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 introduced 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" column and 25 in the "nay," but it was not acted upon by the Senate, unfortunately.

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 231,000 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 service members 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 need for continued efficient 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 more ways to screen passengers. We must look for ways to make traveling a more pleasant experience and a more profitable experience for the business men 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. Mr. Speaker, I yield close to close after the gentlewoman from California.

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 life. 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 yield 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 ayes have it.

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

The yeas and nays were ordered reported.

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”.

On November 29, 2011
SEC. 2. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE NURSES.

(a) DEFINITION OF MEDICAL SERVICES.—Section 8102(3) of title 5, United States Code, is amended—

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

(2) before the semicolon in 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:

“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(f) of title 5, United States Code, is amended by inserting before the period the following: “except that in a case of traumatic injury to 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 8112(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 March 3, 1979, for compensation under such Act, the Secretary of Labor may make a compensation determination on disfigurement 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 added in full to any other compensation payable under this schedule. The applicable maximum allowed 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 8118 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, as a condition of receiving any benefits under this subchapter, that a claimant for benefits under such benefits may be examined 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), (b)” and inserting “subsections (a) and (b)” ;

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

(4) by redesigning 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 (b) or otherwise, the United States shall authorize 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 had a loss of income due to traumatic injury in performance of duty in a zone of armed conflict (as determined by the Secretary of Labor under paragraph (3)), as long as the employee files a claim for such loss of income benefit with his immediate superior not later than 45 days following termination of assignment to such zone, and compensation under section 8102(b) of title 5, United States Code, is in effect for such injury.

“(2) CONTINUATION OF PAY.—Notwithstanding subsection (b), continuation of pay under this section shall be furnished for a period not to exceed 135 days following termination of assignment to the zone of armed conflict or return to the United States, whichever occurs later.

“(3) DETERMINATION OF ZONES OF ARMED CONFLICT.—For purposes of this subsection, the Secretary of Labor, in consultation with 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 BasicAuthorities Act of 1956 (22 U.S.C. 4902(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; or

“(C) a Federal statute or executive order has 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 civilians 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 8118(a) of title 5, United States Code, is amended—

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

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

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8112 of title 5, United States Code, is amended—

(1) by inserting “continuation of pay or” before “compensation” ; and

(2) by striking “on 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 8141 of title 5, United States Code, is amended—

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

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

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

“(e) 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 employee or otherwise, the maximum compensation for funeral expenses payable under this subsection shall be increased 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 8117 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 “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 the reference to the latest statement entitled “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 gentleman from New Jersey (Mr. FOOTE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.
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 injury or illness. 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.

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 their injuries 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 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 disfigurement, 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 warranty from 135 to 180 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 check 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 GAO, 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 KLING, 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 do going forward, we have to make sure 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 make 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 bill’s 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 Homeland Security’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. They could mean unemploying 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 killed in the line of duty. Representa-
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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 whether they work for the government.

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 or the important role of PAs in occupational medicine, please do not hesitate to contact Sandy Harding, AAPA Senior Director of Federal Advocacy, at 301-338-9838 or sharding@aapa.org.

Sincerely,

Robert L. Wooten, PA-C,
President.
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 proposal carefully. In our opinion, it facilitates program integrity without undercutting benefits for workers while still ensuring the modernization of program benefits. H.R. 2465 is far superior 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 removing the requirement to assign meaningless work to 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 improvements could compensate injuries 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 existing case 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 $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 removing the requirement to assign meaningless work 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 (rodrigaj@afge.org) in our Field Services Department or Alan Kadrofske (kadrofske@afge.org) in our Legislative & Political Department.

Sincerely,

Beth Moten
Legislative and Political Director.

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 are injured on-the-job during 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 provisions 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 and the Workforce, Government Accountability Office, Washington, D.C.; Mr. Gary Steinberg, Acting Director, Office of Workers’ Compensation Programs, U.S. Department of Labor, Washington, D.C.; Mr. Alan Kadrofske, Director, Office of Workers’ Compensation Programs, U.S. Department of Labor, Washington, D.C.; Mr. 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 on behalf of the American Federation of Government Employees, AFL-CIO, and the American Federation of Government Employees, AFL-CIO, and the National Active and Retired Federal Employees Association (NARFE).

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 privileges 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 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 assess 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 and the ‘‘recovery conflicts’’ were determined to be permanently impaired and thus unable to return to work.’’ The May 12 hearing showed that DOL’s reforms could have unforeseen 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 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.

