

develop a plan for providing expedited screening for our military personnel at airport security checkpoints.

Since 2001, there have been more than 2 million troops that have been deployed to Iraq and Afghanistan. Last Congress an earlier version of this legislation was accepted as an amendment on a bipartisan basis, as my colleague mentioned earlier, during consideration of the Transportation Security Administration Authorization Act, which passed this House by 397 votes in the "aye" and 25 in the "nay," but it was not acted upon by the Senate, unfortunately.

□ 1640

H.R. 1801 properly recognizes the preciousness of time to our patriotic men and women serving in our armed services without compromising aviation security. This legislation will ensure that our troops and their families, including 236,963 defense personnel in my own home State in California, are given the opportunity to board an aircraft in a security-approved, expedited manner.

Our troops help keep our country safe. The least we can do is devise methods that help speed up the screening process for our troops that are in uniform and are traveling on airplanes while on official duty.

As our military presence in Iraq winds down, it is important that we remain cognizant of the burdens that deployments and travel have on servicemembers and their families in times of war and peace.

In addition to travel services, I support and urge this Congress, the administration, and the Department of Homeland Security to strengthen all military services and programs for our troops, including increasing veteran recruitment efforts.

Some of the additional military support that this Congress should consider would be, one, providing tax credits for hiring veterans looking for work; two, strengthening much-needed training programs for separating servicemembers; three, encouraging businesses and government contractors to hire the brave men and women who have been deployed and have now returned with developed valuable skills and professionalism while in the Armed Forces; four, ensuring that the servicemembers leave the military career-ready.

H.R. 1801 is one of many opportunities for the American public and this Congress to demonstrate their support to those who are serving bravely. Further, it is important to note that consideration of H.R. 1801 marks the first time in this Congress that the House is considering a bill reported by the Committee on Homeland Security. I and other members of this committee look forward to this legislation not being our last.

A number of commonsense homeland security bills are on the U.S. House of Representatives calendar and warrant timely consideration.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. CRAVAACK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. I rise also in support of H.R. 1801.

As we come off a holiday weekend, the busiest travel time in this country, many Americans have gone through the screening at our numerous airports. The TSA works hard screening everybody and keeping our flights safe, but we must always be looking for ways to make that system more efficient and safer. Members of our military whom we know have served and put their lives on the line for this country should be among those who are first in a program where we trust our travelers.

We must continue to look for efficiencies to speed air travel. We must continue to look for fewer invasive ways to screen passengers. We must look for ways to make traveling a more pleasant experience and a more profitable experience for the businessmen and -women who travel.

I urge support of this bill, which is where we should start—with members of our armed services; but there are other places we need to look, too—to trusted-traveler programs and flight crews receiving expedited screening. The TSA must continue to work to improve this process to make it safer and more efficient. This bill gives the TSA the encouragement that they need, and is a great step along the way to more efficient, private and better screening for our airport security.

Ms. RICHARDSON. Mr. Speaker, I have no more speakers. If the gentleman from Minnesota has no more speakers, I am prepared to close.

Mr. CRAVAACK. I am prepared to close after the gentlewoman from California closes.

Ms. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1801 is needed. It's common sense, and it's a piece of legislation with a history of bipartisan support. I urge my colleagues to support this measure and our troops.

Their time is limited, and it certainly shouldn't be wasted in long lines at the airport. Airports all around the country have multiple checkpoints that expedite the security screening process, and our service personnel have earned this privilege as well.

Likewise, I urge the Republican leadership to put on the House floor additional Homeland Security bills and bills aimed at easing our veterans' transition from military service to civilian careers. It's late November in the first session of this 112th Congress. It's coming to an end, the public is hurting, and Congress must act.

With that, Mr. Speaker, on H.R. 1801 I urge my colleagues to unanimously support this bill, and I yield back the balance of my time.

Mr. CRAVAACK. Mr. Speaker, I would like to thank my colleague from

California for her support on this very important bill and the shared importance, value, and trust we place in our military servicemembers.

I urge support of H.R. 1801, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, as the Ranking Member of the Committee on Homeland Security's Subcommittee on Transportation Security, I am pleased that, for the first time this Congress, the House is considering important transportation security legislation.

In this budgetary climate, we must ensure that the Transportation Security Administration is maximizing its resources and adequately integrating efficient screening processes across its checkpoint security programs.

This legislation strives to do that by ensuring that an expedited screening program is established for members of the Armed Forces.

These are the men and women who sacrifice their time and family life to defend our liberty.

Affording them the opportunity to be respectfully screened in an expedited manner will ensure that we continue to honor their service and what their commitment means to the American public.

H.R. 1801 represents common-sense legislation with bipartisan support.

I am happy that I was able to work with Mr. ROGERS and others members of the Subcommittee and Full Committee on Homeland Security on this bill.

I look forward to continuing our work on the Committee on Homeland Security and producing additional bipartisan measures that strive to enhance our nation's transportation security efforts.

I urge my colleagues to support this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. CRAVAACK) that the House suspend the rules and pass the bill, H.R. 1801, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CRAVAACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### FEDERAL WORKERS' COMPENSATION MODERNIZATION AND IMPROVEMENT ACT

Mr. WALBERG. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2465) to amend the Federal Employees' Compensation Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2465

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Workers' Compensation Modernization and Improvement Act".

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

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

(1) by striking “law. Reimbursable” and inserting “law (reimbursable);” and

(2) by inserting before the semicolon, the following: “, and medical services may include treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, consistent with regulations prescribed by the Secretary of Labor)”.

(b) MEDICAL SERVICES AND OTHER BENEFITS.—Section 8103 of title 5, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a), the following:

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

(c) CERTIFICATION OF TRAUMATIC INJURY.—Section 8121(6) of title 5, United States Code, is amended by inserting before the period, the following: “(except that in a case of a traumatic injury, a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, may also provide certification of such traumatic injury and related disability during the continuation of pay period covered by section 8118, in a manner consistent with regulations prescribed by the Secretary of Labor)”.

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

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

(1) by inserting “or from an attack by a terrorist or terrorist organization, either known or unknown,” after “force or individual,”; and

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

**SEC. 4. DISFIGUREMENT.**

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

(1) by striking “For” and inserting the following: “(A) Except as provided under subparagraph (B), for”; and

(2) by adding at the end the following:

“(B) Notwithstanding subparagraph (A), for an injury occurring during the 3-year period prior to the date of enactment of the Federal Workers’ Compensation Modernization and Improvement Act for which the Secretary of Labor has not made a compensation determination on disfigurement under subparagraph (A), or for an injury occurring on or after the date of enactment of such Act resulting in a serious disfigurement of the face, head, or neck, proper and equitable compensation in proportion to the severity of the disfigurement, not to exceed \$50,000, as determined by the Secretary, shall be awarded in addition to any other compensation payable under this schedule. The applicable maximum compensation for disfigurement provided under this subparagraph shall be adjusted annually on March 1 in accordance with the percentage amount determined by the cost of living adjustment in section 8146a.”.

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

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

“(e) Notwithstanding any other provision of law, the Secretary of Labor may require, as a condition of receiving any benefits under this subchapter, that a claimant for such benefits consent to the release by the Social Security Administration of the Social Security earnings information of such claimant.”.

**SEC. 6. CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.**

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

(1) in subsection (b), by striking “Continuation” and inserting “Except as provided under subsection (e)(2), continuation”;

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

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

(4) by redesignating subsection (e) as subsection (f); and

(5) by inserting after subsection (d) the following:

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

“(1) IN GENERAL.—Notwithstanding subsection (a), the United States shall authorize the continuation of pay of an employee as defined in section 8101(1) of this title (other than those referred to in subparagraph (B) or (E)), who has filed a claim for a period of wage loss due to traumatic injury in performance of duty in a zone of armed conflict (as so determined by the Secretary of Labor under paragraph (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;

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

“(C) the country or area has been designated a combat zone by the President under section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c));

“(D) a contingency operation involving combat operations directly affects civilian employees in the country or area; or

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

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

(a) SUBROGATION OF THE UNITED STATES.—Section 8131 of title 5, United States Code, is amended—

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

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

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

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

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

(3) by inserting “continuation of pay and” before “compensation” the third place it appears.

