

105TH CONGRESS
1ST SESSION

H. R. 1148

To authorize expenditures for fiscal year 1998 for the operation and maintenance of the Panama Canal, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1997

Mr. BATEMAN (for himself and Mr. ABERCROMBIE) (both by request) introduced the following bill; which was referred to the Committee on National Security

A BILL

To authorize expenditures for fiscal year 1998 for the operation and maintenance of the Panama Canal, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **Subtitle A—Authorization of Appropriations**

4 **SECTION 1. SHORT TITLE.**

5 This subtitle may be cited as the “Panama Canal
6 Commission Authorization Act for Fiscal Year 1998”.

7 **SEC. 2. AUTHORIZATION OF EXPENDITURES.**

8 (a) IN GENERAL.—Subject to subsection (b), the
9 Panama Canal Commission is authorized to use amounts

1 in the Panama Canal Revolving Fund to make such ex-
2 penditures within the limits of funds and borrowing au-
3 thority available to it in accordance with law, and to make
4 such contracts and commitments as may be necessary
5 under the Panama Canal Act of 1979, as amended, (22
6 U.S.C. 3601 et seq.) for the operation, maintenance, im-
7 provement, and administration of the Panama Canal for
8 fiscal year 1998.

9 (b) LIMITATIONS.—For fiscal year 1998, the Panama
10 Canal Commission may expend from funds in the Panama
11 Canal Revolving Fund not more than \$85,000 for recep-
12 tion and representation expenses, of which—

13 (1) not more than \$23,000 may be used for of-
14 ficial reception and representation expenses of the
15 Supervisory Board of the Commission;

16 (2) not more than \$12,000 may be used for of-
17 ficial reception and representation expenses of the
18 Secretary of the Commission; and

19 (3) not more than \$50,000 may be used for of-
20 ficial reception and representation expenses of the
21 Administrator of the Commission.

22 **SEC. 3. PURCHASE OF MOTOR VEHICLES.**

23 Notwithstanding any other provision of law, funds
24 available to the Panama Canal Commission shall be avail-
25 able for the purchase and transportation to the Isthmus

1 of Panama of passenger motor vehicles, the purchase price
2 of which shall not exceed \$22,000 per vehicle.

3 **Subtitle B—Amendments to Panama Canal**

4 **Act of 1979**

5 **SEC. 4. SHORT TITLE; REFERENCES.**

6 (a) SHORT TITLE.—This subtitle may be cited as the
7 “Panama Canal Act Amendments of 1979”.

8 (b) REFERENCE.—Except as otherwise expressly pro-
9 vided, whenever in this subtitle an amendment or repeal
10 is expressed in terms of an amendment to, or repeal of,
11 a section or other provision, the reference shall be consid-
12 ered to be made to a section or other provision of the Pan-
13 ama Canal Act of 1979, as amended (22 U.S.C. 3601 et
14 seq.).

15 **SEC. 5. NOTARY PUBLIC.**

16 Section 1102a (22 U.S.C. 3612a) is amended—

17 (a) by redesignating subsection (g) as sub-
18 section (i);

19 (b) by adding a new subsection (g), reading as
20 follows:

21 “(g)(1) The Commission shall have the power to ap-
22 point United States citizens to have the general powers
23 of a notary public who shall perform, on behalf of Commis-
24 sion employees and dependents, those notarial acts which

1 any notary public is required or authorized to do within
2 the United States.

3 “(2) Every such notarial act shall be as valid, and
4 of like force and effect within the United States, for all
5 intents and purposes, as if executed by or before any other
6 person within the United States duly authorized and com-
7 petent.

8 “(3) The signature of any such person acting as no-
9 tary, together with the title of that person’s offices, is
10 prima facie evidence that the signature is genuine, that
11 the person holds the designated title, and that the person
12 is authorized to perform a notarial act.”

13 **SEC. 6. COMMERCIAL SERVICES.**

14 Section 1102a (22 U.S.C. 3612a) is amended by add-
15 ing new subsection (h), reading as follows:

16 “(h) The Commission shall have authority to conduct
17 and promote commercial activities related to the manage-
18 ment, operation or maintenance of the Panama Canal,
19 consistent with the Panama Canal Treaty of 1977 and re-
20 lated agreements.”

