

ries were caused by another vessel under the control of a Panama Canal pilot.

(2) The provisions of subsections (c) through (e) of section 3761 of this title shall apply to any claim described in paragraph (1).

(Pub. L. 96-70, title I, §1411, Sept. 27, 1979, 93 Stat. 485; Pub. L. 99-209, §2(a), (b), Dec. 23, 1985, 99 Stat. 1716; Pub. L. 100-203, title V, §5417(b), Dec. 22, 1987, 101 Stat. 1330-271; Pub. L. 105-85, div. C, title XXXV, §3543(a), Nov. 18, 1997, 111 Stat. 2072; Pub. L. 105-261, div. C, title XXXV, §§3509(a)(1), 3512(a)(4), Oct. 17, 1998, 112 Stat. 2269, 2271.)

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-261 inserted “to section 3779(b) of this title and” after “Subject” in first sentence and substituted “by November 18, 1998” for “November 18, 1997”.

1997—Subsec. (a). Pub. L. 105-85 substituted “within one year after the date of the injury or November 18, 1997,” for “within 2 years after the date of the injury, or within 1 year after December 23, 1985.”

1987—Subsec. (b)(1). Pub. L. 100-203 substituted “pay not more than \$50,000 on the claim” for “adjust and pay the claim only if the amount of the claim does not exceed \$50,000”.

1985—Subsec. (a). Pub. L. 99-209, §2(a), designated existing provisions as subsec. (a), substituted “Subject to subsection (b) of this section, the” for “The”, substituted “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” for “The Panama Canal under the control of officers or employees of the United States”, struck out provision that damages could not be paid where the injury was proximately caused by the negligence or fault of the vessel, master, crew, or passengers, and inserted provision that no payment for damages on a claim may be made under this section unless the claim is filed with the Commission within 2 years after the date of the injury, or within 1 year after Dec. 23, 1985, whichever is later.

Subsec. (b). Pub. L. 99-209, §2(b), added subsec. (b).

#### EFFECTIVE DATE OF 1985 AMENDMENT

Section 7 of Pub. L. 99-209 provided that:

“(a) **RETROACTIVE APPLICABILITY.**—The amendments made by subsections (a) and (c) of section 2 [amending this section and section 3772 of this title], and the amendments made by sections 4 and 5 of this Act [amending sections 3775 and 3776 of this title], shall apply to any claim arising on or after October 1, 1979.

“(b) **FUTURE APPLICABILITY.**—

“(1) **SECTIONS 3 AND 6.**—The amendments made by sections 3 [amending section 3774 of this title] and 6 [enacting section 3779 of this title] of this Act shall apply to any claim arising on or after the date of the enactment of this Act [Dec. 23, 1985].

“(2) **SECTION 2(b).**—The amendment made by subsection (b) of section 2 [amending this section] shall apply to any claim arising from an incident occurring on or after the date of the enactment of this Act [Dec. 23, 1985].”

### § 3772. Injuries outside locks

Subject to section 3779(b) of this title, 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 presence in the Panama Canal, or waters adjacent thereto, other than the locks, 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. In the case of a vessel which is required by or pursuant to regulations prescribed pursuant to section 3811 of this title to have a Panama Canal pilot on duty aboard, damages may not be adjusted and paid for injuries to the vessel, or its cargo, crew, or passengers, incurred while the vessel was underway and in motion, unless at the time the injuries were incurred the navigation or movement of the vessel was under the control of a Panama Canal pilot. 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.

(Pub. L. 96-70, title I, §1412, Sept. 27, 1979, 93 Stat. 485; Pub. L. 99-209, §2(c), Dec. 23, 1985, 99 Stat. 1716; Pub. L. 105-85, div. C, title XXXV, §3543(a), Nov. 18, 1997, 111 Stat. 2072; Pub. L. 105-261, div. C, title XXXV, §§3509(a)(2), 3512(a)(4), Oct. 17, 1998, 112 Stat. 2270, 2271.)

#### AMENDMENTS

1998—Pub. L. 105-261 substituted “Subject to section 3779(b) of this title, the Commission” for “The Commission” in first sentence and “by November 18, 1998” for “November 18, 1997”.

1997—Pub. L. 105-85 substituted “within one year after the date of the injury or November 18, 1997,” for “within 2 years after the date of the injury, or within 1 year after December 23, 1985.”

1985—Pub. L. 99-209 struck out provisions limiting the amount of the claim to \$120,000, and inserted provision that no payment for damages on a claim may be made under this section unless the claim is filed with the Commission within 2 years after the date of the injury, or within 1 year after Dec. 23, 1985, whichever is later.

#### 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.

### § 3773. Measure of damages generally

In determining the amount of the award of damages for injuries to a vessel for which the Commission is determined to be liable, there may be included—

- (1) the actual or estimated cost of repairs;
- (2) charter hire actually lost by the owners, or charter hire actually paid, depending upon the terms of the charter party, for the time the vessel is undergoing repairs;
- (3) maintenance of the vessel and wages of the crew, if they are found to be actual additional expenses or losses incurred outside of the charter hire; and
- (4) other expenses which are definitely and accurately shown to have been incurred necessarily and by reason of the accident or injuries.

Agent's fees, or commissions, or other incidental expenses of similar character, or any items