**SEC. 8. FUNERAL EXPENSES.**

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

(1) in subsection (a), by striking “If” and inserting “Except as provided in subsection (b), if”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) Notwithstanding subsection (a), for deaths occurring on or after the date of enactment of the Federal Workers’ Compensation Modernization and Improvement Act, if death results from an injury sustained in the performance of duty, the United States shall pay, to the personal representative of the deceased or otherwise, funeral and burial expenses not to exceed \$6,000, in the discretion of the Secretary of Labor. The applicable maximum compensation for burial expenses provided under this subsection shall be adjusted annually on March 1 in accordance with the percentage amount determined by the cost of living adjustment in section 8146a.”.

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

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

(1) in subsection (a)—

(A) by striking “except administrative expenses” and inserting “including administrative expenses”; and

(B) by striking the last 2 sentences; and

(2) in subsection (b)—

(A) in the first sentence, by inserting before the period “and an estimate of a pro rata share of the amount of funds necessary to administer this subchapter for the fiscal year beginning in the next calendar year”; and

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

**SEC. 10. CONFORMING AMENDMENT.**

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

**SEC. 11. EFFECTIVE DATE.**

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

**SEC. 12. PAYGO COMPLIANCE.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. WALBERG) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

## GENERAL LEAVE

Mr. WALBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2465.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WALBERG. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act. The legislation was approved unanimously by the House Education and Workforce Committee, a testament to its commonsense bipartisan policies. I urge my colleagues to support it.

For more than 90 years, our workers' compensation program has provided assistance to Federal employees who become injured or ill through a work-related activity. The program reflects our commitment to the men and women who serve our country in the Federal Government.

Established by the Federal Employees' Compensation Act, the program is administered by the Department of Labor; and, in recent years, it has grown significantly in size and in cost. An estimated 3 million employees are covered by the program. During fiscal year 2010, beneficiaries receive nearly \$3 billion in workers' compensation.

Unfortunately, this Federal program has not been significantly reformed or updated in almost 40 years; and as is too often the case with government programs left unchecked for decades, waste and inefficiencies have crept into the system, leading to poor use of taxpayer resources and diminished support for the individuals the program is intended to serve.

Through the oversight efforts of the Education and Workforce Committee, we've learned about a number of challenges confronting the program. For example, workers in rural areas like my own may have limited access to medical care. Additionally, Mr. Speaker, some compensation levels remain set to formulas that made sense during the days of the Second World War, but are inappropriate today. Clearly, reform is long overdue.

Federal employees should have access to a program that reflects the realities of today's economy and that takes into account the best practices in medical care. Taxpayers deserve a program that operates efficiently and effectively. That's why I, along with the other leaders on the Education and Workforce Committee, introduced the Federal Workers' Compensation Modernization and Improvement Act, an initial step in our effort to strengthen the program and bring it into the 21st century.

□ 1650

The bill before us today advances this goal in three important ways:

First, Mr. Speaker, H.R. 2465 enhances the efficiency of the Federal Workers' Compensation Program. The legislation allows physician assistants and advanced practice nurses—highly trained individuals in the medical profession—to certify a worker's disability and ensure these professionals are reimbursed for their services. The bill also streamlines the claims process for workers who sustain a traumatic injury in an area of armed conflict. These individuals can work in hostile and even deadly environments, and they should not have to wait months for benefits they are entitled to and the taxpayer wishes to afford them;

Second, the legislation, Mr. Speaker, improves the integrity of the Workers' Compensation Program. The Labor Department would be allowed to cross-check an employee's earnings with information held at the Social Security Administration, helping to provide workers the benefits they deserve, no more and no less. The Department would also be empowered to collect administrative costs and other expenses from agencies employing the workers, promoting greater accountability within the program for all Federal agencies;

Finally, Mr. Speaker, the legislation modernizes benefits to better meet the needs of today's workers, providing the level of support employees need and guaranteeing that injuries or illnesses resulting from an act of terrorism are treated like other war-risk hazards.

The Federal Workers' Compensation Modernization and Improvement Act represents commonsense reform Federal workers and taxpayers deserve. I encourage my colleagues to support the legislation.

I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise in support of H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act.

This legislation is the product of bipartisan cooperation and consensus, and I thank the chairman of the Workforce Protections Subcommittee for being here and being the leader on this today.

This legislation updates and improves the Federal Employees' Compensation Act, or FECA, which provides a safety net to 2.7 million Federal civilian and postal employees, ensuring they can continue to support their families and pay their bills if they're injured on the job. A core principle embedded in FECA is that workers should be no better off, or no worse off, for having suffered a work-related injury.

The reforms in this bill are an initial step toward making FECA fairer and more efficient for taxpayers and the Federal employees who depend on the program. H.R. 2465 updates benefits for funeral expenses and facial disfigure-

ment, both of which have not been updated since 1949. It ensures that injuries caused by acts of terrorism are covered and expands the pool of medical providers to include advanced practice nurses and physician assistants. It also expands the continuation of "pay period" from 45 days to 135 days for those who are injured overseas in a "zone of armed conflict" to make it easier to file for benefits.

This legislation also will improve program integrity by allowing the Department of Labor to match its records against Social Security earnings information, ensuring that beneficiaries are not receiving prohibited salary or outside income at the same time they're receiving FECA benefits. Consistent with a Government Accountability Office recommendation, the bill allows the government to recover a portion of payments that were secured from third parties. Mr. Speaker, these commonsense, bipartisan changes will make FECA more efficient and, according to the Congressional Budget Office, will produce savings for taxpayers and the postal service.

The committee is also aware of Department of Labor proposals to slash benefits for workers with dependents, reduce benefits for permanently disabled workers when they reach retirement age, and shrink survivor benefits. While the Department contends their proposal addresses inequities, they have not presented evidence that these changes will not create unintended consequences.

For that reason, I was pleased to join Chairman KLINE, Subcommittee Chairman WALBERG, and Ranking Member MILLER in sponsoring a July 8 request to the GAO asking that it assess the impacts of the Labor Department's proposed changes. The GAO report will be vital—it will be so important—as we look for ways to further improve FECA without undermining its core values.

Before we consider what we're going to be doing, we have to consider who is impacted by changes when we modify this law. And when we do, we have to keep in mind that FECA is these workers' exclusive remedy, which means injured workers and survivors of those killed on the job cannot sue the government for their losses.

Leslie Black was a correctional officer at the Federal Correctional Institution in Bennettsville, South Carolina, when she was attacked by an inmate on May 2, 2007. She wrote this:

The inmate who attacked me had embedded two razors into a plastic spoon by melting the spoon around the razors, creating a lethal weapon. With this weapon, he slashed my throat and right arm, causing severe bleeding, blood loss, and lacerations.

Since this attack, my family and I have survived on a reduced income of my workers' compensation benefits and my husband's income, including his wages as a member of the Army National Guard. We have three children at home, and my workers' compensation benefits have been the difference between financial survival and financial ruin. We hardly live in the lap of luxury.

She hopes to return to work at the prison in a suitable position in the near future, Mr. Speaker. She asked, "Why would anyone want to cut benefits for someone who was hurt trying to keep the community safe?"

Given the public service provided by Leslie and other Federal workers, I was disappointed to see that the Senate Committee on Homeland Security and Government Affairs has reported out postal reform legislation that adopted many of the Department of Labor's proposals to cut FECA and then went a step further and cut them even more deeply without having first undertaken an analysis of the impacts. The Senate committee even imposed some of these cuts retroactively. Frankly, taking a meat axe to the FECA program without first doing your homework is irresponsible. It is my hope that the legislation before us today, coupled with a bipartisan commitment to study the matter with care, can serve as an example for the correct path forward for improving FECA.

These are not just numbers. They're not just percentages that we're dealing with. These changes could mean unjust impoverishment for a Federal firefighter injured while battling a forest fire or the widow of an FBI officer killed in the line of duty. Representative GABBY GIFFORDS and her staff were covered under FECA following the tragic assault that killed six in Tucson, Arizona, earlier this year.