Section 2. Physician Assistants and Advanced Practice Nurses.

Section 2 amends FECA §§8101(3) (definition of ‘‘medical services’’) 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 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 eligibility for benefits and the probable extent of disability during the 45-day continuation of pay period covered by section 8118, in a manner consistent with regulation prescribed by the Secretary of Labor.

Expanding services provided by physician assistants and advanced practice nurses improves 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 certified. This would permit the Secretary of Labor to expand the number of providers eligible to provide certification of injury and the probable extent of disability for traumatic injuries with respect to FECA claimants. The amendment would enable DOL to reduce administrative expenses on a pro rata basis, particularly for those administering the FECA claimants program. This will conserve scarce DOL resources by avoiding the need to recover payments to the claimant and provide to SSA individual consent forms. Ultimately, Section 5 will increase the ability of DOL to detect unreported earnings information by virtue of and as part of his or her application for FECA benefits. This will preserve scarce DOL resources by avoiding the need to recover payments to the claimant and provide to SSA individual consent forms.

Section 5. Social Security Earnings Information.

Section 5 amends FECA §8118 (continuation of pay) to increase the amount payable for funeral expenses for deaths occurring on or after the date of enactment. DOL currently charges non-appropriated fund beneficiaries for pro rata share of administrative expenses to be included in agencies’ annual chargeback. Currently, DOL charges non-appropriated fund beneficiaries, such as the 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 an ‘‘employee’’) to make clear that the term ‘‘employees’’ included within the provisions of the Federal Employees 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-
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November 29, 2011

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 by events that were not part of their 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 support the relatives $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 Office of Congressional Budget 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.

Members of Congress must be assured 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, College of Occupational and Environmental Medicine, the National Association of Letter Carriers, and the Workers’ Injury Law and Advocacy Group.
DEAR MR. CHAIRMAN AND RANKING MEMBER MILLER: I am writing on behalf of the 26,000 members of the National Treasury Employees Union (NTEU), the federal employee labor union representing federal workers in 31 different agencies, is pleased to express our support for H.R. 2465, the Federal Workers’ Compensation Modernization and Improvement Act. For years, we have been working 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 in the extended COP provision of this bill.

On behalf of the membership of the Federal Law Enforcement Officers Association (FLEOA), to express our support for H.R. 2465, the ‘Federal Workers’ Compensation Modernization and Improvement Act.’

Dear Clerk of the House:

On behalf of the membership of the Federal Law Enforcement Officers Association (FLEOA), to express our support for H.R. 2465, the ‘Federal Workers’ Compensation Modernization and Improvement Act.’

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

Hon. John Kline, Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

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

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

Hon. John P. Kline, Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

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

Committee leadership in advancing this bill, and thank you for your efforts on this important legislation and for taking the steps to bring these overdue reforms to FECA. Our organization is ready to work diligently with the Committee on further common sense reforms and to include federal law enforcement officers 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 Kline, Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

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

Dear Clerk of the House:

On behalf of the membership 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 many 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 services 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 is necessary, such as a case of a catastrophic 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 30, 2011.

John Kline
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

George Miller
Ranking Member, Committee on Education and the Workforce, House of Representatives, Washington, DC.

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

Hon. John Kline, Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

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

The National Treasury Employees Union (NTEU), which represents 150,000 federal employees in 31 different agencies, is pleased to express our support for H.R. 2465, a bipartisan bill to modernize and reform the Federal Employees Compensation Act (FECA). This program provides federal employees with workers’ compensation coverage for injuries and illnesses sustained while performing their duties.

This amount also has not been increased since 1949 and like funeral expenses, the bill would 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 has 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 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 claims. 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 prevent 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 OCCUPATIONAL AND ENVIRONMENTAL MEDICINE, August 31, 2011.

John Kline
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

George Miller
Ranking Member, Committee on Education and the Workforce, House of Representatives, Washington, DC.

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, and at the same time, adopting proposals that will promote more efficient use of federal dollars.
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. 2152, by the yeas and nays; H.R. 1801, by the yeas and nays.

The first electronic vote will be conducted 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 unfinished business is the question on suspending the rules and passing the bill (H.R. 3012) to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, 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; and (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 device, and there were—yeas 289, nays 15, not voting 29, as follows:

[Roll No. 860]

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<td>Ackerman</td>
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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.