

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 complaints, 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. 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

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 subsection (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