

**(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

Pub. L. 104-201, div. C, title XXXV, §3523(b), Sept. 23, 1996, 110 Stat. 2860, 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 re-

tention 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

Pub. L. 104-201, div. C, title XXXV, §3524(b), Sept. 23, 1996, 110 Stat. 2861, 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