Subtitle D—Other Matters

SEC. 3141. ESTABLISHMENT OF ADVISORY BOARD ON
TOXIC SUBSTANCES AND WORKER HEALTH;
EXTENSION OF AUTHORITY OF OFFICE OF
OMBUDSMAN FOR ENERGY EMPLOYEES OC-
CUPATIONAL ILLNESS COMPENSATION PRO-
GRAM.

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

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

“(a) ESTABLISHMENT.—(1) Not later than 120 days
after the date of the enactment of this section, the Presi-
dent shall establish and appoint an Advisory Board on
Toxic Substances and Worker Health (in this section re-
ferred to as the ‘Board’).

“(2) The President shall make appointments to the
Board in consultation with organizations with expertise on
worker health issues in order to ensure that the member-
ship of the Board reflects a proper balance of perspectives
from the scientific, medical, and claimant communities.
“(3) The President shall designate a Chair of the Board from among its members.

“(b) DUTIES.—The Board shall—

“(1) advise the Secretary of Labor with respect to—

“(A) the site exposure matrices of the Department of Labor;

“(B) medical guidance for claims examiners for claims under this subtitle with respect to the weighing of the medical evidence of claimants;

“(C) evidentiary requirements for claims under subtitle B related to lung disease; and

“(D) the work of industrial hygienists and staff physicians and consulting physicians of the Department and reports of such hygienists and physicians to ensure quality, objectivity, and consistency; and

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

“(c) STAFF AND POWERS.—(1) The President shall appoint a staff to facilitate the work of the Board. The staff of the Board shall be headed by a Director, who shall
be appointed under subchapter VIII of chapter 33 of title 5, United States Code.

“(2) The President may authorize the detail of employees of Federal agencies to the Board as necessary to enable the Board to carry out its duties under this section. The detail of such personnel may be on a nonreimbursable basis.

“(3) The Secretary may employ outside contractors and specialists to support the work of the Board.

“(d) CONFLICTS OF INTEREST.—No member, employee, or contractor of the Board shall have any financial interest, employment, or contractual relationship (other than a routine consumer transaction) with any person that has provided, or sought to provide during the two years preceding the appointment or during the service of the member, employee, or contractor under this section, goods or services related to medical benefits under this title.

“(e) EXPENSES.—Members of the Board, other than full-time employees of the United States, while attending meetings of the Board or while otherwise serving at the request of the President, and while serving away from their homes or regular places of business, shall be allowed travel and meal expenses, including per diem in lieu of subsistence (as authorized by section 5703 of title 5,
United States Code) for individuals in the Federal Government serving without pay.

“(f) Security Clearances.—(1) The Secretary of Energy shall ensure that the members and staff of the Board, and the contractors performing work in support of the Board, are afforded the opportunity to apply for a security clearance for any matter for which such a clearance is appropriate.

“(2) The Secretary of Energy should, not later than 180 days after receiving a completed application for a security clearance for an individual under this subsection, make a determination of whether or not the individual is eligible for the clearance.

“(3) For fiscal year 2016 and each fiscal year thereafter, the Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report specifying the number of applications for security clearances under this subsection, the number of such applications granted, and the number of such applications denied.

“(g) Information.—The Secretary of Energy shall, in accordance with law, provide to the Board and the contractors of the Board, access to any information that the
Board considers relevant to carry out its responsibilities under this section, including information such as Restricted Data (as defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y))) and information covered by section 552a of title 5, United States Code (commonly known as the ‘Privacy Act’).

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

“(2) TREATMENT AS DISCRETIONARY SPENDING.—Amounts appropriated to carry out this section—

“(A) shall not be appropriated to the account established under subsection (a) of section 151 of title I of division B of Appendix D of the Consolidated Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–251); and

“(B) shall not be subject to subsection (b) of that section.

“(i) SUNSET.—The Board shall terminate on the date that is 5 years after the date of the enactment of this section.”.
(b) DEPARTMENT OF LABOR RESPONSE TO THE OFFICE OF THE OMBUDSMAN ANNUAL REPORT; EXTENSION OF AUTHORITY.—Section 3686 of such Act (42 U.S.C. 7385s–15) is amended—

(1) in subsection (e)—

(A) in paragraph (1), by striking “February 15” and inserting “July 30”; and

(B) by adding at the end the following:

“(4) Not later than 180 days after the submission to Congress of the annual report under paragraph (1), the Secretary shall submit to Congress in writing, and post on the public Internet website of the Department of Labor, a response to the report that—

“(A) includes a statement of whether the Secretary agrees or disagrees with the specific issues raised by the Ombudsman in the report;

“(B) if the Secretary agrees with the Ombudsman on those issues, describes the actions to be taken to correct those issues; and

“(C) if the Secretary does not agree with the Ombudsman on those issues, describes the reasons the Secretary does not agree.”; and

(2) in subsection (h), by striking “2012” and inserting “2019”.