

106TH CONGRESS
2D SESSION

H. R. 3829

To amend the Federal program for the compensation of work injuries.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2000

Mr. GREENWOOD introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal program for the compensation of
work injuries.

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 “FECA Reform Act
5 of 2000”.

6 **SEC. 2. ACCESS TO SOCIAL SECURITY INFORMATION.**

7 Section 6103(l) of the Internal Revenue Code of 1986
8 is amended by inserting after paragraph (16) the fol-
9 lowing:

1 “(17) DISCLOSURE OF RETURN INFORMATION
2 TO CARRY OUT FEDERAL EMPLOYEES’ COMPENSA-
3 TION PROVISIONS OF TITLE 5.—

4 “(A) IN GENERAL.—The Commissioner of
5 Social Security shall, upon written request, dis-
6 close to the Department of Labor (including the
7 Office of Inspector General) return information
8 with respect to net earnings from self-employ-
9 ment (as defined in section 1402), wages (as
10 defined in sections 3121(a) or 3401(a)), and
11 payments of retirement income, which have
12 been disclosed to the Social Security Adminis-
13 tration as provided by paragraph (1) or (5).

14 “(B) RETURN INFORMATION FROM INTER-
15 NAL REVENUE SERVICE.—The Secretary shall,
16 upon written request, disclose to the Depart-
17 ment of Labor (including the Inspector Gen-
18 eral) current return information from returns
19 with respect to net earnings from self-employ-
20 ment (as defined in section 1402), wages (as
21 defined in sections 3121(a) or 3401(a)), and
22 payments of retirement income.

23 “(C) RESTRICTION ON DISCLOSURE.—The
24 Commissioner of Social Security shall disclose
25 return information under subparagraph (A) and

the Secretary shall disclose return information under subparagraph (B) only for purposes of, and to the extent necessary in, the administration (including the detection and prevention of fraud) of chapter 81 of title 5, United States Code.

“(D) REIMBURSEMENT.—The Department of Labor (including the Office of Inspector General) shall reimburse the Social Security Administration for the cost it incurs in complying with requests under subparagraph (A).”.

SEC. 3. INCOME REPORTING REQUIREMENT FOR TOTAL DISABILITY RECIPIENTS.

Section 8105 of title 5, United States Code, is amended by inserting after subsection (b) the following:

“(c) The Secretary of Labor may require a totally disabled employee to report his earnings from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies. The employee shall include in the affidavit or report the value of housing, board, lodging, and other advantages which are part of his earnings in employment or self-employment and which can be estimated in money. An employee who—

“(1) fails to make an affidavit or report when required, or

1 “(2) knowingly omits or understates any part of
2 his earnings,
3 forfeits his right to compensation with respect to any pe-
4 riod for which the affidavit or report was required. Com-
5 pensation forfeited under this subsection, if already paid,
6 shall be recovered by a deduction from the compensation
7 payable to the employee or otherwise recovered under sec-
8 tion 8129 of this title, unless recovery is waived under that
9 section.”

10 **SEC. 4. CONTINUATION OF PAY.**

11 (a) IN GENERAL.—Section 8118(e) of title 5, United
12 States Code, is amended by inserting before the period the
13 following: “, except for purposes of refunds to the United
14 States from third person recoveries pursuant to section
15 8132”.

16 (b) REFUNDS RETURNED TO EMPLOYING AGENCY.—
17 The third sentence of section 8132 of title 5, United
18 States Code, is amended by inserting before the period the
19 following: “except for continuation of pay under section
20 8118 which shall be credited to the employing agency that
21 paid it”.

1 **SEC. 5. CORRECTION OF INEQUITIES IN THE FEDERAL EM-**
2 **PLOYEES' COMPENSATION PROVISIONS OF**
3 **TITLE 5.**

4 (a) DEFINITIONS.—Section 8101 of title 5, United
5 States Code, is amended—

6 (1) by amending paragraph (6) to read as fol-
7 lows:

8 “(6) ‘surviving spouse’ means the husband or
9 wife living with, or dependent for support on, the de-
10 cedent at the time of the decedent’s death, or living
11 apart for reasonable cause or because of the dece-
12 dent’s desertion;”;

13 (2) by striking out paragraphs (11) and (18);

14 (3) by redesignating paragraphs (12) through
15 (17) as paragraphs (11) through (16) respectively;

16 (4) by redesignating paragraphs (19) and (20)
17 as paragraphs (17) and (18) respectively;

18 (5) in paragraph (17), as redesignated, by
19 striking out “and” at the end of the paragraph;

20 (6) in paragraph (18), as redesignated, by
21 striking out the period at the end of the paragraph
22 and inserting in lieu thereof “; and”; and

23 (7) by inserting after redesignated paragraph
24 (18) the following new paragraph:

1 “(19) ‘FECA annuity’ means the adjusted com-
 2 pensation that is paid after conversion under section
 3 8106a of this title.”.

