

EMPLOYMENT STANDARDS ADMINISTRATION
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM ACT

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

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ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

APPROPRIATION LANGUAGE (Including Transfer of Funds)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, [\$104,745,000] \$49,654,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Program Act, including within the Department of Labor, such sums as may be necessary in fiscal year [2008] 2009 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed[: Provided further, That not later than 30 days after enactment of this Act, in addition to other sums transferred by the Secretary to the National Institute for Occupational Safety and Health (“NIOSH”) for the administration of the Energy Employees Occupational Illness Compensation Program (“EEOICP”), the Secretary shall transfer \$4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund, for use by or in support of the Advisory Board on Radiation and Worker Health (“the Board”) to carry out its statutory responsibilities under the EEOICP, including obtaining audits, technical assistance and other support from the Board’s audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports]. (Department of Labor Appropriations Act, 2008.)

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EXPLANATION OF LANGUAGE CHANGE

The proposed funding eliminates the National Institute for Occupational Safety and Health's (NIOSH) funding from the Department of Labor's (DOL) appropriation from the Energy Employees Occupational Illness Compensation (42 U.S.C. 7384e). Funding for NIOSH dose reconstruction activities for FY 2009 is included in the appropriation for the Department of Health and Human Services' (HHS) Centers for Disease Control and Prevention. The direct appropriation of funds to HHS/NIOSH provides for efficient and effective financial and performance management and improved fiscal reporting and accountability.

As the 2008 Conference Report (House Report 110-424) directed, the funding for the Advisory Board on Radiation and Worker Health is deemed included in the appropriation for NIOSH.

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ANALYSIS OF APPROPRIATION LANGUAGE

In fiscal year 2009 and thereafter, it is requested that the National Institute for Occupational Safety and Health's (NIOSH) funding be appropriated directly to the Department of Health and Human Services' (HHS) account to carry out its statutory responsibilities under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) (42 U.S.C. 7384n-q).

The appropriation amount does not include funding of NIOSH's dose reconstruction activities. Funds for NIOSH activities are included in the HHS appropriation. This change increases the fiscal and management integrity of the NIOSH EEOICPA program.

[*Provided further:* That not later than 30 days after enactment of this Act, in addition to other sums transferred by the Secretary to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICP"), the Secretary shall transfer \$4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities under the EEOICPA (42 U.S.C. 7384n-q), including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.]

This language pertaining to the Advisory Board on Radiation and Worker Health (Board) is deleted from the DOL appropriation. NIOSH including related Board funding are addressed in the HHS appropriation.

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AMOUNTS AVAILABLE for OBLIGATION						
(Dollars in Thousands)						
	FY 2007 Comparable		FY 2008 Estimate		FY 2009 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	0	0	0	0	0	0
DOL Administrative Expenses (Part B)	299	49,971	305	49,387	305	49,654
HHS/NIOSH Administrative Expenses	0	52,336	0	55,358	0	0
Total Appropriation	299	102,307	305	104,745	305	49,654
Other Supplementals and Rescissions	0	0	0	0	0	0
Appropriation, Revised	299	102,307	305	104,745	305	49,654
A.1) Subtotal Appropriation	299	102,307	305	104,745	305	49,654
DOL Administrative Expenses (Part E) (Indefinite Authority)	209	56,659	293	56,885	293	58,524
Unobligated balance available start-of year (Part B)	0	6,934	0	504	0	0
Unobligated balance available start-of year (Part E)	0	8,872	0	2,287	0	0
Offsetting Collections from Reimbursements (Part B)	0	0	0	0	0	0
A.2) Subtotal	209	72,465	293	59,676	293	58,524
B. Gross Budget Authority	508	174,772	598	164,421	598	108,178
Unobligated balance available start-of year (Part B)	0	-6,934	0	-504	0	0
Unobligated balance available start-of year (Part E)	0	-8,872	0	-2,287	0	0
DOL Administrative Expenses (Part E) (Indefinite Authority)	-209	-56,659	-293	-56,885	-293	-58,524
Offsetting Collections from Reimbursements (Part B)	0	0	0	0	0	0
B.1) Subtotal	-209	-72,465	-293	-59,676	-293	-58,524
C. Budget Authority	299	102,307	305	104,745	305	49,654
Before Committee	0	0	0	0	0	0
Unobligated balance available start-of year (Part B)	0	6,934	0	504	0	0
Unobligated balance available start-of year (Part E)	0	8,872	0	2,287	0	0
Unobligated balance available end-of year (Part B)	0	504	0	0	0	0
Unobligated balance available end-of year (Part E)	0	2,287	0	0	0	0
DOL Administrative Expenses (Part E) (Indefinite Authority)	209	56,659	293	56,885	293	58,524
Offsetting Collections from Reimbursements (Part B)	0	0	0	0	0	0
C.1) Subtotal	209	75,256	293	59,676	293	58,524
D. Total Budgetary Resources (Appropriated and Indefinite)	508	177,563	598	164,421	598	108,178
Recovery of Prior Year Balances	0	0	0	0	0	0
E. Total, Estimated Obligations	0	177,563	0	164,421	0	108,178

