

113TH CONGRESS
1ST SESSION

H. R. 2905

To amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to strengthen the quality control measures in place for part B lung disease claims and 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

AUGUST 1, 2013

Mr. WHITFIELD (for himself, Mr. POLIS, Mr. PERLMUTTER, Mr. BEN RAY LUJÁN of New Mexico, Ms. DEGETTE, Mr. LOEBSACK, Ms. KAPTUR, Ms. BROWNLEY of California, Mr. YOUNG of Florida, Mr. PIERLUISI, and Mr. HONDA) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to strengthen the quality control measures in place for part B lung disease claims and 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Nuclear Workers
3 Health Advisory Board Act”.

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

6 (a) ADVISORY BOARD ON TOXIC SUBSTANCES AND
7 WORKER HEALTH.—Subtitle B of the Energy Employees
8 Occupational Illness Compensation Program Act of 2000
9 (42 U.S.C. 7384l et seq.) is amended by adding at the
10 end the following:

11 **“SEC. 3632. ADVISORY BOARD ON TOXIC SUBSTANCES AND**
12 **WORKER HEALTH.**

13 “(a) ESTABLISHMENT.—

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

19 “(2) CONSULTATION ON APPOINTMENTS.—The
20 President shall make appointments to the Board in
21 consultation with organizations with expertise on
22 worker health issues in order to ensure that the
23 membership of the Board reflects a proper balance
24 of perspectives from the scientific, medical, legal,
25 worker, worker families, and worker advocate com-
26 munities.

1 “(3) CHAIRPERSON.—The President shall des-
2 ignate a Chair of the Board from among its mem-
3 bers.

4 “(b) DUTIES.—The Board shall—

5 “(1) advise the President concerning the review
6 and approval of the Department of Labor site expo-
7 sure matrix;

8 “(2) conduct periodic peer reviews of, and ap-
9 prove, medical guidance for part E claims examiners
10 with respect to the weighing of a claimant’s medical
11 evidence;

12 “(3) obtain periodic expert review of evidentiary
13 requirements for part B claims related to lung dis-
14 ease regardless of approval;

15 “(4) provide oversight over industrial hygien-
16 ists, Department of Labor staff physicians, and De-
17 partment of Labor’s consulting physicians and their
18 reports to ensure quality, objectivity, and consist-
19 ency; and

20 “(5) coordinate exchanges of data and findings
21 with the Advisory Board on Radiation and Worker
22 Health to the extent necessary (under section 3624).

23 “(c) STAFF AND POWERS.—

24 “(1) IN GENERAL.—The President shall ap-
25 point a staff to facilitate the work of the Board. The

1 staff of the Board shall be headed by a Director who
2 shall be appointed under subchapter VIII of chapter
3 33 of title 5, United States Code.

4 “(2) FEDERAL AGENCY PERSONNEL.—The
5 President may authorize the detail of employees of
6 Federal agencies to the Board as necessary to enable
7 the Board to carry out its duties under this section.
8 The detail of such personnel may be on a non-reim-
9 bursable basis.

10 “(3) POWERS.—The Board shall have same
11 powers that the Advisory Board has under section
12 3624.

13 “(4) CONTRACTORS.—The Secretary shall em-
14 ploy outside contractors and specialists selected by
15 the Board to support the work of the Board.

16 “(d) EXPENSES.—Members of the Board, other than
17 full-time employees of the United States, while attending
18 meetings of the Board or while otherwise serving at the
19 request of the President, and while serving away from
20 their homes or regular place of business, shall be allowed
21 travel and meal expenses, including per diem in lieu of
22 subsistence (as authorized by section 5703 of title 5,
23 United States Code) for individuals in the Federal Govern-
24 ment serving without pay.

25 “(e) SECURITY CLEARANCES.—

1 “(1) APPLICATION.—The Secretary of Energy
2 shall ensure that the members and staff of the
3 Board, and the contractors performing work in sup-
4 port of the Board, are afforded the opportunity to
5 apply for a security clearance for any matter for
6 which such a clearance is appropriate.

7 “(2) DETERMINATION.—The Secretary of En-
8 ergy should, not later than 180 days after receiving
9 a completed application for a security clearance
10 under this subsection, make a determination whether
11 or not the individual concerned is eligible for the
12 clearance.

13 “(3) REPORT.—For fiscal year 2015, and each
14 fiscal year thereafter, the Secretary of Energy shall
15 include in the budget justification materials sub-
16 mitted to Congress in support of the Department of
17 Energy budget for that fiscal year (as submitted
18 with the budget of the President under section
19 1105(a) of title 31, United States Code) a report
20 specifying the number of applications for security
21 clearances under this subsection, the number of such
22 applications granted, and the number of such appli-
23 cations denied.

24 “(f) INFORMATION.—The Secretary of Energy shall,
25 in accordance with law, provide to the Board and the con-

1 tractors of the Board, access to any information that the
 2 Board considers relevant to carry out its responsibilities
 3 under this section, including information such as re-
 4 stricted data (as defined in section 11(y) of the Atomic
 5 Energy Act of 1954 (42 U.S.C. 2014(y))) and information
 6 covered by the Privacy Act.”.

7 (b) DEPARTMENT OF LABOR RESPONSE TO THE OF-
 8 FICE OF THE OMBUDSMAN ANNUAL REPORT.—Section
 9 3686 of the Energy Employees Occupational Illness Com-
 10 pensation Program Act of 2000 (42 U.S.C. 7385s–15) is
 11 amended—

12 (1) in subsection (e)(1), by striking “February
 13 15” and inserting “July 30”; and

14 (2) by striking subsection (h) and inserting the
 15 following:

16 “(h) RESPONSE TO REPORT.—Not later than 180
 17 days after the publication of the annual report under sub-
 18 section (e), the Department of Labor shall submit an an-
 19 swer in writing on whether the Department agrees or dis-
 20 agrees with the specific issues raised by the Ombudsman,
 21 if the Department agrees, on the actions to be taken to
 22 correct the problems identified by the Ombudsman, and
 23 if the Department does not agree, on the reasons there-

- 1 fore. The Department of Labor shall post such answer on
- 2 the public Internet website of the Department.”.

