

**FY 2012**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS  
COMPENSATION PROGRAM ACT**



# ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

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**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS  
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**APPROPRIATION LANGUAGE**

*For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$52,147,000, to remain available until expended: Provided, That the Secretary of Labor 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.*

Note.—A full-year 2011 appropriation for this account was not enacted at the time the budget as prepared; therefore, this account is operating under a continuing resolution (P.L. 111–242, as amended). The amounts included for 2011 reflect the annualized level provided by the continuing resolution.

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**ANALYSIS OF APPROPRIATION LANGUAGE**

<b>Language Provision</b>	<b>Explanation</b>
<p>" <i>Provided</i>, That the Secretary of Labor 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."</p>	<p>This language provides authority to require disclosure of Social Security account numbers (SSN's) by individuals filing claims under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). The use will prevent duplicate claims being filed by the same claimant and make it easier to match data from different benefit programs to detect errors (including fraud), consistent with Congressional mandates to do so. This legislative language is needed because the Privacy Act prevents agencies from requiring disclosure of SSN's unless disclosure is required by Federal statute. (See Privacy Act, December 31, 1974, P.L. 93-579, section 7, Statute 909)</p>

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<b>AMOUNTS AVAILABLE FOR OBLIGATION</b>						
(Dollars in Thousands)						
	<b>FY 2010 Comparable</b>		<b>FY 2011 Full Year C.R.</b>		<b>FY 2012 Request</b>	
	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
<b>A. Appropriation</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>
DOL Administrative Expenses (Part B)	305	\$51,900	285	\$51,900	285	\$52,147
A.1. Subtotal Appropriation	305	\$51,900	285	\$51,900	285	\$52,147
Offsetting Collections from Reimbursements: (Part E) (Indefinite Authority)						
Unobligated balance available start-of year (Part B)	0	\$2,141	0	\$2,727	0	\$0
A.2. Subtotal	275	\$77,377	255	\$76,433	255	\$73,443
<b>B. Gross Budget Authority</b>	<b>580</b>	<b>\$129,277</b>	<b>540</b>	<b>\$128,333</b>	<b>540</b>	<b>\$125,590</b>
Unobligated balance available start-of year (Part B)	0	-\$2,141	0	-\$2,727	0	\$0
DOL Administrative Expenses (Part E) (Indefinite Authority)	-275	-\$75,236	-255	-\$73,706	-255	-\$73,443
<i>Subtotal</i>	-275	-\$77,377	-255	-\$76,433	-255	-\$73,443
<b>C. Budget Authority Before Committee</b>	<b>305</b>	<b>\$51,900</b>	<b>285</b>	<b>\$51,900</b>	<b>285</b>	<b>\$52,147</b>
Unobligated balance available start-of year (Part B)	0	\$2,141	0	-\$2,727	0	\$0
Unobligated balance available end-of year (Part B)	0	-\$2,727	0	\$0	0	\$0
DOL Administrative Expenses (Part E) (Indefinite Authority)	275	\$75,236	255	\$73,706	255	\$73,443
<i>Subtotal</i>	275	\$74,650	255	\$70,979	255	\$73,443
<b>D. Total Budgetary Resources</b>	<b>580</b>	<b>\$126,550</b>	<b>540</b>	<b>\$122,879</b>	<b>540</b>	<b>\$125,590</b>
Unobligated Balances Expiring for Part E	-39	-\$594	0	\$0	0	\$0
<b>E. Total, Estimated Obligations</b>	<b>541</b>	<b>\$125,956</b>	<b>540</b>	<b>\$122,879</b>	<b>540</b>	<b>\$125,590</b>

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## SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2011 Estimate	FY 2012 Request	Net Change
<b>Budget Authority</b>			
General Funds	51,900	52,147	247
Trust Funds	0	0	0
<b>Total</b>	<b>51,900</b>	<b>52,147</b>	<b>247</b>