4 (b) VOCATIONAL REHABILITATION.—Section
 5 8104(b) of title 5, United States Code, is amended by
 6 striking out “sections 8105 and 8110” and inserting in
 7 lieu thereof “section 8105”.

8 (c) CONVERSION OF DISABILITY COMPENSATION.—

9 (1) AMENDMENT.—Subchapter I of chapter 81
 10 of title 5, United States Code, is amended by insert-
 11 ing after section 8106 the following new section:

12 **“§ 8106a. Conversion of disability compensation**

13 “(a) Basic compensation for total or partial disability
 14 will be converted to an annuity under this chapter on the
 15 date which is the earlier of—

16 “(1) two years after the individual would, but
 17 for the injury, have been eligible for immediate re-
 18 tirement under chapter 83 or 84 of this title, or
 19 after receiving basic compensation continuously for
 20 five years, whichever is later; or

21 “(2) the date on which the individual begins re-
 22 ceiving any other Federal retirement benefit that is
 23 based on age, including, but not limited to, benefits
 24 under the Social Security Act or chapter 87 of title
 25 5.

1 “(b) The annuity under this chapter is 66 $\frac{2}{3}$ percent
 2 of the basic compensation for total or partial disability,
 3 as applicable, payable on the date of conversion.”.

4 (2) EFFECTIVE DATE.—The amendment made
 5 by paragraph (1) shall take effect January 1, 1999.

6 (d) COMPENSATION SCHEDULE.—Section 8107 of
 7 title 5, United States Code, is amended to read as follows:

8 **“§ 8107. Compensation schedule**

9 “(a) If an injury results in the permanent loss, or
 10 permanent loss of use, of a member or function of the
 11 body, or involves disfigurement, the employee is entitled
 12 to compensation as provided by this section. The com-
 13 pensation is—

14 “(1) payable regardless of whether the cause of
 15 the loss or loss of use originates in a part of the
 16 body other than that member;

17 “(2) payable regardless of whether the loss or
 18 loss of use also involves another loss or loss of use
 19 of a member or function of the body; and

20 “(3) in addition to basic compensation for total
 21 or partial disability under section 8105 or 8106 of
 22 this title.

23 “(b) The amount of compensation for any loss or loss
 24 of use compensable under this section shall be the product
 25 of—

1 “(1) $66\frac{2}{3}$ percent of the minimum monthly rate
2 of basic pay for an employee of the average grade
3 for all employees paid under the General Schedule
4 established by section 5332 of this title on the date
5 of injury which results in the award of compensa-
6 tion;

7 “(2) the value of the loss as prescribed under
8 subsection (c) of this section. Such amounts shall be
9 computed in dollar amounts and shall be reduced by
10 the dollar amount of any awards paid by any em-
11 ployer of the employee for some portion of the loss;
12 and

13 “(3) the value of the loss as prescribed under
14 subsection (c) of this section shall be reduced by the
15 percentage of loss attributable to that portion of the
16 loss that preexisted Federal employment.

17 “(c) The permanent loss or losses of use compensable
18 under this section, and the values for 100 percent loss in
19 each case, are as follows:

20 “(1) Arm, 312 weeks’ compensation.

21 “(2) Leg, 288 weeks’ compensation.

22 “(3) Hand, 244 weeks’ compensation.

23 “(4) Foot, 205 weeks’ compensation.

24 “(5) Eye, 160 weeks’ compensation.

25 “(6) Thumb, 75 weeks’ compensation.

1 “(7) First finger, 46 weeks’ compensation.

2 “(8) Great toe, 38 weeks’ compensation.

3 “(9) Second finger, 30 weeks’ compensation.

4 “(10) Third finger, 25 weeks’ compensation.

5 “(11) Toe other than great toe, 16 weeks’ com-
6 pensation.

7 “(12) Fourth finger, 15 weeks’ compensation.

8 “(13) Breast, 52 weeks’ compensation.

9 “(14) Kidney, 156 weeks’ compensation.

10 “(15) Larynx, 160 weeks’ compensation.

11 “(16) Lung, 156 weeks’ compensation.

12 “(17) Penis, 205 weeks’ compensation.

13 “(18) Testicle, 52 weeks’ compensation.

14 “(19) Tongue, 160 weeks’ compensation.

15 “(20) Ovary (one), 52 weeks’ compensation.

16 “(21) Uterus/cervix and vulva/vagina, 205
17 weeks’ compensation.

