

plaints, grievances, requests, and suggestions submitted to the Office of Ombudsman, and shall make appropriate recommendations to the Commission or any other department or agency of the United States, including the Smithsonian Institution.

(c) Effect on procedures for grievances, appeals, or administrative matters under this chapter, in other provisions of law, or in Federal regulations

The establishment of the Office of Ombudsman shall not affect any procedures for grievances, appeals, or administrative matters in any other provision of this chapter, any other provision of law, or any Federal regulation.

(d) Termination date

The Office of Ombudsman shall terminate upon the termination of the Panama Canal Treaty of 1977.

(Pub. L. 96-70, title I, §1113, Sept. 27, 1979, 93 Stat. 460; Pub. L. 104-201, div. C, title XXXV, §3525, Sept. 23, 1996, 110 Stat. 2861.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original "this Act", meaning Pub. L. 96-70, Sept. 27, 1979, 93 Stat. 462, 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

1996—Subsecs. (d), (e). Pub. L. 104-201 redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows: "The Ombudsman shall be a citizen of the United States."

PART 2—EMPLOYEES

SUBPART I—PANAMA CANAL COMMISSION
PERSONNEL

§ 3641. Definitions

As used in this part—

- (1) "Executive agency" has the meaning given that term in section 105 of title 5;
- (2) "uniformed services" has the meaning given that term in section 2101(3) of title 5;
- (3) "competitive service" has the meaning given that term in section 2102 of title 5; and
- (4) "United States", when used in a geographic sense, means each of the several States and the District of Columbia.

(Pub. L. 96-70, title I, §1201, Sept. 27, 1979, 93 Stat. 461.)

EMPLOYMENT OF COMMISSION EMPLOYEES BY
GOVERNMENT OF PANAMA

Pub. L. 103-160, div. C, title XXXV, §3504, Nov. 30, 1993, 107 Stat. 1965, provided that:

"(a) CONSENT OF CONGRESS.—Subject to subsection (b), the Congress consents to employees of the Panama Canal Commission who are not citizens of the United States accepting civil employment with agencies and organizations affiliated with the Government of Panama (and compensation for that employment) for which the consent of Congress is required by the 8th clause of section 9 of article I of the Constitution of the United States, relating to acceptance of emolument, office, or title from a foreign State.

"(b) CONDITION.—Employees described in subsection (a) may accept employment described in such sub-

section (and compensation for that employment) only if the employment is approved by the designated agency ethics official of the Panama Canal Commission designated pursuant to the Ethics in Government Act of 1978 (5 U.S.C. App.), and by the Administrator of the Panama Canal Commission."

§ 3642. Appointment and compensation; duties

(a) Officers and employees

In accordance with this part, the Commission may appoint, fix the compensation of, and define the authority and duties of officers and employees (other than the Administrator and Deputy Administrator) necessary for the management, operation, and maintenance of the Panama Canal and its complementary works, installations, and equipment.

(b) Eligibility to serve as officer or employee of Commission

Individuals serving in any Executive agency (other than the Commission) or the Smithsonian Institution, including individuals in the uniformed services, may, if appointed under this section or section 3614 of this title, serve as officers or employees of the Commission.

(c) Salary protection

In the case of an individual who is an officer or employee of the Commission on November 17, 1997, and who has not had a break in service with the Commission since that date, the rate of basic pay for that officer or employee may not be less than the rate in effect for that officer or employee on that date except—

- (1) as provided in a collective bargaining agreement;
- (2) as a result of an adverse action against the officer or employee; or
- (3) pursuant to a voluntary demotion.

(Pub. L. 96-70, title I, §1202, Sept. 27, 1979, 93 Stat. 461; Pub. L. 104-201, div. C, title XXXV, §3526, Sept. 23, 1996, 110 Stat. 2861; Pub. L. 105-85, div. C, title XXXV, §3523(b), Nov. 18, 1997, 111 Stat. 2065; Pub. L. 105-261, div. C, title XXXV, §3512(a)(1), Oct. 17, 1998, 112 Stat. 2271.)

AMENDMENTS

1998—Subsec. (c). Pub. L. 105-261, §3512(a)(1)(C), which directed substitution of "that date" for "the day before the date of enactment", was executed by making the substitution for "the day before that date of enactment" before "except" in introductory provisions to reflect the probable intent of Congress.

Pub. L. 105-261, §3512(a)(1)(A), (B), in introductory provisions, substituted "November 17, 1997," for "the day before the date of the enactment of the Panama Canal Transition Facilitation Act of 1997" and struck out "on or after that date" after "pay for that officer or employee".

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

1996—Pub. L. 104-201 amended text generally. Prior to amendment, text read as follows:

"(a) In accordance with this part, the Panama Canal Commission may appoint without regard to the provisions of title 5, relating to appointments in the competitive service, fix the compensation of, and define the authority and duties of, officers, agents, attorneys, and employees (other than the Administrator, Deputy Administrator, and Chief Engineer) necessary for the management, operation, and maintenance of the Panama Canal and its complementary works, installations, and equipment.