### Full Time Equivalents

General Funds	285	285	0
<b>Total</b>	<b>285</b>	<b>285</b>	<b>0</b>

Explanation of Change	FY 2011 Base		Trust Funds		FY 2012 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Increases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Costs of pay adjustments	285	\$22,549	0	\$0	0	\$0	0	\$0
Personnel benefits	0	\$4,768	0	\$0	0	\$0	0	\$0
Employee health benefits	0	\$1,326	0	\$0	0	\$0	0	\$0
Moving allowance	0	\$29	0	\$0	0	\$0	0	\$0
One day less of Pay	0	\$0	0	\$0	0	\$0	0	\$0
Federal Employees Compensation Act (FECA)	0	\$150	0	\$0	0	\$0	0	\$0
Benefits for former personnel	0	\$0	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$160	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$5	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$2,929	0	\$0	0	\$247	0	\$247
All Other Rental	0	\$0	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$447	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$185	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$0	0	\$0	0	\$0	0	\$0
Other services	0	\$6,482	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$6,381	0	\$0	0	\$0	0	\$0
Other government accounts (DHS Charges)	0	\$179	0	\$0	0	\$0	0	\$0
Other purchases of goods and services from Government accounts	0	\$2,131	0	\$0	0	\$0	0	\$0

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Explanation of Change	FY 2011 Base		FY 2012 Change				Total	
			Trust Funds		General Funds			
Research & Development Contracts	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$1,987	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$256	0	\$0	0	\$0	0	\$0
Equipment	0	\$1,936	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$0	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$0	0	\$0	0	\$0	0	\$0
<b>Built-Ins Subtotal</b>	<b>285</b>	<b>+\$51,900</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$247</b>	<b>0</b>	<b>+\$247</b>
<b>B. Programs:</b>								
<b>Programs Subtotal</b>			<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>
<b>Total Increase</b>	<b>285</b>	<b>+\$51,900</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$247</b>	<b>0</b>	<b>+\$247</b>
<b>Decreases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
<b>Built-Ins Subtotal</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>
<b>B. Programs:</b>								
<b>Programs Subtotal</b>			<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>
<b>Total Decrease</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>
<b>Total Change</b>	<b>285</b>	<b>+\$51,900</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$247</b>	<b>0</b>	<b>+\$247</b>

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<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b> (Dollars in Thousands)						
	<b>FY 2010 Comparable</b>		<b>FY 2011 Estimate</b>		<b>FY 2012 Request</b>	
	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
<b>Energy Employees Occupational Illness Compensation Program Part B</b>	<b>285</b>	<b>51,900</b>	<b>285</b>	<b>51,900</b>	<b>285</b>	<b>52,147</b>
General Funds	285	51,900	285	51,900	285	52,147
<b>Energy Employees Occupational Illness Compensation Program Part E</b>	<b>256</b>	<b>75,236</b>	<b>255</b>	<b>73,706</b>	<b>255</b>	<b>73,443</b>
General Funds	256	75,236	255	73,706	255	73,443
<b>Total</b>	<b>541</b>	<b>127,136</b>	<b>540</b>	<b>125,606</b>	<b>540</b>	<b>125,590</b>
<b>General Funds</b>	<b>541</b>	<b>127,136</b>	<b>540</b>	<b>125,606</b>	<b>540</b>	<b>125,590</b>

NOTE: FY 2010 reflects actual FTE.

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<b>BUDGET AUTHORITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2010 Comparable</b>	<b>FY 2011 Estimate</b>	<b>FY 2012 Request</b>	<b>Change FY 12 Req. / FY 10 Comp.</b>
	Full-Time Equivalent				
	Full-time Permanent	580	540	540	-40
	Total	580	540	540	-40
	Reimbursable	0	0	0	0
	Total Number of Full-Time Permanent Positions	580	540	540	-40
	Average ES Salary	\$170,095	\$175,197	\$180,453	\$10,358
	Average GM/GS Grade	12/7	13	13/1	0/4
	Average GM/GS Salary	\$79,448	\$89,033	\$91,704	\$12,256
	Average Salary of Ungraded Positions	0	0	0	0
11.1	Full-time permanent	41,558	44,188	44,188	2,630
11.3	Other than full-time permanent	3,123	0	0	-3,123
11.5	Other personnel compensation	1,546	607	607	-939
11.8	Special personal services payments	791	894	894	103
11.9	Total personnel compensation	47,018	45,689	45,689	-1,329
12.1	Civilian personnel benefits	12,577	12,777	12,777	200
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	608	356	356	-252
22.0	Transportation of things	33	33	33	0
23.1	Rental payments to GSA	5,887	6,547	6,531	644
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	831	790	790	-41
24.0	Printing and reproduction	221	200	200	-21
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services	19,525	20,449	20,449	924
25.3	Other purchases of goods and services from Government Accounts	17,317	19,584	19,584	2,267
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	21,934	16,868	16,868	-5,066
26.0	Supplies and materials	244	377	377	133
31.0	Equipment	941	1,936	1,936	995
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>127,136</b>	<b>125,606</b>	<b>125,590</b>	<b>-1,546</b>

