

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