

93-416, §7, Sept. 7, 1974, 88 Stat. 1145; Pub. L. 101-534, §2, Nov. 7, 1990, 104 Stat. 2352.)

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. 756(b).	Oct. 14, 1949, ch. 691, §105 "Sec. 6(b)", 63 Stat. 858. Sept. 13, 1960, Pub. L. 86-767, §101 (less last 13 words), 74 Stat. 906.

In subsection (a), the words "In addition to the monthly compensation otherwise specified in sections 751-756, 757-871, 783-791, and 793 of this title" are omitted as surplusage.

In subsection (b), the words "pursuant to the Secretary's direction" are omitted as unnecessary.

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).

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>
8111(a) .....	5 App.: 756(b)(1).	July 4, 1966, Pub. L. 89-488, §4(a), 80 Stat. 253.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-534 substituted "\$1,500" for "\$500".

1974—Subsec. (a). Pub. L. 93-416, §7(a), substituted "\$500" for "\$300".

Subsec. (b). Pub. L. 93-416, §7(b), substituted "\$200" for "\$100".

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-534, §3, Nov. 7, 1990, 104 Stat. 2352, provided that: "The amendment made by section 2 [amending this section] shall take effect October 1, 1990."

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-416 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 a note under section 8101 of this title.

PERSONNEL NOT AFFECTED BY 1967 INCREASE

Increases authorized under amendment by section 1(54) 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.

§ 8112. Maximum and minimum monthly payments

(a) Except as provided by section 8138 of this title, the monthly rate of compensation for disability, including augmented compensation under section 8110 of this title but not including additional compensation under section 8111 of this title, may not be more than 75 percent of the monthly pay of the maximum rate of basic pay for GS-15, and in case of total disability may not be less than 75 percent of the monthly pay of the minimum rate of basic pay for GS-2 or the amount of the monthly pay of the employee, whichever is less.

(b) The provisions of subsection (a) shall not apply to any employee whose disability is a re-

sult of an assault which occurs during an assassination or attempted assassination of a Federal official described under section 351(a) or 1751(a) of title 18, and was sustained in the performance of duty.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 540; Pub. L. 90-83, §1(55), Sept. 11, 1967, 81 Stat. 210; Pub. L. 100-566, §5, Oct. 31, 1988, 102 Stat. 2845.)

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. 756(c).	Oct. 14, 1949, ch. 691, §105 "Sec. 6(c)", 63 Stat. 859. Sept. 13, 1960, Pub. L. 86-767, §101 (last 13 words), 74 Stat. 906.

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>
8112 .....	5 App.: 756(c).	July 4, 1966, Pub. L. 89-488, §3(b), 80 Stat. 252.

The words "maximum rate of basic pay for GS-15" and "minimum rate of basic pay for GS-2" are substituted for "highest rate of basic compensation provided for grade 15 of the General Schedule of the Classification Act of 1949" and "lowest rate of basic compensation provided for grade 2 by such General Schedule", respectively, for consistency of style within title 5 and to reflect the codification of the Classification Act of 1949 in title 5.

AMENDMENTS

1988—Pub. L. 100-566 designated existing provisions as subsec. (a) and added subsec. (b).

PERSONNEL NOT AFFECTED BY 1967 INCREASE

Increases authorized under amendment by section 1(55) 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.

§ 8113. Increase or decrease of basic compensation

- (a) If an individual—
  - (1) was a minor or employed in a learner's capacity at the time of injury; and
  - (2) was not physically or mentally handicapped before the injury;

the Secretary of Labor, on review under section 8128 of this title after the time the wage-earning capacity of the individual would probably have increased but for the injury, shall recompute prospectively the monetary compensation payable for disability on the basis of an assumed monthly pay corresponding to the probable increased wage-earning capacity.

(b) If an individual without good cause fails to apply for and undergo vocational rehabilitation when so directed under section 8104 of this title, the Secretary, on review under section 8128 of this title and after finding that in the absence of the failure the wage-earning capacity of the individual would probably have substantially increased, may reduce prospectively the monetary