As we move forward, it is important that any further reforms are fair to both taxpayers and injured workers. While I appreciate the desire of some colleagues to move quickly to address their concerns about FECA, it is prudent to allow a few months for GAO to complete its work before redesigning the benefit structure.

Mr. Speaker, I am also troubled to learn that the House Committee on Oversight and Government Reform decided to include changes to FECA in a postal reform bill that would create a separate postal workers' compensation system outside of FECA. All Federal workers—all Federal workers—should be covered under the same workers' compensation system, regardless of which agency employs them. So pursuant to House rules, Workers' Compensation Programs, including FECA, have been within the primary jurisdiction of the House Committee on Education and the Workforce, and I expect that members of our committee will have an opportunity to weigh in on that bill before it moves forward.

□ 1700

Mr. Speaker, H.R. 2465 enjoys the support of a broad coalition of labor unions, organizations of health care providers, and retiree groups.

In closing, I would like to thank Chairman KLINE, Ranking Member MILLER, and Subcommittee Chairman WALBERG for their work on this legislation.

It has been truly a gift to work in a bipartisan manner.

AMERICAN ACADEMY OF  
PHYSICIAN ASSISTANTS,  
Alexandria, VA, July 12, 2011.

Hon. JOHN KLINE,  
Chairman, Committee on Education and the  
Workforce, House of Representatives, Wash-  
ington, DC.

Hon. TIM WALBERG,  
Chairman, Subcommittee on Workforce Protec-  
tions, Washington, DC.

Hon. GEORGE MILLER,  
Ranking Member, Committee on Education and  
the Workforce, House of Representatives,  
Washington, DC.

Hon. LYNN WOOLSEY,  
Ranking Member, Subcommittee on Workforce  
Protections, Washington, DC.

DEAR MR. CHAIRMAN AND REPRESENTATIVES MILLER, WALBERG, AND WOOLSEY: On behalf of the 75,000 clinically practicing physician assistants (PAs) represented by the American Academy of Physician Assistants (AAPA), the Academy would like to commend you for your leadership to reauthorize the Federal Employees' Compensation Act (FECA) and to make the program more efficient and responsive to federal workers who are injured on the job. AAPA supports the provisions in H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act, to amend FECA to allow PAs to provide care for federal employees with traumatic job-related injuries.

Currently, physician assistants (PAs) are not covered providers under FECA and are unable to treat and diagnose federal employees injured on the job. However, many federal employees, particularly postal workers, are employed in rural and other medically underserved communities where a PA may be the only health care professional available. Consequently, a PA who is the sole provider present at a medical practice or clinic, is faced with an unacceptable dilemma when a federal employee requests medical care for a job-related injury—i.e., either provide the care and know that the federal workers' compensation program will not provide payment for a claim or direct the injured federal worker to the nearest hospital emergency room where a PA will likely provide the care at 4 to 5 times the cost.

PAs are covered providers in virtually all private and public health insurance plans, including the Federal Employee Health Benefits Program. PAs are employed throughout the federal government to provide medical care, including the White House, all branches of the Armed Services, the Department of Veterans Affairs, and the U.S. Public Health Service and Indian Health Service. Additionally, PAs are covered providers in the overwhelming majority of state workers compensation programs.

AAPA praises the efforts by the leading members of the House Education and Workforce committee to resolve this disparity in the law and help make health care more accessible to all federal employees.

We look forward to working with the committee further to ensure passage of H.R. 2465. Should you have any questions regarding the PA profession, the AAPA, and/or the role of PAs in occupational medicine, please do not hesitate to contact Sandy Harding, AAPA Senior Director of Federal Advocacy, at 571-319-4338 or sharding@aaapa.org.

Sincerely,

ROBERT L. WOOFEN, PA-C,  
President.

Hon. JOHN KLINE,

Chairman, Education and Workforce Committee,  
House of Representatives, Washington, DC.

Hon. GEORGE MILLER,

Ranking Member, Education and Workforce  
Committee, House of Representatives, Wash-  
ington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEM-  
BER MILLER:

We appreciate your efforts on the Federal Workers' Compensation Program Improvement Act, which is a step in the right direction to ensuring patients have the care they need in a timely manner. We support the effort to strengthen the work Physician Assistants and Advanced Practice Registered Nurses (APRNs) provide in the Federal Workers' Compensation program today, and would like to highlight one minor technical change that will improve the legislation.

While this legislation has a number of strong points, we feel that one clarification will make the bill even stronger. There are four APRN specialties: Nurse Practitioners, Certified Registered Nurse Anesthetists, Certified Nurse-Midwives, and Clinical Nurse Specialists. The legislation indicates that "physician assistants and advanced practice nurses, such as a nurse practitioner," be included as those providing medical services in the Federal Workers' Compensation program and related to certification of traumatic injury. Since there are four, and only four, APRN specialties, we ask that all four specialties be listed in the legislation either in the parenthetical references where only nurse practitioners are now listed or in a new definition section for Advanced Practice Registered Nurses. The term APRN encompasses only four nursing specialties, and while the legislation includes all four specialties solely by using the term "APN," we feel that it is important to clearly indicate the four specialties in order to protect these providers from losing payment for services they are already providing in the Federal Workers' Compensation program. We do not want this legislation to inadvertently provide an impetus for the agency to deny reimbursement for care that these other three APRN specialties are already providing to patients in this federal program.

Thank you again for your work on this important bipartisan legislation, as you seek to ensure our federal employees have the care they need when they need it. We look forward to working with you to make this legislation as strong as possible, working with the APRN community to resolve any concerns that may arise with the bill, and working with the full House, Senate and the Administration to ensure our federal employees have the care they need and deserve. If you have questions, please contact Ann Walker-Jenkins at the American Association of Nurse Anesthetists at 202-741-9083 or via email at awalker-jenkins@aanadc.com.

Sincerely,

AMERICAN ASSOCIATION OF  
NURSE ANESTHETISTS,  
AMERICAN COLLEGE OF  
NURSE-MIDWIVES,  
AMERICAN NURSES  
ASSOCIATION,  
NATIONAL ASSOCIATION OF  
CLINICAL NURSE  
SPECIALISTS.

AMERICAN POSTAL WORKERS UNION,  
AFL-CIO,  
Washington, DC, July 8, 2011.

Hon. JOHN KLINE,

Chairman, House Committee on Education and  
the Workforce, Washington, DC.

Hon. GEORGE MILLER,

Ranking Member, House Committee on Edu-  
cation and the Workforce, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEM-  
BER MILLER: Let me begin by expressing my

gratitude for giving the APWU the opportunity to share our views with the Committee regarding reforms to the Federal Employees Compensation Act. We have reviewed the proposed legislation. In our opinion, it facilitates program integrity without undercutting benefits from workers while still ensuring the modernization of program benefits. H.R. 2465 is a vast improvement to the Administration's proposals and those being offered by others.

The APWU is supportive of this bipartisan measure, and looks forward to working with you in the months ahead to remedy other segments of the law that are in need of legislative attention. We are particularly interested in working together to achieve meaningful change that would help injured workers return-to-work without subjecting them to the harmful consequences that currently exist. Further, the APWU strongly agrees with the Committee's request for GAO to examine various factors to help assess whether additional FECA amendments could compound inequities to injured workers.

In closing, we would like to express our appreciation for the concern you have demonstrated towards postal and federal workers who are injured on-the-job by working in mutual cooperation to draft this bipartisan legislation. Should you have any questions, or concerns please do not hesitate to contact my office.

Sincerely,

SUSAN M. CARNEY,  
*Human Relations Director.*

NATIONAL ACTIVE AND RETIRED  
FEDERAL EMPLOYEES ASSOCIATION,  
*Alexandria, VA, November 28, 2011.*

DEAR REPRESENTATIVE: On behalf of the 4.6 million federal employees and annuitants represented by the National Active and Retired Federal Employees Association (NARFE), I urge you to vote for H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act of 2011. The bill provides a thoughtful approach to reforming federal workers' compensation laws, one that does not reduce the basic benefits paid to employees who suffer a debilitating injury or illness as a result of their public service.

