

tee or body with the Republic of Panama to study the possibility of a sea level canal in the Republic of Panama pursuant to Article XII of the Panama Canal Treaty of 1977.

**(b) Transmittal of study to President of Senate and Speaker of House of Representatives**

Upon the completion of any joint study between the United States and the Republic of Panama concerning the feasibility of a sea level canal in the Republic of Panama pursuant to paragraph 1 of Article XII of the Panama Canal Treaty of 1977, the text of the study shall be transmitted by the President to the President of the Senate and to the Speaker of the House of Representatives.

**(c) Congressional authorization respecting construction of sea level canal**

No construction of a sea level canal by the United States in the Republic of Panama shall be undertaken except with express congressional authorization after submission of the study by the President as provided in subsection (b) of this section.

(Pub. L. 96-70, title I, §1109, Sept. 27, 1979, 93 Stat. 459.)

**§ 3620. Authority of Ambassador; independence of Commission regarding its Panama Canal responsibilities**

**(a) Authority of Ambassador**

The United States Ambassador to the Republic of Panama shall have full responsibility for the coordination of the transfer to the Republic of Panama of those functions that are to be assumed by the Republic of Panama pursuant to the Panama Canal Treaty of 1977 and related agreements.

**(b) Independence of Commission regarding its Panama Canal responsibilities**

(1) The Commission shall not be subject to the direction or supervision of the United States Chief of Mission in the Republic of Panama with respect to the responsibilities of the Commission for the operation, management, or maintenance of the Panama Canal, as established in this chapter or any other Act or in the Panama Canal Treaty of 1977 and related agreements, except that the Commission shall keep the Ambassador fully and currently informed with respect to all activities and operations of the Commission.

(2) Except as provided in paragraph (1) of this subsection, section 3927 of this title shall apply with respect to the activities of the Commission.

**(c) Agreements for United States to provide post-transfer administrative services for certain employee benefits**

(1) The Secretary of State may enter into one or more agreements to provide for the United States to furnish administrative services relating to the benefits described in paragraph (2) after December 31, 1999, and to establish appropriate procedures for providing advance funding for the services.

(2) The benefits referred to in paragraph (1) are the following:

(A) Pension, disability, and medical benefits provided by the Panama Canal Commission pursuant to section 3682 of this title.

(B) Compensation for work injuries covered by chapter 81 of title 5.

(Pub. L. 96-70, title I, §1110, Sept. 27, 1979, 93 Stat. 459; Pub. L. 105-85, div. C, title XXXV, §3550(d)(4), Nov. 18, 1997, 111 Stat. 2074; Pub. L. 105-261, div. C, title XXXV, §3506, Oct. 17, 1998, 112 Stat. 2269.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(1), 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. (c). Pub. L. 105-261 added subsec. (c).

1997—Subsec. (b)(2). Pub. L. 105-85 substituted "section 3927" for "section 2680a".

**§ 3621. Security legislation**

It is the sense of the Congress that the best interests of the United States require that the President enter into negotiations with the Republic of Panama for the purpose of arranging for the stationing of United States military forces, after the termination of the Panama Canal Treaty of 1977, in the area comprising the Canal Zone before October 1, 1979, and for the maintenance of installations and facilities, after the termination of such Treaty, for the use of United States military forces stationed in such area. The President shall report to the Congress in a timely manner the status of negotiations conducted pursuant to this section.

(Pub. L. 96-70, title I, §1111, Sept. 27, 1979, 93 Stat. 459.)

DELEGATION OF FUNCTIONS

Functions vested in President by this section delegated to Secretary of State who shall perform such functions in coordination with Secretary of Defense, see section 1-401 of Ex. Ord. No. 12215, May 27, 1980, 45 F.R. 36044, set out as a note under section 3601 of this title.

**§ 3622. Code of conduct for Commission personnel**

**(a) Oath; compliance with laws of United States regarding duties and responsibilities of Federal employees**

Before assuming the duties of his office or employment, each member of the Board of the Commission and each officer and employee of the Commission shall take an oath to discharge faithfully the duties of his office or employment. All employees of the Commission shall be subject to the laws of the United States regarding duties and responsibilities of Federal employees.

