

Employees' Compensation Act in title 5, United States Code.

Statutory Notes and Related Subsidiaries

PERSONNEL NOT AFFECTED BY 1967 INCREASE

Increases authorized under amendment by section 1(71) 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.

§ 8150. Effect on other statutes

(a) This subchapter does not affect the maritime rights and remedies of a master or member of the crew of a vessel.

(b) Section 8141 of this title and section 9491 of title 10 do not confer military or veteran status on any individual.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 555; Pub. L. 115-232, div. A, title VIII, § 809(c)(4), Aug. 13, 2018, 132 Stat. 1841.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 791-4(b).	Oct. 14, 1949, ch. 691, § 305(b), 63 Stat. 868.
(b)	5 U.S.C. 803a.	Aug. 3, 1956, ch. 926, § 1 "Sec. 4", 70 Stat. 981.

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

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-232 substituted "section 9491 of title 10" for "section 9441 of title 10".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of Title 10, Armed Forces.

§ 8151. Civil service retention rights

(a) In the event the individual resumes employment with the Federal Government, the entire time during which the employee was receiving compensation under this chapter shall be credited to the employee for the purposes of within-grade step increases, retention purposes, and other rights and benefits based upon length of service.

(b) Under regulations issued by the Office of Personnel Management—

(1) the department or agency which was the last employer shall immediately and unconditionally accord the employee, if the injury or disability has been overcome within one year after the date of commencement of compensation or from the time compensable disability recurs if the recurrence begins after the injured employee resumes regular full-time employment with the United States, the right to resume his former or an equivalent position, as well as all other attendant rights which the employee would have had, or acquired, in his

former position had he not been injured or disabled, including the rights to tenure, promotion, and safeguards in reductions-in-force procedures, and

(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.)

Editorial Notes

AMENDMENTS

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

Statutory Notes and Related Subsidiaries

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.)

Statutory Notes and Related Subsidiaries

REPORT ON AFFECTED EMPLOYEES

Pub. L. 117-263, div. E, title LIII, § 5305(a)(5), Dec. 23, 2022, 136 Stat. 3254, provided that: "Beginning on the date that is 1 year after the date of enactment of this Act [Dec. 23, 2022], with respect to each annual report required under section 8152 of title 5, United States Code, the Secretary [of Labor]—

"(A) shall include in the report the total number of, and demographics regarding, employees in fire protection activities with illnesses and diseases described in the list (as the list may be updated under this subsection [enacting section 8143b of this title and provisions set out as notes under section 8143b of this title] and the amendments made by this subsection), as of the date on which that annual report is submitted, which shall be disaggregated by the specific illness or disease for the purposes of understanding the scope of the problem facing those employees; and

"(B) may—

¹ So in original. Probably should be "Longshore and".

“(i) include in the report any information with respect to employees in fire protection activities that the Secretary determines to be necessary; and

“(ii) as appropriate, make recommendations in the report for additional actions that could be taken to minimize the risk of adverse health impacts for employees in fire protection activities.”

[“Employee in fire protection activities” and “the list” as used in section 5305(a)(5) of Pub. L. 117-263, set out above, defined as in subsecs. (a) and (b)(2), respectively, of section 8143b of this title, see section 5305(a)(2) of Pub. L. 117-263, set out as a Research Cooperation note under section 8143b of this title.]

SUBCHAPTER II—EMPLOYEES OF NON-APPROPRIATED 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.

(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

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	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.

Editorial Notes

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, 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