

by 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 Corps¹ 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.)

Editorial Notes

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.

¹ See Change of Name note below.

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).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to Reserve Corps of the Public Health Service deemed to be a reference to the Ready Reserve Corps, see section 204(c)(3) of Title 42, The Public Health and Welfare.

Executive Documents

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.)

Editorial Notes

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.)

Statutory Notes and Related SubsidiariesEMPLOYMENT 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
- (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.)

Editorial Notes

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 Institution, 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 em-