

1974—Subsec. (a)(1). Pub. L. 93-416, §16(a), substituted “50” for “45”.

Subsec. (a)(2). Pub. L. 93-416, §16(a), substituted “45” for “40”.

Subsec. (a)(3). Pub. L. 93-416, §16(a), substituted “40” for “35”.

Subsec. (b). Pub. L. 93-416, §16(a), inserted “before reaching age 60” after “remarries” in par. (1), struck out par. (2) referring to widower who dies, remarries or becomes capable of self-support, redesignated pars. (3) and (4) as (2) and (3), respectively, changed the reference in closing paragraph from paragraph (3) of this subsection to paragraph (2) of this subsection, and inserted provision for election by widower or widow of benefits derived from more than one husband or wife.

Subsec. (e)(1). Pub. L. 93-416, §17, inserted “, except for increases authorized by section 8146a of this title” before “; or”.

Subsec. (f). Pub. L. 93-416, §18, added subsec. (f).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by sections 16(a) and 17 of Pub. L. 93-416 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 a note under section 8101 of this title.

Amendment by section 18 of Pub. L. 93-416 effective on Sept. 7, 1974, and applicable to any injury or death occurring on or after Sept. 7, 1974, see section 28(a) of Pub. L. 93-416, set out as a note under section 8101 of this title.

GRATUITY FOR DEATH OF CIVILIAN EMPLOYEE FROM INJURY SUSTAINED IN LINE OF DUTY

Pub. L. 104-208, div. A, title I, §101(f) [title VI, §651], Sept. 30, 1996, 110 Stat. 3009-314, 3009-368, provided that: “Notwithstanding section 8116 of title 5, United States Code, and in addition to any payment made under 5 U.S.C. 8101 et seq., beginning in fiscal year 1997 and thereafter, the head of any department or agency is authorized to pay from appropriations made available to the department or agency a death gratuity to the personal representative (as that term is defined by applicable law) of a civilian employee of that department or agency whose death resulted from an injury sustained in the line of duty on or after August 2, 1990: Provided, That payments made pursuant to this section, in combination with the payments made pursuant to sections 8133(f) and 8134(a) of such title 5 and section 312 of Public Law 103-332 (108 Stat. 2537) [5 U.S.C. 8134 note], may not exceed a total of \$10,000 per employee.”

PERSONNEL NOT AFFECTED BY 1967 INCREASE

Increases authorized under amendment by section 1(62)(B) of Pub. L. 90-83 not applicable to specified personnel, see section 7 of Pub. L. 90-83, set out as a note under section 8103 of this title.

§ 8134. Funeral expenses; transportation of body

(a) If death results from an injury sustained in the performance of duty, the United States shall pay, to the personal representative of the deceased or otherwise, funeral and burial expenses not to exceed \$800, in the discretion of the Secretary of Labor.

(b) The body of an employee whose home is in the United States, in the discretion of the Secretary, may be embalmed and transported in a hermetically sealed casket to his home or last place of residence at the expense of the Employees' Compensation Fund if—

- (1) the employee dies from—
(A) the injury while away from his home or official station or outside the United States; or
(B) from other causes while away from his home or official station for the purpose of

receiving medical or other services, appliances, supplies, or examination under this subchapter; and

(2) the relatives of the employee request the return of his body.

If the relatives do not request the return of the body of the employee, the Secretary may provide for its disposition and incur and pay from the Employees' Compensation Fund the necessary and reasonable transportation, funeral, and burial expenses.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 548.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 761, Sept. 7, 1916, ch. 458, §11, 39 Stat. 745, Feb. 12, 1927, ch. 110, §4, 44 Stat. 1087, July 28, 1945, ch. 328, §2 (last 24 words), 59 Stat. 503, Oct. 14, 1949, ch. 691, §107, 63 Stat. 860, Sept. 13, 1960, Pub. L. 86-767, §103, 74 Stat. 906.

In subsection (a), the words “an injury sustained in the performance of duty” are substituted for “the injury” to clearly identify the type of injury to which the section refers.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan. No. 19, 64 Stat. 1271 (see section 8145).

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

BURIAL ALLOWANCE

Pub. L. 112-87, title III, §310, Jan. 3, 2012, 125 Stat. 1885, provided that:

“(a) AUTHORIZATION TO PROVIDE.—

“(1) IN GENERAL.—The head of an agency or department containing an element of the intelligence community may pay to the estate of a decedent described in paragraph (2) a burial allowance at the request of a representative of such estate, as determined in accordance with the laws of a State.

“(2) DESCRIPTION.—A decedent described in this paragraph is an individual—

“(A) who served as a civilian officer or employee of such an agency or department;

“(B) who died as a result of an injury incurred during such service; and

“(C) whose death—

“(i) resulted from hostile or terrorist activities; or

“(ii) occurred in connection with an intelligence activity having a substantial element of risk.

“(b) USE OF BURIAL ALLOWANCE.—A burial allowance paid under subsection (a) may be used to reimburse such estate for burial expenses, including recovery, mortuary, funeral, or memorial service, cremation, burial costs, and costs of transportation by common carrier to the place selected for final disposition of the decedent.