**(b) Adoption of code of conduct; time limit; contents**

Not later than 60 days after all the members of the Board of the Commission have been appointed, the Board shall adopt a code of conduct

applicable to the persons referred to in subsection (a) of this section. The code of conduct shall contain provisions substantially equivalent to those contained in part 735 of title 5 of the Code of Federal Regulations on October 1, 1979. The code of conduct shall, at a minimum, contain provisions substantially equivalent to the following provisions of law:

(1) the provisions of chapter 11 of title 18, relating to bribery, graft, or conflicts of interest, as appropriate to the employees concerned;

(2) section 7352 of title 5;

(3) sections 207, 208, 285, 508, 641, 645, 1001, 1917, and 2071 of title 18;

(4) section 1343, 1344, and 1349(b) of title 31;

(5) the Ethics in Government Act of 1978 (92 Stat. 1824), as amended; and

(6) those provisions of the laws and regulations of the Republic of Panama which are substantially equivalent to those of the United States set forth in this subsection.

**(c) Investigations by Commission respecting violations; recommendations for suspension**

The Commission shall investigate any allegations regarding the violation of the code of conduct adopted pursuant to subsection (b) of this section. The Commission may recommend that the President suspend from the performance of his duties any member of the Board of the Commission or any officer or employee of the Commission, pending judicial proceedings by appropriate authorities concerning such allegations.

**(d) Measures to insure compliance with code of conduct**

The President shall negotiate suitable arrangements with the Republic of Panama whereby each nation shall agree to take all measures within its legal authority to assure that members of the Board of the Commission comply with the code of conduct established pursuant to subsection (b) of this section. Without prejudice to such jurisdiction as the United States may have with respect to members of the Board, the provisions of law enumerated in subsection (b) of this section shall be enforced with respect to members of the Board only in accordance with such arrangements.

**(e) Waiver of post-employment restrictions**

(1) Section 207 of title 18 does not apply to a covered individual with respect to acts done in carrying out official duties as an officer or employee of the Panama Canal Authority.

(2) For purposes of paragraph (1), a covered individual is an officer or employee of the Panama Canal Authority who was an officer or employee of the Commission (other than the Administrator) and whose employment with the Commission terminated at noon on the Canal Transfer Date.

(3) This subsection is effective as of the Canal Transfer Date.

**(f) Consent for acceptance of employment by Panama Canal Authority**

(1) The Congress consents to the following persons accepting civil employment (and compensation for that employment) with the Panama Canal Authority for which the consent of the

Congress is required by the last paragraph of section 9 of article I of the Constitution of the United States, relating to acceptance of emoluments, offices, or titles from a foreign government:

(A) Retired members of the uniformed services.

(B) Members of a reserve component of the armed forces.

(C) Members of the Commissioned Reserve Corps of the Public Health Service.

(2) The consent of the Congress under paragraph (1) is effective without regard to subsection (b) of section 908 of title 37 (relating to approval required for employment of Reserve and retired members by foreign governments).

(Pub. L. 96-70, title I, §1112, Sept. 27, 1979, 93 Stat. 459; Pub. L. 105-85, div. C, title XXXV, §§3522, 3550(d)(2)(A), Nov. 18, 1997, 111 Stat. 2064, 2074.)

REFERENCES IN TEXT

The Ethics in Government Act of 1978 (92 Stat. 1824), as amended, referred to in subsec. (b)(5), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95-521 in the Appendix to Title 5, Government Organization and Employees, and Tables.

CODIFICATION

In subsec. (b)(4), “sections 1343, 1344, and 1349(b) of title 31” substituted for “section 5 of the Act of July 16, 1914 (31 U.S.C. 638a), as amended” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1997—Subsec. (b). Pub. L. 105-85, §3550(d)(2)(A), substituted “October 1, 1979” for “the effective date of this Act”.

Subsecs. (e), (f). Pub. L. 105-85, §3522, added subsecs. (e) and (f).

DELEGATION OF FUNCTIONS

Functions vested in President by subsec. (d) of this section 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.

**§ 3623. Office of Ombudsman**

**(a) Establishment; appointment of Ombudsman; functions**

There is established within the Commission an Office of Ombudsman, to be directed by an Ombudsman, who shall be appointed by the Commission. It shall be the function of the Office of Ombudsman to receive individual complaints, grievances, requests, and suggestions of employees (and their dependents) of the Commission and other departments and agencies of the United States, including the Smithsonian Institution, conducting operations before October 1, 1979, in the area then comprising the Canal Zone concerning administrative problems, inefficiencies, and conflicts caused within departments and agencies of the United States, including the Smithsonian Institution, as a result of the implementation of the Panama Canal Treaty of 1977 and related agreements.

**(b) Authority to make findings, render assistance, and offer recommendations**

The Ombudsman shall make findings and render assistance with respect to the com-