21 **SEC. 7. POST-EMPLOYMENT RESTRICTIONS.**

22 Section 1112 (22 U.S.C. 3622) is amended by adding
23 new subsection (e) to read as follows:

24 “(e) An officer or employee of the Commission shall
25 be exempt from the restrictions of section 207 of title 18,

1 United States Code, following termination of employment
2 with the Commission at noon, December 31, 1999, but
3 only for official actions as an officer or employee of the
4 Panama Canal Authority.”

5 **SEC. 8. COMPENSATION.**

6 (a) REPEALS.—The following provisions are repealed:

7 (1) Section 1215 (22 U.S.C. 3655), relating to
8 basic pay.

9 (2) Section 1219 (22 U.S.C. 3659), relating to
10 salary protection upon conversion of pay base.

11 (3) Section 1225 (22 U.S.C. 3665), relating to
12 minimum level of pay and minimum annual in-
13 creases.

14 (b) SAVINGS PROVISION.—The rate of basic pay for
15 an officer or employee of the Commission after the effec-
16 tive date of this Act shall not be less than it was imme-
17 diately before the effective date of this Act, except—

18 (1) as provided in a collective bargaining agree-
19 ment;

20 (2) as a result of an adverse action against the
21 officer or employee; or

22 (3) pursuant to a voluntary demotion.

23 **SEC. 9. TRAVEL AND TRANSPORTATION EXPENSES.**

24 Section 1210 (22 U.S.C. 3650) is amended—

1 (a) by repealing subsections (a), (b) and (c) and
2 redesignating subsection (d)(1) as (a) and subsection
3 (d)(2) as (b).

4 (b) in subsection (a) by striking “2” and insert-
5 ing “b”.

6 (c) in subsection (b) by striking “1” and insert-
7 ing “a”.

8 (d) by revising the heading to read as follows:
9 “AIR TRANSPORTATION”.

10 **SEC. 10. RECRUITMENT AND RETENTION REMUNERATION.**

11 Section 1217 (22 U.S.C. 3657) is amended—

12 (a) by redesignating subsection (c) as sub-
13 section (e) and striking therein “for the same or
14 similar work performed in the United States by indi-
15 viduals employed by the Government of the United
16 States”.

17 (b) by adding new subsections (c), (d) and (f),
18 reading as follows:

19 “(c)(1) The Administrator may authorize the pay-
20 ment of a bonus to an employee who is newly recruited
21 to a position, or to an employee who must relocate to ac-
22 cept a position, if the Administrator determines that the
23 Commission would be likely, in the absence of such a
24 bonus, to encounter difficulty in filling the position.

1 “(2) Payment of a recruitment or relocation bonus
2 shall be contingent upon the employee’s entering into an
3 agreement with the Commission to complete a period of
4 employment with the Commission established by the Com-
5 mission. If the employee voluntarily fails to complete such
6 period of service or is separated from the service as a re-
7 sult of an adverse action before completion of such period,
8 the employee shall repay the bonus on a pro rata basis.

9 “(3) A recruitment or relocation bonus shall be paid
10 as a lump sum and may not be considered to be part of
11 the basic pay of an employee.

12 “(d)(1) The Administrator may authorize the pay-
13 ment of a retention bonus to an employee if the Adminis-
14 trator determines that—

15 “(A) the unusually high or unique qualifications
16 of the employee or a special need of the agency for
17 the employee’s services makes it essential to retain
18 the employee; and

19 “(B) the employee would be likely to leave in
20 the absence of the receipt of a retention bonus.

21 “(2) A retention bonus shall be a fixed amount, but
22 paid on pro rata basis at the same time and in the same
23 manner as basic pay but shall not be part of the basic
24 pay of an employee.

25 “(e) * * *.

1 “(f) The decision to exercise or forgo the authority
2 to make payments under this section shall not be subject
3 to challenge under any statutory procedure or any agency
4 or negotiated grievance procedure.”

5 **SEC. 11. CLASSIFICATION APPEALS.**

6 (a) Section 1221(a) (22 U.S.C. 3661(a)) is amended
7 in the first sentence by striking “President” and inserting
8 “Commission”.

9 (b) Section 1222(a) (22 U.S.C. 3662(a)) is amended
10 in the second sentence by striking “President” and insert-
11 ing “Commission”.

12 **SEC. 12. TRAVEL, TRANSPORTATION AND SUBSISTENCE.**

13 Section 1224 (22 U.S.C. 3664) is amended by—

14 (a) striking out clause (10); and

15 (b) redesignating clauses (11)–(20) as (10)–
16 (19).