"(b) Individuals serving in any Executive agency (other than the Commission) or the Smithsonian Insti-

tution, including individuals serving in the uniformed services, may, if appointed under this section or section 3613 or 3614 of this title, serve as officers or employees of the Commission.”

§ 3643. Transfer of Federal employees

(a) Authority to enter into agreements; reemployment rights

The head of any agency may enter into agreements for the transfer or detail to the Commission of any employee of that agency serving under a permanent appointment. Any employee who so transfers or is so detailed shall, upon completion of the employee’s tour of duty with the Commission, be entitled to reemployment with the agency from which the employee was transferred or detailed without loss of pay, seniority, or other rights or benefits to which the employee would have been entitled had the employee not been so transferred or been so detailed.

(b) “Agency” defined

For purposes of this section, the term “agency” means an Executive agency, the United States Postal Service, and the Smithsonian Institution.

(c) Regulations

The Office of Personnel Management shall prescribe regulations to carry out the purposes of this section.

(Pub. L. 96–70, title I, §1203, Sept. 27, 1979, 93 Stat. 461.)

§ 3644. Compensation of individuals in uniformed services

(a) Individual serving in a position in Commission

Except as provided in subsection (b) of this section, any individual who is serving in a position in the Commission and who is a member of a uniformed service shall continue to be paid basic pay by such uniformed service and shall not be paid by the Commission for the period of the service in the uniformed service involved.

(b) Individual appointed as Administrator, Deputy Administrator, or Chief Engineer

If the individual appointed as Administrator, Deputy Administrator, or Chief Engineer of the Commission is a member of a uniformed service, the amount of basic pay otherwise payable to the individual for service in that position shall be reduced, up to the amount of that basic pay, by the amount of the basic pay payable to the individual as a member of a uniformed service.

(c) Reimbursement to uniformed service

The Commission shall annually pay to each uniformed service amounts sufficient to reimburse that uniformed service for any basic pay paid by that uniformed service to any member of that service during any period of service in the Commission by the member.

(Pub. L. 96–70, title I, §1204, Sept. 27, 1979, 93 Stat. 461.)

§ 3645. Deduction from basic pay of amounts due for supplies or services

The Commission may deduct from the basic pay otherwise payable by the Commission to

any officer or employee of the Commission any amount due from the officer or employee to the Commission or to any contractor of the Commission for transportation, board, supplies, or any other service. Any amount so deducted may be paid by the Commission to any contractor to whom it is due or may be credited by the Commission to any fund from which the Commission has expended such amount.

(Pub. L. 96–70, title I, §1205, Sept. 27, 1979, 93 Stat. 462; Pub. L. 104–106, div. C, title XXXV, §3529(1), Feb. 10, 1996, 110 Stat. 641.)

AMENDMENTS

1996—Pub. L. 104–106 substituted “fund” for “appropriation”.

§§ 3646, 3647. Repealed. Pub. L. 105–261, div. C, title XXXV, §3507(a), Oct. 17, 1998, 112 Stat. 2269

Section 3646, Pub. L. 96–70, title I, §1206, Sept. 27, 1979, 93 Stat. 462, related to cost of living allowance.

Section 3647, Pub. L. 96–70, title I, §1207, Sept. 27, 1979, 93 Stat. 462; Pub. L. 99–223, §5(a), Dec. 28, 1985, 99 Stat. 1739, related to educational travel benefits.

EFFECTIVE DATE OF REPEAL

Pub. L. 105–261, div. C, title XXXV, §3507(a), Oct. 17, 1998, 112 Stat. 2269, provided that the repeals made by section 3507(a) are effective 11:59 p.m. (Eastern Standard Time), Dec. 30, 1999, and any right or condition of employment provided for in, or arising from, the repealed provisions is terminated.

§ 3648. Privileges and immunities of certain employees

The Secretary of Defense shall designate those officers and employees of the Commission and other individuals entitled to the privileges and immunities accorded under paragraph 3 of Article VIII of the Panama Canal Treaty of 1977. The Department of State shall furnish to the Republic of Panama a list of the names of such officers, employees, and other individuals and shall notify the Republic of Panama of any subsequent additions to or deletions from the list.

(Pub. L. 96–70, title I, §1208, Sept. 27, 1979, 93 Stat. 463.)

§ 3649. Applicability of certain benefits

Chapter 81 of title 5, relating to compensation for work injuries, chapters 83 and 84 of such title 5, relating to retirement, chapter 87 of such title 5, relating to life insurance, and chapter 89 of such title 5, relating to health insurance, are applicable to Commission employees, except any individual—

- (1) who is not a citizen of the United States;
- (2) whose initial appointment by the Commission occurs after October 1, 1979; and
- (3) who is covered by the Social Security System of the Republic of Panama pursuant to any provision of the Panama Canal Treaty of 1977 and related agreements.

(Pub. L. 96–70, title I, §1209, Sept. 27, 1979, 93 Stat. 463; Pub. L. 104–201, div. C, title XXXV, §3527, Sept. 23, 1996, 110 Stat. 2861.)

AMENDMENTS

1996—Pub. L. 104–201 substituted “Applicability of certain benefits” for “Inapplicability of certain bene-