

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sections 3612, 3612b, 3620, 3642, 3657, 3664, 3671, 3723, 3731, 3751, 3771, 3772, 3776, 3779, and 3862 of this title, repealed sections 3646, 3647, and 3663 of this title, and enacted provisions set out as notes under section 3657 of this title.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 subssecs. (a) to (c) requiring the Commission to establish a Panama Canal Employment System for former subssecs. (a) to (d) requiring the President to establish such a System.

Statutory Notes and Related Subsidiaries

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this section] takes effect, shall continue in effect, according to their terms, until modified, terminated, or superseded under section 1212 of the Panama Canal Act of 1979 [this section], as amended by subsection (a).”

Executive Documents

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.)

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-201 substituted “The Commission” for “The head of each agency” in introductory provisions.

Executive Documents

COORDINATION OF PAY AND EMPLOYMENT PRACTICES

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§ 3654. Repealed. Pub. L. 104-201, div. C, title XXXV, § 3532, Sept. 23, 1996, 110 Stat. 2863

Section, Pub. L. 96-70, title I, § 1214, Sept. 27, 1979, 93 Stat. 465, related to an interim, continuing application of Canal Zone Merit System, as in effect on Sept. 30, 1979, until Panama Canal Employment System was established and in effect.

§ 3655. Repealed. Pub. L. 105-85, div. C, title XXXV, § 3523(a)(1), Nov. 18, 1997, 111 Stat. 2064

Section, Pub. L. 96-70, title I, § 1215, Sept. 27, 1979, 93 Stat. 465, related to establishment and revision of basic pay.

§ 3656. Uniform application of standards and rates

The standards established pursuant to section 3653 of this title and the rates of basic pay established pursuant to section 3642 of this title shall be applied without regard to whether the employee or individual concerned is a citizen of the United States or a citizen of the Republic of Panama.

(Pub. L. 96-70, title I, § 1216, Sept. 27, 1979, 93 Stat. 465; Pub. L. 105-85, div. C, title XXXV, § 3523(c)(1), Nov. 18, 1997, 111 Stat. 2065.)

Editorial Notes

AMENDMENTS

1997—Pub. L. 105-85 substituted “section 3642” for “section 3655”.

§ 3657. Recruitment and retention remuneration

(a) Repealed. Pub. L. 105-261, div. C, title XXXV, § 3507(a), Oct. 17, 1998, 112 Stat. 2269

(b) Restriction

Any employee described in more than one paragraph of subsection (a) of this section may qualify for a recruitment or retention differential under only one of those paragraphs.

(c) Recruitment and relocation bonuses

(1) The Commission may pay a recruitment bonus to an individual who is newly appointed to a position with the Commission, or a relocation bonus to an employee of the Commission who must relocate to accept a position, if the Commission determines that the Commission would be likely, in the absence of such a bonus, to have difficulty in filling the position.

(2) A recruitment or relocation bonus may be paid to an employee under this subsection only if the employee enters into an agreement with the Commission to complete a period of employment established in the agreement. If the employee voluntarily fails to complete such period of employment or is separated from service in such employment as a result of an adverse action before the completion of such period, the employee shall repay the entire amount of the bonus.

(3) A recruitment or relocation bonus under this subsection may be paid as a lump sum. A bonus under this subsection may not be considered to be part of the basic pay of an employee.

(d) Retention bonuses

(1) The Commission may pay a retention bonus to an employee of the Commission if the Commission determines that—

(A) the employee has unusually high or unique qualifications and those qualifications make it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date, or the Commission otherwise has a special need for the services of the employee making it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date; and

(B) the employee would be likely to leave employment with the Commission before the end of that period if the retention bonus is not paid.

(2) A retention bonus under this subsection—

(A) shall be in a fixed amount;

(B) shall be paid on a pro rata basis (over the period specified by the Commission as essential for the retention of the employee), with such payments to be made at the same time and in the same manner as basic pay; and

(C) may not be considered to be part of the basic pay of an employee.

