

“(2) existing safety and efficiency needs in United States ports that could be met by increased use of those systems; and  
 “(3) a plan for expanding those systems to meet those needs, including an estimate of the cost of implementing those systems in priority locations.”

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-383, title IV, §432(a), Nov. 13, 1998, 112 Stat. 3444, provided that: “Subsections (b) and (c) [amending this section and section 892d of this title] shall take effect immediately after the later of—

- “(1) the enactment of the Hydrographic Services Improvement Act of 1998 [Pub. L. 105-384, title III, Nov. 13, 1998]; or
- “(2) the enactment of this Act [Nov. 13, 1998].”

§ 892d. Authorization of appropriations

There are authorized to be appropriated to the Administrator the following:

- (1) To carry out nautical mapping and charting functions under sections 892a and 892b of this title, except for conducting hydrographic surveys—
  - (A) \$50,000,000 for fiscal year 2003;
  - (B) \$55,000,000 for fiscal year 2004;
  - (C) \$60,000,000 for fiscal year 2005;
  - (D) \$65,000,000 for fiscal year 2006; and
  - (E) \$70,000,000 for fiscal year 2007.

- (2) To contract for hydrographic surveys under section 892a(b)(1) of this title, including the leasing or time chartering of vessels—
  - (A) \$40,000,000 for fiscal year 2003;
  - (B) \$42,500,000 for fiscal year 2004;
  - (C) \$45,000,000 for fiscal year 2005;
  - (D) \$47,500,000 for fiscal year 2006; and
  - (E) \$50,000,000 for fiscal year 2007.

- (3) To operate hydrographic survey vessels owned by the United States and operated by the Administration—
  - (A) \$14,000,000 for fiscal year 2003;
  - (B) \$18,000,000 for fiscal year 2004; and
  - (C) \$21,000,000 for fiscal years 2005 through 2007.

- (4) To carry out geodetic functions under this subchapter—
  - (A) \$27,500,000 for fiscal year 2003;
  - (B) \$30,000,000 for fiscal year 2004;
  - (C) \$32,500,000 for fiscal year 2005;
  - (D) \$35,000,000 for fiscal year 2006; and
  - (E) \$35,500,000 for fiscal year 2007.

- (5) To carry out tide and current measurement functions under this subchapter—
  - (A) \$25,000,000 for fiscal year 2003;
  - (B) \$27,500,000 for fiscal year 2004;
  - (C) \$30,000,000 for fiscal year 2005;
  - (D) \$32,500,000 for fiscal year 2006; and
  - (E) \$35,000,000 for fiscal year 2007.

- (6) To carry out activities authorized under this subchapter that enhance homeland security, including electronic navigation charts, hydrographic surveys, real time tide and current measurements, and geodetic functions, in addition to other amounts authorized by this section, \$20,000,000.

(Pub. L. 105-384, title III, §306, Nov. 13, 1998, 112 Stat. 3457; Pub. L. 105-383, title IV, §432(b), Nov. 13, 1998, 112 Stat. 3445; Pub. L. 107-372, title I, §106, Dec. 19, 2002, 116 Stat. 3081.)

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2002—Pub. L. 107-372 reenacted section catchline without change and amended text generally. Prior to

amendment, text read as follows: “There is authorized to be appropriated to the Administrator the following:

“(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 892a and 892b of this title, except for conducting hydrographic surveys, \$33,000,000 for fiscal year 1999, \$34,000,000 for fiscal year 2000, and \$35,000,000 for fiscal year 2001.

“(2) To conduct hydrographic surveys under section 892a(a)(1) of this title, including the leasing of ships, \$33,000,000 for fiscal year 1999, \$35,000,000 for fiscal year 2000, and \$37,000,000 for fiscal year 2001. Of these amounts, no more than \$16,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

“(3) To carry out geodetic functions under the Act of 1947, \$25,000,000 for fiscal year 1999, \$30,000,000 for fiscal year 2000, and \$30,000,000 for fiscal year 2001.

“(4) To carry out tide and current measurement functions under the Act of 1947, \$22,500,000 for each of fiscal years 1999 through 2001. Of these amounts \$4,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current and maintain the national tide network, and \$7,000,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 892a(b)(4) of this title.”

