Public Law 86-767

September 13, 1960
[H. R. 12383]

AN ACT

To amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes.

Federal Employees' Compensation Act Amendments of 1960.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Compensation Act Amendments of 1960".

TITLE I—SUBSTANTIVE AMENDMENTS

Increase in Minimum Compensation for Total Disability, Attendants, Allowance, Maintenance While Undergoing Vocational Rehabilitation

63 Stat. 858.
5 USC 756.

SEC. 101. Section 6 of the Federal Employees' Compensation Act is amended by striking out "$75" in paragraph (1) of subsection (b) and inserting in lieu thereof "$125"; by striking out "$50" in paragraph (2) of subsection (b) and inserting in lieu thereof "$100"; by striking out "$112.50" in subsection (c) and inserting in lieu thereof "$180".

Increase in Death Benefits

5 USC 760.

SEC. 102. Section 10(K) of the Federal Employees' Compensation Act is amended by striking out "$150" and inserting in lieu thereof "$240".

Increase in Burial Payments

5 USC 761.

SEC. 103. Section 11 of the Federal Employees' Compensation Act is amended by striking out "$400" and inserting in lieu thereof "$800".

Increase of Compensation Base Where Injury Occurred Before January 1, 1958

39 Stat. 742.
5 USC 751 note.

SEC. 104. Notwithstanding any other provision of this Act or the Federal Employees' Compensation Act, the monthly pay upon the basis of which compensation for disability or death is computed under the Federal Employees' Compensation Act shall be increased as follows: If such employee's injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, such eligible employee's "monthly pay" shall be increased by 10 percent; if such employee's injury (or injury causing death) occurred before January 1, 1951, but after December 31, 1945, such eligible employee's "monthly pay" shall be increased by 20 percent; if such employee's injury (or injury causing death) occurred before January 1, 1946, such eligible employee's "monthly pay" shall be increased by 30 percent: *Provided*, That nothing in this or any other Act of Congress shall be construed to make the increase in the monthly pay provided by this section applicable to military personnel, or to any person or employee not within the definition of section 40(b) (1) or (2) of the Federal Employees' Compensation Act: *Provided further*, That this section shall not be construed to permit the amount of compensation on account of an employee's disability or death to be increased more than 10 percent if such injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, nor more than 20 percent if such injury (or injury causing death) occurred before January 1, 1951, but after December 31, 1945, nor more than 30 percent if such injury (or injury causing death) occurred prior to January 1, 1946.

5 USC 790.

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Liberalization of Minimum and Maximum Compensation for Emergency Relief Workers

SEC. 105. The second proviso of the first section of the Act approved February 15, 1934 (5 U.S.C. 796) is amended by striking out "$100" in clause (a) and inserting in lieu thereof "$150"; and by striking out "$75" in clause (b) and inserting in lieu thereof "$150". 48 Stat. 351; 63 Stat. 868.

TITLE II—TECHNICAL AMENDMENTS

Clarification of Scheduled Awards

SEC. 201. The first sentence of section 5(a) of the Federal Employees' Compensation Act is amended by inserting after "body," the following: "regardless of whether the cause of such disability originates in a part of the body other than such member,". 5 USC 755.

Eligibility For or Receipt of Benefits Earned Under Civil Service Retirement Act Not To Preclude Payment of Compensation for Scheduled Losses, Election by Claimants Eligible to Receive Veterans' Benefits for Same Disability or Death

SEC. 202. Section 7(a) of the Federal Employees' Compensation Act is amended to read as follows: 5 USC 757.

"SEC. 7. (a) That as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States: *Provided*, That eligibility for or receipt of benefits under the Civil Service Retirement Act shall in no way impair the employee's right to receive compensation for scheduled disabilities specified in section 5(a) of this Act: *Provided further*, That whenever any person is entitled to receive any benefits under this Act by reason of his injury, or by reason of the death of an employee, as defined in section 40, and is also entitled to receive from the United States any payments or benefits (other than the proceeds of any insurance policy), by reason of such injury or death under any other Act of Congress, because of service by him (or in the case of death, by the deceased) as an employee, as so defined, or because of service by him (or in the case of death, by the deceased) in the Armed Forces of the United States, such person shall elect which benefits he shall receive. Such election shall be made within one year after the injury or death, or such further time as the Administrator may for good cause allow, and when made shall be irrevocable unless otherwise provided by law."

