

[DISCUSSION DRAFT]

111TH CONGRESS
2^D SESSION

H. R. _____

To amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to establish the Advisory Board on Toxic Substances and Worker Health for the contractor employee compensation program under subtitle E of such Act.

IN THE HOUSE OF REPRESENTATIVES

Mr. WHITFIELD introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to establish the Advisory Board on Toxic Substances and Worker Health for the contractor employee compensation program under subtitle E of such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “EEOICPA Amend-
5 ment Act of 2010”.

1 **SEC. 2. ESTABLISHMENT OF THE ADVISORY BOARD ON**
2 **TOXIC SUBSTANCES AND WORKER HEALTH.**

3 (a) ADVISORY BOARD ON TOXIC SUBSTANCES AND
4 WORKER HEALTH.—Subtitle E of the Energy Employees
5 Occupational Illness Compensation Program Act of 2000
6 (42 U.S.C. 7385 et seq.) is amended by adding at the end
7 the following new section:

8 **“SEC. 3687. ADVISORY BOARD ON TOXIC SUBSTANCES AND**
9 **WORKER HEALTH.**

10 “(a) ESTABLISHMENT.—

11 “(1) IN GENERAL.—Not later than 120 days
12 after the date of the enactment of this section, the
13 President shall establish and appoint an Advisory
14 Board on Toxic Substances and Worker Health (in
15 this section referred to as the ‘Board’).

16 “(2) CONSULTATION ON APPOINTMENTS.—The
17 President shall make appointments to the Board in
18 consultation with organizations with expertise on
19 worker health issues in order to ensure that the
20 membership of the Board reflects a balance of per-
21 spectives from the scientific, medical, legal, worker,
22 and worker advocate communities.

23 “(3) CHAIR.—The President shall designate a
24 Chair for the Board from among its members.

25 “(b) DUTIES.—The Board shall—

1 “(1) advise the Secretary, the Secretary of En-
2 ergy, and the Secretary of Health and Human Serv-
3 ices concerning the review and approval of the site
4 exposure matrix used to determine eligibility for
5 compensation under this subtitle for illnesses result-
6 ing from exposure to toxic substances;

7 “(2) periodically review and approve guidance
8 provided to claims examiners on weighing medical
9 evidence under this subtitle;

10 “(3) review reports by consulting physicians to
11 ensure quality, objectivity, and consistency; and

12 “(4) coordinate exchanges of data and findings
13 with the Advisory Board on Radiation and Worker
14 Health to the extent necessary.

15 “(c) STAFF.—

16 “(1) IN GENERAL.—The Secretary shall appoint
17 a staff to facilitate the work of the Board. The staff
18 shall be headed by a Director who shall be appointed
19 under subchapter VIII of chapter 33 of title 5,
20 United States Code.

21 “(2) FEDERAL AGENCY PERSONNEL.—The Sec-
22 retary may accept as staff of the Board personnel on
23 detail from other Federal agencies as necessary to
24 enable the Board to carry out its duties under this

1 section. The detail of personnel under this para-
2 graph may be on a nonreimbursable basis.

3 “(3) CONTRACTORS.—The Secretary may em-
4 ploy outside contractors, consultants, and experts to
5 support the work of the Board.

6 “(d) EXPENSES.—Members of the Board, other than
7 full-time employees of the United States, while attending
8 meetings of the Board or while otherwise serving at the
9 request of the President, while serving away from their
10 homes or regular places of business, shall be allowed travel
11 and meal expenses, including per diem in lieu of subsist-
12 ence, in accordance with applicable provisions under sub-
13 chapter I of chapter 57 of title 5, United States Code.

14 “(e) SECURITY CLEARANCES.—

15 “(1) APPLICATION.—The Secretary of Energy
16 shall ensure that the members and staff of the
17 Board, and the contractors performing work in sup-
18 port of the Board, are afforded the opportunity to
19 apply for a security clearance for any matter for
20 which such a clearance is appropriate.

21 “(2) DETERMINATION.—The Secretary of En-
22 ergy should, not later than 180 days after receiving
23 a completed application for a security clearance
24 under this subsection, make a determination whether

1 or not the individual concerned is eligible for the
2 clearance.

3 “(3) REPORT.—For fiscal year 2012 and each
4 fiscal year thereafter, the Secretary of Energy shall
5 include in the budget justification materials sub-
6 mitted to Congress in support of the Department of
7 Energy budget for that fiscal year (as submitted
8 with the budget of the President under section
9 1105(a) of title 31, United States Code) a report
10 specifying the number of applications for security
11 clearances under this subsection, the number of such
12 applications granted, and the number of such appli-
13 cations denied.

14 “(f) INFORMATION.—The Secretary of Energy shall,
15 in accordance with law, provide to the Board and the con-
16 tractors of the Board access to any information that the
17 Board considers relevant to carry out its responsibilities
18 under this section, including information such as Re-
19 stricted Data (as defined in section 11(y) of the Atomic
20 Energy Act of 1954 (42 U.S.C. 2014(y))) and information
21 covered by the Privacy Act.”.

22 (b) OMBUDSMAN REPORT.—Section 3686 of such Act
23 (42 U.S.C. 7385s-15) is amended—

24 (1) by redesignating subsection (h) as sub-
25 section (i); and

1 (2) by inserting after subsection (g) the fol-
2 lowing:

3 “(h) RESPONSE TO REPORT.—

4 “(1) TIMING.—Not later than 90 days after the
5 publication of the annual report under subsection
6 (e), the Secretary shall submit to Congress a written
7 response to the report.

8 “(2) CONTENTS OF RESPONSE.—

9 “(A) AGREEMENT.—If the Secretary
10 agrees with a finding of the Ombudsman in the
11 report, the Secretary shall include in the re-
12 sponse proposed actions to address any issues
13 raised by the finding.

14 “(B) DISAGREEMENT.—If the Secretary
15 disagrees with a finding of the Ombudsman in
16 the report, the Secretary shall include in the re-
17 sponse the reasons of disagreement with the
18 finding.

19 “(3) PUBLICATION.—The Secretary shall post
20 the response on the public Internet site of the De-
21 partment of Labor.”.