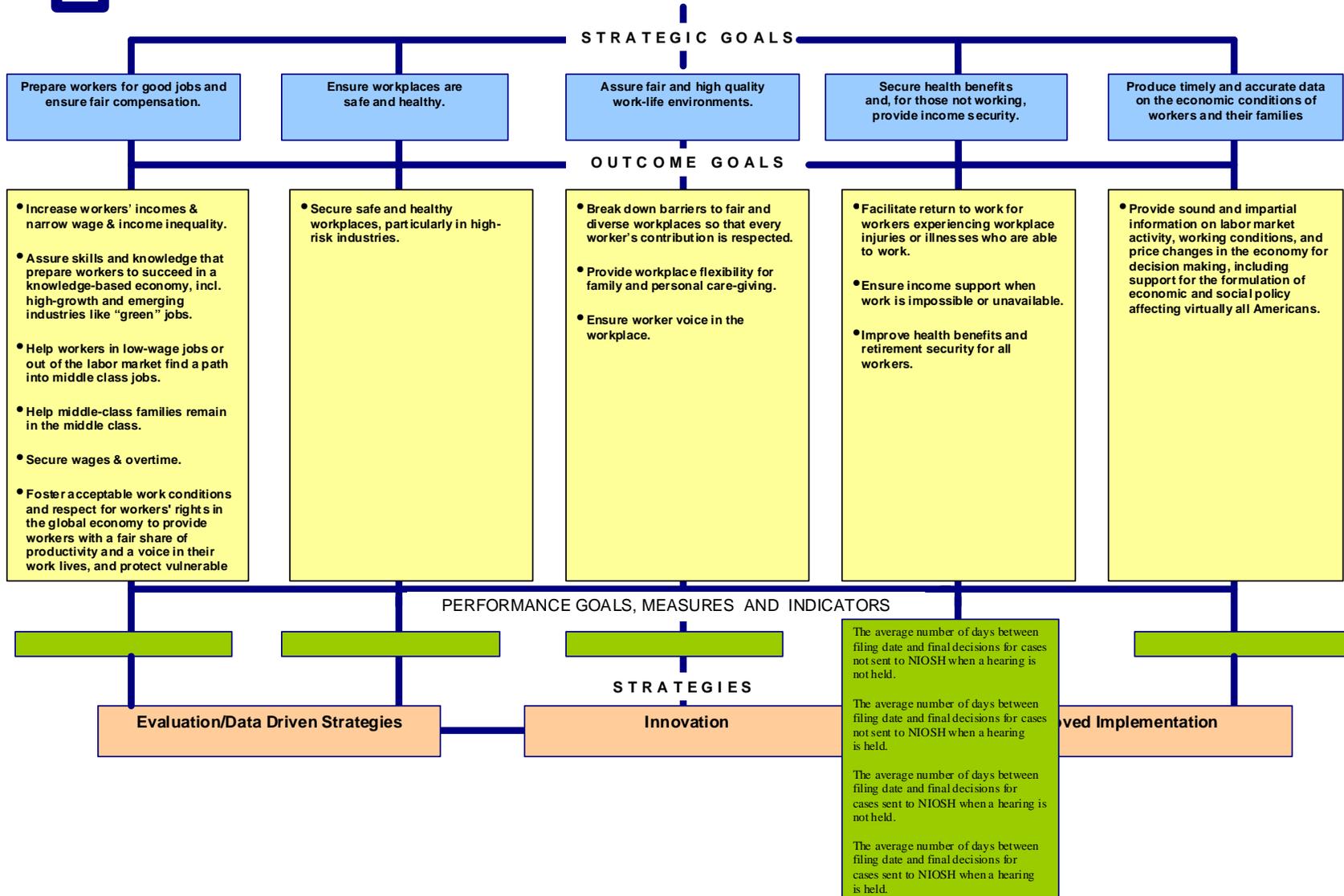
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	1/Other Purchases of Goods and Services From Government Accounts				
	Working Capital Fund	14,195	14,111	14,111	-84
	DHS Services	293	306	306	13
	Services by DOL Agencies	1,866	2,000	2,000	134
	GSA Services	139	0	0	-139
	Services by Other Government Departments	824	3,167	3,167	2,343

# ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT



## Secretary's Vision: "Good Jobs for Everyone"



**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS  
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<b>TOTAL BUDGETARY RESOURCES</b>												
FY 2010 - 2012												
(Dollars in Thousands)												
	<b>FY 2010 Comparable</b>				<b>FY 2011 Estimate</b>				<b>FY 2012 Request</b>			
	Activity Approp.	Other Approp. <sup>1</sup>	Other Resrcs. <sup>2</sup>	Total	Activity Approp.	Other Approp 1	Other Resrcs.2	Total	Activity Approp.	Other Approp.1	Other Resrcs. 2	Total
<b>Energy Employees Occupational Illness Compensation Program Act - Admin</b>	<b>127,136</b>	<b>0</b>	<b>0</b>	<b>127,136</b>	<b>125,606</b>	<b>0</b>	<b>0</b>	<b>125,606</b>	<b>125,590</b>	<b>0</b>	<b>0</b>	<b>125,590</b>
Energy Employees Occupational Illness Compensation Program Part B	51,900	0	0	51,900	51,900	0	0	51,900	52,147	0	0	52,147
Energy Employees Occupational Illness Compensation Program Part E	75,236	0	0	75,236	73,706	0	0	73,706	73,443	0	0	73,443
<b>Total</b>	<b>127,136</b>	<b>0</b>	<b>0</b>	<b>127,136</b>	<b>125,606</b>	<b>0</b>	<b>0</b>	<b>125,606</b>	<b>125,590</b>	<b>0</b>	<b>0</b>	<b>125,590</b>

<sup>1</sup> "Other Appropriation" is comprised of resources appropriated elsewhere, but for which the benefits accrue toward the operation of the budget activities. (Executive Direction and IT Crosscut)

<sup>2</sup> "Other Resources" include funds that are available for a budget activity, but not appropriated, such as reimbursements and fees.

# ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

## PERFORMANCE STRUCTURE

<b>Strategic and Outcome Goals Supporting Secretary Solis' Vision of <i>Good Jobs for Everyone</i></b>	<b>Supporting Budget Activities</b>
<b>Strategic Goal 1 – Prepare Workers for Good Jobs and Ensure Fair Compensation</b>	
1.1 Increase workers' incomes and narrowing wage and income inequality.	
1.2 Assure skills and knowledge that prepare workers to succeed in a knowledge-based economy, including in high-growth and emerging industry sectors like "green" jobs.	
1.3 Help workers who are in low-wage jobs or out of the labor market find a path into middle class jobs.	
1.4 Help middle-class families remain in the middle class.	
1.5 Secure wages and overtime.	
1.6 Foster acceptable work conditions and respect for workers' rights in the global economy to provide workers with a fair share of productivity and protect vulnerable people.	
<b>Strategic Goal 2 – Ensure Workplaces Are Safe and Healthy</b>	
2.1 Secure safe and healthy workplaces, particularly in high-risk industries.	
<b>Strategic Goal 3 – Assure Fair and High Quality Work-Life Environments</b>	
3.1 Break down barriers to fair and diverse work places so that every worker's contribution is respected.	
3.2 Provide workplace flexibility for family and personal care-giving.	
3.3 Ensure worker voice in the workplace.	
<b>Strategic Goal 4 – Secure Health Benefits and, for Those Not Working, Provide Income Security</b>	
4.1 Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.	
4.2 Ensure income support when work is impossible or unavailable.	EEOICPA
4.3 Improve health benefits and retirement security for all workers.	
<b>Strategic Goal 5 – Assure the Production of Timely and Accurate Data on Social and Economic Conditions of Workers and their Families</b>	
5.1 Provide sound and impartial information on labor market activity, working conditions, and price changes in the economy for decision making, including support for the formulation of economic and social policy affecting virtually all Americans.	

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**AUTHORIZING STATUTES**

<b>Public Law / Act</b>	<b>Legislation</b>	<b>Statute No. / US Code</b>	<b>Volume No.</b>	<b>Page No.</b>	<b>Expiration Date</b>
Pub. L. 106-398	Energy Employees Occupational Illness Compensation Program Act	42 U.S.C. § 7385 <i>et seq.</i>			Does not expire
Pub. L. 108-375	Energy Employees Occupational Illness Compensation Program Act	42 U.S.C. § 7384 <i>et seq.</i>			Does not expire
Pub. L. 110-181	Energy Employees Occupational Illness Compensation Program Act	42 U.S.C. § 3116 <i>et seq.</i>			October 28, 2012

## ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

<b>APPROPRIATION HISTORY</b> (Dollars in Thousands)					
	<b>Budget Estimates to Congress</b>	<b>House Allowance</b>	<b>Senate Allowance</b>	<b>Appropriations</b>	<b>FTE</b>
2002...1/	\$136,000	\$136,000	\$136,000	\$130,665	191
2003	104,867	104,867	104,867	104,867	380
2004...2/	55,074	55,074	55,074	51,651	300
2005...3/	40,821	40,821	40,821	40,821	275
2006...4/5/	96,081	96,081	96,081	96,081	275
2007...6/	102,307	0	0	102,307	275
2008...7/	104,745	0	0	104,745	305
2009...8/	49,654	0	49,654	49,654	305
2010...9/	51,197	51,197	51,197	51,900	305
2011...10/	53,778	0	0	0	285
2012...11/	52,147	0	0	0	285

<sup>1/</sup> 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.

<sup>2/</sup> Reflects \$3,423,000 rescission.

<sup>3/</sup> Reflects \$500 thousand rescission.

<sup>4/</sup> 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.

<sup>5/</sup> Reflects (Part B - \$49,971,000 and 275 FTE, and HHS \$52,336,000).

<sup>6/</sup> Reflects (Part B - \$49,387,000 and 305 FTE, and HHS \$55,358,000).

<sup>7/</sup> 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.

<sup>8/</sup> Reflects (Part B - \$49,654,000 and 305 FTE. Funding for HHS/NIOSH was appropriated directly to HHS.

<sup>9/</sup> Reflects (Part B - \$51,900,000 and 305 FTE). This amount includes \$703,000 for the Ombudsman's Office.

<sup>10/</sup> Reflects (Part B - \$51,900,000 and 285 FTE). This amount includes \$703,000 for the Ombudsman's Office.

<sup>11/</sup> Reflects (Part B - \$52,147,000 and 285 FTE). This amount includes \$703,000 for the Ombudsman's Office.

A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

# **ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT**

## **Introduction**

The Energy Employees Occupational Illness Compensation Program Act (EEOICPA) was enacted in October 2000. EEOICPA program administration and operations directly support the Secretary of Labor's strategic vision of "Good Jobs for Everyone" by providing income support and medical care to claimants. EEOICPA provides benefits under Part B to covered employees or survivors of employees of the Department of Energy (DOE), and 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 replace 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, with a newly created Part E to be administered by the Department of Labor (DOL). All claims previously filed with DOE were transferred to DOL.

While DOL is the lead agency responsible for administering Part B and Part E of the EEOICPA through the Division of Energy Employees Occupational Illness Compensation (DEEOIC), the Department of Health and Human Services (HHS), through the National Institute for Occupational Safety and Health (NIOSH), supports Part B claims adjudication by estimating occupational radiation exposure for certain cancer cases and acting 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 with filing for additional compensation, including supplemental compensation and medical benefits under the EEOICPA.

Part B provides 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. 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 to \$50,000.

Part E provides wage loss compensation and compensation based on whole-person impairment to DOE contractor employees. 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 also are extended to individuals and survivors who worked at RECA Section 5 facilities. DOJ is authorized to make payments from the EEOICPA Compensation Fund for DOJ awards under Section 5 of the RECA.

Under Part B, nearly 114,000 claims have been received from nuclear energy workers and their survivors. As of January 13, 2011, the Division has issued recommended and/or final decisions

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on over 101,600 claims, and payments in over 45,600 Part B claims, with benefit payments totaling nearly \$3,750,000,000. Under Part E, EEOICPA has received nearly 94,000 claims and issued recommended and/or final decisions on over 82,000 claims. OWCP has delivered nearly \$2,209,000,000 in Part E benefits to more than 20,800 claimants. EEOICPA has paid over \$674,000,000 in medical benefits under both Parts B and E.

The program continues to establish challenging performance goals in support of the Department's Strategic Goal 4.2: Ensure income support when work is impossible or unavailable. DEEOIC is developing baselines for new timeliness goals to shorten the overall time to make claims decisions. The new measures combine Part B and Part E results and will first be reported in FY 2012. The revised measures account for the various actions a case may require, including dose reconstruction or legal hearing, and provide a more transparent picture of the adjudication process. This closely follows the Department's Strategic Goal by speeding the delivery of income support. These new measures also support the theme of customer service by providing a more transparent view of the claims process, including time spent in case development outside of the DEEOIC. Annual targets for the new measures will be set after establishing a baseline in FY 2011 with a focus on improving program implementation by reducing the average number of days required for processing in the respective performance areas.