1998—Pub. L. 105-383 amended section generally, substituting present provisions for substantially identical provisions.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-383 effective immediately after enactment of Pub. L. 105-384, Nov. 13, 1998, see section 432(a) of Pub. L. 105-383, set out as a note under section 892c of this title.

CHAPTER 18—LONGSHORE AND HARBOR WORKERS' COMPENSATION

Sec.	
901.	Short title.
902.	Definitions.
903.	Coverage. <ul style="list-style-type: none"> <li>(a) Disability or death; injuries occurring upon navigable waters of United States.</li> <li>(b) Government officers and employees.</li> <li>(c) Intoxication; willful intention to kill.</li> <li>(d) Small vessels.</li> <li>(e) Credit for benefits paid under other laws.</li> </ul>
904.	Liability for compensation.
905.	Exclusiveness of liability. <ul style="list-style-type: none"> <li>(a) Employer liability; failure of employer to secure payment of compensation.</li> <li>(b) Negligence of vessel.</li> <li>(c) Outer Continental Shelf.</li> </ul>
906.	Compensation. <ul style="list-style-type: none"> <li>(a) Time for commencement.</li> <li>(b) Maximum rate of compensation.</li> <li>(c) Applicability of determinations.</li> </ul>
907.	Medical services and supplies. <ul style="list-style-type: none"> <li>(a) General requirement.</li> <li>(b) Physician selection; administrative supervision; change of physicians and hospitals.</li> <li>(c) Physicians and health care providers not authorized to render medical care or provide medical services.</li> <li>(d) Request of treatment or services prerequisite to recovery of expenses; formal report of injury and treatment; suspension of compensation for refusal of treatment or examination; justification.</li> <li>(e) Physical examination; medical questions; report of physical impairment; review or reexamination; costs.</li> </ul>

Sec.		Sec.	
	(f) Place of examination; exclusion of physicians other than examining physician of Secretary; good cause for conclusions of other physicians respecting impairment; examination by employer's physician; suspension of proceedings and compensation for refusal of examination.		(c) Court of appeals; jurisdiction; persons entitled to review; petition; record; determination and enforcement; service of process; stay of payments.
	(g) Fees and charges for examinations, treatment, or service; limitation; regulations.		(d) District court; jurisdiction; enforcement of orders; application of beneficiaries of awards or deputy commissioner; process for compliance with orders.
	(h) Third party liability.		(e) Institution of proceedings for suspension, setting aside, or enforcement of compensation orders.
	(i) Physicians' ineligibility for subsection (e) physical examinations and reviews because of workmen's compensation claim employment or fee acceptance or participation.	921a.	Appearance of attorneys for Secretary, deputy commissioner, or Board.
	(j) Procedure; judicial review.	922.	Modification of awards.
	(k) Refusal of treatment on religious grounds.	923.	Procedure before deputy commissioner or Board.
908.	Compensation for disability.	924.	Witnesses.
909.	Compensation for death.	925.	Witness fees.
910.	Determination of pay.	926.	Costs in proceedings brought without reasonable grounds.
911.	Guardian for minor or incompetent.	927.	Powers of deputy commissioners or Board.
912.	Notice of injury or death.	928.	Fees for services.
	(a) Time limitation.		(a) Attorney's fee; successful prosecution of claim.
	(b) Form and content.		(b) Attorney's fee; successful prosecution for additional compensation; independent medical evaluation of disability controversy; restriction of other assessments.
	(c) Delivery requirements.		(c) Approval; payment; lien.
	(d) Failure to give notice.		(d) Costs; witnesses' fees and mileage; prohibition against diminution of compensation to claimant.
913.	Filing of claims.		(e) Unapproved fees; solicitation; penalty.
	(a) Time to file.	929.	Record of injury or death.
	(b) Failure to file.	930.	Reports to Secretary.
	(c) Effect on incompetents and minors.		(a) Time for sending; contents; copy to deputy commissioner.
	(d) Tolling provision.		(b) Additional reports.
914.	Payment of compensation.		(c) Use as evidence.
	(a) Manner of payment.		(d) Compliance by mailing.
	(b) Period of installment payments.		(e) Penalty for failure or refusal to send report.
	(c) Notification of commencement or suspension of payment.	931.	Penalty for misrepresentation.
	(d) Right to compensation controverted.		(a) Felony; fine; imprisonment.
	(e) Additional compensation for overdue installment payments payable without award.		(b) List of persons disqualified from representing claimants.
	(f) Additional compensation for overdue installment payments payable under terms of award.		(c) False statements or representation to reduce, deny, or terminate benefits.
	(g) Notice of payment; penalty.	932.	Security for compensation.
	(h) Investigations, examinations, and hearings for controverted, stopped, or suspended payments.	933.	Compensation for injuries where third persons are liable.
	(i) Deposit by employer.		(a) Election of remedies.
	(j) Reimbursement for advance payments.		(b) Acceptance of compensation operating as assignment.
	(k) Receipt for payment.		(c) Payment into section 944 fund operating as assignment.
915.	Invalid agreements.		(d) Institution of proceedings or compromise by assignee.
916.	Assignment and exemption from claims of creditors.		(e) Recoveries by assignee.
917.	Lien against compensation.		(f) Institution of proceedings by person entitled to compensation.
918.	Collection of defaulted payments; special fund.		(g) Compromise obtained by person entitled to compensation.
919.	Procedure in respect of claims.		(h) Subrogation.
	(a) Filing of claim.		(i) Right to compensation as exclusive remedy.
	(b) Notice of claim.	934.	Compensation notice.
	(c) Investigations; order for hearing; notice; rejection or award.	935.	Substitution of carrier for employer.
	(d) Provisions governing conduct of hearing; administrative law judges.	936.	Insurance policies.
	(e) Filing and mailing of order rejecting claim or making award.	937.	Certificate of compliance with chapter.
	(f) Awards after death of employee.	938.	Penalties.
	(g) Transfer of case.		(a) Failure to secure payment of compensation.
	(h) Physical examination of injured employee.		(b) Avoiding payment of compensation.
920.	Presumptions.		
921.	Review of compensation orders.		
	(a) Effectiveness and finality of orders.		
	(b) Benefits Review Board; establishment; members; chairman; quorum; voting; questions reviewable; record; conclusiveness of findings; stay of payments; remand.		

