

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

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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 employment 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; 110¹ 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.)

Editorial Notes

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 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

¹ So in original. Probably should be “111”.