(3) A decision by the Commission to exercise or to not exercise the authority to pay a bonus under this subsection shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5.

(e) Limit on compensation

Additional compensation provided under this section may not exceed 25 percent of the rate of basic pay of the individual to whom the compensation is paid.

(Pub. L. 96-70, title I, §1217, Sept. 27, 1979, 93 Stat. 465; Pub. L. 104-201, div. C, title XXXV, §3533, Sept. 23, 1996, 110 Stat. 2863; Pub. L. 105-85, div. C, title XXXV, §3525(a), Nov. 18, 1997, 111 Stat. 2066; Pub. L. 105-261, div. C, title XXXV, §3507(a), Oct. 17, 1998, 112 Stat. 2269; Pub. L. 115-73, title I, §107(a)(2)(D), Oct. 26, 2017, 131 Stat. 1239; Pub. L. 115-91, div. A, title X, §1097(b)(3)(D), Dec. 12, 2017, 131 Stat. 1618.)

Editorial Notes

AMENDMENTS

2017—Subsec. (d)(3). Pub. L. 115-91 substituted “section 2302(d)” for “section 2302(c)”.

Pub. L. 115-73 substituted “section 2302(c)” for “section 2302(d)”.

1998—Subsec. (a). Pub. L. 105-261 struck out subsec. (a) which read as follows: “In addition to basic pay, additional compensation may be paid, in such amounts as the head of the agency concerned determines, as an overseas recruitment or retention differential to any individual who—

“(1) before October 1, 1979, was employed by the Panama Canal Company, by the Canal Zone Government, or by any other agency in the area then known as the Canal Zone;

“(2) is an employee who was recruited on or after October 1, 1979, outside of the Republic of Panama for placement in the Republic of Panama; or

“(3) is a medical doctor employed by the Department of Defense in the Republic of Panama or by the Commission;

if, in the judgment of the head of the agency concerned, the recruitment or retention of the individual is essential.”

1997—Subsecs. (c), (d). Pub. L. 105-85, §3525(a)(3), added subsecs. (c) and (d). Former subsec. (c) redesignated (e).

Subsec. (e). Pub. L. 105-85, §3525(a)(1), (2), redesignated subsec. (c) as (e) and substituted “of the individual to whom the compensation is paid” for “for the same or similar work performed in the United States by individuals employed by the Government of the United States”.

1996—Subsec. (d). Pub. L. 104-201 struck out subsec. (d) which read as follows: “Subchapter III of chapter 59 of title 5, relating to overseas differentials and allowances, shall not apply with respect to any employee whose permanent duty station is in the Republic of Panama and who is employed by an agency.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. C, title XXXV, §3507(a), Oct. 17, 1998, 112 Stat. 2269, provided that the amendment made by section 3507(a) striking out subsec. (a) of this section is effective 11:59 p.m. (Eastern Standard Time), Dec. 30, 1999, and any right or condition of employment provided for in, or arising from, subsec. (a) of this section is terminated.

SAVINGS PROVISION FOR BASIC PAY

Pub. L. 105-261, div. C, title XXXV, §3507(b), Oct. 17, 1998, 112 Stat. 2269, provided that: “Notwithstanding subsection (a) [amending this section and sections 3664, 3671, and 3731 of this title and repealing sections 3646 and 3647 of this title], benefits based on basic pay, as listed in paragraphs (1), (2), (3), (5), and (6) of section 1218 of the Panama Canal Act of 1979 [22 U.S.C. 3658(1), (2), (3), (5), (6)], shall be paid as if sections 1217(a) and 1231(a)(2)(A) and (B) of that Act [22 U.S.C. 3657(a), 3671(a)(2)(A), (B)] had been repealed effective 12:00 noon, December 31, 1999. The exception under the preceding sentence shall not apply to any pay for hours of work performed on December 31, 1999.”

Executive Documents

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.

§ 3657a. Quarters allowances

(a) “Position” and “employee” defined

Notwithstanding paragraphs (2) and (3) of section 3651 of this title, as used in this section—