

EFFECTIVE DATE

Section effective Oct. 1, 1988, see section 10 of Pub. L. 100-705, set out as an Effective Date of 1988 Amendment note under section 3612 of this title.

§ 3715d. Continuation of benefits

The provisions of chapter 81 of title 5 shall, on or after October 1, 1988, continue to be the exclusive remedy, in accordance with section 8116 of such title, for the disability or death of any employee of the Panama Canal Commission, or any of its predecessor agencies, who is covered under such chapter, resulting from injuries sustained while in the performance of the employee's duty. The rights of any such employee for workers' compensation benefits shall be based only on the provisions of that chapter.

(Pub. L. 100-705, §6, Nov. 19, 1988, 102 Stat. 4686.)

CODIFICATION

Section was enacted as part of the Panama Canal Commission Compensation Fund Act of 1988, and not as part of the Panama Canal Act of 1979 which comprises this chapter.

EFFECTIVE DATE

Section effective Oct. 1, 1988, see section 10 of Pub. L. 100-705, set out as an Effective Date of 1988 Amendment note under section 3612 of this title.

SUBPART II—ACCOUNTING POLICIES AND AUDITS

§ 3721. Accounting policies**(a) Establishment and maintenance of accounts; specifications**

The Commission shall establish and maintain its accounts pursuant to chapter 91 of title 31 and the provisions of this part. Such accounts shall specify all revenues received by the Commission, including tolls for the use of the Panama Canal, expenditures for capital replacement, expansion, and improvement, and all costs of maintenance and operation of the Panama Canal and of its complementary works, installations, and equipment, including depreciation, payments to the Republic of Panama under the Panama Canal Treaty of 1977, and interest on the investment of the United States calculated in accordance with section 3793 of this title.

(b) Regulations establishing the basis of accounting for assets

The Commission may issue regulations establishing the basis of accounting for the assets which are made available for the use of the Commission. Such regulations may provide for depreciation of the net replacement value of the assets which will ultimately require replacement to maintain the service capacity of the Panama Canal. Such regulations may also provide that depreciation of such assets be recorded ratably over their service lives.

(Pub. L. 96-70, title I, §1311, Sept. 27, 1979, 93 Stat. 479; Pub. L. 104-201, div. C, title XXXV, §3541(a), Sept. 23, 1996, 110 Stat. 2866.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-201 substituted “chapter 91 of title 31” for “the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.)”.

§ 3722. Repealed. Pub. L. 104-66, title II, §2201(a), Dec. 21, 1995, 109 Stat. 732

Section, Pub. L. 96-70, title I, §1312, Sept. 27, 1979, 93 Stat. 479, related to annual reports to President and Congress.

§ 3723. Audits**(a) Financial transactions of Commission; access to books, accounts, etc.**

Notwithstanding any other provision of law, and subject to subsection (c) of this section, financial transactions of the Commission shall be audited by the Comptroller General of the United States (hereinafter in this chapter referred to as the “Comptroller General”). In conducting any such audit, the appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission and necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. Any such audit shall first be conducted with respect to the fiscal year in which this chapter becomes effective. An audit performed under this section is subject to the requirements of paragraphs (2), (3), and (5) of section 9105(a) of title 31.

(b) Omitted**(c) Independent auditors**

At the discretion of the Board provided for in section 3612 of this title, the Commission may hire independent auditors to perform, in lieu of the Comptroller General, the audit and reporting functions prescribed in subsections (a) and (b) of this section.

(d) Examination and report on Commission's financial forecast

In addition to auditing the financial statements of the Commission, the Comptroller General (or the independent auditor if one is employed pursuant to subsection (c) of this section) shall, in accordance with standards for an examination of a financial forecast established by the American Institute of Certified Public Accountants, examine and report on the Commission's financial forecast that it will be in a position to meet its financial liabilities on December 31, 1999.

(Pub. L. 96-70, title I, §1313, Sept. 27, 1979, 93 Stat. 479; Pub. L. 104-106, div. C, title XXXV, §3526(a), Feb. 10, 1996, 110 Stat. 640; Pub. L. 104-201, div. C, title XXXV, §§3541(b), 3546(a)(9), (b), Sept. 23, 1996, 110 Stat. 2867, 2868; Pub. L. 105-261, div. C, title XXXV, §3512(a)(3), Oct. 17, 1998, 112 Stat. 2271.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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.

CODIFICATION

Subsec. (b) of this section, which required the Comptroller General, not later than six months after the end

of each fiscal year, to submit to Congress a report of the audit conducted pursuant to subsec. (a) of this section, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 4 of House Document No. 103-7.

AMENDMENTS

1998—Subsecs. (a), (b), (d), Pub. L. 105-261 substituted “subsection (c)” for “subsection (d)”.

