

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

Deputy Administrator delegated to Secretary of Defense, see section 1-302 of Ex. Ord. No. 12215, May 27, 1980, 45 F.R. 36044, set out as a note under section 3601 of this title.

SAVINGS PROVISION

Section 3524(b) of Pub. L. 104-201 provided that: “Nothing in this section [amending this section] shall be considered to affect—

“(1) the tenure of the individual serving as Deputy Administrator of the Commission on the day before subsection (a) takes effect [section 3524(a) of Pub. L. 104-201, effective Sept. 23, 1996]; or

“(2) until modified under section 1104(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.”

§ 3615. Consultative Committee

(a) Designation and coordination

The President shall designate, and the Secretary of State shall coordinate the participation of, representatives of the United States to the Consultative Committee to be established under paragraph 7 of Article III of the Panama Canal Treaty of 1977.

(b) Functions

The Consultative Committee shall function as a diplomatic forum for the exchange of views between the United States and the Republic of Panama. The Committee shall advise the United States Government and the Government of the Republic of Panama on matters of policy affecting the operation of the Panama Canal. The Committee shall have no authority to direct the Commission or any other department or agency of the United States to initiate or withhold action.

(Pub. L. 96-70, title I, §1105, Sept. 27, 1979, 93 Stat. 457.)

§ 3616. Joint Commission on the Environment

(a) Establishment; composition

The United States and the Republic of Panama, in accordance with the Panama Canal Treaty of 1977, shall establish a Joint Commission on the Environment (hereinafter in this section referred to as the “Joint Commission”) to be composed of not more than three representatives of the United States and three representatives of the Republic of Panama, or such other equivalent numbers of representatives as may be agreed upon by the Governments of the two countries. The United States members of the Joint Commission shall periodically review the implementation of the Panama Canal Treaty of 1977 with respect to its impact on the environment and shall, jointly with the representatives of the Government of Panama, make recommendations to the United States Government and the Government of the Republic of Panama with respect to ways to avoid or mitigate adverse environmental impacts resulting from actions taken pursuant to such Treaty.

(b) Appointment; compensation and travel expenses

Representatives of the United States on the Joint Commission shall be appointed by the President and shall serve at the pleasure of the President. Such representatives shall serve

without compensation but shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, in accordance with section 3617 of this title.

(c) Protection of pay, seniority, or other rights or benefits of appointed or detailed Federal employees

Any Federal employee subject to the civil service laws and regulations who is detailed to serve with, or appointed by, the United States representatives on the Joint Commission shall not lose any pay, seniority, or other rights or benefits by reason of such detail or appointment.

(d) Compensation of necessary personnel

The United States representatives on the Joint Commission may, to such extent or in such amounts as are provided in advance in appropriation Acts, appoint and fix the compensation of such personnel as the representatives of the United States on the Joint Commission may consider necessary for the participation of the United States on the Joint Commission.

(e) Rules of procedure; establishment; approval

The United States representatives on the Joint Commission may, in cooperation with the representatives of the Republic of Panama on the Joint Commission, establish rules of procedure to be used by the Joint Commission in conducting its affairs, subject to the approval of such rules by the Governments of the United States and the Republic of Panama.

(Pub. L. 96-70, title I, §1106, Sept. 27, 1979, 93 Stat. 457.)

§ 3617. Travel expenses

While away from their homes, regular places of business, or official stations in performance of services under this part, members of the Board of the Commission and the representatives of the United States on the Consultative Committee referred to in section 3615 of this title and on the Joint Commission on the Environment referred to in section 3616 of this title shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5.

(Pub. L. 96-70, title I, §1107, Sept. 27, 1979, 93 Stat. 458.)

§ 3618. Defense of Panama Canal

In the event of an armed attack against the Panama Canal, or when, in the opinion of the President, conditions exist which threaten the security of the Canal, the Administrator of the Commission shall, upon the order of the President, comply with such directives as the United States military officer charged with the protection and defense of the Panama Canal may consider necessary in the exercise of his duties.

(Pub. L. 96-70, title I, §1108, Sept. 27, 1979, 93 Stat. 458.)

§ 3619. Joint sea level canal study

(a) Committee; appointment of representatives

The President shall appoint the representatives of the United States to any joint commit-