

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.

#### § 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.)

#### § 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.)

### CHAPTER 19—SAINT LAWRENCE SEAWAY

#### Sec.

- 981. Creation of Saint Lawrence Seaway Development Corporation.
- 982. Management of Corporation; appointment of Administrator; terms; vacancy; Advisory Board; establishment; membership; meetings; duties; compensation and expenses
- 983. Functions of Corporation.
- 984. General powers of Corporation.
- 984a. Repealed.
- 985. Bonds; issuance; maturity; redemption; interest; purchase of obligations by Secretary of the Treasury.
- 985a. Cancellation of bonds issued under section 985.
- 986. Payments to States and local governments in lieu of taxes; tax exemption of Corporation.
- 987. Services and facilities of other agencies.
- 988. Rates of charges or tolls.
- 988a. Waiver of collection of charges or tolls.
- 989. Special reports.
- 990. Offenses and penalties.

#### § 981. Creation of Saint Lawrence Seaway Development Corporation

There is hereby created, subject to the direction and supervision of the Secretary of Transportation, a body corporate to be known as the Saint Lawrence Seaway Development Corporation (hereinafter referred to as the “Corporation”).

(May 13, 1954, ch. 201, § 1, 68 Stat. 93; Pub. L. 89-670, § 8(g)(1), Oct. 15, 1966, 80 Stat. 943.)

#### AMENDMENTS

1966—Pub. L. 89-670 substituted “Secretary of Transportation” for “President, or the head of such agency as he may designate”.

#### EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-670 effective Apr. 1, 1967, as prescribed by the President and published in the Federal Register, see section 16(a), formerly § 15(a), of Pub. L. 89-670 and Ex. Ord. No. 11340, Mar. 30, 1967, 32 F.R. 5453.

#### SEPARABILITY

Section 11 of act May 13, 1954, provided: “If any provision of this Act [enacting this chapter and amending section 846 of Title 31, Money and Finance] or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.”

#### ADMINISTRATOR TO REPORT DIRECTLY TO SECRETARY OF TRANSPORTATION

Pub. L. 89-670, § 8(g)(2), which provided that the Administrator of the St. Lawrence Seaway Development Corporation report directly to the Secretary notwithstanding any other provision of the Department of Transportation Act (Pub. L. 89-670), was repealed by Pub. L. 97-449, § 7(b), Jan. 12, 1983, 96 Stat. 2444, except for rights and duties that matured, penalties that were