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Summary of Changes

(Dollars in Thousands)

	FY 2008 Request	FY 2009 Agency Request	Net Change	
Budget Authority				
General Funds Administrative Accounts				
a) Department of Labor (DOL)	\$49,387	\$49,654		\$267
b) Department of Health and Human Services	<u>55,358</u>	<u>0</u>		<u>-55,358</u>
Total	\$104,745	\$49,654		-\$55,091
Full –Time Equivalent:				
Administrative Expenses (DOL)	305	305		0
Explanation of Change:				
	FY 2008 Base		FY 2009 Change	
	FTE	Amount	FTE	Amount
Increases:				
A. Built-In:				
To provide for:				
Costs of pay adjustments	305	24,257		\$653
Personnel Benefits		3,194		90
Employee health benefits		1,583		43
Federal Employees Compensation Act (FECA)		172		-22
Travel		300		0
Transportation of Things		25		0
GSA Space Rental		2,765		0
All Other Rental		63		0
Communications, utilities, miscellaneous charges		435		-61
Printing and Reproduction		102		0
Other Services		4,791		0
Purchase of goods and services from other Government accounts		5,814		676
Operation and Maintenance of Equipment		5,467		-703
Supplies and Materials		143		0
Equipment		276		0
Subtotal	305	49,387	0	676
B. Program:				
Program Subtotal	0	0	0	0
Total, Increases	305	49,387	0	676
Decreases:				
A. Finance Change:				
Transfer full funding to HHS for NIOSH		55,358		-55,358
Reduction due to non-compensation expenditures	0	0	0	-409
Program Subtotal	0	55,358	0	-55,767
Total Decreases	0	0	0	-55,767
Total Changes	305	\$104,745	0	-55,091

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SUMMARY BUDGET AUTHORITY and FTE by ACTIVITY

(Dollars in Thousands)

	FY 2007 Comparable		FY 2008 Estimate		FY 2009 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
Budget Authority Applied to Administrative Expenses Account						
Administrative Expenses						
Energy Employees Occupational Illness Compensation						
Part B						
Department of Labor	299	\$49,971	305	\$49,387	305	\$49,654
Department of Health and Human Services	0	\$52,336	0	\$55,358	0	0
Total Part B	299	\$102,307	305	\$104,745	305	\$49,654
Part E	209	\$56,659	293	\$56,885	293	\$58,524
Total Budget Authority	508	\$158,966	598	\$161,630	598	\$108,178

NOTE: FY 2007 reflects actual FTE.

