

§8148. Forfeiture of benefits by convicted felons

(a) Any individual convicted of a violation of section 1920 of title 18, or any other Federal or State criminal statute relating to fraud in the application for or receipt of any benefit under this subchapter or subchapter III of this chapter, shall forfeit (as of the date of such conviction) any entitlement to any benefit such individual would otherwise be entitled to under this subchapter or subchapter III for any injury occurring on or before the date of such conviction. Such forfeiture shall be in addition to any action the Secretary may take under section 8106 or 8129.

(b)(1) Notwithstanding any other provision of this chapter (except as provided under paragraph (3)), no benefits under this subchapter or subchapter III of this chapter shall be paid or provided to any individual during any period during which such individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to that individual's conviction of an offense that constituted a felony under applicable law.

(2) Such individual shall not be entitled to receive the benefits forfeited during the period of incarceration under paragraph (1), after such period of incarceration ends.

(3) If an individual has one or more dependents as defined under section 8110(a), the Secretary of Labor may, during the period of incarceration, pay to such dependents a percentage of the benefits that would have been payable to such individual computed according to the percentages set forth in section 8133(a)(1) through (5).

(c) Notwithstanding the provision of section 552a of this title, or any other provision of Federal or State law, any agency of the United States Government or of any State (or political subdivision thereof) shall make available to the Secretary of Labor, upon written request, the names and Social Security account numbers of individuals who are confined in a jail, prison, or other penal institution or correctional facility under the jurisdiction of such agency, pursuant to such individuals' conviction of an offense that constituted a felony under applicable law, which the Secretary of Labor may require to carry out the provisions of this section.

(Added Pub. L. 103-333, title I, §101(a)(1), Sept. 30, 1994, 108 Stat. 2546; amended Pub. L. 105-247, §1, Oct. 9, 1998, 112 Stat. 1863.)

Editorial Notes

PRIOR PROVISIONS

A prior section 8148, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 555, provided for a report to Congress by Secretary of Labor at beginning of each regular session covering work for preceding fiscal year under this subchapter, prior to repeal by Pub. L. 90-83, §1(69), Sept. 11, 1967, 81 Stat. 213.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-247 substituted “or receipt” for “a receipt”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 103-333, title I, §101(c), Sept. 30, 1994, 108 Stat. 2548, provided that: “The amendments made by this

section [enacting this section and amending section 1920 of Title 18, Crimes and Criminal Procedure] shall take effect on the date of the enactment of this Act [Sept. 30, 1994]. The amendments made by subsection (a) [enacting this section] shall apply to claims filed before, on, or after the date of enactment of this Act, and shall apply only to individuals convicted after such date of enactment.”

§8149. Regulations

The Secretary of Labor may prescribe rules and regulations necessary for the administration and enforcement of this subchapter including rules and regulations for the conduct of hearings under section 8124 of this title. The rules and regulations shall provide for an Employees' Compensation Appeals Board of three individuals designated or appointed by the Secretary with authority to hear and, subject to applicable law and the rules and regulations of the Secretary, make final decisions on appeals taken from determinations and awards with respect to claims of employees. In adjudicating claims under section 8146 of this title, the Secretary may determine the nature and extent of the proof and evidence required to establish the right to benefits under this subchapter without regard to the date of injury or death for which claim is made.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 555; Pub. L. 90-83, §1(71), Sept. 11, 1967, 81 Stat. 213.)

HISTORICAL AND REVISION NOTES 1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 783 (less last 9 words).	Sept. 7, 1916, ch. 458, §32 (less last 9 words), 39 Stat. 749.
.....	[Uncodified].	1946 Reorg. Plan No. 2, §3 (2d sentence), eff. July 16, 1946, 60 Stat. 1095.
.....	[Uncodified].	1950 Reorg. Plan No. 19, §2, eff. May 24, 1950, 64 Stat. 1272.

The words “administration and” are added for clarity.

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).

The first sentence of section 2 of 1950 Reorg. Plan No. 19 is omitted as executed. The word “employees” is co-extensive with and substituted for “employees of the Federal Government or of the District of Columbia” in view of the definition of “employee” in section 8101.

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

Section of title 5	Source (U.S. Code)	Source (Statutes at Large)
8149	5 App.: 783.	July 4, 1966, Pub. L. 89-488, §§11(a), 12, 80 Stat. 255.

In the first sentence, the words “section 8124 of this title” are substituted for “section 36” to reflect the codification of that section in title 5, United States Code.

In the second sentence, the word “adjudicating” is substituted for “in the adjudication of”. The words “section 8146 of this title” and “this subchapter” are substituted for “section 42 of this Act” and “this Act”, respectively, to reflect the codification of the Federal