17 **SEC. 13. CONTINGENT SEVERANCE PAY LIABILITY.**

18 Section 1302(a) (22 U.S.C. 3712(a)) is amended by
19 adding the following paragraph:

20 “(10) payment of severance pay to employees
21 terminated from the Panama Canal Authority for
22 periods of service with the Commission.”

1 **SEC. 14. PRINTING.**

2 Section 1306 (22 U.S.C. 3716) is amended by strik-
3 ing “Section 501” and inserting in lieu thereof “Sections
4 501 through 517 and 1101 through 1123”.

5 **SEC. 15. INTERAGENCY SERVICES, REIMBURSEMENTS.**

6 Section 1321(e)(2) (22 U.S.C. 3731(e)(2)) is amend-
7 ed to read as follows:

8 “(2) educational services provided by schools in
9 the Republic of Panama, or the United States, which
10 are not operated by the United States, to employees
11 of the Commission who are citizens of the United
12 States, to other Commission employees when deter-
13 mined by the Administrator to be necessary for their
14 recruitment or retention, and to other persons who
15 were receiving such services at the expense of the
16 Canal Zone Government before the effective date of
17 the Panama Canal Act of 1979.”

18 **SEC. 16. TRANSACTIONS WITH THE REPUBLIC OF PANAMA.**

19 Section 1342 (22 U.S.C. 3752) is amended—

20 (a) by redesignating the present section as sub-
21 section (a);

22 (b) in subsection (a), by striking “the Commis-
23 sion” whenever it appears and inserting in lieu
24 thereof “an executive agency”; and

25 (c) adding the following new subsection:

1 “(b) Notwithstanding subsection (a), the Commission
2 may provide office space, equipment, supplies, personnel
3 and other inkind services to the Panama Canal Author-
4 ity.”

5 **SEC. 17. FILING OF ADMIRALTY CLAIMS.**

6 (a) Section 1411(a) (22 U.S.C. 3771(a)) is amended
7 by revising the last sentence to read as follows: “No pay-
8 ment for damages on a claim may be made under this
9 section unless the claim is filed with the Commission with-
10 in 1 year after the date of the injury, or within 1 year
11 after the date of the enactment of the Panama Canal Act
12 Amendments of 1997, whichever is later.”

13 (b) Section 1412 (22 U.S.C. 3772) is amended by
14 revising the last sentence to read as follows: “No payment
15 for damages on a claim may be made under this section
16 unless the claim is filed with the Commission within 1 year
17 after the date of the injury, or within 1 year after the
18 date of the enactment of the Panama Canal Act Amend-
19 ments of 1997, whichever is later.”

20 (c) Section 1416 (22 U.S.C. 3776) is amended by re-
21 vising the penultimate sentence to read as follows: “Any
22 action on a claim under this section shall be barred unless
23 the action is brought within 180 days after the date on
24 which the Commission mails to the claimant written notifi-
25 cation of the Commission’s final determination with re-

1 spect to the claim, or within 180 days after the date of
2 the enactment of the Panama Canal Act Amendments of
3 1997, whichever is later.”

4 **SEC. 18. TOLLS FOR SMALL VESSELS.**

5 Section 1602(a) (22 U.S.C. 3792(a)) is amended—

6 (a) in the first sentence, by adding “and” be-
7 fore “supply ships”, deleting the comma after “sup-
8 ply ships” and deleting “and yachts”; and

9 (b) by adding at the end thereof a new sen-
10 tence, reading as follows: “The tolls for yachts and
11 other small vessels as defined by the Commission
12 may be set at fixed rates determined by the Commis-
13 sion.”

14 **SEC. 19. DATE OF ACTUARIAL EVALUATION OF FECA LI-**
15 **ABILITY.**

16 Section 3715c(a) of title 22, United States Code, is
17 amended by striking “Upon termination of the Panama
18 Canal Commission” and inserting in lieu thereof “By
19 March 31, 1998”.

20 **SEC. 20. RETIREMENT ELIGIBILITY.**

21 (a) Section 8336(c)(2)(B) of title 5, United States
22 Code, is amended by striking “before January 1, 2000,”
23 and inserting “with the Panama Canal Commission,”.

