

more digits of the same hand or foot, paragraph (17) of this subsection applies, and when partial bilateral loss of hearing is involved, compensation is computed on the loss as affecting both ears.

(21) For serious disfigurement of the face, head, or neck of a character likely to handicap an individual in securing or maintaining employment, proper and equitable compensation not to exceed \$3,500 shall be awarded in addition to any other compensation payable under this schedule.

(22) For permanent loss or loss of use of any other important external or internal organ of the body as determined by the Secretary, proper and equitable compensation not to exceed 312 weeks' compensation for each organ so determined shall be paid in addition to any other compensation payable under this schedule.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 536; Pub. L. 90-83, §1(50), Sept. 11, 1967, 81 Stat. 210; Pub. L. 93-416, §§ 4, 5, Sept. 7, 1974, 88 Stat. 1144, 1145.)

HISTORICAL AND REVISION NOTES
1966 ACT

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 755(a), (b). Sept. 7, 1916, ch. 458, §5, 39 Stat. 743. Oct. 14, 1949, ch. 691, §104 "Sec. 5(a), (b)", 63 Stat. 855. Sept. 13, 1960, Pub. L. 86-767, §201, 74 Stat. 907.

The words "loss, or" are omitted throughout this section as included in "loss of use of".

In subsection (a)(B), the words "under sections 751-754 of this title" are omitted as surplusage.

In subsection (b)(1), the words "(including paragraphs (16) and (20) thereof)" are omitted as surplusage.

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

Table with 3 columns: Section of title 5, Source (U.S.Code), Source (Statutes at Large). Row 1: 8107(a), (b). 5 App.: 755(a), (b). July 4, 1966, Pub. L. 89-488, §2(a), (b), 80 Stat. 252.

In subsection (a), the words "If there is" are substituted for "In any case of". The words "loss, or" are omitted as included in "loss of use of" and to conform to the remainder of the section. The words "the employee is entitled to basic compensation for the disability" are substituted for "basic compensation for such disability shall be payable to the disabled employee". The words "by the schedule in subsection (c) of this section" are substituted for "in the following schedule" to reflect the codification of the schedule in subsection (c). The words "The schedule referred to in the first sentence is as follows:" are omitted as unnecessary in view of the codification of that schedule in subsection (c).

In subsection (b), the words "an employee is entitled to compensation" are substituted for "compensation shall be paid" for consistency with subsection (a). In subsections (b) (1) and (2), the words "section 8105 of this title" and "section 8106 of this title" are substituted for "section 3" and "subsection (a) of section 4", respectively, to reflect the codification of title 5.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-416, §4, substituted "involving the loss, or loss of use" for "involving the loss of use".

Subsec. (c)(22). Pub. L. 93-416, §5, added par. (22).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-416 effective Sept. 7, 1974, and applicable to any injury or death occurring on or after such effective date, 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 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.

§8108. Reduction of compensation for subsequent injury to same member

The period of compensation payable under the schedule in section 8107(c) of this title is reduced by the period of compensation paid or payable under the schedule for an earlier injury if—

(1) compensation in both cases is for disability of the same member or function or different parts of the same member or function or for disfigurement; and

(2) the Secretary of Labor finds that compensation payable for the later disability in whole or in part would duplicate the compensation payable for the preexisting disability.

In such a case, compensation for disability continuing after the scheduled period starts on expiration of that period as reduced under this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 538; Pub. L. 90-83, §1(51), Sept. 11, 1967, 81 Stat. 210.)

HISTORICAL AND REVISION NOTES
1966 ACT

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 755(c). Oct. 14, 1949, ch. 691, §104 "Sec. 5(c)", 63 Stat. 857.

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

Table with 3 columns: Section of title 5, Source (U.S.Code), Source (Statutes at Large). Row 1: 8108 5 App.: 755(c). July 4, 1966, Pub. L. 89-488, §2(c), 80 Stat. 252.

PERSONNEL NOT AFFECTED BY 1967 INCREASE

Increases authorized under amendment by 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.

§8109. Beneficiaries of awards unpaid at death; order of precedence

(a) If an individual—

(1) has sustained disability compensable under section 8107(a) of this title;

(2) has filed a valid claim in his lifetime; and

(3) dies from a cause other than the injury before the end of the period specified by the schedule;