

ject to subsection (b) of this section, the Commission, by” and “Such amounts may be paid only out of money appropriated or allotted for the maintenance and operation of the Panama Canal” for “Such amounts shall be payable promptly out of any moneys appropriated or allotted for the maintenance and operation of the Panama Canal”, and struck out subsec. (b) which provided that the Commission could not adjust and pay any claim for damages for injuries arising by reason of the presence of the vessel in the Panama Canal or adjacent waters outside the locks where the amount of the claim exceeded \$120,000 but had to submit the claim to the Congress in a special report containing the material facts and the recommendation of the Commission thereon.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-209 applicable to any claim arising on or after Oct. 1, 1979, see section 7(a) of Pub. L. 99-209, set out as a note under section 3771 of this title.

§ 3776. Actions on claims

Subject to section 3779(b) of this title, a claimant for damages pursuant to section 3771(a) or 3772 of this title who considers himself aggrieved by the findings, determination, or award of the Commission in reference to his claim may bring an action on the claim against the Commission in the United States District Court for the Eastern District of Louisiana. Subject to the provisions of this part and of applicable regulations issued pursuant to section 3811 of this title relative to navigation of the Panama Canal and adjacent waters, such actions shall proceed and be heard by the court without a jury according to the principles of law and rules of practice obtaining generally in like cases between a private party and a department or agency of the United States. Any judgment obtained against the Commission in an action under this subpart may be paid only out of money allotted for the maintenance and operation of the Panama Canal. An action for damages cognizable under this section shall not otherwise lie against the United States or the Commission, nor in any other court, than as provided in this section; nor may it lie against any officer or employee of the United States or of the Commission. Any action on a claim under this section shall be barred unless the action is brought within 180 days after the date on which the Commission mails to the claimant written notification of the Commission's final determination with respect to the claim or by May 17, 1998, whichever is later. Attorneys appointed by the Commission shall represent the Commission in any action arising under this subpart.

(Pub. L. 96-70, title I, §1416, Sept. 27, 1979, 93 Stat. 487; Pub. L. 99-209, §5, Dec. 23, 1985, 99 Stat. 1717; Pub. L. 104-106, div. C, title XXXV, §3529(6), Feb. 10, 1996, 110 Stat. 642; Pub. L. 105-85, div. C, title XXXV, §3543(b), Nov. 18, 1997, 111 Stat. 2072; Pub. L. 105-261, div. C, title XXXV, §§3509(a)(3), 3512(a)(5), Oct. 17, 1998, 112 Stat. 2270, 2271.)

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-261 substituted “Subject to section 3779(b) of this title, a claimant” for “A claimant” in

first sentence and “by May 17, 1998” for “November 18, 1997”.

1997—Pub. L. 105-85 substituted “180 days” for “one year” and “claim or November 18, 1997,” for “claim, or within one year after December 23, 1985.”

1996—Pub. L. 104-106 struck out “appropriated or” after “out of money” in third sentence.

1985—Pub. L. 99-209 substituted “section 3771(a) or 3772 of this title” for “section 3771 of this title”, substituted “may be paid only out of money” for “shall be paid out of any moneys”, and inserted provisions that any action on a claim under this section shall be barred unless the action is brought within one year after the date on which the Commission mails to the claimant written notification of the Commission's final determination with respect to the claim, or within one year after Dec. 23, 1985, whichever is later, and that attorneys appointed by the Commission shall represent the Commission in any action arising under this subpart.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-209 applicable to any claim arising on or after Oct. 1, 1979, see section 7(a) of Pub. L. 99-209, set out as a note under section 3771 of this title.

§ 3777. Investigation of accident or injury giving rise to claim

Notwithstanding any other provision of law, a claim may not be considered under this subpart, or an action for damages lie thereon, unless, prior to the departure from the Panama Canal of the vessel involved—

- (1) an investigation of the accident or injury giving rise to the claim has been completed, which shall include a hearing by the Board of Local Inspectors of the Commission; and
- (2) the basis for the claim has been laid before the Commission.

(Pub. L. 96-70, title I, §1417, Sept. 27, 1979, 93 Stat. 487; Pub. L. 104-201, div. C, title XXXV, §3544, Sept. 23, 1996, 110 Stat. 2867.)

Editorial Notes

AMENDMENTS

1996—Par. (1). Pub. L. 104-201 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “an investigation by the competent authorities of the accident or injury giving rise to the claim has been completed; and”.

§ 3778. Board of local inspectors

(a) The President shall provide for the establishment of a Board of Local Inspectors of the Panama Canal Commission which shall perform, in accordance with regulations prescribed by the President—

- (1) the investigations required by section 3777 of this title; and
- (2) such other duties with respect to marine matters as may be assigned by the President.

