

1967 ACT

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8131(c)	5 App.: 776 (proviso).	July 4, 1966, Pub. L. 89-488, § 10(a), 80 Stat. 255.

Editorial Notes

REFERENCES IN TEXT

For definition of Panama Canal Company, referred to in text, see section 3602(b) of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-263, § 5305(b)(1)(A), inserted “continuation of pay or” before “compensation” in introductory provisions.

Subsec. (c). Pub. L. 117-263, § 5305(b)(1)(B), inserted “continuation of pay or” before “compensation already paid”.

Statutory Notes and Related Subsidiaries

PERSONNEL NOT AFFECTED BY 1967 INCREASE

Increases authorized under amendment by 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.

§ 8132. Adjustment after recovery from a third person

If an injury or death for which continuation of pay or compensation is payable under this subchapter is caused under circumstances creating a legal liability in a person other than the United States to pay damages, and a beneficiary entitled to continuation of pay or compensation from the United States for that injury or death receives money or other property in satisfaction of that liability as the result of suit or settlement by him or on his behalf, the beneficiary, after deducting therefrom the costs of suit and a reasonable attorney's fee, shall refund to the United States the amount of continuation of pay or compensation paid by the United States and credit any surplus on future payments of compensation payable to him for the same injury. No court, insurer, attorney, or other person shall pay or distribute to the beneficiary or his designee the proceeds of such suit or settlement without first satisfying or assuring satisfaction of the interest of the United States. The amount refunded to the United States shall be credited to the Employees' Compensation Fund. If continuation of pay or compensation has not been paid to the beneficiary, the money or property shall be credited against continuation of pay or compensation payable to him by the United States for the same injury. However, the beneficiary is entitled to retain, as a minimum, at least one-fifth of the net amount of the money or other property remaining after the expenses of a suit or settlement have been deducted; and in addition to this minimum and at the time of distribution, an amount equivalent to a reasonable attorney's fee proportionate to the refund to the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 547; Pub. L. 90-83, § 1(61), Sept. 11, 1967, 81 Stat. 211; Pub. L. 93-416, § 15, Sept. 7, 1974, 88 Stat. 1147; Pub. L. 117-263, div. E, title LIII, § 5305(b)(2), Dec. 23, 2022, 136 Stat. 3254.)

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. 777.	Sept. 7, 1916, ch. 458, § 27, 39 Stat. 747.

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>
8132	5 App.: 777(b) (proviso).	July 4, 1966, Pub. L. 89-488, § 10(b), 80 Stat. 255.

The words “However, * * * is entitled to retain * * * plus” are substituted for “*Provided*, That * * * shall have the right to retain * * * and, in addition, to retain”.

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263 inserted “continuation of pay or” before “compensation is payable”, before “compensation from the United States”, and before “compensation paid by the United States” and substituted “on his behalf” for “in his behalf” and “If continuation of pay or compensation has not been paid to the beneficiary, the money or property shall be credited against continuation of pay or compensation payable to him by the United States for the same injury.” for “If compensation has not been paid to the beneficiary, he shall credit the money or property on compensation payable to him by the United States for the same injury.” Amendment directing insertion of “continuation of pay or” before “compensation paid by the United States” was executed to reflect the probable intent of Congress due to the extra opening quotation mark in the quoted text.

1974—Pub. L. 93-416 made minor changes in phraseology and inserted provision prohibiting a court, etc., from distributing proceeds of suit or settlement without satisfying or assuring satisfaction of the interests of the United States.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-416 effective 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.

PERSONNEL NOT AFFECTED BY 1967 INCREASE

Increases authorized under amendment by 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.

§ 8133. Compensation in case of death

(a) If death results from an injury sustained in the performance of duty, the United States shall pay a monthly compensation equal to a percentage of the monthly pay of the deceased employee in accordance with the following schedule:

(1) To the widow or widower, if there is no child, 50 percent.

(2) To the widow or widower, if there is a child, 45 percent and in addition 15 percent for each child not to exceed a total of 75 percent for the widow or widower and children.