

section, may act by proxy for any other member of the Board if that other member authorizes the proxy in writing and signs the proxy. The proxy may be counted to establish a quorum and may be used by the Secretary of Defense, or the officer of the Department of Defense designated by the Secretary under subsection (a) of this section, to cast the vote of the absent Board member and to act for that member with all the powers that member would possess if present.

(Pub. L. 96-70, title I, §1102, Sept. 27, 1979, 93 Stat. 456; Pub. L. 98-217, Feb. 14, 1984, 98 Stat. 9; Pub. L. 99-223, §6, Dec. 28, 1985, 99 Stat. 1740; Pub. L. 100-203, title V, §5416, Dec. 22, 1987, 101 Stat. 1330-270; Pub. L. 100-705, §7, Nov. 19, 1988, 102 Stat. 4686; Pub. L. 101-510, div. C, title XXXV, §3504, Nov. 5, 1990, 104 Stat. 1846; Pub. L. 104-106, div. C, title XXXV, §3523, Feb. 10, 1996, 110 Stat. 638; Pub. L. 105-261, div. C, title XXXV, §3511(a), Oct. 17, 1998, 112 Stat. 2270.)

### Editorial Notes

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-261 substituted “The Commission shall be supervised by a Board composed of nine members, one of whom shall be an officer of the Department of Defense. The officer of the Department of Defense who shall serve on the Board shall be designated by the Secretary of Defense and may continue to serve on the Board only while continuing to serve as an officer of the Department of Defense.” for “The Commission shall be supervised by a Board composed of nine members, one of whom shall be the Secretary of Defense or an officer of the Department of Defense designated by the Secretary.” and “the officer of the Department of Defense designated by the Secretary of Defense to be a member of the Board” for “Secretary of Defense or a designee of the Secretary of Defense”.

1996—Subsec. (a). Pub. L. 104-106 added subsec. (a) and struck out former subsec. (a) which read as follows: “The Commission shall be supervised by a Board composed of nine members, one of whom shall be the Secretary of Defense or an officer of the Department of Defense designated by the Secretary. Not less than five members of the Board shall be nationals of the United States and the remaining members shall be nationals of the Republic of Panama. At least one of the members of the Board who are nationals of the United States shall be experienced and knowledgeable in the management or operation of an American-flag steamship line which has or had ships regularly transiting the Panama Canal, at least one other such member shall be experienced and knowledgeable in United States port operations or in the business of exporting or importing one of the regular commodities dependent on the Panama Canal as a transportation route, and at least one other such member shall be experienced and knowledgeable in labor matters in the United States. Three members of the Board shall hold no other office in or be employed by the Government of the United States. Members of the Board who are nationals of the United States shall cast their votes as directed by the Secretary of Defense or his designee.”

1990—Subsec. (b). Pub. L. 101-510 substituted “level V of the Executive Schedule under section 5316” for “grade GS-18 of the General Schedule under section 5332”.

1988—Subsec. (c). Pub. L. 100-705 struck out after third sentence “Only one proxy may be valid at any one time.”

1987—Subsec. (b). Pub. L. 100-203 inserted before period at end “or, as authorized by the Chairman of the Board, while on official Panama Canal Commission business”.

1985—Subsec. (b). Pub. L. 99-223 inserted provisions relating to compensation of members of the Board who

hold no other office with either the Government of the United States or the Republic of Panama for which they receive pay.

1984—Subsec. (c). Pub. L. 98-217 inserted provisions under which the Secretary of Defense or the officer of the Department of Defense designated by the Secretary may act by proxy for other members of the Board.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-705, §10, Nov. 19, 1988, 102 Stat. 4687, provided that: “This Act [enacting sections 3715 to 3715d of this title, amending this section and sections 3712 and 3731 of this title, and enacting provisions set out as a note under section 3601 of this title] takes effect on October 1, 1988.”

#### EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-223, §8, Dec. 28, 1985, 99 Stat. 1740, provided that: “Section 5 and section 6 of the Act [enacting section 3650 of this title and amending this section and sections 3647 and 3731 of this title] shall be effective as of October 1, 1985.”

### § 3612a. General powers of Commission

#### (a) Corporate seal

The Commission may adopt, alter, and use a corporate seal, which shall be judicially noticed.

#### (b) Bylaws

The Commission may by action of the Board of Directors adopt, amend, and repeal bylaws governing the conduct of its general business and the performance of the powers and duties granted to or imposed upon it by law.

#### (c) Suits by and against Commission

The Commission may sue and be sued in its corporate name, except that—

(1) the amenability of the Commission to suit is limited by Article VIII of the Panama Canal Treaty of 1977, section 3761 of this title, and otherwise by law;

(2) an attachment, garnishment, or similar process may not be issued against salaries or other moneys owed by the Commission to its employees except as provided by section 5520a of title 5 and sections 659, 661, and 662<sup>1</sup> of title 42, or as otherwise specifically authorized by the laws of the United States; and

(3) the Commission is exempt from the payment of interest on claims and judgments.

#### (d) Contracts, leases, agreements, or other transactions

The Commission may enter into contracts, leases, agreements, or other transactions.

#### (e) Obligations and expenditures

The Commission—

(1) may determine the character of, and necessity for, its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid; and

(2) may incur, allow, and pay its obligations and expenditures, subject to pertinent provisions of law generally applicable to Government corporations.

#### (f) Priority in payment of debts out of bankrupt estates

The Commission shall have the priority of the Government of the United States in the payment of debts out of bankrupt estates.

<sup>1</sup> See References in Text note below.

**(g) Appointment of notaries public**

(1) The Commission may appoint any United States citizen to have the general powers of a notary public to perform, on behalf of Commission 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.)

**Editorial Notes**

## 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.)

**Editorial Notes**

## 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.