

sion employees and their dependents outside the United States, any notarial act that a notary public is required or authorized to perform within the United States. Unless an earlier expiration is provided by the terms of the appointment, any such appointment shall expire three months after the Canal Transfer Date.

(2) Every notarial act performed by a person acting as a notary under paragraph (1) shall be as valid, and of like force and effect within the United States, as if executed by or before a duly authorized and competent notary public in the United States.

(3) The signature of any person acting as a notary under paragraph (1), when it appears with the title of that person's office, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act.

(h) Limitations on authority

The authority of the Commission under this section and section 3612b of this title is subject to the Panama Canal Treaty of 1977 and related agreements, and to chapter 91 of title 31.

(Pub. L. 96-70, title I, §1102a, as added Pub. L. 104-106, div. C, title XXXV, §3524(a), Feb. 10, 1996, 110 Stat. 639; amended Pub. L. 105-85, div. C, title XXXV, §§3546, 3550(d)(3), Nov. 18, 1997, 111 Stat. 2073, 2074.)

REFERENCES IN TEXT

Sections 661 and 662 of title 42, referred to in subsec. (c)(2), were repealed by Pub. L. 104-193, title III, §362(b)(1), Aug. 22, 1994, 110 Stat. 2246.

AMENDMENTS

1997—Subsec. (g). Pub. L. 105-85, §3546(2), added subsec. (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 105-85, §3550(d)(3), made technical amendment to reference in original act which appears in text as reference to section 3612b of this title.

Pub. L. 105-85, §3546(1), redesignated subsec. (g) as (h).

§ 3612b. Specific powers of Commission

(a) Panama Canal management, operation, and maintenance

The Commission may manage, operate, and maintain the Panama Canal.

(b) Establishment, maintenance, and operation of activities, facilities, and appurtenances

The Commission may construct or acquire, establish, maintain, and operate such activities, facilities, and appurtenances as necessary and appropriate for the accomplishment of the purposes of this chapter, including the following:

- (1) Docks, wharves, piers, and other shoreline facilities.
- (2) Shops and yards.
- (3) Marine railways, salvage and towing facilities, fuel-handling facilities, and motor transportation facilities.
- (4) Power systems, water systems, and a telephone system.
- (5) Construction facilities.
- (6) Living quarters and other buildings.
- (7) Warehouses, storehouses, a printing plant, and manufacturing, processing, or service facilities in connection therewith.
- (8) Recreational facilities.

(c) Use of United States mails

The Commission may use the United States mails in the same manner and under the same

conditions as the executive departments of the Federal Government.

(d) Necessary or appropriate actions

The Commission may take such actions as are necessary or appropriate to carry out the powers specifically conferred upon it.

(e) Commercial activities

The Commission may conduct and promote commercial activities related to the management, operation, or maintenance of the Panama Canal. Any such commercial activity shall be carried out consistent with the Panama Canal Treaty of 1977 and related agreements.

(f) Donations

(1) The Commission may seek and accept donations of funds, property, and services from individuals, foundations, corporations, and other private and public entities for the purpose of carrying out its promotional activities.

(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds, property, or services authorized by paragraph (1) would reflect unfavorably upon the ability of the Commission (or any employee of the Commission) to carry out its responsibilities or official duties in a fair and objective manner or would compromise the integrity or the appearance of the integrity of its programs or of any official in those programs.

(Pub. L. 96-70, title I, §1102b, as added Pub. L. 104-106, div. C, title XXXV, §3524(a), Feb. 10, 1996, 110 Stat. 639; amended Pub. L. 105-85, div. C, title XXXV, §3547, Nov. 18, 1997, 111 Stat. 2073; Pub. L. 105-261, div. C, title XXXV, §3505, Oct. 17, 1998, 112 Stat. 2268.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 96-70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979 which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

AMENDMENTS

1998—Subsec. (f). Pub. L. 105-261 added subsec. (f).

1997—Subsec. (e). Pub. L. 105-85 added subsec. (e).

§ 3613. Administrator

(a) Appointment

There shall be an Administrator of the Commission who shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President.

(b) Compensation

The Administrator shall be paid compensation in an amount, established by the Board, not to exceed level III of the Executive Schedule.

(c) Authority for dual role

The Congress consents, for purposes of the 8th clause of article I, section 9 of the Constitution of the United States, to the acceptance by the individual serving as Administrator of the Commission of appointment by the Republic of Panama to the position of Administrator of the

Panama Canal Authority. Such consent is effective only if that individual, while serving in both such positions, serves as Administrator of the Panama Canal Authority without compensation, except for payments by the Republic of Panama of travel and entertainment expenses, including per diem payments.

