"SEC. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)). 42 USC 3772.

"SEC. 527. All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974. 42 USC 3773. *Ante*, p. 1112.

"SEC. 528. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions. 42 USC 3774.

"(b) Notwithstanding the provisions of section 5108 of title 5, United States Code, and without prejudice with respect to the number of positions otherwise placed in the Administration under such section 5108, the Administrator may place three positions in GS-16, GS-17, and GS-18 under section 5332 of such title 5." 5 USC 5332 note.

Approved September 7, 1974.

Public Law 93-416

AN ACT

September 7, 1974 [H. R. 13871]

To amend chapter 81 of subpart G of title 5, United States Code, relating to compensation for work injuries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8101(1) of title 5, United States Code (hereinafter referred to as the "Act"), is amended by inserting "and" after the semicolon on subsection E(iv) and adding a new paragraph (F) as follows: Federal employees. Work injuries, compensation.

"(F) an individual selected pursuant to chapter 121 of title 28, United States Code, and serving as a petit or grand juror and who is otherwise an employee for the purposes of this subchapter as defined by paragraphs (A), (B), (C), (D), and (E) of this subsection.". 28 USC 1861.

(b) Section 8101(2) of the Act is amended by inserting ", podiatrists, dentists, clinical psychologists, optometrists, chiropractors," after "surgeons", and adding after the words "State law" a period, and the following: "The term 'physician' includes chiropractors only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist, and subject to regulation by the Secretary". 5 USC 8101.

(c) Section 8101(3) of the Act is amended by inserting "podiatrists, dentists, clinical psychologists, optometrists, chiropractors," after "supplies by", and by inserting before the semicolon ". Reimbursable chiropractic services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist, and subject to regulation by the Secretary".

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

5 USC 8101.

(d) Section 8101(5) of the Act is amended by inserting before the semicolon ", and damage to or destruction of medical braces, artificial limbs, and other prosthetic devices which shall be replaced or repaired, and such time lost while such device or appliance is being replaced or repaired; except that eyeglasses and hearing aids would not be replaced, repaired, or otherwise compensated for, unless the damages or destruction is incident to a personal injury requiring medical services".

Definitions.

(e) Section 8101(11) of the Act is amended to read as follows:

"(11) 'widower' means the husband living with or dependent for support on the decedent at the time of her death, or living apart for reasonable cause or because of her desertion;".

(f) Section 8101 of the Act is amended by adding at the end thereof the following new paragraphs:

"(20) 'organ' means a part of the body that performs a special function, and for purposes of this subchapter excludes the brain, heart, and back; and

"(21) 'United States medical officers and hospitals' includes medical officers and hospitals of the Army, Navy, Air Force, Veterans' Administration, and United States Public Health Service, and any other medical officer or hospital designated as a United States medical officer or hospital by the Secretary of Labor."

(g) Section 8101(1)(D) is amended by deleting the word "and" after the semicolon.

5 USC 8103.

SEC. 2. (a) Section 8103(a)(3) of the Act is amended to read as follows:

"(3) by or on the order of United States medical officers and hospitals, or, at the employee's option, by or on order of physicians and hospitals designated or approved by the Secretary.

The employee may initially select a physician to provide medical services, appliances, and supplies, in accordance with such regulations and instructions as the Secretary considers necessary, and may be furnished necessary and reasonable transportation and expenses incident to the securing of such services, appliances, and supplies. These expenses, when authorized or approved by the Secretary, shall be paid from the Employees' Compensation Fund."

5 USC 8104.

SEC. 3. Section 8104 of the Act is amended by inserting "(a)" before "The" at the beginning thereof, and adding at the end thereof the following new subsection:

5 USC 8106.

"(b) Notwithstanding section 8106, individuals directed to undergo vocational rehabilitation by the Secretary shall, while undergoing such rehabilitation, receive compensation at the rate provided in sections 8105 and 8110 of this title, less the amount of any earnings received from remunerative employment, other than employment undertaken pursuant to such rehabilitation."

5 USC 8105, 8110.

Compensation schedule.

SEC. 4. Section 8107(a) of the Act is amended to read as follows:

5 USC 8107.

"(a) If there is permanent disability involving the loss, or loss of use, of a member or function of the body or involving disfigurement, the employee is entitled to basic compensation for the disability, as

provided by the schedule in subsection (c) of this section, at the rate of 66⅔ percent of his monthly pay. The basic compensation is—

"(1) payable regardless of whether the cause of the disability originates in a part of the body other than that member;

"(2) payable regardless of whether the disability also involves another impairment of the body; and

"(3) in addition to compensation for temporary total or temporary partial disability."

