

which are indefinite, indeterminable, speculative, or conjectural may not be allowed. The Commission shall be furnished such vouchers, receipts, or other evidence as may be necessary in support of any item of a claim. If a vessel is not operated under charter but by the owner directly, evidence shall be secured if available as to the sum for which vessels of the same size and class can be chartered in the market. If the charter value cannot be determined, the value of the vessel to its owners in the business in which it was engaged at the time of the injuries shall be used as a basis for estimating the damages for the vessel's detention; and the books of the owners showing the vessel's earnings about the time of the accident or injuries shall be considered as evidence of probable earnings during the time of detention. If the books are unavailable, such other evidence shall be furnished as may be necessary.

(Pub. L. 96-70, title I, §1413, Sept. 27, 1979, 93 Stat. 486.)

§ 3774. Delays for which no responsibility is assumed

The Commission is not responsible, and may not consider any claim, for demurrage or delays caused by—

- (1) landslides or other natural causes;
- (2) necessary construction or maintenance work on Canal locks, terminals, or equipment;
- (3) obstruction arising from accidents;
- (4) time necessary for admeasurement;
- (5) congestion of traffic;
- (6) investigation of a marine accident that is conducted within 24 hours after the accident occurs, except that any liability of the Commission beyond that 24-hour period shall be limited to the extent to which the accident was caused, or contributed to, by the negligence of an employee of the Commission acting within the scope of the employee's official duties; or
- (7) except as specially set forth in this subpart, any other cause.

(Pub. L. 96-70, title I, §1414, Sept. 27, 1979, 93 Stat. 486; Pub. L. 99-209, §3, Dec. 23, 1985, 99 Stat. 1717.)

AMENDMENTS

1985—Par. (6). Pub. L. 99-209 amended par. (6) generally. Prior to amendment, par. (6) read as follows: “time necessary for investigation of marine accidents; or”.

EFFECTIVE DATE OF 1985 AMENDMENT

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

§ 3775. Settlement of claims

The Commission, by mutual agreement, compromise, or otherwise, may adjust and determine the amounts of the respective awards of damages pursuant to this subpart. Such amounts may be paid only out of money allotted for the maintenance and operation of the Panama Canal. Acceptance by a claimant of the amount awarded to him shall be deemed to be in

full settlement of such claim against the Government of the United States.

(Pub. L. 96-70, title I, §1415, Sept. 27, 1979, 93 Stat. 486; Pub. L. 99-209, §4, Dec. 23, 1985, 99 Stat. 1717; Pub. L. 104-106, div. C, title XXXV, §3529(5), Feb. 10, 1996, 110 Stat. 642.)

AMENDMENTS

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

1985—Pub. L. 99-209 struck out the subsec. (a) designation, substituted “The Commission, by” for “Subject 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.

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.