18 “(22) Loss of hearing—

19 “(A) complete loss of hearing of one ear,
20 52 weeks’ compensation; or

21 “(B) complete loss of hearing of both ears,
22 200 weeks’ compensation.

23 “(23) Compensation for loss of binocular vision
24 or for loss of 80 percent or more of the vision of an
25 eye is to be the same as for loss of the eye.

1 “(24) Compensation for loss of more than one
2 phalanx of a digit is to be the same as for the loss
3 of the entire digit, with loss of the first phalanx
4 worth half the compensation for the loss of the en-
5 tire digit.

6 “(25) In the case of an arm or leg, amputation
7 above the wrist or ankle, respectively, shall be com-
8 pensated as for loss of the whole arm or leg.

9 “(26) Compensation for loss of use of two or
10 more digits, or one or more phalanxes of each of two
11 or more digits, of a hand or foot, is to be propor-
12 tioned to the loss of use of the hand or foot occa-
13 sioned thereby.

14 “(27) Compensation for permanent total loss of
15 use of a member is to be the same as for loss of the
16 member.

17 “(28) Compensation for permanent partial loss
18 of use of a member may be for the proportionate de-
19 gree of loss of use of the member, and the degree
20 of loss of vision or hearing is to be determined with-
21 out regard to correction.

22 “(29) In case of loss of use of more than one
23 member or parts of more than one member as enu-
24 merated by schedule, the compensation is to be for
25 the loss of use of each member or part thereof, cu-

1 mulatively; but when the injury affects only two or
2 more digits of the same hand or foot, paragraph
3 (24) of this subsection applies, and when partial bi-
4 lateral loss of hearing is involved, compensation is to
5 be computed on the loss as affecting both ears.

6 “(30) For serious disfigurement of the face,
7 head, hands, or neck of a character likely to handi-
8 cap the employee in securing or maintaining employ-
9 ment, proper and equitable compensation at a value
10 not to exceed \$3,500 shall be awarded in addition to
11 any other compensation payable under this schedule.

12 “(31) For permanent loss or permanent loss of
13 use of any other important external or internal
14 organ of the body, as determined by the Secretary,
15 proper and equitable compensation at a value not to
16 exceed 312 weeks’ compensation for each organ so
17 determined shall be paid in addition to any other
18 compensation payable under this schedule.”.

19 (e) BENEFICIARIES OF AWARDS UNPAID AT DEATH:
20 ORDER OF PRECEDENCE.—Section 8109(b) of title 5,
21 United States Code, is amended by striking out “even if
22 at the time of death” and all that follows through the end
23 of the subsection and inserting in lieu thereof a period.

1 (f) AUGMENTED COMPENSATION FOR DEPEND-
2 ENTS.—Section 8110 of title 5, United States Code, is re-
3 pealed.

4 (g) MAXIMUM AND MINIMUM MONTHLY PAY-
5 MENTS.—Section 8112(a) of title 5, United States Code,
6 is amended—

7 (1) by striking out “including augmented com-
8 pensation under section 8110 of this title but”; and

9 (2) by striking out “75 percent” both places it
10 appears and inserting in lieu thereof in each in-
11 stance “66²/₃ percent”.

12 (h) LIMITATION ON RIGHT TO RECEIVE COMPENSA-
13 TION.—Section 8116 of title 5, United States Code, is
14 amended—

15 (1) in subsection (a)—

16 (A) in paragraph (3), by striking out
17 “and” at the end of the paragraph;

18 (B) in paragraph (4), by striking out the
19 period at the end of the paragraph and insert-
20 ing in lieu thereof “; and”;

21 (C) by inserting after paragraph (4) the
22 following new paragraph:

23 “(5) for a schedule award.”; and

1 (D) by striking out “However, eligibility
2 for and receipt of benefits” and all that follows
3 through the end of the subsection; and

4 (2) by adding at the end the following new sub-
5 sections:

6 “(e) Notwithstanding any other provision of this title,
7 no benefits for wage loss under this subchapter shall be
8 paid to any individual during any period during which
9 such individual is confined in a jail, prison, or other penal
10 institution or correctional facility, pursuant to his or her
11 conviction of an offense which constitutes a felony or other
12 crime under applicable law.

13 “(f) Notwithstanding the provisions of section 552a
14 of this title, or any other provision of Federal or State
15 law, any agency of the United States Government or of
16 any State (or political subdivision thereof) shall make
17 available to the Secretary, upon written request, the name
18 and social security account number of any individual who
19 is confined in a jail, prison, or other penal institution or
20 correctional facility under the jurisdiction of such agency,
21 pursuant to his conviction of an offense which constituted
22 a felony or other crime under applicable law, which the
23 Secretary may require to carry out the provisions of this
24 subsection.”.