SEC. 5. Section 8107(c) of the Act is amended by adding at the end thereof the following new subparagraph:

"(22) For permanent loss or loss of use of any other important external or internal organ of the body as determined by the Secretary, proper and equitable compensation not to exceed 312 weeks' compensation for each organ so determined shall be paid in addition to any other compensation payable under this schedule."

Dependents' compensation. 5 USC 8110.

SEC. 6. Section 8110(a)(2) of the Act is amended to read as follows:

"(2) a husband, if—

"(A) he is a member of the same household as the employee; or

"(B) he is receiving regular contributions from the employee for his support; or

"(C) the employee has been ordered by a court to contribute to his support;".

5 USC 8111.

SEC. 7. (a) Section 8111(a) of the Act is amended by striking out "$300" and inserting in lieu thereof "$500".

(b) Section 8111(b) of the Act is amended by striking out "$100" and inserting "$200".

5 USC 8113.

SEC. 8. (a) Section 8113 of the Act is amended by striking out subsection (b) and redesignating subsection (c) as subsection (b).

5 USC 8143.

(b) Section 8143(a)(2) of the Act is amended by striking out ", (b)".

5 USC 8116.

SEC. 9. (a) Section 8116(a) of the Act is amended by striking out the word "and" in clause (1), striking out the period after clause (2) and inserting in lieu thereof a semicolon, and by inserting the following two clauses immediately after clause (2):

"(3) other benefits administered by the Veterans' Administration unless such benefits are payable for the same injury or the same death; and

"(4) retired pay, retirement pay, retainer pay, or equivalent pay for service in the Armed Forces or other uniformed services, subject to the reduction of such pay in accordance with section 5532(b) of title 5, United States Code."

Effective date. 5 USC 8116 note.

(b) The amendment made by this section shall be effective with respect to disability or death occurring before or after the date of enactment of this Act and without regard to any election under section 8116(b) of the Act; but no payment shall be made by reason of such amendment for any period prior to the date of enactment of this Act.

5 USC 8116.

Temporary disability. 5 USC 8117.

SEC. 10. Section 8117 of the Act is amended by striking out "21 days" and inserting in lieu thereof "14 days".

5 USC 8118.

SEC. 11. Section 8118 of the Act is amended to read as follows:

"§ 8118. Continuation of pay; election to use annual or sick leave

"(a) The United States shall authorize the continuation of pay of an employee, as defined in section 8101(1) of this title (other than those referred to in clause (B) or (E)), who has filed a claim for a period of wage loss due to a traumatic injury with his immediate superior on a form approved by the Secretary of Labor within the time specified in section 8122(a)(2) of this title.

Ante, p. 1143.

Post, p. 1147.

"(b) Continuation of pay under this subchapter shall be furnished—

"(1) without a break in time unless controverted under regulations of the Secretary;

"(2) for a period not to exceed 45 days; and

"(3) under accounting procedures and such other regulations as the Secretary may require.

"(c) An employee may use annual or sick leave to his credit at the time the disability begins, but his compensation for disability does not begin, and the time periods specified by section 8117 of this title do not begin to run, until termination of pay as set forth in subsections (a) and (b) or the use of annual or sick leave ends.

Ante, p. 1145.

"(d) If a claim under subsection (a) is denied by the Secretary, payments under this section shall, at the option of the employee, be charged to sick or annual leave or shall be deemed overpayments of pay within the meaning of section 5584 of title 5, United States Code.

"(e) Payments under this section shall not be considered as compensation as defined by section 8101(12) of this title."

5 USC 8101.

5 USC 8119.

SEC. 12. (a) Section 8119 of the Act is amended to read as follows:

"§ 8119. Notice of injury or death

"An employee injured in the performance of his duty, or someone on his behalf, shall give notice thereof. Notice of a death believed to be related to the employment shall be given by an eligible beneficiary specified in section 8133 of this title, or someone on his behalf. A notice of injury or death shall—

"(a) be given within 30 days after the injury or death;

"(b) be given to the immediate superior of the employee by personal delivery or by depositing it in the mail properly stamped and addressed;

"(c) be in writing;

"(d) state the name and address of the employee;

"(e) state the year, month, day, and hour when and the particular locality where the injury or death occurred;

"(f) state the cause and nature of the injury, or, in the case of death, the employment factors believed to be the cause; and

"(g) be signed by and contain the address of the individual giving the notice."