(b) In conducting any investigation pursuant to subsection (a) of this section, the Board of Local Inspectors established pursuant to such subsection may summon witnesses, administer oaths, and require the production of books and papers necessary for such investigation.

(Pub. L. 96-70, title I, §1418, Sept. 27, 1979, 93 Stat. 487.)

Executive Documents

DELEGATION OF FUNCTIONS

Functions vested in President by this section delegated to Secretary of Defense, see section 1-303 of Ex. Ord. No. 12215, May 27, 1980, 45 F.R. 36044, set out as a note under section 3601 of this title.

§ 3779. Insurance

(a) The Commission is authorized to purchase insurance to protect the Commission against major and unpredictable revenue losses or expenses arising from catastrophic marine accidents or other unpredictable events.

(b)(1) The Commission may by regulation require as a condition of transit through the Panama Canal or presence in the Panama Canal or waters adjacent thereto that any potential claimant under section 3771 or 3772 of this title be covered by insurance against the types of injuries described in those sections. The amount of insurance so required shall be specified in those regulations, but may not exceed \$1,000,000.

(2) In a claim under section 3771 or 3772 of this title for which the Commission has required insurance under this subsection, the Commission's liability shall be limited to the amount of damages in excess of the amount of insurance required by the Commission.

(3) In regulations under this subsection, the Commission may prohibit consideration or payment by it of claims presented by or on behalf of an insurer or subrogee of a claimant in a case for which the Commission has required insurance under this subsection.

(Pub. L. 96-70, title I, §1419, as added Pub. L. 99-209, §6(a), Dec. 23, 1985, 99 Stat. 1717; amended Pub. L. 100-203, title V, §5414, Dec. 22, 1987, 101 Stat. 1330-270; Pub. L. 105-261, div. C, title XXXV, §3509(b), Oct. 17, 1998, 112 Stat. 2270.)

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-261 designated existing provisions as subsec. (a) and added subsec. (b).

1987—Pub. L. 100-203 inserted “or other unpredictable events” after “marine accidents”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable to any claim arising on or after Dec. 23, 1985, see section 7(b)(1) of Pub. L. 99-209, set out as an Effective Date of 1985 Amendment note under section 3771 of this title.

PART 5—PUBLIC PROPERTY

§ 3781. Assets and liabilities of Panama Canal Company

All property and other assets of the Panama Canal Company shall revert to the United States on October 1, 1979, and, except as otherwise provided by law, the United States shall assume the liabilities, including contractual obligations, of the Panama Canal Company then outstanding. The Commission may use such property, facilities, and records of the Panama Canal Company as are necessary to carry out its functions.

(Pub. L. 96-70, title I, §1501, Sept. 27, 1979, 93 Stat. 487.)

§ 3782. Transfers and cross-servicing between agencies**(a) Transfers of facilities, buildings, structures, improvements, stocks and equipment located in the Republic of Panama**

In the interest of economy and maximum efficiency in the utilization of property and facilities of the United States, there are authorized to be transferred between departments and agencies of the United States, with or without reimbursement, such facilities, buildings, structures, improvements, stock, and equipment located in the Republic of Panama, and used for their activities therein, as may be mutually agreed upon by the departments and agencies involved and approved by the President of the United States or his designee.

(b) Cross-servicing agreements

The Commission may enter into cross-servicing agreements with any other department or agency of the United States for the use of facilities, furnishing of services, or performance of functions.

(c) Transfer of records to Government of Republic of Panama

The Commission, any department or agency of the United States, or any United States court in the Republic of Panama is authorized to transfer to the Government of the Republic of Panama any record of such Commission, department, agency, or court, or copy thereof, including any record acquired from the Canal Zone Government or Panama Canal Company (including any vital statistics record), to any other department, agency, or court of the United States if such action is determined by the Commission, the head of the department or agency concerned, or the judge of the court concerned to be in the interest of the United States. Transfer of any record or copy thereof under this section to the Government of the Republic of Panama shall be made under the coordination of and with the approval of the United States Ambassador to the Republic of Panama.

(d) Applicability to Smithsonian Institution

The provisions of this section shall apply to the Smithsonian Institution.

(Pub. L. 96-70, title I, §1502, Sept. 27, 1979, 93 Stat. 488.)

Executive Documents

DELEGATION OF FUNCTIONS

Functions vested in President by subsec. (a) of this section delegated to Secretary of Defense, see section 1-106 of Ex. Ord. No. 12215, May 27, 1980, 45 F.R. 36043, set out as a note under section 3601 of this title.

§ 3783. Disposition of property of United States

No property of the United States located in the Republic of Panama may be disposed of except pursuant to law enacted by the Congress.

(Pub. L. 96-70, title I, §1503, Sept. 27, 1979, 93 Stat. 488.)