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(Original Signature of Member)

112TH CONGRESS  
1ST SESSION

# H. R.

To amend the Federal Employees' Compensation Act.

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IN THE HOUSE OF REPRESENTATIVES

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 \_\_\_\_\_

\_\_\_\_\_  
**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—

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

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

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

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

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

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

23 (c) CERTIFICATION OF TRAUMATIC INJURY.—Section  
24 8121(6) of title 5, United States Code, is amended by in-  
25 serting before the period, the following: “(except that in

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

8 **SEC. 3. COVERING TERRORISM INJURIES.**

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

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

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

17 **SEC. 4. DISFIGUREMENT.**

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

19 (1) by striking “For” and inserting the fol-  
20 lowing:

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

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

24 “(B) Notwithstanding subparagraph (A),  
25 for an injury occurring during the 3-year period

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

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

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

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

1 Administration of the Social Security earnings informa-  
2 tion of such claimant.”.

3 **SEC. 6. CONTINUATION OF PAY IN A ZONE OF ARMED CON-**  
4 **FLICT.**

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

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

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

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

15 (4) by redesignating subsection (e) as sub-  
16 section (f); and

17 (5) by inserting after subsection (d) the fol-  
18 lowing:

19 “(e) CONTINUATION OF PAY IN A ZONE OF ARMED  
20 CONFLICT.—

21 “(1) IN GENERAL.—Notwithstanding subsection  
22 (a), the United States shall authorize the continu-  
23 ation of pay of an employee as defined in section  
24 8101(1) of this title (other than those referred to in  
25 subparagraph (B) or (E)), who has filed a claim for

1 a period of wage loss due to traumatic injury in per-  
2 formance of duty in a zone of armed conflict (as so  
3 determined by the Secretary of Labor under para-  
4 graph (3)), as long as the employee files a claim for  
5 such wage loss benefit with his immediate superior  
6 not later than 45 days following termination of as-  
7 signment to the zone of armed conflict or return to  
8 the United States, whichever occurs later.

9 “(2) CONTINUATION OF PAY.—Notwithstanding  
10 subsection (b), continuation of pay under this sub-  
11 section shall be furnished for a period not to exceed  
12 135 days without any break in time or waiting pe-  
13 riod, unless controverted under regulations pre-  
14 scribed by the Secretary of Labor.

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

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

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

9           “(C) the country or area has been des-  
10 igned a combat zone by the President under  
11 section 112(e) of the Internal Revenue Code of  
12 1986 (26 U.S.C. 112(e));

13           “(D) a contingency operation involving  
14 combat operations directly affects civilian em-  
15 ployees in the country or area; or

16           “(E) there exist other relevant conditions  
17 and factors.”.

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

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

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

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

1 (b) ADJUSTMENT AFTER RECOVERY FROM A THIRD  
2 PERSON.—Section 8132 of title 5, United States Code, is  
3 amended—

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

7 (2) by striking “in his behalf” and inserting  
8 “on his behalf”; and

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

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

12 Section 8134 of title 5, United States Code, is  
13 amended—

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

16 (2) by redesignating subsection (b) as sub-  
17 section (c); and

18 (3) by inserting after subsection (a) the fol-  
19 lowing:

20 “(b) Notwithstanding subsection (a), for deaths oc-  
21 ccurring on or after the date of enactment of the Federal  
22 Workers’ Compensation Modernization and Improvement  
23 Act, if death results from an injury sustained in the per-  
24 formance of duty, the United States shall pay, to the per-  
25 sonal representative of the deceased or otherwise, funeral



1 and burial expenses not to exceed \$6,000, in the discretion  
2 of the Secretary of Labor. The applicable maximum com-  
3 pensation for burial expenses provided under this sub-  
4 section shall be adjusted annually on March 1 in accord-  
5 ance with the percentage amount determined by the cost  
6 of living adjustment in section 8146a.”.

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

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

10 (1) in subsection (a)—

11 (A) by striking “except administrative ex-  
12 penses” and inserting “including administrative  
13 expenses”; and

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

15 (2) in subsection (b)—

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

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

1 **SEC. 10. CONFORMING AMENDMENT.**

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

5 **SEC. 11. EFFECTIVE DATE.**

6 Except as otherwise provided, this Act and the  
7 amendments made by this Act, shall take effect 60 days  
8 after the date of enactment of this Act.