(b) The table of contents of chapter 81 of the Act is amended by striking out

"8119. Notice of injury; failure to give."

and inserting in lieu thereof

"8119. Notice of injury or death.".

SEC. 13. Section 8121(3) of the Act is amended by striking out "furnished" and inserting "approved" in lieu thereof. 5 USC 8121.

SEC. 14. Section 8122 of the Act is amended as follows: Disability or death claims, filing deadline. 5 USC 8122.

(1) Strike subsection (a) of section 8122 and insert in lieu thereof the following:

"(a) An original claim for compensation for disability or death must be filed within 3 years after the injury or death. Compensation for disability or death, including medical care in disability cases, may not be allowed if claim is not filed within that time unless—

"(1) the immediate superior had actual knowledge of the injury or death within 30 days. The knowledge must be such to put the immediate superior reasonably on notice of an on-the-job injury or death; or

"(2) written notice of injury or death as specified in section 8119 of this title was given within 30 days." *Ante*, p. 1146.

(2) Strike subsection (c) of section 8122 and insert in lieu thereof the following:

"(c) The timely filing of a disability claim because of injury will satisfy the time requirements for a death claim based on the same injury."

(3) Subsection (d) of section 8122 is amended by changing the reference to subsection "(a)-(c)" to subsections "(a) and (b)", by striking out the period at the end thereof and inserting "; or", and by adding at the end thereof the following new clause:

"(3) run against any individual whose failure to comply is excused by the Secretary on the ground that such notice could not be given because of exceptional circumstances."

SEC. 15. Section 8132 of the Act is amended to read as follows: 5 USC 8132.

"§ 8132. Adjustment after recovery from a third person

"If an injury or death for which compensation is payable under this subchapter is caused under circumstances creating a legal liability in a person other than the United States to pay damages, and a beneficiary entitled to compensation from the United States for that injury or death receives money or other property in satisfaction of that liability as the result of suit or settlement by him or in his behalf, the beneficiary, after deducting therefrom the costs of suit and a reasonable attorney's fee, shall refund to the United States the amount of compensation paid by the United States and credit any surplus on future payments of compensation payable to him for the same injury. No court, insurer, attorney, or other person shall pay or distribute to the beneficiary or his designee the proceeds of such suit or settlement without first satisfying or assuring satisfaction of the interest of the United States. The amount refunded to the United States shall be credited to the Employees' Compensation Fund. If compensation has not been paid to the beneficiary, he shall credit the money or property on compensation payable to him by the United States for the same injury. However, the beneficiary is entitled to retain, as a minimum, at least one-fifth of the net amount of the money or other property remaining after the expenses of a suit or settlement have been deducted; and in addition to this minimum and at the time of distribution, an amount equivalent to a reasonable attorney's fee proportionate to the refund to the United States."

SEC. 16. (a) Subsections (a) and (b) of section 8133 of the Act are amended to read as follows: Death compensation. 5 USC 8133.

"(a) If death results from an injury sustained in the performance of duty, the United States shall pay a monthly compensation equal to a percentage of the monthly pay of the deceased employee in accordance with the following schedule:

"(1) To the widow or widower, if there is no child, 50 percent.

"(2) To the widow or widower, if there is a child, 45 percent and in addition 15 percent for each child not to exceed a total of 75 percent for the widow or widower and children.

"(3) To the children, if there is no widow or widower, 40 percent for one child and 15 percent additional for each additional child not to exceed a total of 75 percent, divided among the children share and share alike.

"(4) To the parents, if there is no widow, widower, or child, as follows:

"(A) 25 percent if one parent was wholly dependent on the employee at the time of death and the other was not dependent to any extent;

"(B) 20 percent to each if both were wholly dependent; or

"(C) a proportionate amount in the discretion of the Secretary of Labor if one or both were partly dependent.

If there is a widow, widower, or child, so much of the percentages are payable as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of 75 percent.

"(5) To the brothers, sisters, grandparents, and grandchildren, if there is no widow, widower, child, or dependent parent as follows:

"(A) 20 percent if one was wholly dependent on the employee at the time of death;

"(B) 30 percent if more than one was wholly dependent, divided among the dependents share and share alike; or

"(C) 10 percent if no one is wholly dependent but one or more is partly dependent, divided among the dependents share and share alike.