Restriction on other payments.

Election of benefits. 5 USC 755. 5 USC 790.

Medical Care to Claimants Receiving Civil Service Annuity

SEC. 203. The first sentence of section 9(a) of the Federal Employees' Compensation Act is amended by inserting after "arisen," the following: "and notwithstanding that the employee has accepted or is entitled to receive benefits under the Civil Service Retirement Act,". 5 USC 759.

Considerations in Computation of Wage-Earning Capacity

5 USC 763.

SEC. 204. Section 13(b) of the Federal Employees' Compensation Act is amended by striking out all that follows "his usual employment," and inserting in lieu of such matter stricken out the following: "his age, his qualifications for other employment, the availability of suitable employment, and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition."

Notice of Injury and Claim for Compensation in Cases of Latent Disability

5 USC 770.

SEC. 205. Section 20 of the Federal Employees' Compensation Act is amended by inserting immediately after the first sentence thereof the following: "In cases of latent disability due to radiation or other causes, the time for filing claim shall not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable diligence should have been aware of the causal relationship of the compensable disability to his employment: *Provided*, That the time for giving notice of injury in such cases shall begin to run as soon as the employee is aware, or in the exercise of reasonable diligence should have been aware, that his condition is causally related to his employment, regardless of whether or not there is a compensable disability."

Report of Injuries

5 USC 774.

SEC. 206. Section 24 of the Federal Employees' Compensation Act is amended by inserting "(a)" after "SEC. 24." and by adding at the end thereof the following:

"(b) Whoever, being an officer or employee of the United States charged with the responsibility for making the reports specified in subsection (a), willfully fails, neglects, or refuses to make any such report or knowingly files a false report, or induces, compels, or directs an injured employee to forego filing of any claim for compensation or other benefits provided under this Act or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under this Act or any extension or application thereof, or regulations promulgated thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or imprisoned not more than one year, or both."

Government Employees Required To Appear as Parties or Witnesses in the Prosecution of Third-Party Claims

5 USC 776.

SEC. 207. The first paragraph of section 26 of the Federal Employees' Compensation Act is amended by adding at the end thereof the following: "Any employee who is required to appear as a party or witness in the prosecution of said action is, while so engaged, in an active duty status."

Additional Method for Computing Compensation in Certain Cases

5 USC 790.

SEC. 208. Section 40(f) of the Federal Employees' Compensation Act is amended to read as follows:

"(f) The term 'monthly pay' shall be taken to refer to the monthly pay at the time of the injury, or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs,

if such recurrence begins more than six months after the injured employee resumes regular full-time employment with the United States, whichever is greater, except when otherwise determined under section 6(d) with respect to any period." 5 USC 756.

Reimbursement of Compensation Costs by Federal Agencies

SEC. 209. Section 35 of the Federal Employees' Compensation Act is amended to read as follows: 5 USC 785.

"Employees' Compensation Fund

"SEC. 35. (a) There is established in the Treasury a separate fund to be known as the Employees' Compensation Fund which shall consist of such sums as Congress may from time to time appropriate therefor or transfer thereto and amounts otherwise accruing thereto under this or any other Act of Congress. Such fund including all additions that may be made to it shall be available without time limit for the payment of the compensation and other benefits and expenses (except administrative expenses) authorized by this Act or any extension or application thereof except as may be provided by this or other Acts. The Secretary of Labor shall submit annually to the Bureau of the Budget estimates of appropriations necessary for the maintenance of the Employees' Compensation Fund.

Statement of costs.

