

The original documents are located in Box 65, folder “10/17/76 HR3377 Relief of Helen Wolski Michael Wolski and Steven Wolski” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library

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APPROVED
OCT 17 1976

810/17/76

ACTION

THE WHITE HOUSE
WASHINGTON
October 16, 1976

Last Day: October 18



MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *Handwritten signature*
SUBJECT: H.R. 3377 - For the relief of Helen Wolski, Michael Wolski and Steven Wolski

Attached for your consideration is H.R. 3377, sponsored by Representative Nedzi.

The enrolled bill would waive the 5-year time limitation for filing a claim for benefits under the Federal Employees Compensation Act to permit Mrs. Wolski to bring a claim for benefits for the death of her husband, a police officer killed in the line of duty.

The Federal Employees Compensation Act was amended on April 19, 1968 to extend coverage to non-Federal law enforcement officers who were injured or killed while engaged in Federal law enforcement activity.

Mrs. Wolski's husband was killed three months after the Act was amended in 1968. The Detroit Police Department, which assisted Mrs. Wolski with processing papers and benefits, asserts that at the time they had no knowledge that the Compensation Act had been changed to include police officers. The statute of limitations in her case expired in August, 1973. That month a police officer accidentally came upon the Wolski matter and determined she would have been eligible for these benefits.

Agency Recommendations

Labor recommends disapproval of the bill because it is not aware of any special circumstances that would justify making an exception to the statutory requirement for the filing of claims.

Justice, while deferring to Labor, states that it would normally oppose such legislation "on the grounds that statutes of limitations would soon become meaningless if allowed to be routinely so circumvented, and because the result is un-uniform and unequal treatment of the citizenry as a whole with respect to claims brought against the Government."

Posted
10/18/76

archives

OCT 16 1976

OMB, while sympathetic to Mrs. Wolski's situation, is unable to ascertain any extenuating circumstances in her case that justify special relief. They concur with the views expressed by Labor and Justice and recommend that you disapprove H.R. 3377. OMB has prepared a draft memorandum of disapproval which is attached at Tab C.

Staff Recommendations

Max Friedersdorf	"Recommend approval. Unusual circumstances involving family of slain Detroit policeman mitigate for a Presidential approval based on compassion despite bureaucratic legal obstacles."
Counsel's Office (Lazarus)	"It is beyond my comprehension to understand why we should deny to a widow of a policeman killed enforcing Federal law, benefits which should have been made available to her but for the lack of knowledge on the part of officials in the Detroit Police Department. It should also be noted that under current law she would have been eligible for a \$50,000 gratuity."
Robert Hartmann	Strongly recommend approval.

Recommendation

I recommend approval of H.R. 3377

Decision

Sign H.R. 3377 at Tab B.

Veto H.R. 3377 and sign Memorandum of Disapproval at Tab C.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 18 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 3377 - For the Relief of
Helen Wolski, Michael Wolski, and Steven
Wolski
Sponsor - Rep. Nedzi (D) Michigan

Last Day for Action

October 18, 1976 - Monday

Purpose

Waives the 5-year time limitation for filing a claim for benefits under the Federal Employees Compensation Act to permit Mrs. Wolski to bring a claim for benefits for the death of her husband, a police officer killed in the line of duty.

Agency Recommendations

Office of Management and Budget	Disapproval (Memorandum of disapproval attached)
Department of Labor	Disapproval
Department of Justice	Defers to Labor
Civil Service Commission	No comment

Discussion

The Federal Employees Compensation Act (FECA) was amended on April 19, 1968 to extend coverage to non-Federal law enforcement officers who were injured or killed while engaged in Federal law enforcement activity. The act contains a requirement that a claim be presented within five years of the death or injury.

Sergeant Edward Wolski of the Detroit Police Department was killed on August 6, 1968, three months after the act was amended. Mrs. Wolski did not file a claim for

benefits before the statute of limitations had expired in her case in August 1973.

The Report of the House Committee on the Judiciary contains the following details of the circumstances of Mrs. Wolski's case:

"...at the time the Detroit Police Department was assisting Mrs. Wolski with processing all requisite papers and the benefits she might be entitled to, it was asserted that they had no knowledge about the fact that the compensation act had been changed to include police officers....

