

(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.

#### Editorial Notes

##### 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 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 commission of a crime against a sovereignty other than the United States.

(Added Pub. L. 90-291, § 1(a), Apr. 19, 1968, 82 Stat. 98; amended Pub. L. 90-623, § 1(20), Oct. 22, 1968, 82 Stat. 1313.)

**Editorial Notes****AMENDMENTS**

1968—Pub. L. 90-623 substituted “For the purposes of this subchapter” for “For the purposes of this Act”.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 1968 AMENDMENT**

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

**EFFECTIVE DATE**

Section 2 of Pub. L. 90-291 provided that: “The amendments made by section 1 of this Act [enacting this section and sections 8192 and 8193 of this title] are effective only with respect to personal injuries sustained on or after the date of enactment of this Act [Apr. 19, 1968].”

**§ 8192. Benefits**

(a) **BENEFITS IN EVENT OF INJURY.**—The Secretary of Labor shall furnish to any eligible officer the benefits to which he would have been entitled under subchapter I of this chapter if, on the occasion giving rise to his eligibility, he had been an employee as defined in section 8101(1) engaged in the performance of his duty, reduced or adjusted as the Secretary of Labor in his discretion may deem appropriate to reflect comparable benefits, if any, received by the officer (or which he would have been entitled to receive but for this subchapter) by virtue of his actual employment on that occasion. When an enforcement officer has contributed to a disability compensation fund, the reduction of Federal benefits provided for in this subsection is to be limited to the amount of the State or local government benefits which bears the same proportion to the full amount of such benefits as the cost or contribution paid by the State or local government bears to the cost of disability coverage for the individual officer.

(b) **BENEFITS IN EVENT OF DEATH.**—The Secretary of Labor shall pay to any survivor of an eligible officer the difference, as determined by the Secretary in his discretion, between the benefits to which that survivor would be entitled if the officer had been an employee as defined in section 8101(1) engaged in the performance of his duty on the occasion giving rise to his eligibility, and the comparable benefits, if any, received by the survivor (or which that survivor would have been entitled to receive but for this subchapter) by virtue of the officer's actual employment on that occasion. When an enforcement officer has contributed to a survivor's benefit fund, the reduction of Federal benefits provided for in this subsection is to be limited to the amount of the State or local government benefits which bears the same proportion to the full amount of such benefits as the cost or contribution paid by the State or local government bears to the cost of survivor's benefits coverage for the individual officer.

(Added Pub. L. 90-291, §1(a), Apr. 19, 1968, 82 Stat. 99.)

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Section effective only with respect to personal injuries sustained on or after Apr. 19, 1968, see section 2 of Pub. L. 90-291, set out as a note under section 8191 of this title.

**§ 8193. Administration**

(a) **DEFINITIONS AND RULES OF CONSTRUCTION.**—For the purpose of this subchapter—

(1) The term “Attorney General” includes any person to whom the Attorney General has delegated any function pursuant to subsection (b) of this section.

(2) The term “Secretary of Labor” includes any person to whom the Secretary of Labor has delegated any function pursuant to subsection (b) of this section.

(b) **DELEGATION.**—

(1) The Attorney General may delegate to any division, officer, or employee of the Department of Justice any function conferred upon the Attorney General by this subchapter.

(2) The Secretary of Labor may delegate to any bureau, officer, or employee of the Department of Labor any function conferred upon the Secretary of Labor by this subchapter.

(c) **APPLICATIONS.**—An application for any benefit under this subchapter may be made only—

(1) to the Secretary of Labor

(2) by

(A) any eligible officer or survivor of an eligible officer,

(B) any guardian, personal representative, or other person legally authorized to act on behalf of an eligible officer, his estate, or any of his survivors, or

(C) any association of law enforcement officers which is acting on behalf of an eligible officer or any of his survivors;

(3) within five years after the injury or death; and

(4) in such form as the Secretary of Labor may require.

(d) **CONSULTATION WITH ATTORNEY GENERAL AND OTHER AGENCIES.**—The Secretary of Labor may refer any application received by him pursuant to this subchapter to the Attorney General for his assistance, comments and advice as to any determination required to be made pursuant to paragraph (1), (2), or (3) of section 8191. To insure that all Federal assistance under this subchapter is carried out in a coordinated manner, the Secretary of Labor is authorized to request any Federal department or agency to supply any statistics, data, or any other materials he deems necessary to carry out his functions under this subchapter. Each such department or agency is authorized to cooperate with the Secretary of Labor and, to the extent permitted by law, to furnish such materials to him.

(e) **COOPERATION WITH STATE AGENCIES.**—The Secretary of Labor shall cooperate fully with the appropriate State and local officials, and shall take all other practicable measures, to assure that the benefits of this subchapter are made available to eligible officers and their survivors with a minimum of delay and difficulty.

(f) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subchapter.

