

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-203 effective Jan. 1, 1988, see section 5429 of Pub. L. 100-203, set out as a note under section 3712 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-195 applicable only to tolls and other receipts of the Commission deposited in the Treasury on or after Dec. 23, 1985, see section 2 of Pub. L. 99-195, set out as a note under section 3712 of this title.

§ 3794. Procedures**(a) Publication of notice of proposed changes in rules of measurement and rates of tolls in Federal Register; participation by interested parties; availability of analysis**

The Commission shall publish in the Federal Register notice of any proposed change in the rules of measurement or rates of tolls referred to in section 3791 of this title. The Commission shall give interested parties an opportunity to participate in the proceedings through submission of written data, views, or arguments, and participation in a public hearing to be held not less than 30 days after the date of publication of the notice. The notice shall include the substance of the proposed change and a statement of the time, place, and nature of the proceedings. At the time of publication of such notice, the Commission shall make available to the public an analysis showing the basis and justification for the proposed change, which, in the case of a change in rates of tolls, shall indicate the conformity of the existing and proposed rates of tolls with the requirements of section 3792 of this title, and the Commission's adherence to the requirement for full consideration of the following factors set forth in Understanding (1) incorporated in the Resolution of Ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (adopted by the United States Senate on March 16, 1978):

- (1) the costs of operating and maintaining the Panama Canal;
- (2) the competitive position of the use of the Canal in relation to other means of transportation;
- (3) the interests of the United States and the Republic of Panama in maintaining their domestic fleets;
- (4) the impact of such a change in rates of tolls on the various geographical areas of each of the two countries; and
- (5) the interests of both countries in maximizing their international commerce.

(b) Revision of proposed rules of measurement or rates of tolls

After consideration of the relevant matter presented, the Commission may revise the proposed rules of measurement or rates of tolls, as the case may be, except that, in the case of rates of tolls, if such revision proposes rates greater than those originally proposed, a new analysis of the proposed rates shall be made available to the public, and a new notice of the revised proposal shall be published in the Federal Register apprising interested persons of the opportunity

to participate further in the proceedings through submission of written data, views, or arguments, and participation in a public hearing to be held not less than 30 days after the date of publication of the new notice. The procedure set forth in this subsection shall be followed for any subsequent revision of the proposed rates of tolls by the Commission which proposes rates higher than those in the preceding proposal.

(c) Publication of notice of changes in rules of measurement and rates of tolls in Federal Register

After the proceedings have been conducted pursuant to subsections (a) and (b), the Commission may change the rules of measurement or rates of tolls, as the case may be. The Commission shall publish notice of any such change in the Federal Register not less than 30 days before the effective date of the change.

(d) Judicial review

Action to change the rules of measurement for the Panama Canal or the rates of tolls for the use of the Canal pursuant to this part shall be subject to judicial review in accordance with chapter 7 of title 5.

(Pub. L. 96-70, title I, §1604, Sept. 27, 1979, 93 Stat. 490; Pub. L. 104-106, div. C, title XXXV, §3528, Feb. 10, 1996, 110 Stat. 641.)

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-106, §3528(1), substituted “3791” for “3791(a)”.

Subsec. (c). Pub. L. 104-106, §3528(2), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “After the proceedings have been conducted pursuant to subsections (a) and (b) of this section, the Commission shall publish in the Federal Register a notice of the changes in the rules of measurement or rates of tolls, as the case may be, to be recommended to the President.”

Subsec. (d). Pub. L. 104-106, §3528(3), redesignated subsec. (f) as (d) and struck out former subsec. (d) which read as follows: “Upon publication of the notice pursuant to subsection (c) of this section, the Commission shall forward a complete record of the proceedings, with the recommendation of the Commission, to the President for his consideration. The President may approve, disapprove, or modify any or all of the changes in the rules of measurement or rates of tolls recommended by the Commission.”

Subsec. (e). Pub. L. 104-106, §3528(3), struck out subsec. (e) which read as follows: “Rules of measurement or rates of tolls prescribed by the President pursuant to this part shall take effect on a date prescribed by the President which is not less than 30 days after the President publishes such rules or rates in the Federal Register.”

Subsec. (f). Pub. L. 104-106, §3528(3), redesignated subsec. (f) as (d).

§ 3795. Repealed. Pub. L. 104-201, div. C, title XXXV, § 3546(a)(1), Sept. 23, 1996, 110 Stat. 2867

Section, Pub. L. 96-70, title I, §1605(a), Sept. 27, 1979, 93 Stat. 491, related to change in tolls for fiscal year beginning Oct. 1, 1979.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 96-70, title I, §1605(b), Sept. 27, 1979, 93 Stat. 492, provided that this section was to take effect on

Sept. 27, 1979, prior to repeal by Pub. L. 104-201, div. C, title XXXV, § 3546(a)(1), Sept. 23, 1996, 110 Stat. 2867.

