

## WAR-RISK HAZARD AND DETENTION BENEFITS

JUNE 26, 1956.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. FRAZIER, from the Committee on the Judiciary, submitted the following

### R E P O R T

[To accompany H. R. 11802]

The Committee on the Judiciary, to whom was referred the bill (H. R. 11802) to continue the effectiveness of the act of December 2, 1942, as amended, and the act of July 28, 1945, as amended, relating to war-risk hazard and detention benefits until July 1, 1957, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE

The purpose of this bill is to extend for a period of 1 year, to July 1, 1957, the provisions contained in two temporary statutes presently in force. The first of these is Public Law 784, 77th Congress (56 Stat. 1028; 42 U. S. C. 1701-1706, 1711-1717 (1952 ed.)), which provides for compensation benefits for certain employees of the United States or of contractors with the United States for injury or death proximately resulting from a war-risk hazard as defined therein. The second statute is section 5 (b) of Public Law 161, 79th Congress (59 Stat. 505; 5 U. S. C. 801 (1952 ed.)), which extends the Federal Employees' Compensation Act, as amended (39 Stat. 742 (1916), 63 Stat. 854 (1949); 5 U. S. C. 751 ff. (1952 ed.)), to provide workmen's compensation benefits to Federal civilian employees who suffer injury or death during a period of detention by an enemy force. As the appended executive communication from the Department of the Army representing the Department of Defense indicates, legislation of this type has been in effect since World War II and is essential to effective recruitment of competent civilian personnel for vital overseas employment.

## DESCRIPTION OF PUBLIC LAW 784, 77TH CONGRESS, AS AMENDED

This statute provides compensation for injury, death, or capture of certain persons employed outside the country by the United States directly or by contractors of the United States when the injury is caused by a war-risk hazard. The types of military and enemy action constituting war-risk hazards are specified in detail in section 201 (42 U. S. C. sec. 1711 (1952 ed.)), of the act. The significance of this legislation is that such employees who are victimized by a war-risk hazard are eligible for compensation even though at the time of their injury they were not actually engaged in the course of their employment. Also, if such employees are captured by enemy forces, these laws provide compensation payments to dependents during enemy detention. This legislation was enacted in 1942 to compensate retroactively for the many cases of personal injury and death of employees of Government contractors, particularly at Pearl Harbor, Guam, Wake Island, and the Philippines, and to provide for future similar tragedies. As wartime legislation, it was effective until 1952 and has been extended from year to year since then. Pending development of permanent legislation, H. R. 11802 extends this temporary legislation to July 1, 1957.

DESCRIPTION OF SECTION 5 (B) OF PUBLIC LAW 161, 79TH CONGRESS,  
AS AMENDED (59 STAT. 505, 5 U. S. C., SEC. 801 (1952 ED.))

This legislation applies to employees of the United States whose employment requires that they work and temporarily live great distances from their permanent residences. It extends the benefits of the Federal Employees' Compensation Act to such employees if they are captured by the enemy and are injured or killed while under enemy detention, whether or not at the time of capture they were engaged in the course of their employment. This provision was first enacted in 1945, continued as wartime legislation until 1952, has been extended from year to year since then and is extended to July 1, 1957, by H. R. 11802.

## NEED FOR EXTENSION OF ACTS

These provisions for the protection of employees working abroad or at great distances from their permanent residences are an essential part of the Government's overseas operations. As indicated in the executive communication appended hereto, there has been presented to Congress permanent legislation dealing with war-risk hazards to civilian employees. This legislation has been introduced in two bills, H. R. 9258 and H. R. 11652. Hearings on these bills indicated that the proposed permanent legislation makes significant changes in the temporary legislation and will require extensive and careful consideration by Congress. In view of the fact that the temporary legislation expires in less than a week, the House Judiciary Committee favorably reports H. R. 11802 so that present protections will be available pending full consideration of the proposed permanent legislation.

## EXECUTIVE COMMUNICATION

The Department of the Army requested extension of this legislation in a communication dated June 14, 1956, addressed to the Honorable Sam Rayburn, Speaker of the House of Representatives. That communication is appended hereto.

DEPARTMENT OF THE ARMY,  
*June 14, 1956.*

HON. SAM RAYBURN,  
*Speaker of the House of Representatives.*

DEAR MR. SPEAKER: There are forwarded herewith a draft of legislation, to continue the effectiveness of the act of December 2, 1952, as amended, and the act of July 28, 1945, as amended, relating to war-risk hazard and detention benefits until July 1, 1957, and a sectional analysis thereof.

This proposal is a part of the Department of Defense legislative program for 1956 and the Bureau of the Budget has advised that there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Army has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

## PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is to extend the temporary statutes relating to benefits available to certain civilian personnel for injury, death, or detention resulting from war-risk hazards. The temporary provisions of law concerning war-risk hazard benefits will terminate July 1, 1956, in accordance with the act of June 30, 1955 (Public Law 125, 84th Cong.), "An act to continue the effectiveness of the act of December 2, 1942, as amended, and the act of July 28, 1945, relating to war-risk hazard and detention benefits until July 1, 1956."

