

(2) the department or agency which was the last employer shall, if the injury or disability is overcome within a period of more than one year after the date of commencement of compensation, make all reasonable efforts to place, and accord priority to placing, the employee in his former or equivalent position within such department or agency, or within any other department or agency.

(Added Pub. L. 93-416, § 22, Sept. 7, 1974, 88 Stat. 1149; amended Pub. L. 95-454, title IX, § 906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-454 substituted “Office of Personnel Management” for “Civil Service Commission”.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

EFFECTIVE DATE

Section applicable to cases where injury or death occurred prior to Sept. 7, 1974, but only to a period beginning on or after Sept. 7, 1974, see section 28(a) of Pub. L. 93-416, set out as an Effective Date of 1974 Amendment note under section 8101 of this title.

§ 8152. Annual report

The Secretary of Labor shall, at the end of each fiscal year, prepare a report with respect to the administration of this chapter. Such report shall be submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore¹ Harbor Workers’ Compensation Act (33 U.S.C. 942).

(Added Pub. L. 104-66, title I, § 1102(b)(3)(A), Dec. 21, 1995, 109 Stat. 723.)

SUBCHAPTER II—EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES

§ 8171. Compensation for work injuries; generally

(a) The Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 901 et seq.) applies with respect to disability or death resulting from injury, as defined by section 2(2) of such Act (33 U.S.C. 902(2)), occurring to an employee of a nonappropriated fund instrumentality described by section 2105(c) of this title, or to a volunteer providing such an instrumentality with services accepted under section 1588 of title 10, who is—

- (1) a United States citizen or a permanent resident of the United States or a territory or possession of the United States employed outside the continental United States; or
(2) employed inside the continental United States.

However, that part of section 3(a) of such Act (33 U.S.C. 903(a)) which follows the second comma does not apply to such an employee.

(b) For the purpose of this subchapter, the term “employer” in section 2(4) of the Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 902(4)) includes the nonappropriated fund instrumentalities described by section 2105(c) of this title.

¹ So in original. Probably should be “Longshore and”.

(c) The Secretary of Labor may—

(1) extend compensation districts established under section 39(b) of the Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 939(b)), or establish new districts to include the areas outside the continental United States; and

(2) assign to each district one or more deputy commissioners as the Secretary considers advisable.

(d) Judicial proceedings under sections 18 and 21 of the Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 918 and 921) with respect to an injury or death occurring outside the continental United States shall be instituted in the district court within the territorial jurisdiction of which is located the office of the deputy commissioner having jurisdiction with respect to the injury or death.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 555; Pub. L. 103-337, div. A, title X, §§ 1061(c), 1070(d)(8)(A), Oct. 5, 1994, 108 Stat. 2847, 2858; Pub. L. 104-106, div. A, title XV, § 1505(b)(1), Feb. 10, 1996, 110 Stat. 514.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 150k-1(a), June 19, 1952, ch. 444, § 2, 66 Stat. 139; July 18, 1958, Pub. L. 85-538, § 1 “Sec. 2(a)”, 72 Stat. 397.

In subsection (a), the word “civilian” is omitted as unnecessary as the definition of “employee” in section 2105 includes only civilians.

In subsection (d), the reference to “the United States District Court for the District of Columbia” is omitted as included in the words “district court”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

REFERENCES IN TEXT

The Longshore and Harbor Workers’ Compensation Act, referred to in subsec. (a), is act Mar. 4, 1927, ch. 509, 44 Stat. 1424, as amended, which is classified generally to chapter 18 (§ 901 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see section 901 of Title 33 and Tables.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-106, § 1505(b)(1)(A), substituted “903(a)” for “903(3)” in concluding provisions. Subsec. (c)(1). Pub. L. 104-106, § 1505(b)(1)(B), inserted “section” before “39(b)”.

Subsec. (d). Pub. L. 104-106, § 1505(b)(1)(C), substituted “(33 U.S.C. 918 and 921)” for “(33 U.S.C. 18 and 21, respectively)”.

1994—Subsec. (a). Pub. L. 103-337, § 1070(d)(8)(A)(i)(III), substituted “section 3(a) of such Act (33 U.S.C. 903(3)) which follows the second comma” for “section 903(a) of title 33 which follows the first comma” in second sentence.

Pub. L. 103-337, § 1070(d)(8)(A)(i)(I), (II), substituted “The Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 901 et seq.)” for “Chapter 18 of title 33” and “section 2(2) of such Act (33 U.S.C. 902(2))” for “section 902(2) of title 33”, in introductory provisions.

