

(1) “position” means a civilian position; and  
 (2) “employee” means an individual serving in a position in the Department of Defense whose permanent duty station is in the area which, before October 1, 1979, was known as the Canal Zone.

**(b) Covered employees**

Under regulations prescribed by or under authority of the President, the Department of Defense may grant a quarters allowance in the case of—

(1) any employee who is a citizen of the United States and who, before October 1, 1979, was employed by the Panama Canal Company, the Canal Zone Government, or any other agency, in the area then known as the Canal Zone; and

(2) any other employee who is a citizen of the United States and who (before, on, or after the effective date of this section) is or was recruited within the United States;

for whom adequate Government owned or leased quarters are not made available.

**(c) Determination of amount**

The amount of any quarters allowance granted to an employee under this section shall be determined in accordance with the regulations prescribed under subsection (b) of this section, except that such allowance for any period may not exceed the amount, if any, by which—

(1) the lesser of—

(A) the actual expenses for rent and utilities incurred by the employee during such period while occupying quarters other than Government owned or leased quarters; or

(B) the maximum amount which would be authorized for such employee with respect to such period under the Department of State Standardized Regulations (Government Civilians, Foreign Areas) if such employee were covered by those regulations;

exceeds

(2) the estimated total cost of rent and utilities which the employee would have been charged if Government owned or leased quarters had been provided on a rental basis during such period.

**(d) Inapplicability of election under section 3652(b) of this title**

The provisions of this section shall apply without regard to whether any election by the Department of Defense under section 3652(b) of this title is then in effect.

(Pub. L. 96–70, title I, §1217a, as added Pub. L. 98–600, §1(a), Oct. 30, 1984, 98 Stat. 3145.)

**Editorial Notes**

REFERENCES IN TEXT

For effective date of this section, referred to in subsec. (b)(2), see section 2 of Pub. L. 98–600, set out below.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Pub. L. 98–600, §2, Oct. 30, 1984, 98 Stat. 3146, provided that: “The amendments made by this Act [enacting this section] shall take effect on October 1, 1984, and

shall apply with respect to utility costs incurred, and rent payable for any period beginning, on or after that date.”

**Executive Documents**

EX. ORD. NO. 12520. QUARTERS ALLOWANCE TO DEPARTMENT OF DEFENSE EMPLOYEES IN PANAMA

Ex. Ord. No. 12520, June 19, 1985, 50 F.R. 25683, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1217a of the Panama Canal Act of 1979 (22 U.S.C. 3657a), it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is authorized to prescribe the regulations referred to in section 1217a of the Panama Canal Act of 1979 [22 U.S.C. 3657a], relating to quarters allowances.

SEC. 2. The regulations prescribed under Section 1 shall be consistent with Article VII(4) of the Agreement in Implementation of Article IV of the Panama Canal Treaty and with all other relevant provisions of the Panama Canal Treaty and related agreements.

RONALD REAGAN.

**§ 3658. Benefits based on basic pay**

For the purpose of determining—

(1) amounts of compensation for disability or death under chapter 81 of title 5, relating to compensation for work injuries;

(2) benefits under subchapter III of chapter 83 or chapter 84 of title 5, relating to retirement;

(3) amounts of insurance under chapter 87 of title 5, relating to life insurance;

(4) amounts of overtime pay or other premium pay;

(5) annual leave benefits; and

(6) any other benefits related to basic pay;

the basic pay of each employee shall include the rate of basic pay established for his position under section 3642 of this title plus the amount of any additional compensation provided under section 3657(a)<sup>1</sup> of this title.

(Pub. L. 96–70, title I, §1218, Sept. 27, 1979, 93 Stat. 466; Pub. L. 104–201, div. C, title XXXV, §3534, Sept. 23, 1996, 110 Stat. 2863; Pub. L. 105–85, div. C, title XXXV, §3523(c)(2), Nov. 18, 1997, 111 Stat. 2065.)

**Editorial Notes**

REFERENCES IN TEXT

Section 3657(a) of this title, referred to in text, was repealed by Pub. L. 105–261, div. C, title XXXV, §3507(a), Oct. 17, 1998, 112 Stat. 2269.

AMENDMENTS

1997—Pub. L. 105–85, in concluding provisions, substituted “section 3642” for “section 3655” and “section 3657(a)” for “section 3657”.

1996—Par. (2). Pub. L. 104–201 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “benefits under subchapter III of chapter 83 of title 5, relating to civil service retirement;”.

**Executive Documents**

COORDINATION OF PAY AND EMPLOYMENT PRACTICES

For provisions requiring consultations with the Secretary of Defense for agencies under this subpart with

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

respect to the establishment of rates of pay and other matters deemed appropriate by the Secretary in order to develop compatible or unified systems of basic pay and employment practices, see section 1-201 of Ex. Ord. No. 12215, May 27, 1980, 45 F.R. 36043, set out as a note under section 3601 of this title.