In August, after the statute had expired, the police officer in charge of assisting widows was going through the files and accidentally came upon the Wolski matter and determined that Mrs. Wolski would be eligible for these benefits.

Negotiations were initiated with the Department of Labor in an effort to secure these benefits for her. When the negotiations resulted in a denial of the claim, efforts were initiated to secure legislative relief."

Notwithstanding the objections of the Departments of Justice and Labor, the Committee reported the bill favorably, stating that Mrs. Wolski and her children "through no fault on their part, have been prejudiced by a lack of general awareness of the federal compensation program in the period immediately following its coming into effect."

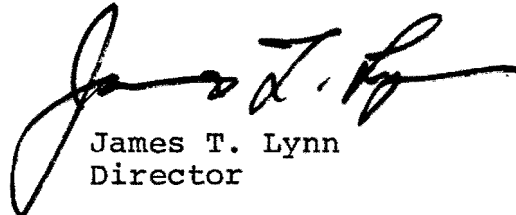
Recommendations

Labor recommends disapproval of the enrolled bill because it is not aware of any special circumstances that would justify making an exception to the statutory requirement for the filing of claims. The Department states in its views letter that a waiver in this case, without such special circumstances, would discriminate against other similarly situated individuals. It would also set an undesirable precedent for such cases.

Justice, while deferring to Labor on this bill, states that it would normally oppose such legislation "on the grounds that statutes of limitations would soon become meaningless if allowed to be routinely so circumvented, and because the result is un-uniform and unequal treatment of the citizenry as a whole with respect to claims brought against the Government."

* * * * *

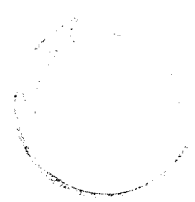
Although we are sympathetic to Mrs. Wolski's situation, we are unable to ascertain any extenuating circumstances in her case that justify special relief. We concur with the views expressed by Labor and Justice, and, accordingly, recommend that you disapprove H.R. 3377. A draft memorandum of disapproval is attached for your consideration.



James T. Lynn
Director

Enclosures

B



MEMORANDUM OF DISAPPROVAL

I have withheld my approval from H.R. 3377, a private relief bill which would waive the statute of limitations under the Federal Employees Compensation Act to permit Mrs. Helen Wolski to bring a claim for benefits for the death of her husband, a police officer killed in the line of duty.

The Federal Employees Compensation Act extends coverage to non-Federal law enforcement officers who are injured or killed while engaged in a Federal law enforcement activity. The Act contains a requirement that a claim be presented within five years of the death or injury.

Mrs. Wolski's husband, a member of the Detroit Police Department was killed on August 6, 1968. No claim for benefits was filed within the five year period.

While I am sympathetic to Mrs. Wolski's situation, there has been no evidence of any extenuating circumstances, or negligent action on the part of the Government, that would have prevented a timely filing of the claim. Absent such evidence, a special waiver would be discriminatory with respect to other similarly situated persons and would result in unequal treatment of the citizenry as a whole with respect to claims brought against the Government.

THE WHITE HOUSE,

MEMORANDUM OF DISAPPROVAL

I have withheld my approval from H.R. 3377, a private relief bill which would waive the statute of limitations under the Federal Employees Compensation Act to permit Mrs. Helen Wolski to bring a claim for benefits for the death of her husband, a police officer killed in the line of duty.

The Federal Employees Compensation Act extends coverage to non-Federal law enforcement officers who are injured or killed while engaged in a Federal law enforcement activity. The Act contains a requirement that a claim be presented within five years of the death or injury.

Mrs. Wolski's husband, a member of the Detroit Police Department was killed on August 6, 1968. No claim for benefits was filed within the five year period.

While I am sympathetic to Mrs. Wolski's situation, there has been no evidence of any extenuating circumstances, or negligent action on the part of the Government, that would have prevented a timely filing of the claim. Absent such evidence, a special waiver would be discriminatory with respect to other similarly situated persons and would result in unequal treatment of the citizenry as a whole with respect to claims brought against the Government.