Administrative funds for Part B are appropriated annually. For Part E, administrative funds are provided through indefinite appropriations. For Part B in FY 2012, \$52,147,000 is requested. The estimate for Part E is \$73,443,000.

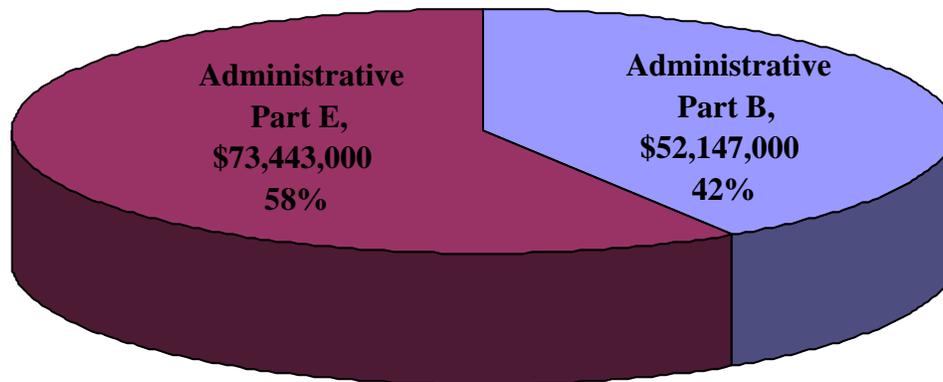
EEOICPA funding includes \$703,000 in Part B funds and \$917,000 in Part E funds for the Office of the Ombudsman for the EEOICPA. The Office of the Ombudsman was created by Congress to address the concerns of claimants and potential claimants regarding their receipt of benefits under Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) and was later expanded to Part B. By law, this office is required to be independent from the EEOICPA program office. The activities of the Office of the Ombudsman are addressed in the Departmental Management chapter of the Department of Labor's budget presentation.

# ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

## Cost Model

The FY 2012 Request for Part B is \$52,147,000, an increase of \$247,000 over the FY 2010 Enacted level of \$51,900,000. The FY 2012 estimate for the indefinite appropriation for Part E is \$73,443,000, a decrease of \$1,793,000 from the FY 2010 enacted level. The request funds on-going support for claimants, including the capacity to meet performance plan goals and objectives.

### Energy Employees Occupational Illness Compensation Program FY 2012 Budget Request by Budget Activity Total DEEOIC - \$125,590,000



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<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	<b>FY 2010 Comparable</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2011 Estimate</b>	<b>Diff. FY 11 Est. / FY 10 Comp.</b>	<b>FY 2012 Request</b>	<b>Diff. FY 12 Req. / FY 10 Comp.</b>
Budget Authority	51,900	51,900	51,900	0	52,147	247
FTE	285	285	285	0	285	0

NOTE: FY 2010 reflects actual FTE. Authorized FTE for FY 2010 was 305.

### **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). In addition to four District Offices where claims are adjudicated, DEEOIC operates 11 resource centers that provide assistance to claimants in completing benefit applications for both Part B and E of 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 eligible for benefits for illnesses covered under Section 5 of the Radiation Exposure Compensation Act (RECA), and, where applicable, their survivors.

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 provides compensation benefits to employees based upon the degree of impairment and lost wages. Certain survivors of covered DOE contractor employees also receive compensation if the covered illness contributed to the employee's death. Additionally, uranium workers eligible under Section 5 of the RECA may also 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 Compensation Fund for both EEOICPA and RECA benefits.

Since program inception, a DEEOIC priority has been to identify and set performance goals that are both ambitious and transparent to claimants and the general public. A key example is DEEOIC's revision to its initial claims goal. Previously, the percentage of initial claims processed within a given time frame was measured. Revising this performance goal to reflect average number of days to process an initial claim provides greater transparency for the public and program stakeholders into DEEOIC's performance. The baseline for this goal, established in FY 2007, resulted in initial targets of 238 days for Part B and 293 days for Part E. DEEOIC has increased its performance goals annually and program outcomes consistently exceed the targets to reduce processing time.

FY 2011 performance goals are an average of 110 days to process an initial claim under Part B and 145 days to process an initial claim under Part E, cutting the FY 2007 baseline durations by

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more than one-half. The FY 2011 goal is to issue 90 percent of Final Decisions within 175 days where a hearing is held, and 75 days for all other cases.

In FY 2012 DEEOIC will roll out new performance measures that will track the average number of days from filing date to final decision, including cases sent to NIOSH for dose reconstruction, taking into account the time those cases require for an oral hearing. The program will establish baselines for these new measures during FY 2011.