Sec.

AMENDMENTS

- 939. (c) Effect on other liability of employer. Administration by Secretary.
  - (a) Prescribing rules and regulations; appointing and fixing compensation of employees; making expenditures.
  - (b) Establishing compensation districts.
  - (c) Furnishing information and assistance; directing vocational rehabilitation.
- 940. Deputy commissioners.
  - (a) Appointment; use of personnel and facilities of boards, commissions, or other agencies; expenses and salaries.
  - (b) Appointment in Territories and District of Columbia; compensation.
  - (c) Transfers to other districts; temporary details.
  - (d) Maintaining offices.
  - (e) Records and papers.
  - (f) Conflict of interest.
- 941. Safety rules and regulations.
  - (a) Safe place of employment; installation of safety devices and safeguards.
  - (b) Studies and investigations by Secretary.
  - (c) Inspection of places and practices of employment.
  - (d) Requests for advice; variations from safety rules and regulations.
  - (e) Jurisdiction to restrain violations.
  - (f) Violations and penalties.
  - (g) Inapplicability to certain employments.
- 942. Annual report.
- 943. Repealed.
- 944. Special fund.
  - (a) Establishment; administration; custody, trust.
  - (b) Disbursements; bond of custodian.
  - (c) Payments into fund.
  - (d) Investigations; records, availability; recordkeeping; provisions of sections 49 and 50 of title 15 applicable to Secretary.
  - (e) Depositories; investments.
  - (f) Limitation of liability.
  - (g) Audit by Comptroller General; finality of payment determinations; credits of disbursing officers.
  - (h) Civil actions for civil penalties and unpaid assessments.
  - (i) Proceeds available for certain payments.
  - (j) Audit to Congress.
- 945 to 947. Repealed.
- 948. Laws inapplicable.
- 948a. Discrimination against employees who bring proceedings; penalties; deposit of payments in special fund; civil actions; entitlement to restoration of employment and compensation, qualifications requirement; liability of employer for penalties and payments; insurance policy exemption from liability.
- 949. Effect of unconstitutionality.
- 950. Separability.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 5 section 8171; title 30 sections 931, 932; title 42 sections 251, 405, 1651, 1653, 1702; title 43 section 1333.