MEMORANDUM OF DISAPPROVAL

I have withheld my approval from H.R. 3377, a private relief bill which would waive the statute of limitations under the Federal Employees Compensation Act to permit Mrs. Helen Wolski to bring a claim for benefits for the death of her husband, a police officer killed in the line of duty.

The Federal Employees Compensation Act extends coverage to non-Federal law enforcement officers who are injured or killed while engaged in a Federal law enforcement activity. The Act contains a requirement that a claim be presented within five years of the death or injury.

Mrs. Wolski's husband, a member of the Detroit Police Department was killed on August 6, 1968. No claim for benefits was filed within the five year period.

While I am sympathetic to Mrs. Wolski's situation, there has been no evidence of any extenuating circumstances, or negligent action on the part of the Government, that would have prevented a timely filing of the claim. Absent such evidence, a special waiver would be discriminatory with respect to other similarly situated persons and would result in unequal treatment of the citizenry as a whole with respect to claims brought against the Government.



THE WHITE HOUSE,

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 12

Time: 815pm

FOR ACTION:

David Lissy *veto*

cc (for information):

Jack Marsh

Max Friedersdorf *sign*

Ed Schmults

Bobbie Kilberg *sign (comments)*

Stev

Hartmann

sign

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 530pm

SUBJECT:

H.R.3377-For the relief of Helen Wolski, Michael Wolski,
and Steven Wolski

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

U. S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

WASHINGTON

OCT 7 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

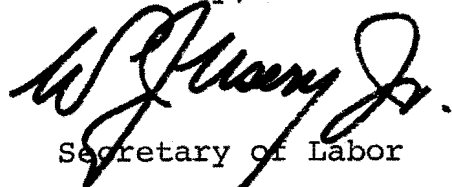
Dear Mr. Lynn:

This is in response to your request for the Department of Labor's views on H.R. 3377, an enrolled bill that would provide relief for Mrs. Helen Wolski, Michael Wolski, and Steven Wolski. The bill would waive the Federal Employees' Compensation Act's 5-year statute of limitations, 5 U.S.C. 8193(c)(3), in order to allow the Wolskis to bring a claim under the FECA for the death of her husband and their father, a police officer killed in the line of duty.

The Department is sympathetic to the Wolskis' situation. However, as we previously indicated in a letter to Chairman Rodino when the House Judiciary Committee was considering this legislation, we have no information concerning any special circumstances which prevented the Wolskis from timely submitting their claim in accordance with the requirements of the FECA. Absent such circumstances, a special waiver would be discriminatory with respect to other parties similarly situated.

Accordingly, the Department recommends that the President not approve the bill.

Sincerely,



Secretary of Labor

Department of Justice
Washington, D.C. 20530

October 7, 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill H.R. 3377, "For the relief of Mrs. Helen Wolski, Michael Wolski, and Steven Wolski."

The bill would provide that notwithstanding the five-year time limitation contained in 5 U.S.C. 8193(c)(3) under the Act of April 19, 1968, P. L. 90-291, 5 U.S.C. 8191-8193, a claim presented to the Secretary of Labor by Mrs. Helen Wolski and her two sons within one year after the date of enactment for the death of her husband, a police officer killed in the line of duty, shall be allowed under section 8192(6) to the extent that such claim is otherwise allowable under that section. The Act provides that non-federal law enforcement officers may in certain circumstances receive benefits under the Federal Employees Compensation Act.

The Department of Justice would normally oppose enactment of such a private relief bill on the grounds that statutes of limitations would soon become meaningless if allowed to be routinely so circumvented, and because the result is un-uniform and unequal treatment of the citizenry as a whole with respect of claims brought against the Government. However, in this instance, the Department of Justice defers to the Department of Labor as to whether this bill should receive Executive approval.

Sincerely,



MICHAEL M. UHLMANN
Assistant Attorney General



UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

CHAIRMAN

October 8, 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C. 20503

Attention: Assistant Director for
Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the Commission's views on enrolled bill, H.R. 3377, "For the relief of Mrs. Helen Wolski, Michael Wolski, and Steven Wolski."