The present legislation effects benefits granted to certain groups of civilian employees customarily engaged to support the military forces of the United States in overseas areas. These groups and their relationship to the Government may be classified generally as follows:

- (a) Direct-hire employees of the United States.
- (b) Certain persons engaged by contract with the United States for personal services.
- (c) Certain employees of contractors with the United States Government.
- (d) Civilian employees of nonappropriated fund instrumentalities.

There is general agreement that a major factor in recruiting competent personnel for overseas duty in any of the above capacities is the protection offered for unusual risk of life or limb. This concern over physical safety remains strong as the result of the fate suffered by civilians employed at Pearl Harbor, Guam, Wake Island, and the Philippines. In the time of actual hostilities Congress adopted a temporary wartime policy (a retroactive measure) that the United States should assume the liability involved in such risks for certain groups of civilian employees in overseas areas. The experience of the military departments since 1941 indicates need for a continuing

national policy on this subject to be available when the contingency arises.

The Department of Defense has recommended two legislative proposals to revise and make permanent current temporary provisions of law relating to benefits available to certain civilian personnel for injury, death or detention resulting from war-risk hazards. One, H. R. 9258, which amends the Federal Employees Compensation Act to provide war-risk hazard benefits for Federal employees, is currently receiving congressional consideration. The second, applicable to services engaged by contract, employees of contractors, nonappropriated fund employees, and employees of the American Red Cross, has been transmitted to the Congress for consideration, and has been introduced in bill form as H. R. 11652. The Department of Defense feels that there is a definite need for this permanent legislation and urgently supports enactment of these measures. However, if the Congress determines that it needs a greater time to study the provisions of these proposals, the proposal forwarded herewith will insure continuation of temporary authority beyond July 1, 1956, the expiration date of the temporary authority, and thereby will at least assure the continuation of present coverage.

#### COST AND BUDGET DATA

The fiscal implications of this proposal cannot be estimated accurately since its operation will depend entirely upon contingencies which cannot be forecast.

Sincerely yours,

WILBER M. BRUCKER,  
*Secretary of the Army.*

#### CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the House of Representatives, there is printed below in roman type without brackets existing law in which no change is proposed by enactment of the bill here reported; present provisions proposed to be stricken are enclosed in black brackets; and new provisions proposed to be inserted are shown in italic:

#### SECTION 201 OF THE ACT OF DECEMBER 2, 1942, AS AMENDED

(Public Law 784, 77th Cong., 56 Stat. 1033, 42 U. S. C. 1711)

SEC. 201. When used in this Act (except when used in title III)—

(a) The term "Secretary" means the Secretary of Labor.

(b) The term "war-risk hazard" means any hazard arising after December 6, 1941, and prior to [July 1, 1956] *July 1, 1957*, from—

(1) the discharge of any missile (including liquids and gas) or the use of any weapon, explosive, or other noxious thing by an enemy or in combating an attack or an imagined attack by an enemy; or

(2) action of the enemy, including rebellion or insurrection against the United States or any of its Allies; or

(3) the discharge or explosion of munitions intended for use in connection with the national war effort (except with respect to



any employee of a manufacturer or processor of munitions during the manufacture, or processing thereof, or while stored on the premises of the manufacturer or processor); or

(4) the collision of vessels in convoy or the operation of vessels or aircraft without running lights or without other customary peacetime aids to navigation; or

(5) the operation of vessels or aircraft in a zone of hostilities or engaged in war activities.

(c) The term "enemy" means any nation, government, or force engaged in armed conflict with the Armed Forces of the United States or of any of its allies.

(d) The term "allies" as used in this Act and as used in the statutory provisions referred to in section 101 (a) (1) of this Act, means any nation, government, or force participating with the United States in any armed conflict.

(e) The terms "national war effort" and "war-effort" include national defense; the term "war effort" as used in the statutory provisions referred to in section 101 (a) (1) of this Act also includes national defense.

(f) The term "war activities" includes activities directly relating to military operations.

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#### SECTION 5 (B) OF THE ACT OF JULY 28, 1945

(Public Law 161, 79th Cong., 59 Stat. 505, 15 U. S. C. 801)

##### SEC. 5. \* \* \*

(b) In any case where an employee employed by the United States within the purview of such Act or any extension thereof suffers disability or death after capture, detention, or other restraint, by an enemy of the United States, during the present war and until [July 1, 1956] *July 1, 1957* such disability or death shall in the administration of such Act be deemed to have resulted from injury occurring while in the performance of duty, whether or not the employee was engaged in the course of his employment when taken by the enemy: *Provided*, That this subparagraph shall not apply in the case of any person (1) whose residence is at or in the vicinity of the place from whence he was thus taken, and (2) who was not living there solely by virtue of the exigencies of his employment, unless such person was so taken while he was engaged in the course of his employment: *Provided further*, That compensation for disability or death shall not be paid during any period of time during which the disabled person (or the dependents of such person, or any one of them) should receive or be entitled to receive any pay, other benefit, or gratuity from the United States on account of detention by the enemy or by reason of the same disability or death, unless such pay, benefit, or gratuity is refunded or renounced. The term "enemy" as used in this subsection means any nation, government, or force engaged in armed conflict with the Armed Forces of the United States or of any nation, government, or force participating with the United States in any armed conflict.

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