§ 901. Short title

This chapter may be cited as “Longshore and Harbor Workers’ Compensation Act.”

(Mar. 4, 1927, ch. 509, §1, 44 Stat. 1424; Pub. L. 98-426, §27(d)(1), Sept. 28, 1984, 98 Stat. 1654.)

1984—Pub. L. 98-426 substituted “Longshore” for “Longshoremen’s”.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 28(a)–(g) of Pub. L. 98-426 provided that:

“(a) Except as otherwise provided in this section, the amendments made by this Act [enacting section 942 of this title, amending this section, sections 902 to 910, 912 to 914, 917 to 919, 921 to 923, 928 to 935, 938 to 940, 944, and 948a of this title, and section 932 of Title 30, Mineral Lands and Mining, repealing sections 945 to 947 of this title, and enacting provisions set out as notes under this section and section 907 of this title] shall be effective on the date of enactment of this Act [Sept. 28, 1984] and shall apply both with respect to claims filed after such date and to claims pending on such date.

“(b) The amendments made by sections 7(a), 7(e), 8(f), 11(b), 11(c), and 13 [amending sections 907, 908, 912, and 914 of this title] shall be effective 90 days after the date of enactment of this Act [Sept. 28, 1984] and shall apply both with respect to claims filed after such 90th day and to claims pending on such 90th day.

“(c) The amendments made by sections 2(a), 3(a), 5, and 8(b) [amending sections 902, 903, 905, and 908 of this title] shall apply with respect to any injury after the date of enactment of this Act [Sept. 28, 1984].

“(d) The amendments made by sections 6(a), 8(d), and 9 [amending sections 906, 908, and 909 of this title] shall apply with respect to any death after the date of enactment of this Act [Sept. 28, 1984].

“(e)(1) The amendments made by sections 2(c), 8(c)(1), 8(e)(4), 8(e)(5), 8(g), 10(b), 15 through 20, and 22 through 27 [enacting section 942 of this title, amending this section and sections 902, 908 to 910, 914, 918, 919, 921 to 923, 928 to 932, 934, 935, 938 to 940, 944, and 948a of this title, repealing sections 945 to 947, and enacting provisions set out as a note under this section] shall be effective on the date of enactment of this Act [Sept. 24, 1984].

“(2) The amendments made by sections 7(b), 7(c), 7(d), and 8(h) [amending sections 907 and 908 of this title] shall be effective 90 days after the date of enactment of this Act [Sept. 28, 1984].

“(f) The amendments made by section 6(b) [amending section 906 of this title] shall apply with respect to any injury, disability, or death after the date of enactment of this Act [Sept. 28, 1984].

“(g) For the purpose of this section—

“(1) in the case of an occupational disease which does not immediately result in a disability or death, an injury shall be deemed to arise on the date on which the employee or claimant becomes aware, or in the exercise of reasonable diligence or by reason of medical advice should have been aware, of the disease; and

“(2) the term ‘disability’ has the meaning given such term by section 2(10) of the Act [section 902(10) of this title] as amended by this Act.”

EFFECTIVE DATE

Section 52, formerly §51, of act Mar. 4, 1927, renumbered Oct. 27, 1972, Pub. L. 92-576, §19, 86 Stat. 1263, provided that: “Sections 39 to 48, 50 to 52 [50 to 52, formerly 49 to 51, renumbered Pub. L. 92-576, §19], inclusive [sections 939 to 948, 949, and 950 of this title], shall become effective upon the passage of this Act [Mar. 4, 1927], and the remainder of this Act shall become effective on July 1, 1927.”

SHORT TITLE OF 1984 AMENDMENT

Section 1(a) of Pub. L. 98-426 provided that: “this Act [enacting section 942 of this title, amending this section, sections 902 to 910, 912 to 914, 917 to 919, 921 to 923, 928 to 935, 938 to 940, 944, and 948a of this title, and section 932 of Title 30, Mineral Lands and Mining, repealing sections 945 to 947 of this title, and enacting provisions set out as notes under this section and section 907 of this title] may be cited as the ‘Longshore and Harbor Workers’ Compensation Act Amendments of 1984.’”