

“(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 subsections (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.)

#### 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 transpor-

tation 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 of title 5 and the regulations issued under subchapter II of chapter 57 of such title.”

#### EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-85, div. C, title XXXV, §3524(c), Nov. 18, 1997, 111 Stat. 2065, provided that: “The amendments made by this section [amending this section and section 3664 of this title] shall take effect on January 1, 1999.”

#### EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 8 of Pub. L. 99-223, set out as an Effective Date of 1985 Amendment note under section 3612 of this title.

#### SUBPART II—WAGE AND EMPLOYMENT PRACTICES

### § 3651. Definitions

As used in this subpart—

(1) “agency” means—

(A) the Commission, and

(B) any other Executive agency or the Smithsonian Institution, to the extent of any election in effect under section 3652(b) of this title;

(2) “position” means a civilian position in the Commission, or in any other agency if a substantial portion of the duties and responsibilities are performed in the Republic of Panama; and

(3) “employee” means an individual serving in a position.

(Pub. L. 96-70, title I, §1211, Sept. 27, 1979, 93 Stat. 463; Pub. L. 104-201, div. C, title XXXV, §§3529, 3548(b)(1), Sept. 23, 1996, 110 Stat. 2862, 2869.)

#### AMENDMENTS

1996—Par. (1)(B). Pub. L. 104-201, §3548(b)(1), which directed substitution of “section 3652(b)” for “section 3652(B)(2)” could not be executed because the phrase “section 3652(B)(2)” did not appear after amendment by Pub. L. 104-201, §3529. See below.

Pub. L. 104-201, §3529, amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “an Executive agency or the Smithsonian Institution, to the extent of any election in effect under section 3652(b)(2) of this title;”.

### § 3652. Panama Canal Employment System; merit and other employment requirements

#### (a) Establishment; merit and other employment requirements

The Commission shall establish a Panama Canal Employment System and prescribe the regulations necessary for its administration. The Panama Canal Employment System shall—

(1) be established in accordance with and be subject to the provisions of the Panama Canal Treaty of 1977 and related agreements, the provisions of this part, and any other applicable provision of law;

(2) be based on the consideration of the merit of each employee or candidate for em-

ployment and the qualifications and fitness of the employee to hold the position concerned;

(3) conform, to the extent practicable and consistent with the provisions of this chapter, to the policies, principles, and standards applicable to the competitive service;

(4) in the case of employees who are citizens of the United States, provide for the appropriate interchange of those employees between positions under the Panama Canal Employment System and positions in the competitive service; and

(5) not be subject to the provisions of title 5, unless specifically made applicable by this chapter.

**(b) Applicability to any Executive agency and Smithsonian Institution**

(1) The head of any Executive agency (other than the Commission) and the Smithsonian Institution may elect to have the Panama Canal Employment System made applicable in whole or in part to personnel of that agency in the Republic of Panama.

(2) Any Executive agency (other than the Commission) and the Smithsonian Institution, to the extent of any election under paragraph (1), shall conduct its employment and pay practices relating to employees in accordance with the Panama Canal Employment System.

(3) Notwithstanding any other provision of this chapter, the Panama Canal Act Amendments of 1996 (subtitle B of title XXXV of Public Law 104-201; 110 Stat. 2860), or the Panama Canal Transition Facilitation Act of 1997 (subtitle B of title XXXV of Public Law 105-85; 110<sup>1</sup> Stat. 2062), or the Panama Canal Commission Authorization Act for Fiscal Year 1999, this subpart, as in effect on September 22, 1996, shall continue to apply to an Executive agency or the Smithsonian Institution to the extent of an election under paragraph (1) by the head of the agency or the Institution, respectively.

**(c) Exclusion of employees or positions from coverage**

The Commission may exclude any employee or position from coverage under any provision of this subpart, other than the interchange rights extended under subsection (a)(4).