**§ 3659. Repealed. Pub. L. 105-85, div. C, title XXXV, § 3523(a)(2), Nov. 18, 1997, 111 Stat. 2064**

Section, Pub. L. 96-70, title I, §1219, Sept. 27, 1979, 93 Stat. 466, related to salary protection upon conversion of pay rate.

**§ 3660. Review and adjustment of classifications, grades, and pay level**

An employee may request at any time that the employee's agency—

- (1) review the classification of the employee's position or the grade or pay level for the employee's position, or both; and
- (2) revise or adjust that classification, grade or pay level, or both, as the case may be.

The request for review and revision or adjustment shall be submitted and adjudicated in accordance with the regularly established appeals procedures of the agency.

(Pub. L. 96-70, title I, §1220, Sept. 27, 1979, 93 Stat. 466.)

**§ 3661. Panama Canal Board of Appeals; duties**

(a) Subject to the provisions of this part, the Commission shall prescribe regulations establishing a Panama Canal Board of Appeals. The regulations shall provide for the number of members of the Board and their appointment, compensation, and terms of office, the selection of a Chairman of the Board, the appointment and compensation of the Board's employees, and other appropriate matters relating to the Board.

(b) The Board shall review and determine the appeals of employees in accordance with section 3662 of this title. The decisions of the Board shall conform to the provisions of this subpart.

(Pub. L. 96-70, title I, §1221, Sept. 27, 1979, 93 Stat. 466; Pub. L. 105-85, div. C, title XXXV, §3548, Nov. 18, 1997, 111 Stat. 2073.)

**Editorial Notes**

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-85 substituted "Commission" for "President".

**§ 3662. Appeals to Board; procedures**

**(a) Persons entitled to appeal; form; time**

An employee may appeal to the Panama Canal Board of Appeals from an adverse determination made by an agency under section 3660 of this title. The appeal shall be made in writing within a reasonable time (as specified in regulations prescribed by, or under the authority of, the Commission) after the date of the transmittal by the agency to the employee of written notice of the adverse determination.

**(b) Personal appearance**

The Board may authorize, in connection with an appeal pursuant to subsection (a) of this sec-

tion, a personal appearance before the Board by the employee, or by a representative of the employee designated for that purpose.

**(c) Consideration of evidence; decision**

After investigation and consideration of the evidence submitted, the Board shall—

- (1) prepare a written decision on the appeal;
- (2) transmit its decision to the agency concerned; and
- (3) transmit copies of the decision to the employee concerned or to the designated representative.

**(d) Finality of decision**

The decision of the Board on any question or other matter relating to an appeal is final and conclusive. The agency concerned shall take action in accordance with the decision of the Board.

(Pub. L. 96-70, title I, §1222, Sept. 27, 1979, 93 Stat. 467; Pub. L. 105-85, div. C, title XXXV, §3548, Nov. 18, 1997, 111 Stat. 2073.)

**Editorial Notes**

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-85 substituted "Commission" for "President".

**§ 3663. Repealed. Pub. L. 105-261, div. C, title XXXV, § 3508(a), Oct. 17, 1998, 112 Stat. 2269**

Section, Pub. L. 96-70, title I, §1223, Sept. 27, 1979, 93 Stat. 467; Pub. L. 104-201, div. C, title XXXV, §3535, Sept. 23, 1996, 110 Stat. 2863, related to the Central Examining Office.

**§ 3664. Applicability of title 5**

The following provisions of title 5 apply to the Panama Canal Commission:

- (1) Part I of title 5 (relating to agencies generally).
- (2) Chapter 21 (relating to employee definitions).
- (3) Section 2302(b)(8) (relating to whistleblower protection) and all provisions of title 5 relating to the administration or enforcement or any other aspect thereof, as identified in regulations prescribed by the Commission in consultation with the Office of Personnel Management.
- (4) All provisions relating to preference eligibles.
- (5) Section 5514 (relating to offset from salary).
- (6) Section 5520a (relating to garnishments).
- (7) Sections 5531-5535 (relating to dual pay and employment).
- (8) Subchapter VI of chapter 55 (relating to accumulated and accrued leave).
- (9) Subchapter IX of chapter 55 (relating to severance and back pay).
- (10) Chapter 59 (relating to allowances).
- (11) Repealed. Pub. L. 105-261, div. C, title XXXV, §3507(a), Oct. 17, 1998, 112 Stat. 2269.
- (12) Section 6323 (relating to military leave; Reserves and National Guardsmen).
- (13) Chapter 71 (relating to labor relations).
- (14) Subchapters II and III of chapter 73 (relating to employment limitations and political activities, respectively) and all provisions