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BUDGET AUTHORITY by OBJECT CLASS – PART B (Dollars in Thousands)

		FY 2007 Comparable	FY 2008 Estimate	FY 2009 Request	FY 09 Request/FY 08 Estimate
Total Number of Full-Time Permanent Positions		299	305	305	0
Full-Time Equivalent		299	305	305	0
Full-Time Permanent		299	305	305	0
Other		0	0	0	0
Reimbursable		0	0	0	0
Total		299	305	305	0
Average ES Salary		\$157,125	\$160,633	\$164,601	3,968
Average GM/GS Grade		12.2	12.5	12.7	0.2
Average GM/GS Salary		\$67,216	\$73,720	\$80,123	6,403
Average Salary of Ungraded Positions					
11.1	Full-Time Permanent	\$22,395	\$23,946	\$24,590	644
11.3	Other than full-time permanent				0
11.5	Other Personnel Compensation	271	311	320	9
11.8	Special personal services payments				0
11.9	Total Personnel Compensation	\$22,666	\$24,257	\$24,910	653
12.1	Civilian Personnel Benefits	4,557	4,949	5,060	111
13.0	Benefits for formal personnel	0	0	0	0
21.0	Travel and transportation of persons	445	300	300	0
22.0	Transportation of Things	65	25	25	0
23.1	Rental Payments to GSA	2,765	2,765	2,765	0
23.2	Rental Payments to Others	63	63	63	0
23.3	Comm., Utilities & Misc.	374	435	374	-61
24.0	Printing and Reproduction	102	102	102	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other Services	5,702	4,791	4,791	0
25.3	Other purchases of goods and services from Other Government accounts 1/	58,336	61,772	6,490	-54,682
25.4	Operation and maintenance of equipment	1	31	31	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	6,473	5,436	4,324	-1,112
26.0	Supplies and materials	382	143	143	0
31.0	Equipment	376	276	276	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance Claims & Indemnities	0	0	0	0
	Total	\$102,307	\$104,745	\$49,654	-\$55,091
	1/ Other Purchases of Goods and Services From Government Accounts				
	Working Capital Fund	5,055	5,355	6,031	676
	GSA	132	132	132	0
	HHS/NIOSH for dose reconstructions	52,336	55,358	0	-55,358
	Other Federal Agencies	627	327	327	0
	Homeland Security	186	0	0	0

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SIGNIFICANT ITEMS IN APPROPRIATION COMMITTEES' REPORTS

Energy Employees Occupational Illness Compensation Program

2008 Senate Report No. 110-107:

The Committee expects that the administration refrain from unilateral changes to reduce the cost of benefits for current or pending cohorts of atomic weapons workers with cancer under the Energy Employees Occupational Illness Compensation Program until such time as Congress approves proposed changes.

Response: The Department is committed to rendering fair and impartial decisions on claims in accordance with the law.

2008 Senate Report No. 110-107:

The Advisory Board on Radiation and Worker Health was created by Congress to review applications based on scientific and medical evidence, with as much independence and objectivity as possible. To ensure that the Advisory Board can retain its autonomy, the Committee has retained language which transfers \$4,500,000 in administrative funds within 30 days of enactment to the National Institute for Occupational Safety and Health for the exclusive use of the Board and its audit contractor.

Response: As the 2008 Conference Report (House Report 110-424) directed, the funding for the Advisory Board on Radiation and Worker Health is deemed included in the appropriation for NIOSH.

Energy Employees Occupational Illness Compensation Program

2008 House Report No. 110-231:

In addition, to the \$55,358,000 that the budget request indicates will be transferred for the National Institute for Occupational Safety and Health (NIOSH) within the Department of Health and Human Services for its activities, the bill directs that the Secretary provide, within 30 days of enactment, \$4,500,000 to NIOSH for use by or in support of the Advisory Board on Radiation and Worker Health to carry out its statutory responsibilities under EEOICPA, including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of special exposure cohort petitions and evaluation reports.

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Response: As the 2008 Conference Report (House Report 110-424) directed, the funding for the Advisory Board on Radiation and Worker Health is deemed included in the appropriation for NIOSH.

2008 House Report No. 110-424:

The conferees clarify that the \$4,500,000 for the Advisory Board on Radiation and Worker Health is a part of the total amount of \$55,358,000 identified for transfer to the Department of Health and Human Services (HHS) for the National Institute for Occupational Safety and Health (NIOSH). The Board is a key component of the administration of the program at NIOSH and the conferees expect that it will be funded at the level provided for in the conference agreement.

