

- (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.)

AMENDMENTS

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"> (a) Disability or death; injuries occurring upon navigable waters of United States. (b) Government officers and employees. (c) Intoxication; willful intention to kill. (d) Small vessels. (e) Credit for benefits paid under other laws.
904.	Liability for compensation.
905.	Exclusiveness of liability. <ul style="list-style-type: none"> (a) Employer liability; failure of employer to secure payment of compensation. (b) Negligence of vessel. (c) Outer Continental Shelf.
906.	Compensation. <ul style="list-style-type: none"> (a) Time for commencement. (b) Maximum rate of compensation. (c) Applicability of determinations.
907.	Medical services and supplies. <ul style="list-style-type: none"> (a) General requirement. (b) Physician selection; administrative supervision; change of physicians and hospitals. (c) Physicians and health care providers not authorized to render medical care or provide medical services. (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. (e) Physical examination; medical questions; report of physical impairment; review or reexamination; costs. (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. (g) Fees and charges for examinations, treatment, or service; limitation; regulations. (h) Third party liability. (i) Physicians' ineligibility for subsection (e) physical examinations and reviews because of workmen's compensation claim employment or fee acceptance or participation. (j) Procedure; judicial review. (k) Refusal of treatment on religious grounds.
908.	Compensation for disability.
909.	Compensation for death.

<p>Sec. 910. Determination of pay. 911. Guardian for minor or incompetent. 912. Notice of injury or death. (a) Time limitation. (b) Form and content. (c) Delivery requirements. (d) Failure to give notice. 913. Filing of claims. (a) Time to file. (b) Failure to file. (c) Effect on incompetents and minors. (d) Tolling provision. 914. Payment of compensation. (a) Manner of payment. (b) Period of installment payments. (c) Notification of commencement or suspension of payment. (d) Right to compensation controverted. (e) Additional compensation for overdue installment payments payable without award. (f) Additional compensation for overdue installment payments payable under terms of award. (g) Notice of payment; penalty. (h) Investigations, examinations, and hearings for controverted, stopped, or suspended payments. (i) Deposit by employer. (j) Reimbursement for advance payments. (k) Receipt for payment. 915. Invalid agreements. 916. Assignment and exemption from claims of creditors. 917. Lien against compensation. 918. Collection of defaulted payments; special fund. 919. Procedure in respect of claims. (a) Filing of claim. (b) Notice of claim. (c) Investigations; order for hearing; notice; rejection or award. (d) Provisions governing conduct of hearing; administrative law judges. (e) Filing and mailing of order rejecting claim or making award. (f) Awards after death of employee. (g) Transfer of case. (h) Physical examination of injured employee. 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. (c) Court of appeals; jurisdiction; persons entitled to review; petition; record; determination and enforcement; service of process; stay of payments. (d) District court; jurisdiction; enforcement of orders; application of beneficiaries of awards or deputy commissioner; process for compliance with orders. (e) Institution of proceedings for suspension, setting aside, or enforcement of compensation orders. 921a. Appearance of attorneys for Secretary, deputy commissioner, or Board. 922. Modification of awards. 923. Procedure before deputy commissioner or Board. 924. Witnesses. 925. Witness fees.</p>	<p>Sec. 926. Costs in proceedings brought without reasonable grounds. 927. Powers of deputy commissioners or Board. 928. Fees for services. (a) Attorney's fee; successful prosecution of claim. (b) Attorney's fee; successful prosecution for additional compensation; independent medical evaluation of disability controversy; restriction of other assessments. (c) Approval; payment; lien. (d) Costs; witnesses' fees and mileage; prohibition against diminution of compensation to claimant. (e) Unapproved fees; solicitation; penalty. 929. Record of injury or death. 930. Reports to Secretary. (a) Time for sending; contents; copy to deputy commissioner. (b) Additional reports. (c) Use as evidence. (d) Compliance by mailing. (e) Penalty for failure or refusal to send report. (f) Tolling provision. 931. Penalty for misrepresentation. (a) Felony; fine; imprisonment. (b) List of persons disqualified from representing claimants. (c) False statements or representation to reduce, deny, or terminate benefits. 932. Security for compensation. 933. Compensation for injuries where third persons are liable. (a) Election of remedies. (b) Acceptance of compensation operating as assignment. (c) Payment into section 944 fund operating as assignment. (d) Institution of proceedings or compromise by assignee. (e) Recoveries by assignee. (f) Institution of proceedings by person entitled to compensation. (g) Compromise obtained by person entitled to compensation. (h) Subrogation. (i) Right to compensation as exclusive remedy. 934. Compensation notice. 935. Substitution of carrier for employer. 936. Insurance policies. 937. Certificate of compliance with chapter. 938. Penalties. (a) Failure to secure payment of compensation. (b) Avoiding payment of compensation. (c) Effect on other liability of employer. 939. 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.</p>
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- Sec.
941. Safety rules and regulations.
- (f) Conflict of interest.
 - (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.)

AMENDMENTS

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'."

SHORT TITLE OF 1972 AMENDMENT

Pub. L. 92-576, §1, Oct. 27, 1972, 86 Stat. 1251, provided: "That this Act [enacting section 948a, amending sections 902, 903, 905 to 910, 912 to 914, 917, 919, 921, 921a, 923, 927, 928, 933, 935, 939, 940, and 944 of this title, and enacting and amending provisions set out as notes under this section and section 902 of this title] may be cited as the 'Longshoremen's and Harbor Workers' Compensation Act Amendments of 1972'."

REFERENCES TO LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Section 27(d)(2) of Pub. L. 98-426 provided that: "Reference in any other statute, regulation, order, or other document to the Longshoremen's and Harbor Workers' Compensation Act shall be deemed to refer to the Longshore and Harbor Workers' Compensation Act."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 30 section 932.