

[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:

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

"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."

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

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.

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

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.

39 Stat. 745.
5 U. S. C. § 761.

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

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

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

"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

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

Adaptation of local laws, etc.

Special schedules of compensation.

classes of beneficiaries entitled to death benefits, including the designation of persons, representatives, or groups, who would be entitled under local law or custom to payment on account of death, whether or not included in the classes of beneficiaries otherwise specified in this Act. In the cases of such noncitizens and nonresidents, the Commission or its designees are authorized to make lump-sum awards (in the manner prescribed by section 14 of this Act), whenever the Commission or its authorized designee shall deem such settlement to be for the best interest of the United States, and also in any such cases to compromise and pay claims for any benefits so provided for, including claims in which there is a dispute as to jurisdiction or other facts, or questions of law. Compensation so payable shall be in lieu of all other compensation from the United States for the same injury or death, and any payment so made shall for all purposes be considered as compensation under this Act and as satisfaction of all liability of the United States in respect to the particular injury or death. The Commission may delegate to any officer, agency, or employee of the United States, with such limitations and right of review as it deems advisable, authority to process, adjudicate, commute by lump-sum award, compromise, and pay any claim or class of claims for compensation, and to provide other benefits, locally, under this paragraph, in accordance with such regulations and instructions as the Commission shall deem necessary, and for such purpose the Commission is authorized to provide or transfer funds (including reimbursement of amounts paid under this Act). Should the Commission find (1) that conditions prevent the establishment of facilities for processing and adjudicating claims of such noncitizens and nonresidents, or (2) that such noncitizens and nonresidents are alien enemies, the Commission may waive the application of this Act, in whole or in part, and for such period or periods of time as the Commission shall fix. The provisions of this paragraph may be applied retrospectively as the Commission may determine, and, where necessary, with such adjustment of compensation and benefits as the Commission may find to be proper. The action of the Commission or its designees in allowing or denying any payment under this Act shall be final and conclusive for all purposes and with respect to all questions of law and fact, and not subject to review by any other official of the United States, or by any court by mandamus or otherwise, and credit shall be allowed in the accounts of any certifying or disbursing officer for payments in accordance with such action. Wherever used in this section, the geographical reference to the United States shall mean the continental United States."

Lump-sum awards.
39 Stat. 746.
5 U. S. C. § 764.

Payments to be in lieu of other U. S. compensation.

Delegation of authority.

Adverse conditions; alien enemies.

Application of provisions.

Applicability of amendments.

SEC. 5. (a) The amendments to such Act shall be applicable retrospectively as follows:

(1) The amendment in section 1 of this Act shall apply to injury and death cases, whether or not reported or acted upon, where the injury (or injury causing death) occurred on or after December 7, 1940.

(2) The amendment in section 2 shall be applicable in any case of death following injury where the injury occurred prior to the date of approval of this Act and the employee is receiving or is entitled to receive compensation for injury on or after such date.

(3) The amendment in section 3 shall be applicable in any case where a beneficiary, affected by the provisions of section 10 (G) of such Act, (a) is receiving compensation (or whose claim is in the process of initial adjudication) on the date of the approval of this Act, or (b) whose compensation has been terminated by reason of the limitation provisions of such section 10 (G) within three years prior to the date of such approval, should be found by the Commission to be suffering hardship at the time of approval of this Act by reason of such termination.

(b) In any case where an employee employed by the United States within the purview of such Act or any extension thereof suffers disability or death after capture, detention, or other restraint by an enemy of the United States, during the present war, such disability or death shall in the administration of such Act be deemed to have resulted from injury occurring while in the performance of duty, whether or not the employee was engaged in the course of his employment when taken by the enemy: *Provided*, That this subparagraph shall not apply in the case of any person (1) whose residence is at or in the vicinity of the place from whence he was thus taken, and (2) who was not living there solely by virtue of the exigencies of his employment, unless such person was so taken while he was engaged in the course of his employment: *Provided further*, That compensation for disability or death shall not be paid during any period of time during which the disabled person (or the dependents of such person, or any one of them) should receive or be entitled to receive any pay, other benefit, or gratuity from the United States on account of detention by the enemy or by reason of the same disability or death, unless such pay, benefit, or gratuity is refunded or renounced.

Approved July 28, 1945.

U. S. employees.
Disability or death
after capture by ene-
my.

[CHAPTER 329]

AN ACT

To provide the transfer by the Secretary of War of the Roseburg Rifle Range, Douglas County, Oregon, to the Reconstruction Finance Corporation, and for other purposes.

July 28, 1945
[H. R. 715]
[Public Law 162]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of War is authorized and directed to transfer to the Reconstruction Finance Corporation, in exchange for the tract of land transferred to the United States under subsection (b), all the right, title, and interest of the United States in and to the military reservation known as the Roseburg Rifle Range, situated in Douglas County, Oregon, and more particularly described as follows:

Roseburg Rifle
Range, Douglas
County, Oreg.
Transfer to RFC.

Beginning at the quarter section corner between sections 17 and 18, township 27 south, range 5 west, of the Willamette meridian; thence north ten chains; thence east ten chains; thence south ten chains; thence south six degrees and thirty minutes west fourteen and fifty-three one-hundredths chains to northeast corner of lot 8 in First Brookside Addition to Roseburg, Oregon; thence south thirty-one and thirty one-hundredths chains to the southeast corner of said lot 8, thence west along East Avenue three chains to southwest corner of lot 8, thence north thirty and twenty-five one-hundredths chains to northwest corner; thence south sixty-nine degrees west five and twenty-five one-hundredths chains to a point south from place of beginning; thence north eighteen and forty one-hundredths chains to place of beginning, containing thirty-four and eighteen one-hundredths acres, all in sections 17 and 20, township 27 south, range 5 west, of the Willamette meridian, in Douglas County, State of Oregon.

(b) The Reconstruction Finance Corporation is authorized and directed to (1) acquire, subject to the approval of the National Guard Bureau of the War Department, all right, title, and interest in and to a tract of land in the vicinity of Roseburg, Oregon, suitable for use as a target range by the Roseburg State Guard unit, and (2) transfer all its right, title, and interest in and to such tract of land to the United States, without cost to the United States.

Tract in exchange.

Approved July 28, 1945.