Response: As the 2008 Conference Report (House Report 110-424) directed, the funding for the Advisory Board on Radiation and Worker Health is deemed included in the appropriation for NIOSH.

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AUTHORIZING STATUTES

Public Law / Act	Legislation	Statute No. / US Code	Volume No.	Page No.	Expiration Date
Pub. L. 106-398	EEOICPA	42 U.S.C. § 7384 <i>et seq.</i>			Does not expire
Pub. L. 108-375	EEOICPA	42 U.S.C. § 7384 <i>et seq.</i>			Does not expire

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APPROPRIATION HISTORY (Dollars in Thousands)

	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
1999	0	0	0	0	0
2000	0	0	0	0	0
2001....1/	0	0	0	50,328	25
2002....2/	136,000	136,000	136,000	130,665	191
2003	104,867	104,867	104,867	104,867	380
2004....3/	55,074	55,074	55,074	51,651	300
2005....4/	40,821	40,821	40,821	40,821	275
2006....5/6/	96,081	96,081	96,081	96,081	275
2007....7/	102,307	0	0	102,307	275
2008....8/	104,745	0	0	104,745	305
2009	49,654	0	0	0	305

^{1/} Reflects the reduction of \$72,000 pursuant to P.L. 106-554 and the transfer of \$10,000,000 to the Department of Health and Human Services.

^{2/} Reflects a reduction of \$335,000 pursuant to P.L. 107-116 and a reduction of \$5,000,000 pursuant to P.L. 107-206.

^{3/} Reflects \$3,423,000 rescission.

^{4/} Reflects \$500 thousand rescission.

^{5/} Reflects (Part B - \$40,313,000 and 275 FTE, and HHS - \$55,768,000). In addition, includes \$4,500,000 to NIOSH for use by the Advisory Board on Radiation and Worker Health.

^{6/} Reflects (Part B - \$49,971,000 and 275 FTE, and HHS \$52,336,000).

^{7/} Reflects (Part B - \$49,387,000 and 305 FTE, and HHS \$55,358,000).

^{8/} Reflects (Part B - \$49,654,000 and 305 FTE). DOL has requested that the \$55,358,000 funding for HHS/NIOSH be appropriated directly to HHS.

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OVERVIEW

Introduction

The Energy Employees Occupational Illness Compensation Program Act (EEOICPA) was enacted in October 2000. EEOICPA provides benefits under Part B to covered employees or survivors of employees of the Department of Energy (DOE), and employees of private companies under contract with DOE, who have been diagnosed with a radiation-related cancer, beryllium-related disease, or chronic silicosis as a result of their work in producing or testing nuclear weapons. Benefits for uranium workers covered by the Radiation Exposure Compensation Act (RECA) are also provided.

In October 2004, Congress amended the EEOICPA to abolish Part D, wherein the DOE provided assistance to DOE contractor employees or their survivors who were found to have work-related occupational illnesses due to exposure to a toxic substance at a DOE facility. Under a newly created Part E of the EEOICPA, responsibility for coverage for these contract employees was transferred to the Department of Labor (DOL). Claims previously filed with DOE were transferred to DOL. Benefit payments under Part E began in December 2004 and full implementation was accomplished with the issuance of regulations on May 26, 2005. The final regulations for Part E were published on December 29, 2006.

DOL is the lead agency responsible for administering Part B and Part E of the EEOICPA through the DEEOIC. In support of the Part B claims adjudication, the Department of Health and Human Services (HHS), through the National Institute for Occupational Safety and Health (NIOSH), estimates occupational radiation exposure for certain cancer cases and takes action on petitions for adding classes of workers to the Special Exposure Cohort. DOE assists DOL and HHS/NIOSH by providing access to pertinent information on worker exposures, including access to classified data and records necessary to verify covered employment. The Department of Justice (DOJ) assists claimants who have been awarded compensation under RECA to file for additional compensation, including medical benefits under the EEOICPA.

