

In subsec. (d) "section 552 of title 5" substituted for "section 3 of the Administrative Procedure Act (ch. 324, 60 Stat. 237), as amended", and in subsec. (g)(2) "subchapter I of chapter 81 of title 5" substituted for "the Act of September 7, 1916 (ch. 458, 39 Stat. 742), as amended", on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees. Said section 3 of the Administrative Procedure Act had been classified to section 1002 of former Title 5, Executive Departments and Government Officers and Employees. Said act of Sept. 7, 1916, was known as the "Federal Employees' Compensation Act" and had been classified to section 751 et seq. of former Title 5.

As originally enacted, subsec. (e) contained the phrase "together with the District Court for the Territory of Alaska," following "the United States district courts". The phrase has been deleted as superfluous in view of Pub. L. 85-508, July 7, 1958, 72 Stat. 339 (set out as a note preceding section 21 of Title 48, Territories and Insular Possessions) which admitted Alaska into the union and enacted section 81A of Title 28, Judiciary and Judicial Procedure, constituting Alaska as one judicial district and in view of section 132 of Title 28 which provides that: "There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district."

#### AMENDMENTS

1982—Subsec. (b)(1). Pub. L. 97-375 struck out "and from time to time make to Congress such recommendations as he may deem proper as to the best means of preventing such injuries" after "by this chapter".

1958—Pub. L. 85-742 amended section generally and, among other changes, empowered the Secretary of Labor to prescribe, by regulation or order, safety rules for the furnishing and maintenance of safe places of employment and for the installation, furnishing and maintenance of safety devices and safeguards, authorized the Secretary to provide for the establishment and supervision of safety programs, permitted the inspection of places of employment and investigation of employment conditions and practices, granted jurisdiction to the district courts to restrain violations of this section or of any rules, regulations or orders of the Secretary, and to prescribe penalties for violations.

#### "SECRETARY" DEFINED

Section 2 of Pub. L. 85-742 provided that: "The term 'Secretary' as used in this Act and in amendments made by this Act [to this section] means the Secretary of Labor."

### § 942. Annual report

The Secretary shall make to Congress at the end of each fiscal year,<sup>1</sup> a report of the administration of this chapter for the preceding fiscal year, including a detailed statement of receipts of and expenditures from the fund established in section 944 of this title, together with such recommendations as the Secretary deems advisable. Such report shall include the annual report required under section 936(b) of title 30 and shall be identified as the Annual Report of the Office of Workers' Compensation Programs.

(Mar. 4, 1927, ch. 509, §42, as added Pub. L. 98-426, §23, Sept. 28, 1984, 98 Stat. 1653; amended Pub. L. 104-66, title I, §1102(b)(1), Dec. 21, 1995, 109 Stat. 722.)

#### PRIOR PROVISIONS

A prior section 942, act Mar. 4, 1927, ch. 509, §42, 44 Stat. 1444, related to travel and subsistence expenses.

<sup>1</sup> So in original. The comma probably should not appear.

See section 5701 et seq. of Title 5, Government Organization and Employees.

#### AMENDMENTS

1995—Pub. L. 104-66 substituted "end of each fiscal year" for "beginning of each regular session, commencing at the beginning of the second regular session after September 28, 1984" and inserted at end "Such report shall include the annual report required under section 936(b) of title 30 and shall be identified as the Annual Report of the Office of Workers' Compensation Programs."

#### EFFECTIVE DATE

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

### § 943. Repealed. Pub. L. 89-348, §1(15), Nov. 8, 1965, 79 Stat. 1311

Section, act Mar. 4, 1927, ch. 509, §43, 44 Stat. 1444, required Secretary to make a report to Congress at beginning of each regular session of the administration of this chapter for preceding fiscal year, including a detailed statement of receipts of and expenditures from funds established in sections 944 and 945 of this title.

### § 944. Special fund

#### (a) Establishment; administration; custody, trust

There is established in the Treasury of the United States a special fund. Such fund shall be administered by the Secretary. The Treasurer of the United States shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be money or property of the United States.

#### (b) Disbursements; bond of custodian

The Treasurer is authorized to disburse moneys from such fund only upon order of the Secretary. He shall be required to give bond in an amount to be fixed and with securities to be approved by the Secretary of the Treasury and the Comptroller General of the United States conditioned upon the faithful performance of his duty as custodian of such fund.

#### (c) Payments into fund

Payments into such fund shall be made as follows:

(1) Whenever the Secretary determines that there is no person entitled under this chapter to compensation for the death of an employee which would otherwise be compensable under this chapter, the appropriate employer shall pay \$5,000 as compensation for the death of such an employee.

(2) At the beginning of each calendar year the Secretary shall estimate the probable expenses of the fund during that calendar year and the amount of payments required (and the schedule therefor) to maintain adequate reserves in the fund. Each carrier and self-insurer shall make payments into the fund on a prorated assessment by the Secretary determined by—

(A) computing the ratio (expressed as a percent) of (i) the carrier's or self-insured's workers' compensation payments under this chapter during the preceding calendar year, to (ii) the total of such payments by all carriers and self-insureds under this chapter during such year;