

Title 42, The Public Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

AMENDMENTS

1998—Subsec. (f). Pub. L. 105-261 made technical correction to Pub. L. 104-201. See 1996 Amendment note below.

1997—Subsec. (f). Pub. L. 105-85, which directed substitution of “sections 3712(b)” for “sections 3712(c)”, could not be executed because the words “sections 3712(c)” did not appear subsequent to amendment by Pub. L. 104-201, as amended by Pub. L. 105-261. See 1996 and 1998 Amendments notes below and above.

1996—Subsec. (f). Pub. L. 104-201, as amended by Pub. L. 105-261, substituted “sections 3712(b)” for “sections 3712(c)”.

1987—Subsec. (e)(7). Pub. L. 100-203 added cl. (7).

1986—Subsec. (g). Pub. L. 99-368 added subsec. (g).

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. C, title XXXV, §3512(b), Oct. 17, 1998, 112 Stat. 2271, provided that the amendment made by section 3512(b) is effective as of Sept. 23, 1996, and as if included in section 3548(b)(3) of the Panama Canal Act Amendments of 1996, Pub. L. 104-201, as enacted.

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 1986 AMENDMENT

Section 7 of Pub. L. 99-368 provided that: “The amendment made by section 6 [amending this section] shall take effect with respect to fiscal year 1986 and subsequent fiscal years.”

§ 3752. Transactions with Republic of Panama**(a) Commission assistance on reimbursable basis**

The Commission may, on a reimbursable basis, provide to the Republic of Panama materials, supplies, equipment, work, or services, including water and electric power, requested by the Republic of Panama, at such rates as may be agreed upon by the Commission and the Republic of Panama. Payment for such materials, supplies, equipment, work, or services may be made by direct payment by the Republic of Panama to the Commission or by offset against amounts due the Republic of Panama by the United States.

(b) Commission assistance on nonreimbursable basis

The Commission may provide office space, equipment, supplies, personnel, and other in-kind services to the Panama Canal Authority on a nonreimbursable basis.

(c) Other department of agency assistance on reimbursable basis

Any executive department or agency of the United States may, on a reimbursable basis, provide to the Panama Canal Authority materials, supplies, equipment, work, or services requested by the Panama Canal Authority, at such rates as may be agreed upon by that department or agency and the Panama Canal Authority.

(Pub. L. 96-70, title I, §1342, Sept. 27, 1979, 93 Stat. 483; Pub. L. 105-85, div. C, title XXXV, §3542, Nov. 18, 1997, 111 Stat. 2072.)

AMENDMENTS

1997—Pub. L. 105-85 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

§ 3753. Disaster relief

If an emergency arises because of disaster or calamity by flood, hurricane, earthquake, fire, pestilence, or like cause, not foreseen or otherwise provided for, and occurring in the Republic of Panama in such circumstances as to constitute an actual or potential hazard to health, safety, security, or property in the areas and installations made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, the Commission may expend funds available to the Commission for such purpose, and utilize or furnish materials, supplies, equipment, and services for relief, assistance, and protection.

(Pub. L. 96-70, title I, §1343, Sept. 27, 1979, 93 Stat. 483; Pub. L. 100-203, title V, §5428(b), Dec. 22, 1987, 101 Stat. 1330-274.)

AMENDMENTS

1987—Pub. L. 100-203 substituted “funds available” for “available funds appropriated”.

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.

§ 3754. Congressional restraints on property transfers and tax expenditures; formal appraisal of Panama

(a) The Congress enacts this section in the exercise of its authority under Article IV, section 3, clause 2 of the Constitution of the United States to dispose of and make necessary rules and regulations with respect to property of the United States.

(b) Prior to the transfer of property of the United States located in the Republic of Panama to the Republic of Panama pursuant to section 3784 of this title the President shall formally advise the Government of Panama that—

(1) in fulfilling its obligations under the Panama Canal Treaty of 1977, the United States shall make no payments to the Republic of Panama derived from tax revenues of the United States;

(2) the United States retains full discretion and authority to determine whether and the extent to which tax revenues of the United States may be expended in exercising United States rights and carrying out United States responsibilities under the Panama Canal Treaty of 1977 and related agreements;

(3) no tax revenues of the United States shall be made available for obligations and expenditure after October 1, 1979, for purposes of implementing the Panama Canal Treaty of 1977 and related agreements, unless hereafter specifically approved by the Congress through the authorization and appropriation process;

(4) the total amount expended by the Commission from funds available for the use of the Commission shall not exceed the total amount deposited in the Panama Canal Revolving Fund; and

(5) the foregoing paragraphs of this subsection do not apply to expenditures made by the United States in fulfilling United States obligations to transfer the remains of our honored dead from Mount Hope Cemetery in the former Canal Zone to an appropriate and dignified resting place in accordance with Reservation 3 to the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal.