Lump-sum compensation payments of up to \$150,000 to covered employees (or qualified survivors) of the DOE, its predecessor agencies (the Manhattan Project and the Atomic Energy Commission) and certain agency vendors, contractors and subcontractors are provided under Part B of EEOICPA. In addition, individuals (or qualified survivors) already found eligible for benefits for illnesses covered under Section 5 of the RECA are eligible for supplemental payments up of \$50,000.

Wage loss compensation and compensation based on whole-person impairment to DOE contractor employees are provided under Part E of the EEOICPA. Part E also provides lump sum compensation payments in the amounts of \$125,000, \$150,000, or \$175,000 to eligible survivors. Medical benefits for accepted conditions are payable under both Parts B and E. Part E benefits are also extended to individuals and survivors who worked at RECA Section 5

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facilities. DOJ is authorized to make payments from the EEOICPA Compensation Fund for benefits DOJ awards under Section 5 of the RECA.

EEOICPA Performance

For FY 2007, DEEOIC developed the new performance goal of average days for processing an initial claim, with FY 2007 being the baseline year. For FY 2008, DEEOIC has established the goal targets as 226 days to process an initial claim under Part B and 290 days to process an initial claim under Part E. The Part B goal is a 5% improvement over the baseline established during FY 2007. The goal for processing final decisions is 87% in FY 2008, and 88% in FY 2009.

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Summary of Performance

	FY 2004		FY 2005		FY 2006		FY 2007		FY 2008	FY 2009
	Goal Achieved		Goal Achieved		Goal Achieved					
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Performance Goal 2.2B8 - Process Initial Claims ^{1/} (Part B)	77% (Part B)	92%	80% (Part B)	81.5%	50% (Parts B & E)	72%	Baseline	238 Days	226 Days	221 Days
Performance Goal 2.2B8 - Process Initial Claims ^{1/} (Part E)					50% (Parts B & E)	72%	Baseline	293 Days	290 Days	272 Days
Performance Goal 2.2B9 - Final Decisions (Parts B & E)	77% (Part B)	99%	80% (Part B)	85%	80% (Parts B & E)	89%	85%	87.5%	87%	88%

1/ For fiscal years 2004 and 2005, the initial claims and final decisions goals consisted of only Part B claims. In the subsequent fiscal years, it consisted of both Parts B and E. In fiscal year 2007, the initial claims goal was revised to measure average days to process initial claims in both Parts B and E separately and the baselines were established at the end of the fiscal year.

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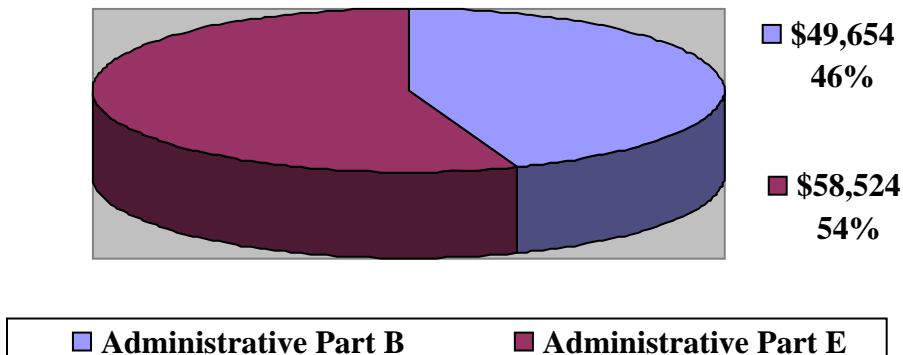
Cost Model

The funding request for Part B is \$49,654,000, which reflects moving the appropriation for NIOSH from the DOL appropriation to the HHS appropriation. The total decrease is \$55,091,000 below the FY 2008 request level of \$104,745,000, including a reduction of \$409,000 for DOL activities and the redirection of \$55,358,000 to the HHS appropriation for NIOSH activities.

The funding estimate from indefinite appropriations for Part E is \$58,524,000, which is \$1,639,000 above the FY 2008 budget estimate of \$56,885,000. The funding will enable DEEOIC to meet its highest priority performance plan goals and objectives during FY 2009.