The legislation combines much-needed adjustments to compensation for the worst case injuries and commonsense cost-saving measures that should improve the processing of claims and reduce improper payments and fraud. Specifically, NARFE supports the bill's provisions to expand coverage for injuries or illnesses caused by a terrorist attack; to increase the maximum compensation to employees for serious disfigurement of the head, face or neck from an outdated \$3,500 to a more reasonable \$50,000; to extend the time period for a continuation of pay in a zone of armed conflict to 135 days; and to increase compensation for funeral expenses from an outdated \$800 to a more reasonable \$6,000.

H.R. 2465 represents the best path to reform, one that will achieve cost savings and improve fairness, and not coincidentally, enjoys broad bipartisan support.

Thank you for working together on this issue to craft this commonsense legislation.

Sincerely,

JOSEPH A. BEAUDOIN,  
*President.*

AMERICA FEDERATION OF  
GOVERNMENT EMPLOYEES, AFL-CIO,  
*Washington, DC, November 28, 2011.*

DEAR REPRESENTATIVE: On behalf of the American Federation of Government Employees, AFL-CIO, which represents more than 650,000 federal workers, I strongly urge you to support the bipartisan Federal Workers' Compensation Modernization and Im-

provement Act (H.R. 2465), when the full House considers the bill this week.

As you know, the Federal Employees' Compensation Act (FECA) provides wage-loss compensation benefits to federal workers who become injured or ill through a work-related activity. However, the FECA program has not been significantly reformed since 1974, and as a result, a number of weaknesses have emerged.

H.R. 2465 will enhance and update the FECA program, thereby ensuring the program meets the needs of both workers and taxpayers. The bill will reform the FECA program by:

Authorizing physician assistants and advanced practice nurses, such as nurse practitioners, to provide medical services and to certify traumatic injuries.

Updating benefit levels for severe disfigurement of the face, head, or neck (up to \$50,000) and for funeral expenses (up to \$6,000)—both of which have not been increased since 1949.

Making clear that the FECA program covers injuries caused from an attack by a terrorist or terrorist organization.

Giving federal workers who suffer traumatic injuries in a zone of armed conflict more time to initially apply for FECA benefits and extending the duration of the continuation of pay period from 45 days to 135 days.

Including program integrity measures recommended by the Inspector General and the Government Accountability Office.

AFGE supports this bipartisan measure because it modernizes the FECA program without undercutting federal workers' compensation benefits. We look forward to working with you in the months ahead to remedy other aspects of the FECA law that are in need of legislative attention. We are particularly interested in working together to help injured workers return to work without subjecting them to the harmful consequences that currently exist. In addition, AFGE agrees with the House Education and Workforce Committee's request for the Government Accountability Office to examine certain FECA program changes proposed by the U.S. Department of Labor before lawmakers consider any FECA reforms beyond those in H.R. 2465.

Thank you for your attention to this important matter. If you have any thoughts or questions, please feel free to contact Milly Rodriguez (rodrim@afge.org) in our Field Services & Education Department or Alan Kadrofske (kadroa@afge.org) in our Legislative & Political Department.

Sincerely,

BETH MOTEN,  
*Legislative and Political Director.*

I urge my colleagues to support H.R. 2465, and I yield back the balance of my time.

Mr. WALBERG. Mr. Speaker, I yield myself the balance of my time.

Let me close by acknowledging the bipartisan effort that went into crafting the legislation, as my ranking member of the subcommittee, Ms. WOOLSEY, has already stated.

It was a bipartisan effort that worked toward a very satisfactory, even more so, unnecessary conclusion, as well as bringing the bill before the House today.

I'd like to express my gratitude to the chairman and ranking member of the Education and the Workforce Committee, Congressmen JOHN KLINE and GEORGE MILLER, for their work and the work of their staffs on this important

legislation. I'd also recognize the hard work of the staffs of our Workforce Protection Subcommittee, both Congresswoman WOOLSEY's and mine, in this effort as well.

The committee on which we are privileged to serve brings together individuals from very different walks of life and with very different views on how to fix the problems facing this great Nation, in many cases; but I'm encouraged that we've been able to work together on this legislation, demonstrating our shared commitment to serve American workers and taxpayers.

I urge my colleagues to support the Federal Workers' Compensation Modernization and Improvement Act.

I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I am pleased to offer the following Managers' Joint Statement of Legislative Intent on H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act, which I also offer on behalf of the Senior Democratic Member of the Committee on Education and the Workforce, Mr. GEORGE MILLER (D-CA), and the Chairman and Senior Democratic Member of the Committee's Subcommittee on Workforce Protections, Mr. TIM WALBERG (R-MI) and Ms. LYNN WOOLSEY (D-CA).

JOINT STATEMENT OF LEGISLATIVE INTENT ON  
H.R. 2465, THE FEDERAL WORKERS' COMPENSATION MODERNIZATION AND IMPROVEMENT ACT

#### PURPOSE

H.R. 2465 amends the Federal Employees' Compensation Act (FECA), 5 U.S.C. §§8101 et seq., the federal statute providing workers' compensation benefits to federal employees who become injured or ill due to a work-related activity. As further discussed below in the Joint Statement of Legislative Intent, the bill enhances the efficiency of the FECA program, which is administered by the Department of Labor's (DOL) Office of Workers' Compensation Programs (OWCP); improves the integrity of the FECA program; and modernizes two FECA benefit levels that have not been adjusted for inflation in over six decades.

#### COMMITTEE ACTION

On May 12, 2011, the Committee on Education and the Workforce, Subcommittee on Workforce Protections, held a hearing entitled, "Reviewing Workers' Compensation for Federal Employees." The purpose of the hearing was to review the current state of the FECA program and discuss ways to improve and modernize FECA. Testifying before the subcommittee were: Mr. Scott Szymendera, Congressional Research Service, U.S. Library of Congress, Washington, D.C.; Mr. Daniel Bertoni, Director of Education, Workforce, and Income Security, U.S. Government Accountability Office, Washington, D.C.; Mr. Gary Steinberg, Acting Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Washington, D.C.; Ms. Susan Carney, Director, Human Relations Department, American Postal Workers Union, Washington, D.C.; and Mr. Elliot Lewis, Assistant Inspector General for Audit, Office of Inspector General, U.S. Department of Labor, Washington, D.C. Testimony for the record was submitted by the National Treasury Employees Union, the American Federation of Government Employees, AFL-CIO, and the National Active and Retired Federal Employees Association.

On July 8, 2011, I introduced H.R. 2465, along with cosponsors Reps. Miller, Walberg,

and Woolsey. The Committee on Education and the Workforce considered H.R. 2465 in legislative session on July 13, 2011, and ordered the bill favorably reported to the House of Representatives by voice vote. There were no amendments.

The committee received letters of support for H.R. 2465 from the following organizations: the American Academy of Physician Assistants, the American Association of Nurse Anesthetists, the American College of Nurse-Midwives, the American College of Occupational and Environmental Medicine, the American Nurses Association, the American Postal Workers Union, the Federal Law Enforcement Officers Association, the National Active and Retired Federal Employees Association, the National Treasury Employees Union, the American Federation of Government Employees, the Workers' Injury Law & Advocacy Group, the National Association of Clinical Nurse Specialists, and the National Association of Letter Carriers.

H.R. 2465 represents the committee's initial consideration of reforms to FECA. The committee concluded the FECA reform package advocated by DOL lacked sufficient information to consider the impact of DOL's wider reforms. The DOL Inspector General testified before the committee on May 12, 2011, that before changes to the benefit structure are considered, "careful consideration is needed to ensure that the percent of benefits ultimately established will have the desired effect while ensuring fairness to injured workers, especially those who have been determined to be permanently impaired and thus unable to return to work." The May 12 hearing showed that DOL's reforms could have unintended adverse consequences and highlighted that further assessment would be needed. To that end, on July 8, 2011, the four sponsors of this legislation asked the Government Accountability Office (GAO) to evaluate the consequences of administration proposals to: modify FECA related to benefit levels when permanently injured employees reach social security retirement age; reduce benefit levels for individuals with dependents; and establish a three-day waiting period before FECA benefits can begin. GAO findings will inform further consideration of FECA program changes.