The enrolled bill would provide the above individuals an opportunity to apply for benefits authorized under section 8192(b) of title 5, United States Code. This section of title 5 concerns employees compensation benefits and is administered by the Department of Labor.

Because the subjects of this bill are the survivors of a non-Federal employee, its provisions do not directly or substantially affect any of the programs administered by the Commission.

Accordingly, the Commission has no comment on the merits of the enrolled bill.

By direction of the Commission:

Sincerely yours,

Handwritten signature of Robert Hampton in cursive script.
Chairman

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 12

Time: 815pm

7

FOR ACTION: David Lissy
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann

cc (for information): Jack Marsh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 530pm

SUBJECT:

H.R.3377-For the relief of Helen Wolski, Michael Wolski,
and Steven Wolski

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief


Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Recommend Approval. Unusual
circumstances involving family
of slain Detroit policeman mitigate
for a Presidential approval based
on compassion despite bureaucratic
legal obstacles.* 

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

James W. Cannon
For the President

Date: October 12

Time: 815pm

7

FOR ACTION: David Lissy
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann

cc (for information): Jack Marsh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 530pm

SUBJECT:

H.R.3377-For the relief of Helen Wolski, Michael Wolski,
and Steven Wolski

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

10-13

Recommend disapproval.
MJ

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 12

Time: 815pm

7

FOR ACTION: David Lissy
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann

cc (for information): Jack Marsh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 530pm

SUBJECT:

H.R.3377-For the relief of Helen Wolski, Michael Wolski,
and Steven Wolski

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

This enrolled bill memorandum is in part inaccurate and appallingly insensitive.

The Federal Employees Compensation Act provides that benefits extended to the survivors of policemen killed while engaged in Federal law enforcement activity must be commensurate with benefits extended to Federal employees in similar situations. Thus in situations where State benefits are not equal to those conferred by Federal law, FECA supplement benefits are conferred by State law.

Recently the President signed into law "The Public Safety Officers Act" which would additionally provide a gratuity in the amount of \$50,000 to the survivors of police officers killed in the line of duty. But for the fact that these benefits are perspective only, Mrs. Wolski would also have qualified for this gratuity.

OVER

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James W. Cannon
For the President

It is beyond my comprehension to understand why we should deny to a widow of a policeman killed while enforcing Federal law benefits which should have been made available to her but for the lack of knowledge on the part of officials in the Detroit Police Department.

Compare the searching ~~analysis~~ devoted to this bill with the almost cavalier approach to many of the recently passed tax measures involving millions of dollars.

K. Lazarus 10/13

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 12

Time: 815pm

7

FOR ACTION: David Lissy
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann

cc (for information): Jack Marsh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 530pm

SUBJECT:

H.R.3377-For the relief of Helen Wolski, Michael Wolski,
and Steven Wolski

10/13 - Copy sent for recording. now

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

RTH: I think the President should consider this carefully. The backup material indicates that the widow was being advised by the Detroit Police Department as to her rights and benefits following the death of her husband. She was not advised that a recent change in the law would have permitted a claim for death benefits. Presumably the failure by the Police Department was unintentional, but the presumed knowledge of its counselor is certainly much greater than that of the widow. The President recently signed a similar bill designed to ensure that widows of police officers killed in the line of duty would receive Federal compensation. Widows have always been favored in the law. Certainly police widows who are counselled incorrectly by police departments as to their rights ought to be even more favored. Under the circumstances described in this file, it seems to me very harsh to impose a strict time bar to her claim.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

*I Agree - Recommend signing
See attached note*

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

JMA

THE WHITE HOUSE
WASHINGTON

Judy:

You may not need this, but thought
I should forward it to you.