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FY 2009 Budget Request by Budget Activity
Total DEEOIC - \$108,178
(Dollars in Thousands)



Program Assessment Rating Tool (PART)

In FY 2007, a PART review rated the Energy Program Adequate. The PART recommended that the program work with NIOSH to establish compatible timeliness measures that are consistent with program goals and report performance against those goals; obtain an independent, comprehensive evaluation of the program, and improve coordination with state workers' compensation systems to prevent duplicate payments. DEEOIC and NIOSH have made significant progress in establishing timeliness measures. A comprehensive program evaluation is expected to be completed in FY 2008. With regard to coordination with state workers' compensation systems, DEEOIC is working with the State of Ohio on a cross match as an initial

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step. The details of this PART review can be seen at:
<http://www.whitehouse.gov/omb/expectmore/detail/10009004.2007.html>.

Efficiency Measures

The Program currently tracks one efficiency measure associated with the FY 2009 budget proposals. Additional information can be found in the individual EEOICPA budget activity section.

Program	Efficiency Measure	FY 2009 Target
EEOICPA	Decisions per FTE	191

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Budget Authority Before the Committee (Dollars in Thousands) (Part B)						
	FY 2007 Comparable	FY 2008 C.R.	FY 2008 Estimate	Diff. FY07 Comp/FY 08 Est.	FY 2009 Request	Diff. FY08 Est/FY09 Req.
Activity Appropriation	102,307	104,745	104,745	2,438	49,654	-55,091
FTE	299	305	305	+9	305	0

NOTE: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 275.

Introduction

The Division of Energy Employees Occupational Illness Compensation's (DEEOIC) core mission is to adjudicate and pay benefits for claims filed under Part B and Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). Part B provides a lump sum payment of \$150,000 and medical benefits to workers who are seriously ill from exposure to beryllium, silica, or radiation while working for the Department of Energy (DOE), its contractors or subcontractors in the nuclear weapons industry. Part B also provides compensation for some employees' survivors and supplemental lump-sum payments of up to \$50,000 to individuals already found eligible for benefits for illnesses covered under Section 5 of the RECA, and, where applicable, for their survivors. DEEOIC also operates 11 resource centers to provide assistance to claimants in completing benefit applications for both Part B and E of EEOICPA.

Under Part E, the DEEOIC provides compensation to covered DOE contractor employees who are determined under section 3675 to have contracted a covered illness through exposure at a DOE facility. Part E compensation pays benefits to employees based upon degree of impairment and lost wages. Certain survivors of covered DOE contractor employees shall also receive compensation if the covered illness contributed to the employees' death. The amendment also makes it possible for uranium workers eligible under Section 5 of the (RECA) to receive compensation under Part E for illnesses due to toxic substance exposure at a uranium mine or mill covered under that Act. Benefits are paid from the EEOICPA Compensation Fund.

Under Part B, over 87,000 claims have been received from nuclear energy workers and their survivors since the implementation of EEOICPA, and as of December 18, 2007, the Division had delivered \$2,265,228,244 in benefits to 28,192 workers, retirees and survivors. In addition, 25,947 cancer claims have been referred to the NIOSH for estimating radiation doses. In Part E, 69,026 new claims have been filed and benefits have been paid totaling \$930,331,341 to 8,225 claimants.

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Five-Year Budget Activity History

Fiscal Year	Funding for Part B	FTE for Part B	Funding for Part E	FTE for Part E
2004	\$51,651,000	300		
2005	\$40,321,000	275	\$49,975,000	105
2006	\$96,081,000	275	\$59,950,000	189
2007	\$102,307,000	275	\$56,659,000	189
2008	\$104,745,000	305	\$56,885,000	293

FY 2009

The funding request for Part B of \$49,654,000 for FY 2009 is for DOL operations only. A \$409,000 decrease in funds is requested reflecting a projected decrease in non-compensation expenditures in DEEOIC, such as certain Automated Data Processing (ADP) costs. At this level, DEEOIC will fund 305 FTE and will maintain its high level of program performance by timely and efficiently processing initial claims and issuing final decisions and accurately and timely delivering benefit payments. DEEOIC will continue to process claims returned from HHS/NIOSH with dose reconstructions, including those for previously adjudicated claims that require re-evaluation based on HHS/NIOSH processing updates. DEEOIC will continue to achieve program, operational, and strategic goals. DEEOIC will continue its aggressive outreach efforts to ensure that potential claimants receive the necessary information about the program and application process.