#### JOINT STATEMENT OF LEGISLATIVE INTENT

##### *Section 2. Physician Assistants and Advanced Practice Nurses.*

Section 2 amends FECA §§8101(3) (definition of "medical, surgical, and hospital services and supplies") to provide that the definition of "medical services" under FECA may include "treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of the practice as defined by state law, consistent with regulations prescribed by the Secretary of Labor."

Section 2 amends FECA §8103 (medical services and initial medical and other benefits) to provide explicitly that a "physician assistant or advanced practice nurse, such as a nurse practitioner," may provide "medical services" under FECA "within the scope of their practice as defined by state law, consistent with regulations prescribed by the Secretary of Labor."

Section 2 amends FECA §8121(6) (certification of claims) to authorize a "physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by state law," to certify a traumatic injury and the probable extent of related disability during the 45-day continuation of pay period covered by section 8118, in a manner consistent with regulations prescribed by the Secretary of Labor.

Expanding services provided by physician assistants and advanced practice nurses im-

proves program efficiency by allowing injured federal workers to utilize local clinics or other health service providers in which only a physician assistant or advanced practice nurse is on site; expanding the number of providers eligible to provide certification of injury and the probable extent of disability for traumatic injuries with respect to claims for continuation of pay; and expanding eligible medical services providers, which is of particular benefit to those in rural areas and zones of armed conflict. The term "advanced practice nurse" may include, but is not limited to, nurse anesthetists, nurse practitioners, clinical nurse specialists, nurse midwives, and nurse psychotherapists, within the scope of their practice as defined by state law.

##### *Section 3. Covering Terrorism Injuries.*

Section 3 amends FECA §8102(b) (compensation for disability or death of employee) to provide that a disability or death as a result of "an attack by a terrorist or terrorist organization, either known or unknown," is "deemed to have resulted from personal injury sustained while in the performance of duty," under FECA's "war-risk hazard" provision. This codifies current OWCP practice of covering such disabilities or deaths as "war-risk hazards."

##### *Section 4. Disfigurement.*

Section 4 amends FECA §8107(c)(21) (compensation schedule for scheduled awards) to increase the maximum amount payable for "serious disfigurement of the face, head, or neck" from \$3,500 to \$50,000. This amount has not been increased since 1949. The maximum will be adjusted for inflation on March 1 of each year in accordance with FECA §8146a (cost-of-living adjustment of compensation).

Section 4 eliminates the current statutory requirement that disfigurement must be "of a character likely to handicap an individual in securing or maintaining employment." Rather, pursuant to Section 4, scheduled awards will be made solely in proportion to the severity of the disfigurement, as determined by the Secretary of Labor.

Section 4 will apply to injuries occurring in the 3-year period prior to the date of enactment and for which the Secretary of Labor has not made a compensation determination on disfigurement, or for injuries which occur on or after the date of enactment.

##### *Section 5. Social Security Earnings Information.*

Section 5 amends FECA §8116 by adding a new subsection (e) authorizing the Secretary of Labor to require FECA claimants, as a condition of receiving FECA benefits, to authorize the Social Security Administration (SSA) to release earnings information to DOL. The purpose of this provision is to enable DOL to discover instances in which claimants are not disclosing earnings information to DOL as they are required to under FECA.

The FECA statute anticipates that the Secretary of Labor will require FECA claimants to submit reports of earnings, and further states that a claimant who fails to submit such a report or knowingly omits such earnings forfeits entitlement to compensation under FECA for the period covered by that report. However, the statute currently contains no mechanism whereby DOL can cross-check such reports with claimants' SSA earnings. Receipt of FECA benefits for total disability, when a claimant is, in fact, earning a wage, is antithetical to one of the statute's fundamental purposes.

Section 5 will permit DOL to obtain individual earnings reports from SSA, which are needed to verify whether individual FECA claimants have earnings not reported to DOL. Section 5 will also permit DOL and

SSA to conduct computer matches between a list of claimants produced by DOL by allowing DOL to provide SSA with such a list and a certification that each of the claimants on the list has consented to the release of SSA earnings information by virtue of and as part of his or her application for FECA benefits. This will conserve scarce DOL resources by avoiding the need to obtain from the claimant and provide to SSA individual consent forms. Ultimately, Section 5 will increase the ability of DOL to detect unreported earnings by FECA claimants.

##### *Section 6. Continuation of Pay in a Zone of Armed Conflict.*

Section 6 amends FECA §8118 (continuation of pay) to provide continuation of pay for wage loss due to traumatic injury in performance of duty in a designated zone of armed conflict, as defined in this Section, for a period not to exceed 135 days, so long as the employee files a claim for such benefit no longer than 45 days after terminating service in the zone of armed conflict or the employee's return to the United States, whichever occurs later.

##### *Section 7. Subrogation of Continuation of Pay.*

Section 7 amends FECA §§8131 (subrogation) and 8132 (adjustment after recovery from third party) to authorize the United States to recover continuation of pay benefits received under FECA §8118, if such damages were paid to a FECA beneficiary by a third party (other than the United States), subject to the existing formula in FECA. This right to recover continuation of pay is in addition to the existing right of the government to secure reimbursement of compensation benefits.

##### *Section 8. Funeral Expenses.*

Section 8 amends FECA §8134 (funeral expenses) to increase the amount payable for funeral expenses for deaths occurring on or after the date of enactment from the current \$800 to \$6,000. This amount has not been increased since 1949. The maximum will be adjusted for inflation on March 1 of each year in accordance with FECA §8146a (cost-of-living adjustment of compensation).

##### *Section 9. Employees' Compensation Fund.*

Section 9 amends FECA §8147 to allow for administrative expenses for appropriated fund agencies to be paid out of the Employees' Compensation Fund and for a pro-rata share of administrative expenses to be included in agencies' annual chargeback. Currently, DOL charges non-appropriated fund agencies, such as the U.S. Postal Service, for administrative costs on a pro rata basis, while the administrative expenses for all other agencies are appropriated on an annual basis to DOL. This provision will have no net effect on the budget of the federal government.

##### *Section 10. Conforming Amendment.*

Section 10 amends FECA §8101(1) (definition of "employee") to update the law to acknowledge that on May 3, 1979, District of Columbia employees became covered under the District of Columbia Government Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139; D.C. Official Code §1-601.01, et seq., instead of FECA.

##### *Section 11. Effective Date.*

This section provides that unless specified otherwise in the Federal Workers' Compensation Modernization and Improvement Act, the effective date of this Act is 60 days after the date of enactment.

#### CBO COST ESTIMATE

The Congressional Budget Office estimates that enacting these changes would reduce net direct spending by \$22 million over the 2012-2021 period, including \$6 million in on-



budget savings and \$16 million in off-budget savings (to the U.S. Postal Service).

Over the 10 year period there would be a very slight decrease in spending subject to appropriation (<\$500,000).

Mr. CONNOLLY of Virginia. Mr. Speaker, I want to recognize Chairman KLINE, Ranking Member MILLER, Chairman WALBERG, and Ranking Member WOOLSEY for their collaboration on this important legislation to update federal workers' compensation policy. The Federal Workers' Compensation Modernization and Improvement Act is a result of bipartisan collaboration on the Education and Workforce Committee, and it is the kind of legislation Congress should produce more often. It will save \$22 million for the federal government by reducing fraudulent payments, including \$16 million for the Postal Service.