1 (i) TIME OF ACCRUAL OF RIGHT.—Section 8117 of
2 title 5, United States Code, is amended to read as follows:

3 **“§ 8117. Time of accrual of right**

4 “An employee is not entitled to compensation or to
5 continuation of pay during the first three days of dis-
6 ability, other than as provided by sections 8103 and 8104
7 of this title. Pursuant to regulations of the Secretary, em-
8 ployees may use accrued annual leave, sick leave, or leave
9 without pay during such waiting period.”.

10 (j) CONTINUATION OF PAY; ELECTION TO USE AN-
11 NUAL OR SICK LEAVE.—Section 8118 of title 5, United
12 States Code, is amended—

13 (1) in subsection (b)(1), by striking out “with-
14 out a break in time” and inserting in lieu thereof
15 “following the three-day waiting period prescribed in
16 section 8117 of this title,”;

17 (2) by amending subsection (c) to read as fol-
18 lows:

19 “(c) An employee may use annual or sick leave to
20 his credit at the time the disability begins, but his com-
21 pensation or disability does not begin until termination of
22 pay as set forth in subsections (a) and (b) or the use of
23 annual and sick leave ends.”; and

24 (3) in subsection (e), by adding at the end the
25 following new sentence: “Payments may be recov-

1 ered, however, from the employee under sections
2 8131 and 8132 of this title.”.

3 (k) COMPENSATION IN CASE OF DEATH.—Section
4 8133 of title 5, United States Code, is amended—

5 (1) by amending subsection (a) to read as fol-
6 lows:

7 “(a) If death results from an injury sustained in the
8 performance of duty, the United States shall pay a month-
9 ly compensation equal to a percentage of the monthly pay
10 of the deceased employee in accordance with the following
11 schedule:

12 “(1) To a surviving spouse, if there is no child,
13 50 percent.

14 “(2) To a surviving spouse, if there is a child,
15 50 percent and in addition, $16\frac{2}{3}$ percent for any
16 children, not to exceed a total of $66\frac{2}{3}$ percent for
17 the spouse and children.

18 “(3) To the children, if there is no surviving
19 spouse, 50 percent for one child and $16\frac{2}{3}$ percent
20 for any additional children not to exceed a total of
21 $66\frac{2}{3}$ percent, divided among the children, share and
22 share alike.

23 “(4) To the parents, if there is no surviving
24 spouse or child, as follows:

1 “(A) 25 percent if one parent was wholly
2 dependent on the employee at the time of death
3 and the other was not dependent to any extent;

4 “(B) 20 percent to each if both were whol-
5 ly dependent; or

6 “(C) a proportionate amount in the discre-
7 tion of the Secretary of Labor if one or both
8 were partly dependent.

9 If there is a surviving spouse or child, so much of
10 the percentages are payable as, when added to the
11 total percentage payable to the widow, widower, and
12 children, will not exceed a total of $66\frac{2}{3}$ percent.

13 “(5) To the brothers, sisters, grandparents, and
14 grandchildren, if there is no surviving spouse, child,
15 or dependent parent, as follows:

16 “(A) 20 percent if one was wholly depend-
17 ent on the employee at the time of death.

18 “(B) 30 percent if more than one was
19 wholly dependent, divided among the depend-
20 ents share and share alike.

21 “(C) 10 percent if no one is wholly depend-
22 ent but one or more is partly dependent, divided
23 among the dependents share and share alike.

24 If there is a surviving spouse, child, or dependent
25 parents, so much of the percentages are payable as,

1 when added to the total percentages payable to the
2 widow, widower, children, and dependent parents,
3 will not exceed a total of $66\frac{2}{3}$ percent.

4 “(6) To the surviving spouse of a FECA annu-
5 itant, regardless of any children, if the death is due
6 to a work-related injury, benefits will continue at the
7 same FECA annuity rate as the deceased received.”;
8 and

9 (2) in subsection (e)(2), by striking out “75
10 percent” and inserting in lieu thereof “ $66\frac{2}{3}$ per-
11 cent”.

12 (l) ADMINISTRATION.—Section 8146(a) of title 5,
13 United States Code, is amended to read as follows:

14 “(a) Compensation payable on account of disability
15 or death which occurred more than one year before March
16 1 of each year shall be annually increased on that date
17 by the amount determined by Congress to represent the
18 percentage of pay raise for general schedule employees.”.

19 (m) CLERICAL AMENDMENTS.—The table of sections
20 at the beginning of subchapter I of chapter 81 of title 5,
21 United States Code, is amended—

22 (1) by inserting after the item relating to sec-
23 tion 8106 the following new item:

“8106a. Conversion of Disability Compensation.”; and

- 1 (2) by striking out the item relating to section
- 2 8110.

○