

and directed to transfer to the jurisdiction of the Secretary of the Interior, without remuneration, for addition to the Custis-Lee Mansion, approximately 0.76 acre of land within the Arlington National Cemetery lying immediately south of the Custis-Lee Mansion, more particularly described as follows:

Beginning at a bronze disc in the east curb of Sherman Avenue at the southwest corner of the present Custis-Lee Mansion grounds marked C L 3, thence with the east curb of Sherman Avenue in a southwesterly direction 117.03 feet along the arc of a curve whose radius is 175.96 feet and whose long chord bears south 36 degrees 49 minutes 12 seconds west for 114.89 feet to a bronze disc in the curb marked C L 4, thence leaving Sherman Avenue, east 121.33 feet to a bronze disc set in concrete and marked C L 5, thence south 00 degrees 59 minutes 04 seconds east 135.03 feet to a bronze disc set in concrete and marked C L 6, thence north 88 degrees 33 minutes 40 seconds east 103.75 feet to a bronze disc set in concrete and marked C L 7, thence north 47 degrees 10 minutes 49 seconds east 10.03 feet to a bronze disc set in concrete and marked C L 8, thence north 1 degree 12 minutes 50 seconds east 217.61 feet to a bronze disc set in concrete and marked C L 9 in the south line of the present Custis-Lee Mansion grounds (the last three courses being 4 feet north, northwest, and west, respectively, from rows of existing headstones), thence with the south line of the present Custis-Lee Mansion grounds and along the south side of an existing brick wall, west 170.46 feet to the place of beginning, containing 33,151 square feet or 0.76106 acre of land more or less, in accordance with a plat of survey made by National Park Service, National Capital Parks dated September 20, 1955, and bearing file number NCP 2.3-94.

Approved August 18, 1959.

Public Law 86-171

AN ACT

To amend the Longshoremen's and Harbor Workers' Compensation Act, with respect to the payment of compensation in cases where third persons are liable.

August 18, 1959
[H. R. 451]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 33 of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

Longshoremen's
and Harbor Workers'
Compensation Act, amend-
ment.
44 Stat. 1440.
33 USC 933.

"COMPENSATION FOR INJURIES WHERE THIRD PERSONS ARE LIABLE

"SEC. 33. (a) If on account of a disability or death for which compensation is payable under this Act the person entitled to such compensation determines that some person other than the employer or a person or persons in his employ is liable in damages, he need not elect whether to receive such compensation or to recover damages against such third person.

"(b) Acceptance of such compensation under an award in a compensation order filed by the deputy commissioner shall operate as an assignment to the employer of all right of the person entitled to compensation to recover damages against such third person unless such person shall commence an action against such third person within six months after such award.

33 USC 944.

“(c) The payment of such compensation into the fund established in section 44 shall operate as an assignment to the employer of all right of the legal representative of the deceased (hereinafter referred to as “representative”) to recover damages against such third person.

“(d) Such employer on account of such assignment may either institute proceedings for the recovery of such damages or may compromise with such third person either without or after instituting such proceeding.

“(e) Any amount recovered by such employer on account of such assignment, whether or not as the result of a compromise, shall be distributed as follows:

“(1) The employer shall retain an amount equal to—

“(A) the expenses incurred by him in respect to such proceedings or compromise (including a reasonable attorney’s fee as determined by the deputy commissioner);

“(B) the cost of all benefits actually furnished by him to the employee under section 7;

“(C) all amounts paid as compensation;

“(D) the present value of all amounts thereafter payable as compensation, such present value to be computed in accordance with a schedule prepared by the Secretary, and the present value of the cost of all benefits thereafter to be furnished under section 7, to be estimated by the deputy commissioner, and the amounts so computed and estimated to be retained by the employer as a trust fund to pay such compensation and the cost of such benefits as they become due, and to pay any sum finally remaining in excess thereof to the person entitled to compensation or to the representative; and

“(2) The employer shall pay any excess to the person entitled to compensation or to the representative, less one-fifth of such excess which shall belong to the employer.

“(f) If the person entitled to compensation institutes proceedings within the period prescribed in section 33(b) the employer shall be required to pay as compensation under this Act a sum equal to the excess of the amount which the Secretary determines is payable on account of such injury or death over the amount recovered against such third person.

“(g) If compromise with such third person is made by the person entitled to compensation or such representative of an amount less than the compensation to which such person or representative would be entitled to under this Act, the employer shall be liable for compensation as determined in subdivision (f) only if such compromise is made with his written approval.

“(h) Where the employer is insured and the insurance carrier has assumed the payment of the compensation, the insurance carrier shall be subrogated to all the rights of the employer under this section.

“(i) The right to compensation or benefits under this Act shall be the exclusive remedy to an employee when he is injured, or to his eligible survivors or legal representatives if he is killed, by the negligence or wrong of any other person or persons in the same employ: *Provided*, That this provision shall not affect the liability of a person other than an officer or employee of the employer.”

Approved August 18, 1959.

33 USC 907.