The Federal Workers' Compensation Modernization and Improvement Act provides a long overdue update of the Federal Employees Compensation Act (FECA). The Federal Employees Compensation Act is important because it provides workers who are injured on the job with replacement income to substitute for wages that they would have earned but for an on-the-job injury. Consider how outdated the statute is today: Workers whose face or head is severely disfigured by an on-the-job injury only can receive \$3,500 in compensation today, based on an antiquated formula established in 1949. Clearly, \$3,500 cannot compensate for lost earnings potential as a result of severe head and face injuries, so this bill updates it to \$50,000. This legislation also updates the definition of war-related injuries to include terrorist attacks, a commonsense reform to reflect new realities. It also contains new reforms to prevent disability fraud by facilitating income checks by the Department of Labor and Social Security Administration. These improvements will help ensure that federal disability payments only go to injured workers, not perpetrators of fraud.

The leadership of the Education and Workforce Committee deserves credit for drafting this legislation in a thoughtful, collaborative process. The Congressional Budget Office notes that this legislation will reduce total disability payments, but it will do so in a fair and humane manner. That is why a wide range of federal employee groups including postal unions, NTEU and NARFE have endorsed this bill. The legislation before us demonstrates that we can save money in collaboration with public employees rather than using them as a scapegoat for budgetary challenges.

This bill's timing is propitious, because the Oversight and Government Reform Committee, of which I am a member, has reported a divisive, partisan bill which also would change workers' compensation policy. Unfortunately, that legislation (H.R. 2309) was written in a secretive, partisan manner and enjoys none of the bipartisan support that the Federal Workers' Compensation Modernization and Improvement Act does. When we marked up H.R. 2309 in subcommittee and full committee, some members noted that it intruded on the jurisdiction of the Education and Workforce Committee. Incredibly, the Committee Chairman ignored the ruling of the Parliamentarian and included a non-germane provision on FECA changes in the Subcommittee mark. Not surprisingly, federal employee organizations condemned the harsh proposals in H.R. 2309.

Their criticisms were appropriate, as H.R. 2309 contains provisions of appalling cruelty. It would terminate workers compensation payments in a mere two years and shift those workers to retirement benefits. Remember, these are previously healthy workers who were crippled on the job. The only reason that they cannot support themselves is an on-the-job injury, yet H.R. 2309 would terminate those worker compensation payments and make them try to survive on small annuity payments. These annuity payments would often be insufficient to survive because the affected worker would have been injured on the job before he had time to finish his career and accrue an adequate retirement savings.

Fortunately, the Education and Workforce Committee chose a thoughtful, collaborative process which saves money and protects workers rights rather than producing the secretive, partisan, and cruel workers compensation provisions in H.R. 2309. I applaud their leadership on this important legislation and urge my colleagues to support the Federal Workers' Compensation Modernization and Improvement Act.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the Federal Workers' Compensation Modernization and Improvement Act. This bill reflects an initial step to modernize and reform the Federal Employees Compensation Act (FECA).

FECA has provided workers' compensation benefits to federal civilian workers injured or killed on the job since 1916.

Administered by the Labor Department, FECA provides workers' compensation coverage to over 2.7 million civilian federal and postal employees.

The law covers FBI agents shot in the line of duty, guards wounded in facilities operated by the Bureau of Prisons, and federal firefighters risking their lives to protect lives and property. It also covers Members of this body and their staff.

For example, following the January 8th tragic shooting in Tucson, Arizona, which killed 6 and injured 13, Congresswoman GABBY GIFFORDS began receiving medical care and intensive rehabilitation services covered by FECA. This law also covers her staff.

As we examined reforms, the Committee was guided by three key principles embedded in the law:

First, workers and their families should be no better off, and no worse off, than if the worker had not been injured.

Second, all federal civilian workers, regardless of the branch of government in which they are employed, should be covered under the same benefit structure.

Finally, workers are entitled to be fairly compensated in a timely manner, with benefits administered in a non-adversarial manner.

As the committee worked in a bipartisan manner to update the law, there were immediate areas of agreement. Specifically,

This bill increases maximum benefits for funeral expenses and facial disfigurement, both of which haven't been raised since 1949.

H.R. 2465 clarifies that injuries caused by acts of terrorism are covered.

The bill expands the pool of medical providers and expands their authority to certify traumatic injuries for purposes of authorizing claims for continuation of pay. The added providers include physician assistants and advanced practice nurses, such as nurse practi-

tioners, consistent with the scope of practice authorized by state law.

The bill includes program integrity improvements that were recommended by the Department of Labor's Inspector General and the Government Accountability Office. For example, the Department of Labor will have authority to access a claimant's Social Security earnings information to track whether the claimant is receiving prohibited payments.

The bill addresses the difficulty in filing workers' compensation claims for federal employees injured in "zones of armed conflict" by extending "continuation of pay" for traumatic injury from 45 days to 135 days.

The Committee received other reform proposals from the Department of Labor at a May 12, 2011 Subcommittee hearing, but there was insufficient evidence to support adoption of these changes, and the hearing revealed that further detailed study was needed to ensure there were not unintended effects.

We note with some concern that the Senate has reported legislation modeled after the Department of Labor's proposal which would reduce benefits for permanently injured workers with dependents, cut benefits for permanently injured workers when they reach retirement age, and slash benefits for survivors of workers killed on the job.

As previously mentioned, workers and their families should be no better off, nor worse off, because of a disabling injury or death caused by while in service to the federal government. Members of Congress must be assured that reform proposals do not lead to inequitable outcomes, particularly in light of the fact that FECA is an exclusive remedy.

To assess the impact of DOL's other proposals, the Education and Workforce Committee has agreed on a bipartisan basis to ask GAO to evaluate the Administration's additional proposed reforms. This approach is consistent with the recommendation of the Inspector General, who has urged careful consideration before Congress changes the structure of benefits to ensure that injured workers are treated fairly. Before Congress acts, it is important that we take great care to ensure that further reforms are fair to taxpayers and injured workers.

Once GAO completes its work, we will analyze their findings. At that time I believe we should also examine whether Congress can generate savings from measures to further reduce work-related injuries and illnesses and to better facilitate the re-employment of injured workers.

I am encouraged we have advanced bipartisan bill to improve the program and deliver savings to taxpayers and the Postal Service.

I want to thank Chairman KLINE, Chairman WALBERG, Senior Democratic Member WOOLSEY for their cooperation and efforts in developing this legislation.

Attached to this statement are letters of support for this bill from the Federal Law Enforcement Officers Association, the National Treasury Employees Union, the American College of Occupational and Environmental Medicine, the National Association of Letter Carriers, and the Workers' Injury Law and Advocacy Group.

FEDERAL LAW ENFORCEMENT  
OFFICERS ASSOCIATION,  
Washington, DC, July 18, 2011.

Hon. JOHN KLINE,  
Chairman, Committee on Education and the  
Workforce, House of Representatives, Wash-  
ington, DC.

Hon. GEORGE MILLER,  
Ranking Member, Committee on Education and  
the Workforce, House of Representatives,  
Washington, DC.

DEAR MR. CHAIRMAN AND RANKING MEMBER MILLER: I am writing on behalf of the 26,000 members of the Federal Law Enforcement Officers Association (FLEOA), to express our support for H.R. 2465, the "Federal Workers' Compensation Modernization and Improvement Act." Our organization, has long worked to address major flaws with the Federal Employees' Compensation Act (FECA) system, and we appreciate your efforts to advance these common sense reforms.

On July 21, 2010, I testified before the House Subcommittee on the Federal Workforce and highlighted situations in which federal law enforcement officers injured in the line of duty were made worse by the FECA-Office of Workers' Compensation Program (OWCP) system. One of those officers—Special Agent Mike Vaiani, who was injured in the September 11th terrorist attacks in New York City—summed it up best: "I would rather run back into the tower while it's on fire than have to deal with the Department of Labor." To their credit, after the hearing both the Directors of the Federal Employees Compensation Program and OWCP met with FLEOA and agreed to establish traumatic care nurses for law enforcement injuries and a law enforcement officer Ombudsman in each OWCP district.

Despite this positive development more work is still needed, and FLEOA applauds this legislation which the Education and the Workforce Committee unanimously approved last week. This bill is a positive step towards addressing many of the underlying issues with FECA that prevent injured federal law enforcement officers from receiving responsive care. Specifically, FLEOA fully supports the ability to allow physician assistants or advanced practice nurses to provide certifications of traumatic injury and related disability; the extension of compensation for death and disability for individuals employed outside the United States to include death or disability caused by terrorist attack; and providing additional compensation for funeral expenses and for injuries that lead to facial disfigurement.