PART 7—GENERAL REGULATIONS

§§ 3801, 3802. Repealed. Pub. L. 104-201, div. C, title XXXV, § 3546(a)(2), (3), Sept. 23, 1996, 110 Stat. 2867

Section 3801, Pub. L. 96-70, title I, § 1701, Sept. 27, 1979, 93 Stat. 492, related to authority of President to prescribe regulations applicable within areas and installations made available for operation and protection of Panama Canal.

Section 3802, Pub. L. 96-70, title I, § 1702, Sept. 27, 1979, 93 Stat. 492, related to authority of Commission to prescribe regulations applicable within areas and installations made available for operation and protection of Panama Canal.

PART 8—SHIPPING AND NAVIGATION

SUBPART I—OPERATION OF CANAL

§ 3811. Operating regulations

The Commission may prescribe, and from time to time amend, regulations governing—

- (1) the operation of the Panama Canal;
- (2) the navigation of the harbors and other waters of the Panama Canal and areas adjacent thereto, including the ports of Balboa and Cristobal;
- (3) the passage and control of vessels through the Panama Canal or any part thereof, including the locks and approaches thereto;
- (4) pilotage in the Panama Canal or the approaches thereto through the adjacent waters; and
- (5) the licensing of officers or other operators of vessels navigating the waters of the Panama Canal and areas adjacent thereto, including the ports of Balboa and Cristobal.

(Pub. L. 96-70, title I, § 1801, Sept. 27, 1979, 93 Stat. 492; Pub. L. 104-201, div. C, title XXXV, § 3545, Sept. 23, 1996, 110 Stat. 2867.)

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-201 substituted “Commission” for “President” in introductory provisions.

SUBPART II—INSPECTION OF VESSELS

§ 3821. Vessels subject to inspection

With the exception of private vessels merely transiting the Panama Canal, and of public vessels of all nations, vessels navigating the waters of the Panama Canal shall be subject to an annual inspection of hulls, boilers, machinery, equipment, and passenger accommodations.

(Pub. L. 96-70, title I, § 1811, Sept. 27, 1979, 93 Stat. 492.)

§ 3822. Foreign vessels

With respect to a foreign vessel of a country which has inspection laws approximating those of the United States, any such vessel having an unexpired certificate of inspection duly issued by the authorities of such country shall not be subject to an inspection other than that necessary to determine whether the vessel, its boiler,

and its lifesaving equipment are as stated in the certificate of inspection. A certificate of inspection may not be accepted as evidence of lawful inspection under this section unless similar privileges are granted to vessels of the United States under the laws of the country to which the vessel belongs.

(Pub. L. 96-70, title I, § 1812, Sept. 27, 1979, 93 Stat. 493.)

§ 3823. Regulations governing inspection

The Commission shall prescribe, and from time to time may amend, regulations concerning the inspection of vessels conforming as nearly as practicable to the laws and regulations governing marine inspection by the United States Coast Guard.

(Pub. L. 96-70, title I, § 1813, Sept. 27, 1979, 93 Stat. 493.)

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

SUBCHAPTER II—TREATY TRANSITION PERIOD

PART 1—LAWS CONTINUED IN FORCE

§ 3831. Repealed. Pub. L. 104-201, div. C, title XXXV, § 3546(a)(4), Sept. 23, 1996, 110 Stat. 2868

Section, Pub. L. 96-70, title II, § 2101, Sept. 27, 1979, 93 Stat. 493, related to continuation in force of Canal Zone Code and other laws, regulations, and administrative authority of the United States for purpose of exercise of law enforcement and judicial jurisdiction during transition period.

PART 2—COURTS

§§ 3841 to 3844. Repealed. Pub. L. 104-201, div. C, title XXXV, § 3546(a)(4), Sept. 23, 1996, 110 Stat. 2868

Section 3841, Pub. L. 96-70, title II, § 2201, Sept. 27, 1979, 93 Stat. 493, related to continuing jurisdiction during transition period of United States District Court for the District of the Canal Zone and magistrates' courts under the Canal Zone Code.

Section 3842, Pub. L. 96-70, title II, § 2202, Sept. 27, 1979, 93 Stat. 494, related to division and terms of United States District Court for the District of the Canal Zone.

Section 3843, Pub. L. 96-70, title II, § 2203(a), Sept. 27, 1979, 93 Stat. 494, related to extension of terms of office of district judge, magistrate, United States attorney, and United States marshal.

Section 3844, Pub. L. 96-70, title II, § 2206, Sept. 27, 1979, 93 Stat. 494, related to continuing operation during transition period of two magistrates' courts established under Canal Zone Code.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 96-70, title II, § 2203(b), Sept. 27, 1979, 93 Stat. 494, provided that section 3843 of this title was to take