(Pub. L. 96-70, title I, §1212, Sept. 27, 1979, 93 Stat. 464; Pub. L. 104-201, div. C, title XXXV, §3530(a), Sept. 23, 1996, 110 Stat. 2862; Pub. L. 105-85, div. C, title XXXV, §§3523(d), 3550(d)(5), Nov. 18, 1997, 111 Stat. 2065, 2074; Pub. L. 105-261, div. A, title XXXV, §§3507(c), 3512(a)(2), Oct. 17, 1998, 112 Stat. 2269, 2271.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(3), (5) and (b)(3), 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.

The Panama Canal Act Amendments of 1996, referred to in subsec. (b)(3), is subtitle B of title XXXV of div. C of Pub. L. 104-201, Sept. 23, 1996, 110 Stat. 2860. For complete classification of this Act to the Code, see

<sup>1</sup> So in original. Probably should be “111”.

Short Title of 1996 Amendment note set out under section 3601 of this title and Tables.

The Panama Canal Transition Facilitation Act of 1997, referred to in subsec. (b)(3), is subtitle B of title XXXV of div. C of Pub. L. 105-85, Nov. 18, 1997, 111 Stat. 2062. For complete classification of this Act to the Code, see Short Title of 1997 Amendment note set out under section 3601 of this title and Tables.

The Panama Canal Commission Authorization Act for Fiscal Year 1999, referred to in subsec. (b)(3), is title XXXV of div. C of Pub. L. 105-261, Oct. 17, 1998, 112 Stat. 2267, which amended this section and sections 3612, 3612b, 3620, 3642, 3657, 3664, 3671, 3723, 3731, 3751, 3771, 3772, 3776, 3779, and 3862 of this title, repealed sections 3646, 3647, and 3663 of this title, and enacted provisions set out as notes under section 3657 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1998—Subsec. (b)(3). Pub. L. 105-261, §3512(a)(2), inserted “the” after “by the head of”.

Pub. L. 105-261, §3507(c), substituted “the Panama Canal Transition Facilitation Act of 1997 (subtitle B of title XXXV of Public Law 105-85; 110 Stat. 2062), or the Panama Canal Commission Authorization Act for Fiscal Year 1999” for “the Panama Canal Transition Facilitation Act of 1997”.

1997—Subsec. (b)(3). Pub. L. 105-85, §3550(d)(5), substituted “as in effect on September 22, 1996” for “as last in effect before September 23, 1996”.

Pub. L. 105-85, §3523(d), substituted “, the Panama Canal Act Amendments of 1996 (subtitle B of title XXXV of Public Law 104-201; 110 Stat. 2860), or the Panama Canal Transition Facilitation Act of 1997” for “or the Panama Canal Act Amendments of 1996”.

1996—Pub. L. 104-201 amended section generally, substituting subsecs. (a) to (c) requiring the Commission to establish a Panama Canal Employment System for former subsecs. (a) to (d) requiring the President to establish such a System.

SAVINGS PROVISION

Pub. L. 104-201, div. C, title XXXV, §3530(b), Sept. 23, 1996, 110 Stat. 2863, provided that: “The Panama Canal Employment System and all elections, rules, regulations, and orders relating thereto, as last in effect before the amendment made by subsection (a) [amending this section] takes effect, shall continue in effect, according to their terms, until modified, terminated, or superseded under section 1212 of the Panama Canal Act of 1979 [this section], as amended by subsection (a).”

COORDINATION OF PAY AND EMPLOYMENT PRACTICES

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

**§ 3653. Employment standards**

The Commission shall establish written standards for—

(1) determining the qualifications and fitness of employees and of candidates for employment in positions; and

(2) selecting individuals for appointment, promotion, or transfer to positions.

The standards shall conform to the provisions of this subpart, any regulations prescribed thereunder, and the Panama Canal Employment System.

(Pub. L. 96-70, title I, §1213, Sept. 27, 1979, 93 Stat. 464; Pub. L. 104-201, div. C, title XXXV, §3531, Sept. 23, 1996, 110 Stat. 2863.)