In addition, the 2009 Budget requests funds for activities carried out by the Department of Health and Human Services (HHS) directly in HHS. The direct appropriation of administrative funding to DOL and HHS will improve transparency and accountability, as each will have sole responsibility for managing and overseeing its own administrative budget.

For FY 2009, the Part E request is \$58,524,000, which is \$1,639,000 above the FY 2008 budget request. For Part E, the authorizing legislation established indefinite budget authority for the administration of Part E. DEEOIC will administer its program activities at full program performance level, and continue to maintain its high level of program efficiency through timely and efficient processing of initial claims and final decisions. DEEOIC will also continue its outreach efforts to ensure that potential claimants receive the necessary information about the program and application process.

Efficiency Measures

The Energy Program measures the average number of decisions managed per FTE. This measure starts with a FY 2005 baseline ratio of 116.8 decisions managed per FTE with a FY 2009 target of 191 decisions per FTE. The efficiency will be increased by enhancement of policies and procedures, better use of automated data processing tools, and improvements to benefit delivery, to case management and to information provided to partner agencies and the public. In addition, the program will continue its development of a unified case management

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system for Parts B and E. Intensification of outreach efforts to reach potential beneficiaries will also affect productivity. Through these outreach efforts, DEEOIC expects to receive a constant new claim level. As the program matures, additional challenges to maintaining efficiency levels will arise from litigation, changes in dose reconstruction parameters and additions to the Special Exposure Cohort. The data will be taken from the Energy Case Management System (ECMS).

WORKLOAD SUMMARY			
	FY 2007 Actual	FY 2008 Target	FY 2009 Target
Part B			
Workload A Initial Claims Received	8,610	8,500	8,200
Workload B Final Decisions Issued	15,097	10,000	10,000
Workload C Payments Issued	5,739	5,000	5,000
Part E			
Workload C Initial Claims Received	10,570	10,000	10,000
Workload D Final Decisions Issued	27,837	19,000	17,000
Workload E Payments Issued	3,407	4,000	4,000
Budget Activity Total	\$158,966,000	\$161,630,000	\$108,178,000

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PERFORMANCE GOALS AND INDICATORS

	FY 2004		FY 2005		FY 2006		FY 2007		FY 2008	FY 2009
	Goal Achieved		Goal Achieved		Goal Achieved					
Performance Indicator	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Performance Goal 2.2B8 - Process Initial Claims ^{1/} (Part B)	77% (Part B)	92%	80% (Part B)	81.5%	50% (Parts B & E)	72%	Baseline	238 Days	226 Days	221 Days
Performance Goal 2.2B8 - Process Initial Claims ^{1/} (Part E)					50% (Parts B & E)	72%	Baseline	293 Days	290 Days	272 Days
Performance Goal 2.2B9 - Final Decisions (Parts B & E)	77% (Part B)	99%	80% (Part B)	85%	80% (Parts B & E)	89%	85%	87.5%	87%	88%

1/ For fiscal years 2004 and 2005, the initial claims and final decisions goals consisted of only Part B claims. In the subsequent fiscal years, it consisted of both Parts B and E. In fiscal year 2007, the initial claims goal was revised to measure average days to process initial claims in both Parts B and E separately and the baselines were established at the end of the fiscal year.

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CHANGES IN FY 2009

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments		743
Personnel benefits		99
Employee health benefits		49
One day less of Pay		-105
Federal Employees Compensation Act (FECA)		-22
Working Capital Fund		676

Built Ins Subtotal		1,440
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	Estimate	FTE
Base	106,185	305
Program Decrease	-55,358	0