

112TH CONGRESS  
1ST SESSION

# H. R. 2465

To amend the Federal Employees' Compensation Act.

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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

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

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

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

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

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

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”.

15 **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-

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

6 “(2) CONTINUATION OF PAY.—Notwithstanding  
7 subsection (b), continuation of pay under this sub-  
8 section shall be furnished for a period not to exceed  
9 135 days without any break in time or waiting pe-  
10 riod, unless controverted under regulations pre-  
11 scribed by the Secretary of Labor.

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

22 “(A) the Armed Forces of the United  
23 States are involved in hostilities in the country  
24 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(e) of the Internal Revenue Code of  
9           1986 (26 U.S.C. 112(e));

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.

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