24 (b) Paragraph (4) of section 8336(I) is redesignated
25 as paragraph (5) and amended to read as follows:

1 “(5) For the purpose of this subsection—

2 “(A) ‘Panama Canal service’ means—

3 “(i) service as an employee of the
4 Canal Zone Government, the Panama
5 Canal Company, or the Panama Canal
6 Commission, including service with the of-
7 fice established pursuant to 22 U.S.C.
8 3714a(b) to close out the affairs of the
9 Commission that are still pending after the
10 termination of the Panama Canal Treaty
11 of 1977; or

12 “(ii) service at a permanent duty sta-
13 tion in the Canal Zone or Republic of Pan-
14 ama as an employee of an Executive agen-
15 cy (other than the Commission) conducting
16 operations in the Canal Zone or the Re-
17 public of Panama; and

18 “(B) ‘Executive agency’ includes the
19 Smithsonian Institution.”

20 (c) Section 8336(I) is amended by adding the follow-
21 ing new paragraph:

22 “(4) An employee of the Panama Canal Com-
23 mission, assigned to the office established pursuant
24 to 22 U.S.C. 3714a(b) to close out the affairs of the
25 Commission, who is separated after January 1,

1 2000, and who otherwise would be eligible for an im-
2 mediate annuity under 8336(I) (1), (2) or (3) except
3 for date of separation, is entitled to an annuity if
4 the employee is separated—

5 “(A) involuntarily, after completing 20
6 years of service or after becoming 48 years of
7 age and completing 18 years of service, except
8 by adverse action, or

9 “(B) voluntarily, after completing 23 years
10 of service or after becoming 48 years of age and
11 completing 18 years of service.”

12 **SEC. 21. LUMP SUM SEVERANCE PAY.**

13 Section 5595 of title 5, United States Code, is
14 amended to read as follows:

15 “(j) In the case of an employee of the Panama Canal
16 Commission who is entitled to severance pay under this
17 section, on or after December 31, 1999, the agency may
18 pay the total amount of the severance pay due the em-
19 ployee in one lump sum.”

20 **SEC. 22. EMPLOYMENT OF RESERVES AND RETIRED MEM-**
21 **BERS BY PANAMA CANAL AUTHORITY.**

22 Section 908 of title 37, United States Code, is
23 amended by adding the following new subsection:

24 “(c) Notwithstanding subsection (b), a person de-
25 scribed in subsection (a) may accept employment or com-

1 pensation described in that subsection with the entity of
2 the Government of the Republic of Panama known as the
3 Panama Canal Authority, which is the successor to the
4 Panama Canal Commission.”

5 **SEC. 23. CONFORMING AND CLERICAL AMENDMENTS.**

6 (a) Section 1216 (22 U.S.C. 3656) is amended by
7 striking “1215” and inserting in lieu thereof “1202”.

8 (b) Section 1218 (22 U.S.C. 3658) is amended by
9 striking “1215” and inserting in lieu thereof “1202” and
10 by revising “1217” to read “1217(a)”.

11 (c) Section 5315 of title 5, United States Code, is
12 amended by striking “Administrator, Panama Canal Com-
13 mission”.

14 (d)(1) Section 5724(a)(3) of title 5, United States
15 Code, is amended by striking “, the Commonwealth of
16 Puerto Rico, or the areas and installations in the Republic
17 of Panama made available to the United States pursuant
18 to the Panama Canal Treaty of 1977 and related agree-
19 ments, as described in section 3(a) of the Panama Canal
20 Act of 1979” and inserting in lieu thereof “or the Com-
21 monwealth of Puerto Rico”.

22 (2) Section 5724a of title 5, United States Code, is
23 amended by striking “, the Commonwealth of Puerto Rico,
24 or the areas and installations in the Republic of Panama
25 made available to the United States pursuant to the Pan-

1 ama Canal Treaty of 1977 and related agreements, (as
2 described in section 3(a) of the Panama Canal Act of
3 1979)” and inserting in lieu thereof “or the Common-
4 wealth of Puerto Rico” every time it appears.

5 (e) TABLE OF CONTENTS.—The table of contents in
6 section 1 is amended as follows:

7 (1) The item relating to section 1210 is amend-
8 ed to read as follows:

“Sec. 1210. Air Transportation.”.

9 (2) Such table of contents is further amended
10 by inserting after the item relating to section 1232
11 the following new item:

“Sec. 1233. Transition Separation Incentive Payment.”.

12 (3) Such table of contents is further amended
13 by striking out the items relating to sections 1215,
14 1219, and 1225.

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