mortgagors, and
conditional vendees, but does not in-
clude mortgagees, conditional vendors,
and others having title for purposes of
security only. The claim, if filed by an
agent or legal representative, should
show the title of the person signing and
be accompanied by evidence of the ap-
pointment of such person as agent, ex-
ecutor, administrator, guardian, or
other fiduciary.

§ 211.19 Place of filing claims.

All real estate claims should be sub-
mitted to the United States Division
Engineer in whose jurisdiction the
claim arises.

189