(Pub. L. 96-70, title I, §1344, Sept. 27, 1979, 93 Stat. 484; Pub. L. 100-203, title V, §5428(c), Dec. 22, 1987, 101 Stat. 1330-274.)

AMENDMENTS

1987—Subsec. (b)(4). Pub. L. 100-203 substituted “available” for “appropriated to or” and “Panama Canal Revolving Fund” for “Panama Canal Commission Fund”.

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.

DELEGATION OF FUNCTIONS

Functions vested in President by subsec. (b) delegated to Secretary of State, see section 1-402 of Ex. Ord. No. 12215, May 27, 1980, 45 F.R. 36044, set out as a note under section 3601 of this title.

PART 4—CLAIMS FOR INJURIES TO PERSONS OR PROPERTY

SUBPART I—GENERAL PROVISIONS

§ 3761. Settlement of claims generally

(a) Claims for injury to, or loss of, property or personal injury or death arising from operation of Panama Canal

Subject to the provisions of this part, the Commission may adjust and pay claims for injury to, or loss of, property or for personal injury or death, arising from the operation of the Panama Canal or related facilities and appurtenances.

(b) Limitation on amount of claims

The Commission may pay not more than \$50,000 on any claim described in subsection (a) of this section.

(c) Source of award; release

An award made to a claimant under this section shall be payable out of any moneys made available to the Commission. The acceptance by the claimant of the award shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of his claim against the United States and against any employee of the United States acting in the course of his employment who is involved in the matter giving rise to the claim.

(d) Action for damages on claims cognizable under this part; action against officers or employees of United States for injuries resulting from acts outside scope of their employment

Except as provided in section 3776 of this title, no action for damages on claims cognizable under this part shall lie against the United States or the Commission, and no such action

shall lie against any officer or employee of the United States. Neither this section nor section 3776 of this title shall preclude actions against officers or employees of the United States for injuries resulting from their acts outside the scope of their employment or not in the line of their duties, or from their acts committed with the intent to injure the person or property of another.

(e) Applicability of provisions of section 1346 and chapter 171 of title 28

The provisions of section 1346(b) of title 28 and the provisions of chapter 171 of such title shall not apply to claims cognizable under this part.

(Pub. L. 96-70, title I, §1401, Sept. 27, 1979, 93 Stat. 484; Pub. L. 100-203, title V, §5417(a), Dec. 22, 1987, 101 Stat. 1330-271; Pub. L. 104-106, div. C, title XXXV, §3529(4), Feb. 10, 1996, 110 Stat. 642.)

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-106 struck out “appropriated for or” after “any moneys”.

1987—Subsec. (b). Pub. L. 100-203 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “No claim for an amount exceeding \$50,000 shall be adjusted and paid by the Commission under the provisions of this subpart.”

SUBPART II—VESSEL DAMAGE

§ 3771. Injuries in locks of canal; adjustment and payment of claims

(a) Subject to section 3779(b) of this title and to subsection (b) of this section, the Commission shall promptly adjust and pay damages for injuries to vessels, or to the cargo, crew, or passengers of vessels, which may arise by reason of their passage through the locks of the Panama Canal when the injury was proximately caused by negligence or fault on the part of an officer or employee of the United States acting within the scope of his employment and in the line of his duties in connection with the operation of the Canal. If the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, the award of damages shall be diminished in proportion to the negligence or fault attributable to the vessel, master, crew, or passengers. Damages may not be allowed and paid for injuries to any protrusion beyond any portion of the hull of a vessel, whether it is permanent or temporary in character. A vessel is considered to be passing through the locks of the Canal, under the control of officers or employees of the United States, from the time the first towing line is made fast on board before entrance into the locks and until the towing lines are cast off upon, or immediately prior to, departure from the lock chamber. No payment for damages on a claim may be made under this section unless the claim is filed with the Commission within one year after the date of the injury or by November 18, 1998, whichever is later.

(b)(1) With respect to a claim under subsection (a) of this section for damages for injuries to a vessel or its cargo, if, at the time the injuries were incurred, the navigation or movement of the vessel was not under the control of a Panama Canal pilot, the Commission may pay not more than \$50,000 on the claim, unless the inju-