(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 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

AMENDMENTS

1996—Pub. L. 104–201 substituted ''Applicability of certain benefits'' for ''Inapplicability of certain benefits to certain noncitizens'' in section catchline and amended text generally. Prior to amendment, text was comprised of subsec. (a) of section 1209 of Pub. L. 96–70 which read as follows: ''Chapter 81 of title 5, relating to compensation for work injuries, chapter 83 of such title 5, relating to civil service retirement, chapter 87 of such title 5, relating to life insurance, and chapter 89 of such title 5, relating to health insurance, are inapplicable to 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.''

Prior to amendment, section 1209 also contained subsecs. (b) and (c) which amended sections 8701 and 8901 of Title 5, Government Organization and Employees.

§ 3650. Air transportation

(a) Notwithstanding any other provision of law (except subsection (b)), the Commission may contract with Panamanian carriers registered under the laws of the Republic of Panama to provide air transportation to officials and employees of the Commission who are citizens of the Republic of Panama.

(b) An official or employee of the Commission who is a citizen of the Republic of Panama may elect, for security or other reasons, to travel by an air carrier holding a certificate under section 41102 of title 49.

(Pub. L. 96–70, title I, § 1210, as added Pub. L. 99–223, § 5(b)(1), Dec. 28, 1985, 99 Stat. 1739; amended Pub. L. 104–201, div. C, title XXXV, § 3528, Sept. 23, 1996, 110 Stat. 2861; Pub. L. 105–85, div. C, title XXXV, § 3524(a)(1), (b), Nov. 18, 1997, 111 Stat. 2065.)

Editorial Notes

AMENDMENTS

1997—Pub. L. 105–85, § 3524(b)(2), substituted ''Air transportation'' for ''Travel and transportation'' in section catchline.

Subsec. (a). Pub. L. 105–85, § 3524(b)(1)(A), redesignated subsec. (d)(1) as subsec. (a) and substituted ''subsection (b)'' for ''paragraph (2)''.

Pub. L. 105–85, § 3524(a)(1), struck out subsec. (a) which read as follows: ''Subject to subsections (b) and (c) of this section, the Commission may pay travel and transportation expenses for employees in accordance with subchapter II of chapter 57 of title 5.''

Subsec. (b). Pub. L. 105–85, § 3524(b)(1)(B), redesignated subsec. (d)(2) as subsec. (b) and substituted ''An official'' for ''Notwithstanding paragraph (1), an official'' and ''who is a citizen of the Republic of Panama'' for ''referred to in paragraph (1)''.

Pub. L. 105–85, § 3524(a)(1), struck out subsec. (b) which read as follows: ''For an employee to whom section 3646 of this title applies, the Commission may pay travel and transportation expenses associated with vacation leave for the employee and the immediate family of the employee notwithstanding requirements regarding periods of service established by subchapter II of chapter 57 of title 5 or the regulations promulgated thereunder.''

Subsec. (c). Pub. L. 105–85, § 3524(a)(1), struck out subsec. (c) which read as follows: ''For an employee to whom section 3646 of this title does not apply, the Commission may pay travel and transportation expenses associated with vacation leave for the employee and the immediate family of the employee notwithstanding requirements regarding a written agreement concerning the duration of a continuing service obligation established by subchapter II of chapter 57 of title 5 or the regulations promulgated thereunder.''

Subsec. (d)(1). Pub. L. 105–85, § 3524(b)(1)(A), redesignated subsec. (d)(1) as subsec. (a).

Subsec. (d)(2). Pub. L. 105–85, § 3524(b)(1)(B), redesignated subsec. (d)(2) as subsec. (b).

1996—Pub. L. 104–201 struck out ''expenses'' after ''transportation'' in section catchline and amended text generally. Prior to amendment, text read as follows: ''The Commission may pay the expenses of vacation leave travel for an employee of the Commission to whom section 3646 of this title applies and for transportation of employee's family from the employee's post of duty in Panama to the place of the employee's actual residence at the time of appointment to the post of duty. The authorization of expenses under this section shall be in accordance with subchapter II of chapter 57 of title 5 and the regulations issued under that subchapter, except that the Commission may prescribe required periods of service notwithstanding section 5722