Neta

10/13/76 - 8:50 am
n

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 12

*Just
12:28
JP/mwb*

Time: 815pm

7 mt

FOR ACTION: David Lissy
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann

cc (for information): Jack Marsh
Ed Schmults

To Res. 10/13 11:00 AM

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 530pm

SUBJECT:

H.R.3377-For the relief of Helen Wolski, Michael Wolski,
and Steven Wolski

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

OK/mwb

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James W. Cannon
For the President



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 12 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 3377 - For the Relief of
Helen Wolski, Michael Wolski, and Steven
Wolski
Sponsor - Rep. Nedzi (D) Michigan

Last Day for Action

October 18, 1976 - Monday

Purpose

Waives the 5-year time limitation for filing a claim for benefits under the Federal Employees Compensation Act to permit Mrs. Wolski to bring a claim for benefits for the death of her husband, a police officer killed in the line of duty.

Agency Recommendations

Office of Management and Budget	Disapproval (Memorandum of disapproval attached)
Department of Labor	Disapproval
Department of Justice	Defers to Labor
Civil Service Commission	No comment

Discussion

The Federal Employees Compensation Act (FECA) was amended on April 19, 1968 to extend coverage to non-Federal law enforcement officers who were injured or killed while engaged in Federal law enforcement activity. The act contains a requirement that a claim be presented within five years of the death or injury.

Sergeant Edward Wolski of the Detroit Police Department was killed on August 6, 1968, three months after the act was amended. Mrs. Wolski did not file a claim for

benefits before the statute of limitations had expired in her case in August 1973.

The Report of the House Committee on the Judiciary contains the following details of the circumstances of Mrs. Wolski's case:

"...at the time the Detroit Police Department was assisting Mrs. Wolski with processing all requisite papers and the benefits she might be entitled to, it was asserted that they had no knowledge about the fact that the compensation act had been changed to include police officers....

In August, after the statute had expired, the police officer in charge of assisting widows was going through the files and accidentally came upon the Wolski matter and determined that Mrs. Wolski would be eligible for these benefits.

Negotiations were initiated with the Department of Labor in an effort to secure these benefits for her. When the negotiations resulted in a denial of the claim, efforts were initiated to secure legislative relief."

Notwithstanding the objections of the Departments of Justice and Labor, the Committee reported the bill favorably, stating that Mrs. Wolski and her children "through no fault on their part, have been prejudiced by a lack of general awareness of the federal compensation program in the period immediately following its coming into effect."

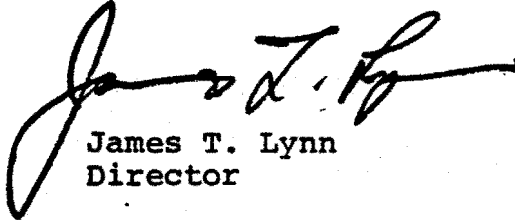
Recommendations

Labor recommends disapproval of the enrolled bill because it is not aware of any special circumstances that would justify making an exception to the statutory requirement for the filing of claims. The Department states in its views letter that a waiver in this case, without such special circumstances, would discriminate against other similarly situated individuals. It would also set an undesirable precedent for such cases.

Justice, while deferring to Labor on this bill, states that it would normally oppose such legislation "on the grounds that statutes of limitations would soon become meaningless if allowed to be routinely so circumvented, and because the result is un-uniform and unequal treatment of the citizenry as a whole with respect to claims brought against the Government."

* * * * *

Although we are sympathetic to Mrs. Wolski's situation, we are unable to ascertain any extenuating circumstances in her case that justify special relief. We concur with the views expressed by Labor and Justice, and, accordingly, recommend that you disapprove H.R. 3377. A draft memorandum of disapproval is attached for your consideration.

A handwritten signature in black ink, appearing to read "James T. Lynn", is written over the typed name and title.

James T. Lynn
Director

Enclosures

MEMORANDUM OF DISAPPROVAL

oh
I have withheld my approval from H.R. 3377, a private relief bill which would waive the statute of limitations under the Federal Employees Compensation Act to permit Mrs. Helen Wolski to bring a claim for benefits for the death of her husband, a police officer killed in the line of duty.

Backup material
The Federal Employees Compensation Act extends coverage to non-Federal law enforcement officers who are injured or killed while engaged in a Federal law enforcement activity. The Act contains a requirement that a claim be presented within five years of the death or injury.

