

§ 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

It shall be unlawful for any employer or his duly authorized agent to discharge or in any other manner discriminate against an employee as to his employment because such employee has claimed or attempted to claim compensation from such employer, or because he has testified or is about to testify in a proceeding under this chapter. The discharge or refusal to employ a person who has been adjudicated to have filed a fraudulent claim for compensation is not a violation of this section. Any employer who violates this section shall be liable to a penalty of not less than \$1,000 or more than \$5,000, as may be determined by the deputy commissioner. All such penalties shall be paid to the deputy commissioner for deposit in the special fund as described in section 944 of this title, and if not paid may be recovered in a civil action brought in the appropriate United States district court. Any employee so discriminated against shall be restored to his employment and shall be compensated by his employer for any loss of wages arising out of such discrimination: *Provided*, That if such employee shall cease to be qualified to perform the duties of his employment, he shall not be entitled to such restoration and compensation. The employer alone and not his carrier shall be liable for such penalties and payments. Any provision in an insurance policy undertaking to relieve the employer from the liability for such penalties and payments shall be void.

(Mar. 4, 1927, ch. 509, § 49, as added Pub. L. 92-576, § 19, Oct. 27, 1972, 86 Stat. 1263; amended Pub. L. 98-426, § 26, Sept. 28, 1984, 98 Stat. 1654.)

AMENDMENTS

1984—Pub. L. 98-426 inserted after first sentence “The discharge or refusal to employ a person who has been adjudicated to have filed a fraudulent claim for compensation is not a violation of this section.”, substituted “\$1,000” for “\$100”, and substituted “\$5,000” for “\$1,000”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-426 effective Sept. 28, 1984, see section 28(e)(1) of Pub. L. 98-426, set out as a note under section 901 of this title.

EFFECTIVE DATE

Section effective 30 days after Oct. 27, 1972, see section 22 of Pub. L. 92-576, set out as an Effective Date of 1972 Amendment note under section 902 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 30 section 932.

§ 949. Effect of unconstitutionality

If any part of this chapter is adjudged unconstitutional by the courts, and such adjudication has the effect of invalidating any payment of compensation under this chapter, the period intervening between the time the injury was sustained and the time of such adjudication shall

not be computed as a part of the time prescribed by law for the commencement of any action against the employer in respect of such injury; but the amount of any compensation paid under this chapter on account of such injury shall be deducted from the amount of damages awarded in such action in respect of such injury.

(Mar. 4, 1927, ch. 509, § 50 formerly § 49, 44 Stat. 1446; renumbered § 50, Pub. L. 92-576, § 19, Oct. 27, 1972, 86 Stat. 1263.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 30 section 932.

§ 950. Separability

If any provision of this chapter is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and the applicability of such provision to other persons and circumstances shall not be affected thereby.

(Mar. 4, 1927, ch. 509, § 51 formerly § 50, 44 Stat. 1446; renumbered § 51, Pub. L. 92-576, § 19, Oct. 27, 1972, 86 Stat. 1263.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 30 section 932.

CHAPTER 19—SAINT LAWRENCE SEAWAY

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| <p>Sec.
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990.</p> | <p>Creation of Saint Lawrence Seaway Development Corporation.</p> <p>Management of Corporation; appointment of Administrator; terms; vacancy; Advisory Board; establishment; membership; meetings; duties; compensation and expenses</p> <p>Functions of Corporation.</p> <p style="padding-left: 20px;">(a) Construction of deep-water navigation works in Saint Lawrence River; conditions precedent.</p> <p style="padding-left: 20px;">(b) Coordination of activities regarding power projects.</p> <p>General powers of Corporation.</p> <p>Repealed.</p> <p>Bonds; issuance; maturity; redemption; interest; purchase of obligations by Secretary of the Treasury.</p> <p>Cancellation of bonds issued under section 985.</p> <p>Payments to States and local governments in lieu of taxes; tax exemption of Corporation.</p> <p>Services and facilities of other agencies.</p> <p style="padding-left: 20px;">(a) Utilization of personnel, services, facilities, and information.</p> <p style="padding-left: 20px;">(b) Contributions to retirement and disability, and employees' compensation, funds; payment of costs.</p> <p>Rates of charges or tolls.</p> <p style="padding-left: 20px;">(a) Negotiation with Canadian authorities; revenue sharing formula; consideration of American financing costs, including interest and debt principal; rules of measurement; hearings and rehearings; approval by President; court review.</p> <p style="padding-left: 20px;">(b) Principles governing establishment of rates.</p> <p>Waiver of collection of charges or tolls.</p> <p>Special reports.</p> <p>Offenses and penalties.</p> <p style="padding-left: 20px;">(a) Application of penal statutes.</p> <p style="padding-left: 20px;">(b) Frauds and false entries, reports, or statements.</p> <p style="padding-left: 20px;">(c) Receipt of compensation, or conspiracy, with intent to defraud, etc.</p> |
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