of the Air Force under 10 U.S.C. 9801–
9804 and 9806.

§ 536.119 Scope for maritime claims.

The AMCSA applies worldwide and
includes claims that arise on high seas
or within the territorial waters of a
foreign country. At 10 U.S.C. 4802 it
provides for the settlement or com-
promise of claims for:

(a) Damage caused by a vessel of, or
in the service of, the Department of the
Army (DA) or by other property under
the jurisdiction of the DA.

(b) Compensation for towage and sal-
vage service, including contract sal-
vage, rendered to a vessel of, or in the
service of, the DA or other property
under the jurisdiction of the DA.

(c) Damage that is maritime in na-
ture and caused by tortious conduct of
U.S. military personnel or federal civil-
ian employees, an agent thereof, or
property under the Army’s jurisdic-
tion.

§ 536.120 Claims payable as maritime
claims.

A claim is cognizable under this sub-
part if it arises in or on a maritime lo-
cation, involves some traditional mari-
time nexus or activity, and is caused
by the wrongful act or omission of a
member of the U.S. Army, Department
of Defense (DOD) or DA civilian em-
ployee, or an agent thereof, while act-
ing within the scope of employment.
This class of claims includes, but is not
limited to:

(a) Damage to a ship, boat, barge, or
other watercraft;

(b) An injury that involves a ship,
boat, barge, or other watercraft;

(c) Damage to a wharf, pier, jetty,
fishing net, farm facilities or other
structures in, on, or adjacent to any
body of water;

(d) Damage or injury on land or on
water arising under the AEA and alleg-
edly due to operation of an Army-
owned or leased ship, boat, barge, or
other watercraft;

(e) An injury that occurs on board an
Army ship, boat, barge or other
watercraft; and

(f) Crash into water of an Army air-
craft.

§ 536.121 Claims not payable as mari-
time claims.

Under this subpart, claims are not
payable if they:

(a) Are listed in §§536.42, 536.43, 536.44,
536.45 (except at (e) and (k)), and 536.46;

(b) Are not maritime in nature;

(c) Are not in the best interests of
the United States, are contrary to pub-
lic policy, or are otherwise contrary to
the basic intent of the governing stat-
ute, for example, claims for property
loss or damage or personal injury or
death by inhabitants of unfriendly for-
egn countries or by individuals consid-
ered to be unfriendly to the United
States. When a claim is considered not
payable for the reasons stated in this
section, it will be forwarded for appro-
priate action to the Commander
USARCS, along with the recommenda-
tions of the responsible claims office.

(d) Are presented by a national, or a
 corporation controlled by a national, of
a country at war or engaged in armed
conflict with the United States, or any
country allied with such enemy coun-
try, unless the appropriate settlement
authority determines that the claim-
ant is and, at the time of incident, was
friendly to the United States. A pris-
oner of war or an interned enemy alien
is not excluded or barred from bringing
a claim for damage, loss, or destruc-
tion of personal property while held in the
custody of the government if the claim
is otherwise payable.

(e) Are for damages or injuries that a
receiving State should pay for under an
international agreement. See
§536.34(c).

§ 536.122 Limitation of settlement of
maritime claims.

(a) Within the United States the pe-
orid of completing an administrative
settlement under the AMCSA is subject
to the same time limitation as that for
beginning suit under the SIAA or PVA;
that is, a two-year period from the date
the cause of the action accrued. The
claimant must have agreed to accept
the settlement and it must be approved
for payment by the Secretary of the
Army or other approval authority prior
to the end of such period. The present-
tation of a claim, or its consideration
by the DA, neither waives nor extends
the two-year limitation period and the