"(b) The Secretary of Labor shall, prior to August 15 of each year, furnish to each executive department and each agency or instrumentality of the United States or other establishment, having employees who are or may be entitled to compensation benefits under this Act or any extension or application thereof (hereinafter called 'agency'), a statement showing the total cost of benefits and other payments made from the Employees' Compensation Fund during the preceding fiscal year on account of the injury or death of employees or persons under the jurisdiction of such agency occurring after December 1, 1960. Each agency shall include in its annual budget estimates for the next fiscal year a request for an appropriation in an amount equal to such costs. Sums appropriated pursuant to such request shall, within thirty days after they become available, be deposited in the Treasury to the credit of the Employees' Compensation Fund. In the case of any corporation or other agency which is not dependent upon an annual appropriation, the deposit to the credit of the Employees' Compensation Fund required by this subsection shall be made by such agency from funds under its control. If any agency or part thereof or any of its functions is transferred to another agency, the cost of compensation benefits and other expenses paid from the Employees' Compensation Fund on account of the injury or death of employees of the transferred agency or function shall be included in costs of the receiving agency.

Budget estimates.

Government corporations. Contributions.

"(c) In addition to the contributions for the maintenance of the Employees' Compensation Fund required by this section, any mixed ownership corporation as defined in section 201 of the Government Corporation Control Act (31 U.S.C. 856), or any corporation or agency (or activity thereof) which is required by law to submit an annual budget pursuant to, or as provided by, the Government Corporation Control Act (31 U.S.C. 841–869), shall pay an additional amount for its fair share of the cost of administration of this Act as determined by the Secretary of Labor. With respect to said agencies, the charges billed by the Secretary of Labor pursuant to this section shall include an additional amount for such costs, which shall be paid into the Treasury as miscellaneous receipts from the sources authorized, and in the manner otherwise provided in this section."

59 Stat. 600.

Effective Date

5 USC 793.

SEC. 210. Section 42 of the Federal Employees' Compensation Act is amended by striking out the last sentence of the fourth paragraph thereof.

SEC. 211. (a) Except as otherwise provided by this section or in this Act, titles I and II of this Act shall take effect on the date of enactment of this Act and be applicable to any injury or death occurring after such date.

(b) The amendments made by sections 101, 102, 201, 203, 204, 208, and 210 of this Act to sections 5(a), 6(b)(1), 6(b)(2), 6(c), 9(a), 10(k), 13(b), 40(f), and 42 of the Federal Employees' Compensation Act shall be applicable to cases of injury or death occurring before the date of enactment of this Act only with respect to any period beginning on or after the first day of the first calendar month following the date of enactment of this Act.

(c) The amendments made by sections 104 and 105 of this Act shall be applicable to cases of injury or death occurring before enactment of this Act only with respect to any period beginning on or after the first day of the first calendar month following the date of enactment of this Act.

(d) The amendment made by section 202 of this Act to section 7(a) of the Federal Employees' Compensation Act permitting the payment of compensation for scheduled permanent disabilities in addition to benefits under the Civil Service Retirement Act shall be applicable to any injury which occurred within three years prior to the date of enactment of this Act as well as to any injury occurring on or after the date of enactment of this Act.

(e) The amendment made by section 202 of this Act to section 7(a) of the Federal Employees' Compensation Act requiring an election of benefits in any case in which a claimant for compensation is also eligible to receive certain payments or benefits from the United States for the same disability or death shall be applicable to any injury or death occurring before, on, or after the date of enactment of this Act but shall not deprive any person of any benefits awarded prior to the date of enactment of this Act.

Approved September 13, 1960.

Public Law 86-768

September 13, 1960
[H. R. 8424]

AN ACT

To amend section 505 of the Classification Act of 1949 with respect to positions in the Library of Congress.

Library of Congress.
Positions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 505(i) of the Classification Act of 1949, as amended (72 Stat. 213; 5 U.S.C. 1105(i)), is amended—

(1) by striking out the word "and" immediately following the semicolon in paragraph (2) thereof;

(2) by striking out the period at the end of paragraph (3) thereof and inserting in lieu of such period a semicolon and the word "and"; and

(3) by adding at the end of such section 505(i) the following new paragraph:

"(4) to which appointments are made by the Librarian of Congress.".

Approved September 13, 1960.