

112TH CONGRESS
1ST SESSION

H. R. 2465

To amend the Federal Employees' Compensation Act.

IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2011

Mr. KLINE (for himself, Mr. GEORGE MILLER of California, Mr. WALBERG, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Federal Employees' Compensation Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Workers’ Com-
5 pensation Modernization and Improvement Act”.

6 **SEC. 2. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE**
7 **NURSES.**

8 (a) DEFINITION OF MEDICAL SERVICES.—Section
9 8101(3) of title 5, United States Code, is amended—

10 (1) by striking “law. Reimbursable” and insert-
11 ing “law (reimbursable”); and

1 (2) by inserting before the semicolon, the fol-
2 lowing: “, and medical services may include treat-
3 ment by a physician assistant or advanced practice
4 nurse, such as a nurse practitioner, within the scope
5 of their practice as defined by State law, consistent
6 with regulations prescribed by the Secretary of
7 Labor)”.
8

9 (b) MEDICAL SERVICES AND OTHER BENEFITS.—
10 Section 8103(a) of title 5, United States Code, is amend-
11 ed—

12 (1) by redesignating subsection (b) as sub-
13 section (c); and

14 (2) by inserting after subsection (a), the fol-
15 lowing:

16 “(b) Medical services furnished or prescribed pursu-
17 ant to subsection (a) may include treatment by a physician
18 assistant or advanced practice nurse, such as a nurse
19 practitioner, within the scope of their practice as defined
20 by State law, consistent with regulations prescribed by the
21 Secretary of Labor.”.

22 (c) CERTIFICATION OF TRAUMATIC INJURY.—Section
23 8121(6) of title 5, United States Code, is amended by in-
24 serting before the period, the following: “(except that in
25 a case of a traumatic injury, a physician assistant or ad-
 vanced practice nurse, such as a nurse practitioner, within

1 the scope of their practice as defined by State law, may
 2 also provide certification of such traumatic injury and re-
 3 lated disability during the continuation of pay period cov-
 4 ered by section 8118, in a manner consistent with regula-
 5 tions prescribed by the Secretary of Labor)”.
 6

SEC. 3. COVERING TERRORISM INJURIES.

7 Section 8102(b) of title 5, United States Code, is
 8 amended in the matter preceding paragraph (1)—

9 (1) by inserting “or from an attack by a ter-
 10 rorist or terrorist organization, either known or un-
 11 known,” after “force or individual,” and

12 (2) by striking “outside” and all that follows
 13 through “1979)” and inserting “outside of the
 14 United States”.

SEC. 4. DISFIGUREMENT.

16 Section 8107(c)(21) of title 5, United States Code—

17 (1) by striking “For” and inserting the fol-
 18 lowing:

19 “(A) Except as provided under subpara-
 20 graph (B), for”; and

21 (2) by adding at the end the following:

22 “(B) Notwithstanding subparagraph (A),
 23 for an injury occurring during the 3-year period
 24 prior to the date of enactment of the Federal
 25 Workers’ Compensation Modernization and Im-

1 provement Act for which the Secretary has not
 2 made a compensation determination on dis-
 3 figurement under subparagraph (A), or for an
 4 injury occurring on or after the date of enact-
 5 ment of such Act resulting in a serious dis-
 6 figurement of the face, head, or neck, proper
 7 and equitable compensation in proportion to the
 8 severity of the disfigurement, not to exceed
 9 \$50,000, as determined by the Secretary, shall
 10 be awarded in addition to any other compensa-
 11 tion payable under this schedule. The applicable
 12 maximum compensation for disfigurement pro-
 13 vided under this subparagraph shall be adjusted
 14 annually on March 1 in accordance with the
 15 percentage amount determined by the cost of
 16 living adjustment in section 8146a.”.

17 **SEC. 5. SOCIAL SECURITY EARNINGS INFORMATION.**

18 Section 8116 of title 5, United States Code, is
 19 amended by adding at the end the following:

20 “(e) Notwithstanding any other provision of law, the
 21 Secretary of Labor may require, as a condition of receiving
 22 any benefits under this subchapter, that a claimant for
 23 such benefits consent to the release by the Social Security
 24 Administration of the Social Security earnings informa-
 25 tion of such claimant.”.

1 **SEC. 6. CONTINUATION OF PAY IN A ZONE OF ARMED CON-**
2 **FLICT.**

3 Section 8118 of title 5, United States Code, is
4 amended—

5 (1) in subsection (b), by striking “Continu-
6 ation” and inserting “Except as provided under sub-
7 section (e)(2), continuation”;

8 (2) in subsection (c), by striking “subsections
9 (a) and (b)” and inserting “subsections (a) and (b)
10 or subsection (e),”;

11 (3) in subsection (d), by striking “subsection
12 (a)” and inserting “subsection (a) or (e)”;

13 (4) by redesignating subsection (e) as sub-
14 section (f); and

15 (5) by inserting after subsection (d) the fol-
16 lowing:

17 “(e) CONTINUATION OF PAY IN A ZONE OF ARMED
18 CONFLICT.—

19 “(1) IN GENERAL.—Notwithstanding subsection
20 (a), the United States shall authorize the continu-
21 ation of pay of an employee as defined in section
22 8101(1) of this title (other than those referred to in
23 subparagraph (B) or (E)), who has filed a claim for
24 a period of wage loss due to traumatic injury in per-
25 formance of duty in a zone of armed conflict (as so
26 determined by the Secretary of Labor under para-

graph (3)), as long as the employee files a claim for such wage loss benefit with his immediate superior not later than 45 days following termination of assignment to the zone of armed conflict or return to the United States, whichever occurs later.

