

§ 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

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	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 nonappropriated 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 employee, 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.)

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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 sustained on that occasion a personal injury for which the United States would be required under subchapter I of this chapter to pay compensation if he had been on that occasion such an employee engaged in the performance of his duty. No person otherwise eligible to receive a benefit under this subchapter because of the disability or death of an eligible officer shall be barred from the receipt of such benefit because the person apprehended or attempted to be apprehended by such officer was then sought for the commis-