DEEOIC has completed its expansion of the Site Exposure Matrices (SEM) website, an effort that began in May 2010. This more robust version of the SEM website is available to the public and provides additional ways to look for information regarding toxic substances used at U.S. Department of Energy nuclear weapons facilities covered under Part E of the EEOICPA. The enhanced SEM website contains more data and allows users to identify interrelationships among DOE buildings, work processes, labor categories, and toxic substances verified as having been onsite and used at DOE sites. In addition to toxic substance information, the SEM website contains information regarding confirmed causal links between certain toxic substance exposures and certain diseases or health effects.

### **Five-Year Budget Activity History**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2007	\$102,307	275
2008	\$104,745	305
2009	\$49,654	305
2010	\$51,900	305
2011	\$0	285

NOTE: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

### **FY 2012**

The FY 2012 Agency Request level for Part B of the Division of Energy Employees Occupational Illness Compensation (DEEOIC) program is \$52,147,000 and 285 FTE. This is an increase of \$247,000 when compared to the FY 2010 Enacted level. The FY 2012 estimate for Part E of DEEOIC is \$73,443,000 and 255 FTE. This is a decrease of \$1,793,000 when compared to the FY 2010 enacted level.

DEEOIC will improve timeliness for claims processing, and be able to continue its focus on improved program implementation in the areas of customer service through enhanced telephone services, video conferencing, and claimant and medical provider assistance for obtaining impairment ratings and medical bill processing. Some reductions are imposed because there are no amounts provided for inflation increases in contracts needed to fund the mandatory increases of Wage Determination rates.

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Resource Centers and the SEM will be priorities as well. EEOICPA has a prominent need for outreach, and the Resource Center staff provide critical local and front line assistance in this activity and adequate funding for SEM is essential to ensure documents are reviewed and posted timely. Previous reductions in Resource Center services resulted in slower turnaround times to obtain critical occupational health questionnaires, turning away walk-ins, and conducting less local level outreach. The reductions had a negative effect on the number of incoming claims and reduced services were noted by claimants, union members, and stakeholders. As NIOSH continues to add new SEC classes, it is critical that the Resource Center staffing levels are sufficient to support Town Hall Meetings and the influx of inquiries about filing claims that occur after the outreach events and the addition of new cohorts. FY 2012 funding will also enable the Resource Centers to address questions from claimants and survivors concerning issues with billing for medical services. The Resource Center staff work closely with OWCP's medical bill processing agent as well as with providers and claimants to resolve any issues. In addition, Resource Centers will respond to questions and concerns that arise from the public as they utilize the additional on-line information in the SEM. DEEOIC has updated the SEM website since the DOE decision to release all detailed information on Energy Department weapons facilities, as well as uranium mines, mills and ore buying stations. FY 2012 funds will be used to ensure timely review and posting of new documents to update SEM.

Program performance for the new measures that track the average days to process cases from receipt of a case to final decision, including NIOSH time, will meet the FY 2012 targets. This will support Strategic Goal 4.2 by providing improved income support through timely delivery of benefits.

### **FY 2011**

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation was not enacted by the time the budget was produced.

### **FY 2010**

Enacted funding for Part B was \$51,900,000 and 305 FTE. Of this amount, \$703,000 was an earmark for expansion of the Office of the Ombudsman to Part B as authorized by the FY 2010 National Defense Authorization Act. The Part E availability was \$75,236,000 and included \$6,700,000 in IT funding for ECS, the new claims management and compensation system designed to unify claims management for Parts B and E, and for operation of the current system. The ECS will generate claims processing efficiencies and improve accuracy and timeliness, particularly for claims that fall under both Parts of the Act. Claimants will receive a higher level of customer service and improved program reporting will allow greater program transparency for the public.

DEEOIC delivered quality program performance by processing initial claims within 97 days for Part B and 125 days for Part E. During FY 2010, over 97 percent of Final Decisions were issued within 180 days when a hearing is held, and 75 days for all other cases. Benefit payments were

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delivered efficiently and expeditiously. Processing efficiencies extended to 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 achieved program, operational, and strategic goals.

Outreach efforts provided potential claimants information about the program and application process. DOL conducted traveling resource centers to provide information about new SEC classes of former employees at the Downey Facility, the De Soto Avenue Facility, BMX Technologies Inc., the Los Alamos National Laboratory, and Area IV of the Santa Susana Field Laboratory. DOL held town hall meetings to present details about new SEC classes of former employees and to assist individuals with the filing of claims under EEOICPA in Livermore and Emeryville, California; Las Vegas, Nevada; Kennewick, Washington; and Ronkonkoma, New York.