Further, FLEOA fully supports the provisions of your bill to extend continuation of pay (COP) for traumatic injuries sustained in a "Zone of Armed Conflict" to 135 days. On this particular point, FLEOA has long advocated for increasing the COP time frame. For those officers assaulted by a suspect, exposed to a toxic substance, or shot or stabbed, or involved in an explosive blast while enforcing the law, this time frame would better allow for a proper evaluation to determine if a return to work will be possible. We would therefore request that due to the often traumatic nature of the injuries incurred, that you consider including all Federal law enforcement officers under this extended COP period.

On behalf of the membership of the Federal Law Enforcement Officers Association, thank you for your efforts on this important legislation and for taking the steps to bring these long overdue reforms to FECA. Our organization stands ready to work with the Committee on further common sense reforms and to include federal law enforcement offi-

cers in the extended COP provision of this bill.

Sincerely,

JON ADLER,  
National President.

THE NATIONAL TREASURY  
EMPLOYEES UNION,  
Washington, DC, July 19, 2011.

Hon. JOHN P. KLINE, Chairman,  
Hon. GEORGE MILLER, Ranking Member,  
Committee on Education and the Workforce,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEMBER MILLER: One of the most important programs for federal workers is the Federal Employees Compensation Act (FECA). This program provides federal employees with workers' compensation coverage for injuries and diseases sustained while performing their duties. The program seeks to provide adequate benefits to injured federal workers while at the same time limiting the government's liability strictly to workers' compensation payments. Payments are to be prompt and predetermined to provide benefits while relieving employees and agencies from uncertainty over the outcome of court cases and to eliminate costly litigation. It was 100 years ago this year that the State of Wisconsin enacted the first Workers' Compensation law. Five years later, federal employees were covered by the passage of the Kern-McGillicuddy Act (FECA). Workers' compensation is America's oldest social insurance program and one that is invaluable for covered workers.

The National Treasury Employees Union (NTEU), which represents 150,000 federal employees in 31 different agencies, is pleased the committee has reported H.R. 2465, a bipartisan bill to make certain improvements, reforms, efficiencies, and modernizations of the program. NTEU hopes the House will give speedy and favorable consideration to this legislation. We are urging all House members to vote "YES" on this bipartisan bill.

The bill makes several benefit improvements. It would increase the amount payable for funeral expenses to a maximum of \$6,000 and index it to inflation for the future. Currently, the benefit is \$800, the same amount it has been since 1949. It would increase the maximum award for severe disfigurement of the face, head, or neck from \$3,500 to \$50,000. This amount also has not been increased since 1949 and like funeral expenses, the bill would index it to inflation. It eliminates a provision in current law that limits benefits for facial disfigurement to only those who directly deal with the public as part of their job. This is a very harsh provision that should have been repealed long ago.

The bill gives certain health care professionals such as physician assistants and nurse practitioners greater ability to treat and certify disabled employees under FECA. This has been a particular concern for federal employees in rural areas and working in war zones where they do not have the access to medical doctors.

The waste of funds through fraud or abuse is neither in the interest of taxpayers nor of labor unions such as NTEU who advocate for legitimate FECA claimants. That is why I suggested to the committee that it include a provision allowing the matching of FECA claims with Social Security earnings information in order to detect fraud. NTEU thanks the committee members for the inclusion of this provision in the bill.

NTEU appreciates the bipartisan committee leadership in advancing this bill, and I thank you for your consideration of our views in this process.

Sincerely,

COLLEEN M. KELLEY,  
National President.

AMERICAN COLLEGE OF OCCUPA-  
TIONAL AND ENVIRONMENTAL MED-  
ICINE,

August 31, 2011.

Hon. JOHN KLINE,  
Chairman, Committee on Education and the  
Workforce, House of Representatives, Wash-  
ington, DC.

Hon. GEORGE MILLER,  
Ranking Member, Committee on Education and  
the Workforce, House of Representatives,  
Washington, DC.

DEAR SIR: I am writing on behalf of the American College of Occupational and Environmental Medicine (ACOEM) to express our support for H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act. Specifically, we support the provisions in the bill that update the Federal Employees Compensation Act (FECA) to allow for reimbursement of certain services provided by a physician assistant (PA) or nurse practitioner (NP).

ACOEM represents more than 4,500 physicians and other health care professionals specializing in the field of occupational and environmental medicine (OEM). ACOEM members are knowledgeable and capable of treating job-related injuries and diseases, recognizing and resolving workplace hazards, instituting rehabilitation methods, and providing well-managed care.

Physician assistants and nurse practitioners are health care professionals licensed to practice medicine with physician supervision and are an integral part of the occupational health team in the occupational medicine clinics. They work with the supervising physician to provide quality medical care to workers. While most private and public insurance plans recognize PAs and NPs as covered providers for purposes of reimbursement, FECA does not. Medical care provided by the PA or NP is not included in FECA's definition of "medical, surgical, and hospital services and supplies," and claims signed by a NP or PA are denied. Unnecessary restrictions on the ability of PAs and NPs to diagnose and treat injuries and diseases within the scope of their practice, as defined by state law, limits the ability of the occupational medicine clinic to provide access to care in a timely and efficient manner. Those instances where direct physician supervision may be necessary, such as a complex medical issue, can be addressed in the regulations to be prescribed by the Secretary of Labor.

Thank you for your consideration of our comments on H.R. 2465.

Sincerely,

T. WARNER HUDSON,  
President.

WORKERS' INJURY LAW  
AND ADVOCACY GROUP,  
July 20, 2011.

JOHN KLINE,  
Chairman, Committee on Education and the  
Workforce, House of Representatives, Wash-  
ington, DC.

GEORGE MILLER,  
Ranking Member, Committee on Education and  
the Workforce, House of Representatives,  
Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEMBER MILLER: The Workers' Injury Law and Advocacy Group (WILG) is writing in support of the enactment of H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act, a bill that will modernize and reform a federal program that has not been significantly updated in 40 years.

The bill would provide improved protection for federal workers by updating benefit levels and insuring the use of best practices in medical treatment, while at the same time, adopting proposals that will promote more efficient use of federal dollars.



We also support the committee's decision to defer action on more controversial measures until the GAO conduct-het a comprehensive review of those proposals.

We thank you again for your leadership on this issue and your efforts to protect the rights of injured federal employees.

Sincerely,

ANDREW J. REINHARDT,  
*President.*  
JENNIFER L. COMER,  
*Executive Director.*

NATIONAL ASSOCIATION OF  
LETTER CARRIERS,  
Washington, DC, November 22, 2011.

COMMITTEE ON EDUCATION AND THE WORK-  
FORCE,  
House of Representatives,  
Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEM-  
BER MILLER: I write on behalf of the nearly  
300,000 members of the National Association  
of Letter Carriers (NALC) to express our sup-  
port for the Federal Workers' Compensation  
Modernization and Improvement Act of 2011  
(H.R. 2465) as the House considers this bill in  
the coming weeks.

This bipartisan legislation makes several  
sensible benefit improvements to the Federal  
Employees' Compensation Act (FECA), while  
maintaining the basic benefits paid to em-  
ployees who suffer a debilitating injury or  
illness as a result of their public service. The  
bill would increase the amount payable for  
funeral expenses from \$800 to a more reason-  
able \$6,000. It also increases the maximum  
compensation to employees for serious dis-  
figurement of the head, neck or face to  
\$50,000 from a long-outdated \$3,500.

H.R. 2465 is a positive step towards fully  
addressing the many underlying issues with  
FECA. We would like to express our appre-  
ciation for your concern demonstrated to-  
wards federal and postal workers injured on  
the job in drafting this bill. Our organization  
urges the House to give speedy and favorable  
consideration to this bill, and is prepared to  
work with the committee on further com-  
mon-sense FECA reforms.

