

October 19, 2021

The Honorable Bobby Scott
Chairman
Committee on Education and Labor
U.S. House of Representatives
Washington, DC 20515

The Honorable Virginia Foxx
Ranking Member
Committee on Education and Labor
U.S. House of Representatives
Washington, DC 20515

The Honorable Patty Murray
Chair, Senate Committee on Health,
Education, Labor, and Pensions
428 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Richard Burr
Ranking Member, Senate Committee
on Health, Education, Labor, and
Pensions
428 Dirksen Senate Office Building
Washington, DC 20510

Dear Chair Murray, Ranking Member Burr, Chairman Scott, and Ranking Member Foxx:

We are writing to express opposition to the inclusion of state workers' compensation monitoring in the concurrent resolution on the budget for fiscal year 2022, S. Con Res 14. This provision was included in the language reported by the House Committee on Education and Labor to authorize funding for the Office of Workers' Compensation Programs for monitoring of State workers' compensation programs. The Office of Workers' Compensation is responsible for oversight of federal workers' compensation programs but is not responsible for monitoring state workers' compensation programs.

State workers' compensation programs were established beginning more than 100 years ago under state constitutions and legislation independent from federal programs.

State programs are continually monitored by an array of regulatory agencies at the state level and reviewed by many research and ratings bureaus, including the National Association of Insurance Commissioners (NAIC), the International Association of Industrial Accident Boards and Commissions (IAIABC), the National Council on Compensation Insurance (NCCI), the National Academy of Social Insurance (NASI), the Workers Compensation Research Institute (WCRI), the National Foundation for Unemployment Compensation and Workers' Compensation, the California Workers' Compensation Institute (CWCI), and many state insurance agencies, ratings bureaus and state workers' compensation agencies.

Points for review by the parliamentarian in applying the Byrd Rule include:

- This provision is a significant policy change for the federal Office of Workers' Compensation Programs.
- There is a small federal budget effect, but the effect is incidental to the policy change.
- The cost incurred by employers and workers' compensation plans as a result of the policy change has not been projected by CBO.
- The amount of funding for new monitoring responsibilities is not specified and the new monitoring responsibility would increase the federal deficit in years after the ten-year budget period.

For the reasons set forth above, we oppose the enactment of language that would add a responsibility to the federal Office of Workers' Compensation Programs to monitor state workers' compensation programs.

Sincerely,

Alabama Associated General Contractors
Alabama Associated General Contractors Self-Insurance Fund
Business Council of Alabama
Alabama Retail Association
Alabama Self-Insured Workers' Compensation Fund
Automobile Dealers Association of Alabama Workers' Compensation Self-Insurance Fund.
Home Builders Association of Alabama
Arkansas State Chamber of Commerce
The Associated Industries of Arkansas, Inc.
Associated General Contractors
Associated Industries of Florida
Builders Association of Western Nevada Self Insured Group
California Retailers Association
California Self-Insurers Association (CSIA)
Cast and Crew
Colorado Chamber of Commerce
Electric Insurance Company
The Florida Association of Professional Employer Organizations
Georgia Association of Manufacturers
Illinois Chamber of Commerce
Illinois Manufacturers' Association
Illinois Retail Merchants Association

Indiana Chamber of Commerce
Indiana Manufacturers Association
Iowa Association of Business and Industry
The Kansas Chamber
Kelly Services
Kentucky Chamber of Commerce
Kentucky Retail Federation
Louisiana Association of Business and Industry
Louisiana Association of Self Insured Employers
Louisiana Retailers Association
Retail Association of Maine
Maryland Retailers Association
Associated Industries of Massachusetts
Retailers Association of Massachusetts
Massachusetts Retail Merchants Workers Compensation Group
The Matrix Companies
Michigan Chamber of Commerce
Michigan Retailers Association
Michigan Self Insurers Association
Associated Industries of Missouri
National Association of Professional Employer Organizations
National Association of Professional Insurance Agents
National Association of Waterfront Employers
National Council of Agricultural Employers
National Council of Self Insurers
National Federation of Independent Business (NFIB)
The National Payroll Reporting Consortium (NPRC)
Nebraska Retail Federation
Nebraskan's for Workers' Compensation Equity and Fairness
Retail Association of Nevada
Nevada Agricultural Self Insured Group
Nevada Auto Network Self Insured Group
Nevada Builders Alliance
Nevada Farm Bureau
Nevada Franchised Auto Dealers Association
Nevada Retail Network Self Insured Group
Nevada Self Insured Association
Nevada Transportation Network Self Insured Group
Nevada Trucking Association
New Hampshire Grocers Association
New Hampshire Retail Association
New Jersey Chamber of Commerce

New Mexico Retail Association
North Carolina Home Builders Association
North Carolina Retail Merchants Association
Employers Coalition of North Carolina
Catapult Employers Association (NC)
Business Council of New York State
Retail Council of New York State
Greater North Dakota Chamber
Ohio Chamber of Commerce
Ohio Manufacturers' Association
Ohio Council of Retail Merchants
Ohio Self Insured Association
State Chamber of Oklahoma
Oregon Business & Industry
Pennsylvania Chamber of Business and Industry
Safelite Group, Inc.
Self-Insurance Institute of America (SIIA)
South Carolina Retail Association
Southwestern Ohio Self Insurers Association
Staffmark Group LLC
United Dairy Farmers
UWC – Strategic Services on Unemployment
& Workers' Compensation
Vermont Retail & Grocers Association
Virginia Chamber of Commerce
Washington Retail Association
Washington Food Industry Association
Washington Self Insurers Association
West Virginia Chamber of Commerce
Wisconsin Manufacturers and Commerce