(d) Waiver of ethics and reporting requirements

If before the Canal Transfer Date the Republic of Panama appoints as the Administrator of the Panama Canal Authority the individual serving as the Administrator of the Commission and if that individual accepts the appointment—

(1) during any period during which that individual serves as both Administrator of the Commission and the Administrator of the Panama Canal Authority—

(A) the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), shall not apply to that individual with respect to service as the Administrator of the Panama Canal Authority;

(B) that individual, with respect to participation in any particular matter as the Administrator of the Panama Canal Commission, is not subject to section 208(a) of title 18, insofar as that section would otherwise apply to that matter only because the matter will have a direct and predictable effect on the financial interest of the Panama Canal Authority;

(C) that individual is not subject to sections 203 and 205 of title 18, with respect to official acts performed as an agent or attorney for or otherwise representing the Panama Canal Authority; and

(D) that individual is not subject to sections 501(a) and 502(a)(4) of the Ethics in Government Act of 1978 (5 U.S.C. App.), with respect to compensation received for, and service in, the position of Administrator of the Panama Canal Authority; and

(2) effective upon termination of the individual's appointment as Administrator of the Panama Canal Commission at noon on the Canal Transfer Date, that individual is not subject to section 207 of title 18, with respect to acts done in carrying out official duties as Administrator of the Panama Canal Authority.

(Pub. L. 96-70, title I, §1103, Sept. 27, 1979, 93 Stat. 457; Pub. L. 104-201, div. C, title XXXV, §3523(a), Sept. 23, 1996, 110 Stat. 2860; Pub. L. 105-85, div. C, title XXXV, §3521, Nov. 18, 1997, 111 Stat. 2063.)

REFERENCES IN TEXT

Level III of the Executive Schedule, referred to in subsec. (b), is set out in section 5314 of Title 5, Government Organization and Employees.

The Foreign Agents Registration Act of 1938, referred to in subsec. (d)(1)(A), is act June 8, 1938, ch. 327, 52 Stat. 631, as amended, which is classified generally to subchapter II (§611 et seq.) of chapter 11 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 611 of this title and Tables.

Sections 501(a) and 502(a)(4) of the Ethics in Government Act of 1978, referred to in subsec. (d)(1)(D), are sections 501(a) and 502(a)(4) of Pub. L. 95-521, which are set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1997—Subsecs. (c), (d). Pub. L. 105-85 added subsecs. (c) and (d).

1996—Pub. L. 104-201 amended section generally. Prior to amendment, section read as follows: "There shall be an Administrator of the Commission, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President."

SAVINGS PROVISION

Section 3523(b) of Pub. L. 104-201 provided that: "Nothing in this section [amending this section] (or section 3549(3) [section 3549 of Pub. L. 104-201 did not contain a par. (3) and is not classified to the Code]) shall be considered to affect—

"(1) the tenure of the individual serving as Administrator of the Commission on the day before subsection (a) takes effect [section 3523(a) of Pub. L. 104-201, effective Sept. 23, 1996]; or

"(2) until modified under section 1103(b) of the Panama Canal Act of 1979 [subsec. (b) of this section], as amended by subsection (a), the compensation of the individual so serving."

§ 3614. Deputy Administrator

(a) Appointment and duties

There shall be a Deputy Administrator of the Commission who shall be appointed by the President. The Deputy Administrator shall perform such duties as may be prescribed by the Board.

(b) Compensation

The Deputy Administrator shall be paid compensation at a rate of pay, established by the Board, which does not exceed the rate of basic pay in effect for level IV of the Executive Schedule, and, if eligible, shall be paid the overseas recruitment and retention differential provided for in section 3657 of this title.

(Pub. L. 96-70, title I, §1104, Sept. 27, 1979, 93 Stat. 457; Pub. L. 101-510, div. C, title XXXV, §3505, Nov. 5, 1990, 104 Stat. 1846; Pub. L. 104-201, div. C, title XXXV, §3524(a), Sept. 23, 1996, 110 Stat. 2860.)

REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in subsec. (b), is set out in section 5315 of Title 5, Government Organization and Employees.

AMENDMENTS

1996—Pub. L. 104-201 struck out "and Chief Engineer" after "Deputy Administrator" in section catchline and amended text generally. Prior to amendment, text read as follows:

"(a) There shall be a Deputy Administrator and a Chief Engineer of the Commission, both of whom shall be appointed by the President. The Deputy Administrator and the Chief Engineer shall perform such duties as may be prescribed by the President.

"(b) The Deputy Administrator and the Chief Engineer shall each be paid compensation at a rate of pay established by the President which does not exceed the rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, and, if eligible, shall each be paid the overseas recruitment or retention differential provided for in section 3657 of this title."

1990—Subsec. (b). Pub. L. 101-510 inserted before period at end "", and, if eligible, shall each be paid the overseas recruitment or retention differential provided for in section 3657 of this title".

DELEGATION OF FUNCTIONS

Authority of President under this section to fix the compensation of and to define authorities and duties of