

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 8822  
OFFERED BY MR. MACKENZIE OF PENNSYLVANIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Federal Workers’ Com-  
3 pensionation Integrity and Care Act”.

**4 SEC. 2. DATA ACCESS.**

5       (a) IN GENERAL.—Subchapter I of chapter 81 of title  
6 5, United States Code, is amended by adding at the end  
7 the following:

**8 “§ 8153. Data access**

9       “(a) DEFINITIONS.—In this section:

10           “(1) FECA PROGRAM.—The term ‘FECA pro-  
11 gram’ means the program that administers the com-  
12 pensation, benefits, and services under this sub-  
13 chapter.

14           “(2) IMPROPER PAYMENT.—The term ‘im-  
15 proper payment’ has the meaning given that term in  
16 section 3351 of title 31, United States Code.

17           “(3) SECRETARY.—The term ‘Secretary’ means  
18 the Secretary of Labor.

1           “(b) IMPROVEMENTS TO ACCESS OF FEDERAL DATA-  
2 BASES.—

3           “(1) IN GENERAL.—To improve compliance  
4 with the requirements under, and the integrity of,  
5 the FECA program, and to detect and prevent im-  
6 proper payments under such program, upon receiv-  
7 ing a written request from the Secretary of Labor  
8 with respect to one or more employees, and in ac-  
9 cordance with paragraph (2)—

10           “(A) the Commissioner of Social Security  
11 shall make available to the Secretary—

12           “(i) earnings information of the em-  
13 ployee or employees; and

14           “(ii) information on monthly benefit  
15 payments under title II of the Social Secu-  
16 rity Act (42 U.S.C. 401 et seq.) received  
17 by the employee or employees; and

18           “(B) the Secretary of Health and Human  
19 Services shall make available to the Secretary of  
20 Labor the information in the National Direc-  
21 tory of New Hires with respect to the employee  
22 or employees.

23           “(2) PROVISION OF INFORMATION.—

24           “(A) IN GENERAL.—Information requested  
25 by the Secretary under this section—

1 “(i) may be so requested without au-  
2 thORIZATION from, or notice to, the employee  
3 with respect to whom such information  
4 pertains; and

5 “(ii) shall be provided—

6 “(I) in a timely manner;

7 “(II) at no cost to the Secretary;

8 and

9 “(III) in accordance with the  
10 manner, frequency, and form specified  
11 in the applicable memorandum of un-  
12 derstanding entered into under sub-  
13 paragraph (B).

14 “(B) MEMORANDUM OF UNDER-  
15 STANDING.—Not later than 90 days after the  
16 date of enactment of the Federal Workers’  
17 Compensation Integrity and Care Act, the Sec-  
18 retary shall enter into a memorandum of under-  
19 standing—

20 “(i) with the Commissioner of Social  
21 Security that shall specify the manner, fre-  
22 quency, and form in which the information  
23 requested pursuant to paragraph (1)(A)  
24 shall be provided to the Secretary; and

1                   “(ii) with the Secretary of Health and  
2                   Human Services that shall specify the  
3                   manner, frequency, and form in which the  
4                   information requested pursuant to para-  
5                   graph (1)(B) shall be provided to the Sec-  
6                   retary of Labor.

7                   “(3) PROCEDURES.—Not later than 90 days  
8                   after the date of enactment of the Federal Workers’  
9                   Compensation Integrity and Care Act, the Secretary  
10                  shall establish procedures for correlating the identity  
11                  and employment status of a recipient of compensa-  
12                  tion, benefits, or services under this subchapter with  
13                  the information of such recipient obtained under this  
14                  section.”.

15                  (b) TECHNICAL AND CONFORMING AMENDMENT.—  
16                  The table of sections for chapter 81 of title 5, United  
17                  States Code, is amended by inserting after the item relat-  
18                  ing to section 8152 the following:

                  “§ 8153. Data access.”.

19                  (c) APPLICATION.—The amendments made by this  
20                  section shall apply with respect to payments made under  
21                  subchapter I of chapter 81 of title 5, United States Code,  
22                  on or after the date of enactment of this Act.