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<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2010 Enacted</b>		<b>FY 2011 Estimate</b>	<b>FY 2012 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Energy Employees Occupational Illness Compensation Program Part B</b>				
<b>GPRA Performance Measures</b>				
Average number of days between filing date and final decision for cases not sent to NIOSH when a hearing is not held (Part B and E)	--	--	--	TBD
Average number of days between filing date and final decision for cases not sent to NIOSH when a hearing is held (Part B and E)	--	--	--	TBD
Average number of days between filing date and final decision for cases sent to NIOSH when a hearing is not held (Part B and E)	--	--	--	TBD
Average number of days between filing date and final decision for cases sent to NIOSH when a hearing is held (Part B and E)	--	--	--	TBD
<b>Productivity Measures</b>				
Average number of days to process Energy Program Part B initial claims	120	97	110	--
Percentage of new SEC claims decisions issued within 60 days (Part B and E)	90	97	90	90
Percent of Final Decisions processed within 175 days for hearings cases and within 75 days for all other cases (Part B and E)	89	96	90	90
<b>Workload Measures</b>				
Initial Claims Received	6,800	10,112	10,000	8,000
Initial Claims Processed	6,650	8,477	8,000	7,200
Final Decisions Issued	14,100	12,350	14,900	15,600
Payments Issued	5,400	5,014	4,900	4,500

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined

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<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2010 Enacted</b>		<b>FY 2011 Estimate</b>	<b>FY 2012 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Energy Employees Occupational Illness Compensation Program Part E</b>				
<b>Productivity Measures</b>				
Average number of days to process Energy Program Part E initial claims	160	125	145	--
Reduction of the backlog of impairment ratings	1,788	1,882	1,250	--
<b>Workload Measures</b>				
Initial Claims Received	7,100	8,576	6,800	6,600
Initial Claims Processed	6,300	7,907	6,100	5,900
Final Decisions Issued	17,867	15,685	15,800	14,100
Payments Issued	5,500	4,416	6,000	6,500

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined

### **Workload Summary**

DEEOIC will continue its goal of improved program implementation in the areas of customer service through enhanced telephone services, video conferencing, and claimant and medical provider assistance for obtaining impairment ratings and medical bill processing.

Program performance against the new measures established in FY 2011 will help the program continue to move forward in improving program implementation and positively impacting stakeholder performance by tracking the average days to process cases from receipt of a case to final decision, including NIOSH time. While incoming claims are anticipated to gradually decline, HHS designation of new SEC classes can result in unanticipated workloads and NIOSH's frequent revisions of dose reconstruction exposure determinations requires readjudication of previously denied cases.

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<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2010 Comparable</b>	<b>FY 2011 Estimate</b>	<b>FY 2012 Request</b>	<b>Change FY 12 Req. / FY 10 Comp.</b>
11.1	Full-time permanent	23,166	21,942	21,942	-1,224
11.3	Other than full-time permanent	1,339	0	0	-1,339
11.5	Other personnel compensation	1,546	607	607	-939
11.9	<b>Total personnel compensation</b>	<b>26,051</b>	<b>22,549</b>	<b>22,549</b>	<b>-3,502</b>
12.1	Civilian personnel benefits	7,096	6,273	6,273	-823
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	397	160	160	-237
22.0	Transportation of things	5	5	5	0
23.1	Rental payments to GSA	2,572	2,929	3,176	604
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	406	447	447	41
24.0	Printing and reproduction	206	185	185	-21
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services	4,445	6,482	6,482	2,037
25.3	Other purchases of goods and services from Government Accounts	7,655	8,691	8,691	1,036
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	2,796	1,987	1,987	-809
26.0	Supplies and materials	142	256	256	114
31.0	Equipment	129	1,936	1,936	1,807
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>51,900</b>	<b>51,900</b>	<b>52,147</b>	<b>247</b>
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	6,565	6,381	6,381	-184
	DHS Services	179	179	179	0
	GSA Services	109	0	0	-109
	Services by Other Government Departments	802	2,131	2,131	1,329

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## CHANGES IN FY 2012

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
Employee health benefits	0
Moving allowance	0
One day less of Pay	0
Federal Employees Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	247
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$247**

**Net Program** **\$0**

**Direct FTE** **0**

**Estimate** **FTE**

**Base** **\$52,147** **285**