If there is a widow, widower, or child, or dependent parent, so much of the percentages are payable as, when added to the total percentages payable to the widow, widower, children, and dependent parents, will not exceed a total of 75 percent.

"(b) The compensation payable under subsection (a) of this section is paid from the time of death until—

"(1) a widow, or widower dies or remarries before reaching age 60;

"(2) a child, a brother, a sister, or a grandchild dies, marries, or becomes 18 years of age, or if over age 18 and incapable of self-support becomes capable of self-support; or

"(3) a parent or grandparent dies, marries, or ceases to be dependent.

Notwithstanding paragraph (2) of this subsection, compensation payable to or for a child, a brother or sister, or grandchild that would otherwise end because the child, brother or sister, or grandchild has reached 18 years of age shall continue if he is a student as defined by section 8101 of this title at the time he reaches 18 years of age for so long as he continues to be such a student or until he marries. A widow or widower who has entitlements to benefits under this title

Ante, p. 1143.

derived from more than one husband or wife shall elect one entitlement to be utilized."

(b) Section 8135(b) of the Act is amended by inserting after "On remarriage" the following: "before reaching age 60". 5 USC 8135.

SEC. 17. Section 8133(e)(1) of the Act is amended to read as follows: 5 USC 8133.

"(1) the monthly pay computed under section 8114 of this title, except for increases authorized by section 8146a of this title; or". 5 USC 8114. *Infra.*

SEC. 18. Section 8133 of the Act is amended by adding at the end thereof the following new subsection: *Supra.*

"(f) Notwithstanding any funeral and burial expenses paid under section 8134, there shall be paid a sum of $200 to the personal representative of a deceased employee within the meaning of section 8101(1) of this title for reimbursement of the costs of termination of the decedent's status as an employee of the United States." 5 USC 8134. *Ante*, p. 1143.

SEC. 19. Section 8135(a)(1) of the Act is amended by striking out "$5" and inserting in lieu thereof "$50". Lump-sum payments. 5 USC 8135.

SEC. 20. The last two sentences of subsection (a) of section 8135 of the Act are amended to read as follows: "The probability of the death of the beneficiary before the expiration of the period during which he is entitled to compensation shall be determined according to the most current United States Life Tables, as developed by the United States Department of Health, Education, and Welfare, which shall be updated from time to time, but the lump-sum payment to a widow or widower of the deceased employee may not exceed 60 months' compensation. The probability of the happening of any other contingency affecting the amount or duration of compensation shall be disregarded."

SEC. 21. Section 8146a of the Act is amended by striking "third" from subsection (a) and by striking subsection (b) and inserting in lieu thereof the following: Cost-of-living adjustments. 5 USC 8146a.

"(b) The regular periodic compensation payments after adjustment under this section shall be fixed at the nearest dollar. However, the regular periodic compensation after adjustment shall reflect an increase of at least $1."

SEC. 22. Subchapter I of chapter 81 of the Act is amended by adding the following new section:

"§ 8151. Civil service retention rights 5 USC 8151.

"(a) In the event the individual resumes employment with the Federal Government, the entire time during which the employee was receiving compensation under this chapter shall be credited to the employee for the purposes of within-grade step increases, retention purposes, and other rights and benefits based upon length of service.

"(b) Under regulations issued by the Civil Service Commission—

"(1) the department or agency which was the last employer shall immediately and unconditionally accord the employee, if the injury or disability has been overcome within one year after the date of commencement of compensation or from the time compensable disability recurs if the recurrence begins after the injured employee resumes regular full-time employment with the United States, the right to resume his former or an equivalent position, as well as all other attendant rights which the employee would have had, or acquired, in his former position had he not been injured or disabled, including the rights to tenure, promotion, and safeguards in reductions-in-force procedures, and

"(2) the department or agency which was the last employer shall, if the injury or disability is overcome within a period of more than one year after the date of commencement of compensation, make all reasonable efforts to place, and accord priority to placing, the employee in his former or equivalent position within such department or agency, or within any other department or agency."

Repeal.

(c) Section 3315a of title 5, United States Code, is repealed upon the effective date of this section.

SEC. 23. (a) The table of contents of chapter 81 of the Act is amended by the addition of the following:

"8151. Civil service retention rights.".

5 USC 8142.

(b) Section 8142(c)(2) of the Act is amended by adding after "Title 22" the phrase ", or a volunteer with one or more minor children as defined in section 2504 of title 22,".