(Added Pub. L. 90-291, §1(a), Apr. 19, 1968, 82 Stat. 99; amended Pub. L. 94-183, §2(31), Dec. 31, 1975, 89 Stat. 1058.)

### Editorial Notes

#### AMENDMENTS

1975—Subsec. (f). Pub. L. 94-183 redesignated subsec. (e), relating to appropriations, as subsec. (f).

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE

Section effective only with respect to personal injuries sustained on or after Apr. 19, 1968, see section 2 of Pub. L. 90-291, set out as a note under section 8191 of this title.

## CHAPTER 83—RETIREMENT

### SUBCHAPTER I—GENERAL PROVISIONS

Sec.

8301. Uniform retirement date.

### SUBCHAPTER II—FORFEITURE OF ANNUITIES AND RETIRED PAY

- 8311. Definitions.
- 8312. Conviction of certain offenses.
- 8313. Absence from the United States to avoid prosecution.
- 8314. Refusal to testify.
- 8315. Falsifying employment applications.
- 8316. Refund of contributions and deposits.
- 8317. Repayment of annuity or retired pay properly paid; waiver.
- 8318. Restoration of annuity or retired pay.
- 8319. Removal of members of the uniformed services from rolls; restoration; reappointment.
- 8320. Offense or violation committed in compliance with orders.
- 8321. Liability of accountable employees.
- 8322. Effect on other statutes.

### SUBCHAPTER III—CIVIL SERVICE RETIREMENT

- 8331. Definitions.
- 8332. Creditable service.
- 8333. Eligibility for annuity.
- 8334. Deductions, contributions, and deposits.
- 8335. Mandatory separation.
- 8336. Immediate retirement.
- 8336a. Phased retirement.
- 8337. Disability retirement.
- 8338. Deferred retirement.
- 8339. Computation of annuity.
- 8340. Cost-of-living adjustment of annuities.
- 8341. Survivor annuities.
- 8342. Lump-sum benefits; designation of beneficiary; order of precedence.
- 8343. Additional annuities; voluntary contributions.
- 8343a. Alternative forms of annuities.
- 8344. Annuities and pay on reemployment.
- 8345. Payment of benefits; commencement, termination, and waiver of annuity.
- 8345a. Embezzlement or conversion of payments.
- 8346. Exemption from legal process; recovery of payments.
- 8347. Administration; regulations.
- 8348. Civil Service Retirement and Disability Fund.
- 8349. Offset relating to certain benefits under the Social Security Act.
- 8350. Retirement counseling.
- 8351. Participation in the Thrift Savings Plan.

Sec.

### Editorial Notes

#### AMENDMENTS

2020—Pub. L. 116-126, §2(b)(3)(A), Mar. 18, 2020, 134 Stat. 175, added item 8345a.

2012—Pub. L. 112-141, div. F, title I, §100121(a)(3), July 6, 2012, 126 Stat. 910, added item 8336a.

1986—Pub. L. 99-335, title II, §§201(b)(2), 204(b)(1), 205(b), 206(a)(2), June 6, 1986, 100 Stat. 591-594, added items 8343a, 8349, 8350, and 8351.

### SUBCHAPTER I—GENERAL PROVISIONS

#### § 8301. Uniform retirement date

(a) Except as otherwise specifically provided by this title or other statute, retirement authorized by statute is effective on the first day of the month following the month in which retirement would otherwise be effective.

(b) Notwithstanding subsection (a) of this section, the rate of active or retired pay or allowance is computed as of the date retirement would have occurred but for subsection (a) of this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 557.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 47a.	Apr. 23, 1930, ch. 209, §1, 46 Stat. 253.

In subsection (a), the words “Except as otherwise specifically provided by this title or other statute” are added because of the statutes carried into subchapter III of chapter 83. The words “of Federal personnel of whatever class, civil, military, naval, judicial, legislative, or otherwise, and for whatever cause retired” are omitted as unnecessary. The words “and said first day of the month for retirements made after July 1, 1930, shall be for all purposes in lieu of such date for retirement as was on April 23, 1930, authorized” are omitted as executed.

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

### SUBCHAPTER II—FORFEITURE OF ANNUITIES AND RETIRED PAY

#### § 8311. Definitions

For the purpose of this subchapter—

(1) “employee” means—

(A) an employee as defined by section 2105 of this title;

(B) a Member of Congress as defined by section 2106 of this title and a Delegate to Congress;

(C) a member or former member of a uniformed service; and

(D) an individual employed by the government of the District of Columbia;

(2) “annuity” means a retirement benefit, including a disability insurance benefit and a dependent’s or survivor’s benefit under subchapter II of chapter 7 of title 42, and a monthly annuity under section 228b or 228e of title 45, payable by an agency of the Government of the United States or the government of the District of Columbia on the basis of service as a civilian employee and other service which is creditable to an employee toward the benefit