

court and hearing on at least three days' notice to the parties in interest and the deputy commissioner, incorporated in subsec. (c) of this section.

Subsecs. (c) to (e). Pub. L. 92-576, §15(a), (b), added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

Statutory Notes and Related Subsidiaries

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 OF 1972 AMENDMENT

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

REVIEW OF DECISIONS MADE BY OR PENDING BEFORE BENEFITS REVIEW BOARD

Pub. L. 108-447, div. F, title I, Dec. 8, 2004, 118 Stat. 3121, which provided in part that no funds made available by div. F were to be used by the Solicitor of Labor or the Secretary of Labor to review certain decisions made by or pending before the Benefits Review Board under the Longshore and Harbor Workers' Compensation Act, and deemed such decisions pending review by the Board for more than 1 year to be affirmed by and the final order of the Board for purposes of obtaining review in the United States courts of appeals, was from the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005, and was not repeated in subsequent appropriations acts. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-199, div. E, title I, Jan. 23, 2004, 118 Stat. 234.

Pub. L. 108-7, div. G, title I, Feb. 20, 2003, 117 Stat. 306.

Pub. L. 107-116, title I, Jan. 10, 2002, 115 Stat. 2184.

Pub. L. 106-554, §1(a)(1) [title I], Dec. 21, 2000, 114 Stat. 2763, 2763A-10.

Pub. L. 106-113, div. B, §1000(a)(4) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A-224.

Pub. L. 105-277, div. A, §101(f) [title I], Oct. 21, 1998, 112 Stat. 2681-337, 2681-345.

Pub. L. 105-78, title I, Nov. 13, 1997, 111 Stat. 1475.

Pub. L. 104-208, div. A, title I, §101(e) [title I], Sept. 30, 1996, 110 Stat. 3009-233, 3009-241.

Pub. L. 104-134, title I, §101(d) [title I], Apr. 26, 1996, 110 Stat. 1321-211, 1321-218; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.

§ 921a. Appearance of attorneys for Secretary, deputy commissioner, or Board

Attorneys appointed by the Secretary shall represent the Secretary, the deputy commissioner, or the Board in any court proceedings under section 21 [33 U.S.C. 921] or other provisions of this Act¹ except for proceedings in the Supreme Court of the United States.

(May 4, 1928, ch. 502, 45 Stat. 490; June 25, 1948, ch. 646, §1, 62 Stat. 909; Pub. L. 92-576, §16, Oct. 27, 1972, 86 Stat. 1262.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, probably should have been a reference to act Mar. 4, 1927, ch. 509, 44 Stat. 1424, known as the Longshore and Harbor Workers' Compensation Act, which is classified generally to this chapter. This section was not enacted as part of that Act, see Codification note below. For complete classi-

fication of act Mar. 4, 1927, to the Code, see section 901 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Longshore and Harbor Workers' Compensation Act which comprises this chapter.

AMENDMENTS

1972—Pub. L. 92-576, which directed the general amendment of “[s]ection 21a of the Act”, meaning section 21a of act Mar. 4, 1927, was executed to this section, which is act May 4, 1928, ch. 502, to reflect the probable intent of Congress. Act Mar. 4, 1927, does not contain a section 21a. Prior to amendment, section required the United States attorney in the judicial district in which a case was pending to appear as attorney or counsel on behalf of the Secretary of Labor or his deputy commissioner when either was a party to the case or interested, and to represent such Secretary or deputy in any court in which such case could be carried on appeal.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted “United States attorney” for “district attorney of the United States”. See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision note thereunder.

EFFECTIVE DATE OF 1972 AMENDMENT

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

§ 922. Modification of awards

Upon his own initiative, or upon the application of any party in interest (including an employer or carrier which has been granted relief under section 908(f) of this title), on the ground of a change in conditions or because of a mistake in a determination of fact by the deputy commissioner, the deputy commissioner may, at any time prior to one year after the date of the last payment of compensation, whether or not a compensation order has been issued, or at any time prior to one year after the rejection of a claim, review a compensation case (including a case under which payments are made pursuant to section 944(i) of this title) in accordance with the procedure prescribed in respect of claims in section 919 of this title, and in accordance with such section issue a new compensation order which may terminate, continue, reinstate, increase, or decrease such compensation, or award compensation. Such new order shall not affect any compensation previously paid, except that an award increasing the compensation rate may be made effective from the date of the injury, and if any part of the compensation due or to become due is unpaid, an award decreasing the compensation rate may be made effective from the date of the injury, and any payment made prior thereto in excess of such decreased rate shall be deducted from any unpaid compensation, in such manner and by such method as may be determined by the deputy commissioner with the approval of the Secretary. This section does not authorize the modification of settlements.

(Mar. 4, 1927, ch. 509, §22, 44 Stat. 1437; May 26, 1934, ch. 354, §5, 48 Stat. 807; June 25, 1938, ch.

¹ See References in Text note below.