Pub. L. 103-337, § 1061(c), inserted “, or to a volunteer providing such an instrumentality with services accepted under section 1588 of title 10,” after “described by section 2105(c) of this title” in introductory provisions.

Subsec. (b). Pub. L. 103-337, §1070(d)(8)(A)(ii), substituted "section 2(4) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(4))" for "section 902(4) of title 33".

Subsec. (c)(1). Pub. L. 103-337, §1070(d)(8)(A)(iii), substituted "39(b) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 939(b))" for "section 939(b) of title 33".

Subsec. (d). Pub. L. 103-337, §1070(d)(8)(A)(iv), substituted "sections 18 and 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 18 and 21, respectively)" for "sections 918 and 921 of title 33".

§ 8172. Employees not citizens or residents of the United States

In case of disability or death resulting from injury, as defined by section 2(2) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(2)), occurring to an employee of a nonappropriated fund instrumentality described by section 2105(c) of this title who is—

- (1) not a citizen or permanent resident of the United States or a territory or possession of the United States; and
(2) employed outside the continental United States;

compensation shall be provided in accordance with regulations prescribed by the Secretary of the military department concerned and approved by the Secretary of Defense or regulations prescribed by the Secretary of Transportation, as the case may be.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 556; Pub. L. 103-272, §4(b)(3), July 5, 1994, 108 Stat. 1361; Pub. L. 103-337, div. A, title X, §1070(d)(8)(B), Oct. 5, 1994, 108 Stat. 2859; Pub. L. 104-106, div. A, title XV, §1505(b)(2), Feb. 10, 1996, 110 Stat. 514.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 150k-1(b), July 18, 1958, Pub. L. 85-538, §1 "Sec. 2(b)", 72 Stat. 397.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1996—Pub. L. 104-106 substituted "(33 U.S.C. 902(2))" for "(33 U.S.C. 2(2))" in introductory provisions.

1994—Pub. L. 103-337 substituted "section 2(2) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 2(2))" for "section 902(2) of title 33" in introductory provisions.

Pub. L. 103-272 substituted "Secretary of Transportation" for "Secretary of the Treasury" in concluding provisions.

§ 8173. Liability under this subchapter exclusive

The liability of the United States or of a non-appropriated fund instrumentality described by section 2105(c) of this title, with respect to the disability or death resulting from injury, as defined by section 2(2) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(2)), of an employee referred to by sections 8171 and 8172 of this title, shall be determined as provided by this subchapter. This liability is exclusive and instead of all other liability of the United States or the instrumentality to the em-

ployee, his legal representative, spouse, dependents, next of kin, and any other person otherwise entitled to recover damages from the United States or the instrumentality because of the disability or death in a direct judicial proceeding, in a civil action, or in admiralty, or by an administrative or judicial proceeding under a workmen's compensation statute or under a Federal tort liability statute.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 556; Pub. L. 103-337, div. A, title X, §1070(d)(8)(B), Oct. 5, 1994, 108 Stat. 2859; Pub. L. 104-106, div. A, title XV, §1505(b)(2), Feb. 10, 1996, 110 Stat. 514.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 150k-1(c), July 18, 1958, Pub. L. 85-538, §1 "Sec. 2(c)", 72 Stat. 397.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1996—Pub. L. 104-106 substituted "(33 U.S.C. 902(2))" for "(33 U.S.C. 2(2))".

1994—Pub. L. 103-337 substituted "section 2(2) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 2(2))" for "section 902(2) of title 33".

SUBCHAPTER III—LAW ENFORCEMENT OFFICERS NOT EMPLOYED BY THE UNITED STATES

§ 8191. Determination of eligibility

The benefits of this subchapter are available as provided in this subchapter to eligible law enforcement officers (referred to in this subchapter as "eligible officers") and their survivors. For the purposes of this subchapter, an eligible officer is any person who is determined by the Secretary of Labor in his discretion to have been on any given occasion—

- (1) a law enforcement officer and to have been engaged on that occasion in the apprehension or attempted apprehension of any person—
(A) for the commission of a crime against the United States, or
(B) who at that time was sought by a law enforcement authority of the United States for the commission of a crime against the United States, or
(C) who at that time was sought as a material witness in a criminal proceeding instituted by the United States; or

(2) a law enforcement officer and to have been engaged on that occasion in protecting or guarding a person held for the commission of a crime against the United States or as a material witness in connection with such a crime; or

(3) a law enforcement officer and to have been engaged on that occasion in the lawful prevention of, or lawful attempt to prevent, the commission of a crime against the United States;

and to have been on that occasion not an employee as defined in section 8101(1), and to have