Background info.
Mrs. Wolski's husband, a member of the Detroit Police Department was killed on August 6, 1968. No claim for benefits was filed within the five year period.

While I am sympathetic to Mrs. Wolski's situation, there has been no evidence of any extenuating circumstances, or negligent action on the part of the Government, that would have prevented a timely filing of the claim. Absent such evidence, a special waiver would be discriminatory with respect to other similarly situated persons and would result in unequal treatment of the citizenry as a whole with respect to claims brought against the Government.

U. S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

WASHINGTON

OCT 7 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

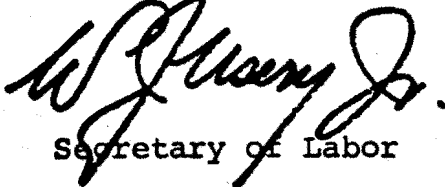
Dear Mr. Lynn:

This is in response to your request for the Department of Labor's views on H.R. 3377, an enrolled bill that would provide relief for Mrs. Helen Wolski, Michael Wolski, and Steven Wolski. The bill would waive the Federal Employees' Compensation Act's 5-year statute of limitations, 5 U.S.C. 8193(c)(3), in order to allow the Wolskis to bring a claim under the FECA for the death of her husband and their father, a police officer killed in the line of duty.

The Department is sympathetic to the Wolskis' situation. However, as we previously indicated in a letter to Chairman Rodino when the House Judiciary Committee was considering this legislation, we have no information concerning any special circumstances which prevented the Wolskis from timely submitting their claim in accordance with the requirements of the FECA. Absent such circumstances, a special waiver would be discriminatory with respect to other parties similarly situated.

Accordingly, the Department recommends that the President not approve the bill.

Sincerely,



Secretary of Labor

Department of Justice
Washington, D.C. 20530

October 7, 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill H.R. 3377, "For the relief of Mrs. Helen Wolski, Michael Wolski, and Steven Wolski."

The bill would provide that notwithstanding the five-year time limitation contained in 5 U.S.C. 8193(c)(3) under the Act of April 19, 1968, P. L. 90-291, 5 U.S.C. 8191-8193, a claim presented to the Secretary of Labor by Mrs. Helen Wolski and her two sons within one year after the date of enactment for the death of her husband, a police officer killed in the line of duty, shall be allowed under section 8192(6) to the extent that such claim is otherwise allowable under that section. The Act provides that non-federal law enforcement officers may in certain circumstances receive benefits under the Federal Employees Compensation Act.

The Department of Justice would normally oppose enactment of such a private relief bill on the grounds that statutes of limitations would soon become meaningless if allowed to be routinely so circumvented, and because the result is un-uniform and unequal treatment of the citizenry as a whole with respect of claims brought against the Government. However, in this instance, the Department of Justice defers to the Department of Labor as to whether this bill should receive Executive approval.

Sincerely,



MICHAEL M. UHLMANN
Assistant Attorney General



UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON, D.C. 20415

CHAIRMAN

October 8, 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C. 20503

Attention: Assistant Director for
Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the Commission's views on enrolled bill, H.R. 3377, "For the relief of Mrs. Helen Wolski, Michael Wolski, and Steven Wolski."

The enrolled bill would provide the above individuals an opportunity to apply for benefits authorized under section 8192(b) of title 5, United States Code. This section of title 5 concerns employees compensation benefits and is administered by the Department of Labor.

Because the subjects of this bill are the survivors of a non-Federal employee, its provisions do not directly or substantially affect any of the programs administered by the Commission.

Accordingly, the Commission has no comment on the merits of the enrolled bill.

By direction of the Commission:

Sincerely yours,

Robert Hampton
Chairman

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

For the relief of Mrs. Helen Wolski, Michael Wolski, and Steven Wolski.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the time limitations contained in section 8193(c)(3) of title 5 of the United States Code, a claim presented to the Secretary of Labor within one year after the date of enactment of this Act by Mrs. Helen Wolski, Michael Wolski, and Steven Wolski for the death of her husband and their father, a Detroit police officer killed in the line of duty, shall be allowed under section 8192(b) to the extent that such claim is otherwise allowable under that section.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*