1996—Pub. L. 104-106, § 3526(a)(1), substituted “Audits” for “Audit by the Comptroller General of the United States” as section catchline.

Subsec. (a), Pub. L. 104-201, § 3541(b), which directed substitution of “chapter 91 of title 31” for “the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.)”, could not be executed because that phrase did not appear subsequent to amendment by Pub. L. 104-106, § 3526(a)(2)(B). See below.

Pub. L. 104-106, § 3526(a)(2), substituted “Notwithstanding any other provision of law, and subject to subsection (d) of this section, financial transactions” for “Financial transactions”, struck out “pursuant to the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.)” after “as the ‘Comptroller General’”, substituted “conducting any such audit” for “conducting any audit pursuant to such Act” and “Any such audit shall first” for “An audit pursuant to such Act shall first”, and inserted at end “An audit performed under this section is subject to the requirements of paragraphs (2), (3), and (5) of section 9105(a) of title 31.”

Subsec. (b), Pub. L. 104-106, § 3526(a)(3), substituted “Subject to subsection (d) of this section, the Comptroller General” for “The Comptroller General” in introductory provisions.

Subsec. (c), Pub. L. 104-201, § 3546(b), redesignated subsec. (d) as (c).

Pub. L. 104-201, § 3546(a)(9), struck out subsec. (c) which read as follows: “In conducting the audits and preparing the reports provided for in this section and in carrying out his other responsibilities pursuant to law, the Comptroller General shall, with respect to fiscal year 1980, take into account the problems inherent in converting the existing accounting system of the Panama Canal Company to conform to the requirements established in section 3721 of this title. Accordingly, the Comptroller General shall take no adverse action with respect to the Commission, nor shall any violation of sections 1341, 1342, and 1349-1351 and subchapter II of chapter 15 of title 31 be considered to have taken place, so long as the Commission is in substantial compliance with the requirements of this chapter. The Comptroller General shall make such recommendations to the Commission and to the Congress as he may consider appropriate to insure that full compliance with the financial controls provided for in chapter 91 of title 31 is achieved promptly.”

Pub. L. 104-201, § 3541(b), substituted “chapter 91 of title 31” for “the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.)”.

Subsec. (d), Pub. L. 104-201, § 3546(b), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Pub. L. 104-106, § 3526(a)(4), added subsec. (d).

Subsec. (e), Pub. L. 104-201, § 3546(b), redesignated subsec. (e) as (d).

Pub. L. 104-106, § 3526(a)(4), added subsec. (e).

SUBPART III—INTERAGENCY ACCOUNTS

§ 3731. Reimbursements

(a) Reimbursement of the Employees' Compensation Fund, Bureau of Employees' Compensation, Department of Labor, and other Government departments and agencies by Commission

The Commission shall reimburse the Employees' Compensation Fund, Bureau of Employee's Compensation, Department of Labor, for the

benefit payments to the Commission's employees, and shall also reimburse other Government departments and agencies for payments of a similar nature made on its behalf.

(b) Reimbursement of Commission by Department of Defense

The Department of Defense shall reimburse the Commission for amounts expended by the Commission in maintaining defense facilities in standby condition for the Department of Defense.

(c) Designation of funds of Department of Defense or any other department or agency of United States to carry out purposes of this subsection

Notwithstanding any other provision of law, funds appropriated (for any fiscal year beginning after September 30, 1979) to or for the use of the Department of Defense, or to any other department or agency of the United States as may be designated by the President to carry out the purposes of this subsection, shall be available for—

(1) conducting the educational and health care activities, including kindergartens and college, carried out by the Canal Zone Government and the Panama Canal Company before October 1, 1979, and

(2) providing the services related thereto to the categories of persons to which such services were provided before October 1, 1979.

Notwithstanding any other provision of law, the Department of Defense, or any department or agency designated by the President to provide health care services to those categories of persons referred to in this subsection, shall provide such services to such categories of persons on a basis no less favorable than that applied to its own employees and their dependents.

(d) Reimbursement to departments or agencies furnishing services

Amounts expended for furnishing services referred to in subsection (c) of this section to persons eligible to receive them, less amounts payable by such persons, shall be fully reimbursable to the department or agency furnishing the services, except to the extent that such expenditures are the responsibility of that department or agency. The funds of the Commission shall be available for such reimbursements on behalf of—

(1) employees of the Commission, and

(2) other persons authorized to receive such services who are eligible to receive them pursuant to the Panama Canal Treaty of 1977 and related agreements.

The appropriations or funds of any other department or agency of the United States conducting operations in the Republic of Panama, including the Smithsonian Institution, shall be available for reimbursements on behalf of employees of such department or agency and their dependents.

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

(f) Reimbursement of United States by Republic of Panama for salaries and other employment costs

For purposes of the reimbursement of the United States by the Republic of Panama for the