“(c) AMOUNT OF BURIAL ALLOWANCE; RELATIONSHIP TO OTHER PROVISIONS.—A burial allowance paid under subsection (a) shall be—

“(1) in an amount not greater than—

“(A) the maximum reimbursable amount allowed under Department of Defense Instruction 1344.08 or successor instruction; plus

“(B) the actual costs of transportation referred to in subsection (b); and

“(2) in addition to any other benefit permitted under any other provision of law, including funds that may be expended as specified in the General Provisions section of the classified annex accompanying this Act.

“(d) REPORT.—Not later than 180 days after the date of the enactment of this Act [Jan. 3, 2012], the Director of the Office of Personnel Management, in consultation with the Director of National Intelligence, the Secretary of Labor, and the Secretary of Defense, shall submit to Congress a report on the feasibility of implementing legislation to provide for burial allowances at a level which adequately addresses the cost of burial expenses and provides for equitable treatment when an officer or employee of a Federal agency or department dies as the result of an injury sustained in the performance of duty.”

[For definition of “intelligence community” as used in section 310 of Pub. L. 112–87, set out above, see section 2 of Pub. L. 112–87, set out as a note under section 3003 of Title 50, War and National Defense.]

AVAILABILITY OF DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS TO REIMBURSE REPRESENTATIVES OF EMPLOYEES KILLED IN LINE OF DUTY

Pub. L. 103–332, title III, §312, Sept. 30, 1994, 108 Stat. 2537, provided that: “Notwithstanding any other provision of law in fiscal year 1995 and thereafter, appropriations made available to any department or agency in a Department of the Interior and Related Agencies Appropriations Act shall be available to that department or agency to reimburse the representative (as that term is defined by applicable law) of employees killed in the line of duty after January 1, 1994, and in subsequent fiscal years, for burial costs and related out-of-pocket expenses: *Provided*, That the amount of such reimbursement may exceed the \$800 limitation in 5 U.S.C. 8134(a); *Provided further*, That funds provided pursuant to this authority may not exceed \$10,000 per employee.”

**§ 8135. Lump-sum payment**

(a) The liability of the United States for compensation to a beneficiary in the case of death or of permanent total or permanent partial disability may be discharged by a lump-sum payment equal to the present value of all future payments of compensation computed at 4 percent true discount compounded annually if—

- (1) the monthly payment to the beneficiary is less than \$50 a month;
- (2) the beneficiary is or is about to become a nonresident of the United States; or
- (3) the Secretary of Labor determines that it is for the best interest of the beneficiary.

The probability of the death of the beneficiary before the expiration of the period during which he is entitled to compensation shall be determined according to the most current United States Life Tables, as developed by the United States Department of Health, Education, and Welfare, which shall be updated from time to time, but the lump-sum payment to a widow or widower of the deceased employee may not exceed 60 months' compensation. The probability of the happening of any other contingency affecting the amount or duration of compensation shall be disregarded.

(b) On remarriage before reaching age 55 a widow or widower entitled to compensation under section 8133 of this title, shall be paid a lump-sum equal to twenty-four times the monthly compensation payment (excluding compensation on account of another individual) to

which he was entitled immediately before the remarriage.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 548; Pub. L. 90–83, §1(63), Sept. 11, 1967, 81 Stat. 211; Pub. L. 93–416, §§16(b), 19, 20, Sept. 7, 1974, 88 Stat. 1149; Pub. L. 101–303, §3(2), May 29, 1990, 104 Stat. 251.)

HISTORICAL AND REVISION NOTES  
1966 ACT

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i> |
|-------------------|------------------|---|
| .....             | 5 U.S.C. 764.    | Sept. 7, 1916, ch. 458, §14, 39 Stat. 746.    |

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

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

1967 ACT

| <i>Section of title 5</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>               |
|---------------------------|---------------------------|---|
| 8135(b) .....             | 5 App.: 764(b).           | July 4, 1966, Pub. L. 89–488, §8, 80 Stat. 254. |

The word “widower” is substituted for “dependent widower” to conform to the definition in 5 U.S.C. 8101(11). The words “section 8133 of title 5” are substituted for “section 10” to reflect the codification of that section in title 5, United States Code.

AMENDMENTS

1990—Subsec. (b). Pub. L. 101–303 substituted “age 55” for “age 60”.

1974—Subsec. (a). Pub. L. 93–416, §20, substituted provisions relating to use of the most current United States Life Tables, for provisions relating to determination by the American Experience Tables of Mortality.

Subsec. (a)(1). Pub. L. 93–416, §19, substituted “\$50” for “\$5”.

Subsec. (b). Pub. L. 93–416, §16(b), inserted “before reaching age 60” after “On remarriage”.

CHANGE OF NAME

United States Department of Health, Education, and Welfare redesignated the United States Department of Health and Human Services by section 3508 of Title 20, Education.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–416 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 a note under section 8101 of this title.

PERSONNEL NOT AFFECTED BY 1967 INCREASE

Increases authorized under amendment by section 1(63) of Pub. L. 90–83 not applicable to specified personnel, see section 7 of Pub. L. 90–83, set out as a note under section 8103 of this title.

**§ 8136. Initial payments outside the United States**

If an employee is injured outside the continental United States, the Secretary of Labor may arrange and provide for initial payment of compensation and initial furnishing of other benefits under this subchapter by an employee or agent of the United States designated by the Secretary for that purpose in the locality in which the employee was employed or the injury occurred.