“(2) CONTINUATION OF PAY.—Notwithstanding subsection (b), continuation of pay under this subsection shall be furnished for a period not to exceed 135 days without any break in time or waiting period, unless controverted under regulations prescribed by the Secretary of Labor.

“(3) DETERMINATION OF ZONES OF ARMED CONFLICT.—For purposes of this subsection, the Secretary of Labor, in consultation with the Secretary of State and the Secretary of Defense, shall determine whether a foreign country or other foreign geographic area outside of the United States (as that term is defined in section 202(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(7)) is a zone of armed conflict based on whether—

“(A) the Armed Forces of the United States are involved in hostilities in the country or area;

1 “(B) the incidence of civil insurrection,
 2 civil war, terrorism, or wartime conditions
 3 threatens physical harm or imminent danger to
 4 the health or well-being of United States civil-
 5 ian employees in the country or area;

6 “(C) the country or area has been des-
 7 ignated a combat zone by the President under
 8 section 112(c) of the Internal Revenue Code of
 9 1986 (26 U.S.C. 112(c));

10 “(D) a contingency operation involving
 11 combat operations directly affects civilian em-
 12 ployees in the country or area; or

13 “(E) there exist other relevant conditions
 14 and factors.”.

15 **SEC. 7. SUBROGATION OF CONTINUATION OF PAY.**

16 (a) SUBROGATION OF THE UNITED STATES.—Sec-
 17 tion 8131 of title 5, United States Code, is amended—

18 (1) in subsection (a), by inserting “continuation
 19 of pay or” before “compensation”; and

20 (2) in subsection (c), by inserting “continuation
 21 of pay or” before “compensation already paid”.

22 (b) ADJUSTMENT AFTER RECOVERY FROM A THIRD
 23 PERSON.—Section 8132 of title 5, United States Code, is
 24 amended—

1 (1) by inserting “continuation of pay or” before
2 “compensation” the first, second, fourth, and fifth
3 place it appears;

4 (2) by striking “in his behalf” and inserting
5 “on his behalf”; and

6 (3) by inserting “continuation of pay and” be-
7 fore “compensation” the third place it appears.

8 **SEC. 8. FUNERAL EXPENSES.**

9 Section 8134 of title 5, United States Code, is
10 amended—

11 (1) in subsection (a), by striking “If” and in-
12 serting “Except as provided in subsection (b), if”;

13 (2) by redesignating subsection (b) as sub-
14 section (c); and

15 (3) by inserting after subsection (a) the fol-
16 lowing:

17 “(b) Notwithstanding subsection (a), for deaths oc-
18 curring on or after the date of enactment of the Federal
19 Workers’ Compensation Modernization and Improvement
20 Act, if death results from an injury sustained in the per-
21 formance of duty, the United States shall pay, to the per-
22 sonal representative of the deceased or otherwise, funeral
23 and burial expenses not to exceed \$6,000, in the discretion
24 of the Secretary of Labor. The applicable maximum com-
25 pensation for burial expenses provided under this sub-

1 section shall be adjusted annually on March 1 in accord-
2 ance with the percentage amount determined by the cost
3 of living adjustment in section 8146a.”.

4 **SEC. 9. EMPLOYEES’ COMPENSATION FUND.**

5 Section 8147 of title 5, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) by striking “except administrative ex-
9 penses” and inserting “including administrative
10 expenses”; and

11 (B) by striking the last 2 sentences; and

12 (2) in subsection (b)—

13 (A) in the first sentence, by inserting be-
14 fore the period “and an estimate of a pro-rata
15 share of the amount of funds necessary to ad-
16 minister this subchapter for the fiscal year be-
17 ginning in the next calendar year”; and

18 (B) in the second sentence, by striking
19 “costs” and inserting “amount set out in the
20 statement of costs and administrative expenses
21 furnished pursuant to this subsection”.

22 **SEC. 10. CONFORMING AMENDMENT.**

23 Section 8101(1)(D) of title 5, United States Code,
24 is amended by inserting before the semicolon “who suf-
25 fered an injury on or prior to March 3, 1979”.

1 **SEC. 11. EFFECTIVE DATE.**

2 Except as otherwise provided, this Act and the
3 amendments made by this Act, shall take effect 60 days
4 after the date of enactment of this Act.

