

[CHAPTER 328]

AN ACT

To amend the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", as amended.

July 28, 1945
[S. 714]
[Public Law 161]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", as amended, is amended by adding at the end thereof the following new sentence:

"Failure to give notice of injury or to file claim for compensation for disability or death within the time and in the manner prescribed by this Act shall not bar the claim of any person thereunder if such claim is filed within five years after the injury or death and if the Commission shall find (1) that such failure was due to circumstances beyond the control of the person claiming benefits, or (2) that such person has shown sufficient cause or reason in explanation thereof, and material prejudice to the interest of the United States has not resulted from such failure; and upon such finding the Commission may waive compliance with the applicable provisions of the Act."

SEC. 2. That the first paragraph of section 10 of such Act is amended by striking therefrom the words "within six years", and the words "subject to the modification that no compensation shall be paid where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury:", and by deleting the comma and adding a colon following the word "pay" therein; and that section 11 of such Act is amended by striking therefrom the words "within six years", and the last sentence of such section.

SEC. 3. That subdivision (G) of section 10 of such Act is hereby amended by striking therefrom the words "for a period of eight years" and "before that time", and by substituting the word "until" for the word "unless" therein.

SEC. 4. That section 42 of such Act is hereby amended by adding at the end thereof the following new paragraph:

"Whenever the Commission shall find that the amount of compensation, as provided by other provisions of this Act, payable to employees of the United States who are neither citizens nor residents of the United States, any Territory, or Canada, or payable to any dependents of such employees, is substantially disproportionate to compensation for disability or death which may be payable in similar cases under local law, regulation, custom, or otherwise, at the place outside the United States, any Territory, or Canada, where such employees may be working at the time of injury, the Commission may provide for payment of compensation upon such basis as will be reasonably in accord with prevailing local payments in similar cases, (1) by the adoption or adaptation of the substantive features (by a schedule or otherwise) of local workmen's compensation provisions, or other local law, regulation or custom applicable in cases of personal injury or death, or (2) by establishing and promulgating, for specific classes of employees, areas or places, special schedules of compensation for injury and death (including schedules for the loss or loss of use of members and functions of the body); and irrespective of the basis adopted may at any time modify or limit therein (a) the maximum monthly and total aggregate payments for injury and death (including modification and limitation of medical or other benefits), and (b) the percentages of the employee's wage payable as compensation for such injury or death, and to modify, limit, or redesignate the class or

U. S. Employees' Compensation Act, amendments.
39 Stat. 747.
5 U. S. C. § 770.

Notice of injury or filing of claim.
Time limitation; finding by Commission.
Post, p. 504.

Death benefits, etc.
39 Stat. 744.
5 U. S. C. § 760.
Post, p. 504.

39 Stat. 745.
5 U. S. C. § 761.

39 Stat. 745.
5 U. S. C. § 760 (G).
Post, p. 504.

39 Stat. 750.
5 U. S. C. § 793; Supp. IV, § 793.

Adjudication of payments to employees not citizens or residents of U. S., Canada, etc.

Adaptation of local laws, etc.

Special schedules of compensation.