Sincerely,

FREDRIC V. ROLANDO,  
*President.*

The SPEAKER pro tempore. The  
question is on the motion offered by  
the gentleman from Michigan (Mr.  
WALBERG) that the House suspend the  
rules and pass the bill, H.R. 2465, as  
amended.

The question was taken; and (two-  
thirds being in the affirmative) the  
rules were suspended and the bill, as  
amended, was passed.

A motion to reconsider was laid on  
the table.

#### RECESS

The SPEAKER pro tempore. Pursuant  
to clause 12(a) of rule I, the Chair  
declares the House in recess until ap-  
proximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 3 min-  
utes p.m.), the House stood in recess  
until approximately 6:30 p.m.

□ 1830

#### AFTER RECESS

The recess having expired, the House  
was called to order by the Speaker pro  
tempore (Mr. CHAFFETZ) at 6 o'clock  
and 30 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant  
to clause 8 of rule XX, proceedings  
will resume on motions to suspend the  
rules previously postponed.

Votes will be taken in the following  
order:

H.R. 3012, de novo;  
H.R. 2192, by the yeas and nays;  
H.R. 1801, by the yeas and nays.

The first electronic vote will be con-  
ducted as a 15-minute vote. Remaining  
electronic votes will be conducted as 5-  
minute votes.

#### FAIRNESS FOR HIGH-SKILLED IMMIGRANTS ACT OF 2011

The SPEAKER pro tempore. The un-  
finished business is the question on  
suspending the rules and passing the  
bill (H.R. 3012) to amend the Immigra-  
tion and Nationality Act to eliminate  
the per-country numerical limitation  
for employment-based immigrants, to  
increase the per-country numerical  
limitation for family-sponsored immi-  
grants, and for other purposes, as  
amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The  
question is on the motion offered by  
the gentleman from Utah (Mr.  
CHAFFETZ) that the House suspend the  
rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the  
opinion of the Chair, two-thirds being  
in the affirmative, the ayes have it.

Mr. CAPUANO. Mr. Speaker, on that  
I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic de-  
vice, and there were—yeas 389, nays 15,  
not voting 29, as follows:

[Roll No. 860]

YEAS—389

Ackerman	Brady (PA)	Connolly (VA)	Fattah	Latta	Rogers (AL)
Adams	Brady (TX)	Conyers	Filner	Lee (CA)	Rogers (KY)
Aderholt	Cooper	Cooper	Fincher	Levin	Rogers (MI)
Akin	Brooks	Courtney	Fitzpatrick	Lewis (CA)	Rohrabacher
Alexander	Brown (FL)	Cravaack	Flake	Lewis (GA)	Rooney
Altmire	Buchanan	Crawford	Fleischmann	Lipinski	Ros-Lehtinen
Amash	Buchson	Crenshaw	Fleming	LoBiondo	Roskam
Amodei	Buehler	Critz	Flores	Loebsack	Ross (AR)
Andrews	Butterfield	Crowley	Forbes	Lofgren, Zoe	Ross (FL)
Austria	Cuellar	Cuellar	Fox	Long	Rothman (NJ)
Baca	Camp	Culberson	Frank (MA)	Lowey	Roybal-Allard
Bachus	Canseco	Cummings	Frelinghuysen	Lucas	Royce
Baldwin	Capito	Davis (CA)	Fudge	Luetkemeyer	Runyan
Barletta	Capps	Davis (IL)	Gallely	Lujan	Ryan (OH)
Barrow	Capuano	Davis (KY)	Garamendi	Lummis	Ryan (WI)
Bartlett	Cardoza	DeFazio	Gardner	Lungren, Daniel	Sánchez, Linda
Barton (TX)	Carnahan	DeGette	Garrett	E.	T.
Bass (CA)	Carney	DeLauro	Gerlach	Lynch	Sanchez, Loretta
Bass (NH)	Carson (IN)	Denham	Gibbs	Maloney	Sarbanes
Becerra	Cassidy	Dent	Gibson	Manzullo	Scalise
Benishek	Castor (FL)	Dicks	Gingrey (GA)	Marino	Schakowsky
Berg	Chabot	Dingell	Gohmert	Markey	Schiff
Berkley	Chaffetz	Doggett	Goodlatte	Matheson	Schmidt
Berman	Chandler	Dold	Gosar	Matsui	Schock
Biggart	Chu	Donnelly (IN)	Gowdy	McCarthy (CA)	Schrader
Bilbray	Cicilline	Doyle	Granger	McCarthy (NY)	Schwartz
Bilirakis	Clarke (MI)	Duffy	Graves (GA)	McCaul	Schweikert
Bishop (GA)	Clarke (NY)	Duncan (SC)	Graves (MO)	McClintock	Scott (SC)
Bishop (NY)	Clay	Edwards	Green, Al	McCollum	Scott (VA)
Bishop (UT)	Cleaver	Ellison	Green, Gene	McDermott	Scott, Austin
Black	Clyburn	Ellmers	Griffin (AR)	McGovern	Scott, David
Blumenauer	Coble	Emerson	Griffith (VA)	McHenry	Sensenbrenner
Bonner	Coffman (CO)	Engel	Grijalva	McKeon	Serrano
Boren	Cohen	Eshoo	Grimm	McKinley	Sessions
Boswell	Cole	Farenthold	Guinta	McMorris	Sewell
Boustany	Conaway	Farr	Guthrie	Rodgers	Sherman
			Hahn	McNerney	Shimkus
			Hall	Meehan	Shuler
			Hanabusa	Meeks	Shuster
			Hanna	Mica	Simpson
			Harper	Michaud	Sires
			Harris	Miller (MI)	Slaughter
			Hartzler	Miller (NC)	Smith (NE)
			Hastings (FL)	Miller, Gary	Smith (NJ)
			Hastings (WA)	Miller, George	Smith (TX)
			Hayworth	Moore	Smith (WA)
			Heck	Moran	Southerland
			Heinrich	Mulvaney	Speier
			Hensarling	Murphy (CT)	Stark
			Herger	Murphy (PA)	Stearns
			Herrera Beutler	Myrick	Stivers
			Higgins	Nadler	Stutzman
			Himes	Napolitano	Sullivan
			Hinojosa	Neal	Terry
			Hirono	Neugebauer	Thompson (CA)
			Hochul	Nugent	Thompson (MS)
			Holden	Nunes	Thompson (PA)
			Holt	Nunnelee	Thornberry
			Honda	Olson	Tiberi
			Hoyer	Olver	Tierney
			Huelskamp	Owens	Tipton
			Huizenga (MI)	Palazzo	Tonko
			Hultgren	Pallone	Towns
			Hurt	Pascarell	Tsongas
			Israel	Pastor (AZ)	Turner (NY)
			Issa	Paulsen	Turner (OH)
			Jackson (IL)	Payne	Upton
			Jackson Lee	Pearce	Van Hollen
			(TX)	Pelosi	Velázquez
			Jenkins	Perlmutter	Vislosky
			Johnson (GA)	Peters	Walberg
			Johnson (IL)	Peterson	Walden
			Johnson (OH)	Petri	Walsh (IL)
			Johnson, E. B.	Pingree (ME)	Walz (MN)
			Johnson, Sam	Pitts	Wasserman
			Jordan	Poe (TX)	Schultz
			Kaptur	Polis	Waters
			Keating	Pompeo	Watt
			Kelly	Price (GA)	Waxman
			Kildee	Price (NC)	Welch
			Kind	Quayle	West
			King (NY)	Quigley	Whitfield
			Kingston	Rahall	Wilson (FL)
			Kinzinger (IL)	Rangel	Wilson (SC)
			Kline	Reed	Wittman
			Kucinich	Rehberg	Wolf
			Labrador	Reichert	Womack
			Lamborn	Renacci	Reyes
			Lance	Ribble	Woodall
			Landry	Richardson	Woolsey
			Langevin	Richmond	Yarmuth
			Lankford	Rigell	Yoder
			Larsen (WA)	Rivera	Young (AK)
			Larson (CT)	Roby	Young (FL)
			Latham	Roe (TN)	Young (IN)
			LaTourette		