Ante, p. 1149.

SEC. 24. Section 8146a of the Act is amended by adding at the end thereof the following new subsection:

"(c) This section shall be applicable to persons excluded by section 15 of the Federal Employees' Compensation Act Amendments of 1966 (Public Law 89-488) under the following statutes: Act of February 15, 1934 (48 Stat. 351); Act of June 26, 1936 (49 Stat. 2035); Act of April 8, 1935 (49 Stat. 115); Act of July 25, 1942 (56 Stat. 710); Public Law 84-955 (August 3, 1956); Public Law 77-784 (December 2, 1942); Public Law 84-879 (August 1, 1956); Public Law 80-896 (July 3, 1948); Act of September 8, 1959 (73 Stat. 469). Benefit payments to these persons shall initially be increased by the total percentage of the increases in the price index from the base month of July 1966, to the next most recent base month following the effective date of this subsection."

50 USC app. 2001 note.

5 USC 8147.

SEC. 25. Section 8147 of the Act is amended by adding after the first comma in subsection (c) the following: "the United States Postal Service, or".

SEC. 26. Section 8147(a) of the Act is amended by striking out "Bureau of the Budget" and inserting in lieu thereof "Office of Management and Budget".

Study.
5 USC 8101 note.

SEC. 27. The Secretary of Labor shall conduct a study of the provisions of the Act and the programs thereunder, which shall include, but is not necessarily limited to—

(1) such hearings, research, and other activities as the Secretary of Labor deems necessary in order to enable him to formulate appropriate recommendations,

(2) specific examination of the need of granting the Secretary of Labor the authority to increase the allowance for services of attendants under section 8111(a) of the Act above the maximum amount fixed under such section where exceptional circumstances exist,

Ante, p. 1145.

(3) an examination and evaluation of the effectiveness of the Act, and

(4) recommendations regarding survivor benefits.

Report to Congress.

The Secretary of Labor shall report the results of such study, together with his findings and recommendations, to the Congress not later than 12 months after the date of the enactment of this Act.

SEC. 28. (a) Except as otherwise provided by this section this Act shall take effect on the date of enactment and be applicable to any injury or death occurring on or after such effective date. The amendments made by sections 1 (b) and (c), 2, 3, 7 (a) and (b), 8 (a) and (b), 9, 16 (a) and (b), 17, 19, 20, 21, 22, 24, and 25 shall be applicable to cases where the injury or death occurred prior to the date of enactment but the provisions of these sections shall be applicable only to a period beginning on or after the date of enactment.

Effective dates. 5 USC 8101 note.

(b) Section 11 of this Act shall become effective 60 days from enactment and be applicable to any injury occurring on or after such effective date.

5 USC 8118 note.

Approved September 7, 1974.

Public Law 93-417

AN ACT

September 17, 1974 [H. R. 15172]

To authorize the Secretary of State to prescribe the fee for execution of an application for a passport and to continue to transfer to the United States Postal Service the execution fee for each application accepted by that Service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of June 4, 1920 (22 U.S.C. 214), is amended to read as follows:

Secretary of State. Passport fees.

"SECTION 1. There shall be collected and paid into the Treasury of the United States quarterly a fee of $10 for each passport issued and a fee in an amount prescribed by the Secretary of State by regulation for executing each application for a passport. Nothing contained in this section shall be construed to limit the right of the Secretary of State by regulation (1) to authorize State officials to collect and retain the execution fee, or (2) to transfer to the United States Postal Service the execution fee for each application accepted by that Service. No passport fee shall be collected from an officer or employee of the United States proceeding abroad in the discharge of official duties, or from members of his immediate family; from an American seaman who requires a passport in connection with his duties aboard an American flag-vessel; or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member. No execution fee shall be collected for an application made before a Federal official by a person excused from payment of the passport fee under this section.".

Approved September 17, 1974.

Public Law 93-418

JOINT RESOLUTION

September 18, 1974 [H. J. Res. 1070]

Authorizing the President to proclaim the period of September 15, 1974, through October 15, 1974, as "Johnny Horizon '76 Clean Up America Month".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the period of September 15, 1974, through October 15, 1974, as "Johnny Horizon '76 Clean Up America Month", and calling upon the people of the United States to observe such period with appropriate activities.

Johnny Horizon '76 Clean Up America Month. Designation authorization.

Approved September 18, 1974.