

**FY 2014**

**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 COMPENSATION PROGRAM ACT**

## **APPROPRIATION LANGUAGE**

*For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$55,176,000, 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 2013 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution.

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**EXPLANATION OF LANGUAGE CHANGE**

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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>

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS  
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<b>AMOUNTS AVAILABLE FOR OBLIGATION</b>						
(Dollars in Thousands)						
	<b>FY 2012 Revised Enacted</b>		<b>FY 2013 Full Year C.R.</b>		<b>FY 2014 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)	219	\$52,147	269	\$55,000	269	\$55,176
Unobligated balance available start-of year (Part B)	0	\$1,900	0	\$0	0	\$0
A.1. Subtotal Appropriation	219	\$54,047	269	\$55,000	269	\$55,176
DOL Administrative Expenses: (Part E) (Indefinite Authority)	245	\$73,443	245	\$74,000	0	\$74,042
A.2. Subtotal	245	\$73,443	245	\$74,000	0	\$74,042
<b>B. Gross Budget Authority</b>	<b>464</b>	<b>\$127,490</b>	<b>514</b>	<b>\$129,000</b>	<b>269</b>	<b>\$129,218</b>
Unobligated balance available start-of year (Part B)	0	-\$1,900	0	\$0	0	\$0
DOL Administrative Expenses (Part E) (Indefinite Authority)	-245	-\$73,443	-245	-\$74,000	0	-\$74,042
<i>Subtotal</i>	-245	-\$75,343	-245	-\$74,000	0	-\$74,042
<b>C. Budget Authority Before Committee</b>	<b>219</b>	<b>\$52,147</b>	<b>269</b>	<b>\$55,000</b>	<b>269</b>	<b>\$55,176</b>
Unobligated balance available start-of year (Part B)	0	\$1,900	0	\$0	0	\$0
Unobligated balance available end-of year (Part B)	0	\$0	0	\$0	0	\$0
DOL Administrative Expenses (Part E) (Indefinite Authority)	245	\$73,443	245	\$74,000	0	\$74,042
<i>Subtotal</i>	245	\$75,343	245	\$74,000	0	\$74,042
<b>D. Total Budgetary Resources (Appropriated and Indefinite)</b>	<b>464</b>	<b>\$127,490</b>	<b>514</b>	<b>\$129,000</b>	<b>269</b>	<b>\$129,218</b>
Unobligated Balances Expiring for Part B	0	\$0	0	\$0	0	\$0
Unobligated Balances Expiring for Part E	0	\$0	0	\$0	0	\$0
<b>E. Total, Estimated Obligations</b>	<b>464</b>	<b>\$127,490</b>	<b>514</b>	<b>\$129,000</b>	<b>269</b>	<b>\$129,218</b>

# ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

## SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2012 Revised Enacted	FY 2014 Request	Net Change
<b>Budget Authority</b>			
General Funds	\$125,590	\$129,218	+\$3,628
<b>Total</b>	<b>\$125,590</b>	<b>\$129,218</b>	<b>+\$3,628</b>
<b>Full Time Equivalents</b>			
General Funds	466	514	48
<b>Total</b>	<b>466</b>	<b>514</b>	<b>48</b>

Explanation of Change	FY 2012 Base		Trust Funds		FY 2014 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	466	\$40,441	0	\$0	0	\$4,493	0	\$4,493
Personnel benefits	0	\$8,657	0	\$0	0	\$1,751	0	\$1,751
Employee health benefits	0	\$2,529	0	\$0	0	\$692	0	\$692
Moving allowance	0	\$0	0	\$0	0	\$0	0	\$0
One day more of pay	0	\$0	0	\$0	0	\$0	0	\$0
Federal Employees' Compensation Act (FECA)	0	\$408	0	\$0	0	\$87	0	\$87
Benefits for former personnel	0	\$0	0	\$0	0	\$400	0	\$400
Travel and transportation of persons	0	\$0	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$0	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$0	0	\$0	0	\$0	0	\$0
Rental payments to others	0	\$0	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$0	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$0	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$0	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$0	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$0	0	\$0	0	\$0	0	\$0
Other Federal sources (DHS Charges)	0	\$390	0	\$0	0	\$107	0	\$107
Other goods and services from Federal sources	0	\$3,783	0	\$0	0	\$2,485	0	\$2,485
Research & Development Contracts	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$4	0	\$0	0	\$14	0	\$14
Operation and maintenance of equipment	0	\$15,642	0	\$0	0	\$2,555	0	\$2,555
Supplies and materials	0	\$0	0	\$0	0	\$0	0	\$0
Equipment	0	\$0	0	\$0	0	\$0	0	\$0

## ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

Explanation of Change	FY 2012 Base		Trust Funds		FY 2014 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
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>466</b>	<b>+\$71,854</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$12,584</b>	<b>0</b>	<b>+\$12,584</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>466</b>	<b>+\$71,854</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$12,584</b>	<b>0</b>	<b>+\$12,584</b>
<b>Decreases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Travel and transportation of persons	0	\$974	0	\$0	0	-\$660	0	-\$660
Transportation of things	0	\$42	0	\$0	0	-\$34	0	-\$34
Rental payments to GSA	0	\$8,626	0	\$0	0	-\$2,846	0	-\$2,846
Rental payments to others	0	\$52	0	\$0	0	-\$47	0	-\$47
Communications, utilities, and miscellaneous charges	0	\$852	0	\$0	0	-\$81	0	-\$81
Printing and reproduction	0	\$110	0	\$0	0	-\$47	0	-\$47
Advisory and assistance services	0	\$760	0	\$0	0	-\$410	0	-\$410
Other services from non-Federal sources	0	\$25,800	0	\$0	0	-\$2,051	0	-\$2,051
Working Capital Fund	0	\$13,289	0	\$0	0	-\$775	0	-\$775
Supplies and materials	0	\$632	0	\$0	0	-\$270	0	-\$270
Equipment	0	\$2,599	0	\$0	0	-\$1,735	0	-\$1,735
<b>Built-Ins Subtotal</b>	<b>0</b>	<b>+\$53,736</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>-\$8,956</b>	<b>0</b>	<b>-\$8,956</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>+\$53,736</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>-\$8,956</b>	<b>0</b>	<b>-\$8,956</b>
<b>Total Change</b>	<b>466</b>	<b>+\$125,590</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$3,628</b>	<b>0</b>	<b>+\$3,628</b>

NOTE: FY 2012 reflects actual FTE; the FY 2014 FTE request builds from the FY 2012 actual onboard staffing level.

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS  
COMPENSATION PROGRAM ACT**

<b>SUMMARY BUDGET AUTHORITY BY APPROPRIATION</b>								
(Dollars in Thousands)								
	<b>FY 2012 Revised Enacted</b>		<b>FY 2013 Full Year C.R.</b>		<b>FY 2014 Request</b>		<b>Diff. FY 14 Request / FY 12 Rev. Enacted</b>	
	<b>FTE</b>	<b>Amount</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 - Admin</b>	<b>227</b>	<b>\$52,147</b>	<b>269</b>	<b>\$55,000</b>	<b>269</b>	<b>\$55,176</b>	<b>42</b>	<b>\$3,029</b>
General Funds/OWCP	227	\$51,444	269	\$54,292	269	\$55,176	42	\$3,024
General Funds/Ombudsman	0	\$703	0	\$708	0	\$708	0	\$5
<b>Energy Employees Occupational Illness Compensation Program Part E - Admin</b>	<b>239</b>	<b>\$73,443</b>	<b>245</b>	<b>\$74,000</b>	<b>245</b>	<b>\$74,042</b>	<b>0</b>	<b>\$599</b>
General Funds/OWCP	239	\$72,526	245	\$73,073	245	\$74,042	0	\$591
General Funds/Ombudsman	0	\$917	0	\$927	0	\$925	0	\$8
<b>Energy Employees Occupational Illness Compensation Program - Benefits</b>	<b>0</b>	<b>\$1,280,900</b>	<b>0</b>	<b>\$1,260,205</b>	<b>0</b>	<b>\$1,237,887</b>	<b>0</b>	<b>-\$22,318</b>
Energy Employees Occupational Illness Compensation Program Part B	0	\$821,976	0	\$808,626	0	\$793,540	0	-\$15,086
Energy Employees Occupational Illness Compensation Program Part E	0	\$458,924	0	\$451,579	0	\$444,347	0	-\$7,232
<b>Total</b>	<b>466</b>	<b>1,406,490</b>	<b>514</b>	<b>\$1,389,205</b>	<b>464</b>	<b>\$1,367,105</b>	<b>0</b>	<b>-\$18,690</b>

NOTE: FY 2012 reflects actual FTE.

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS  
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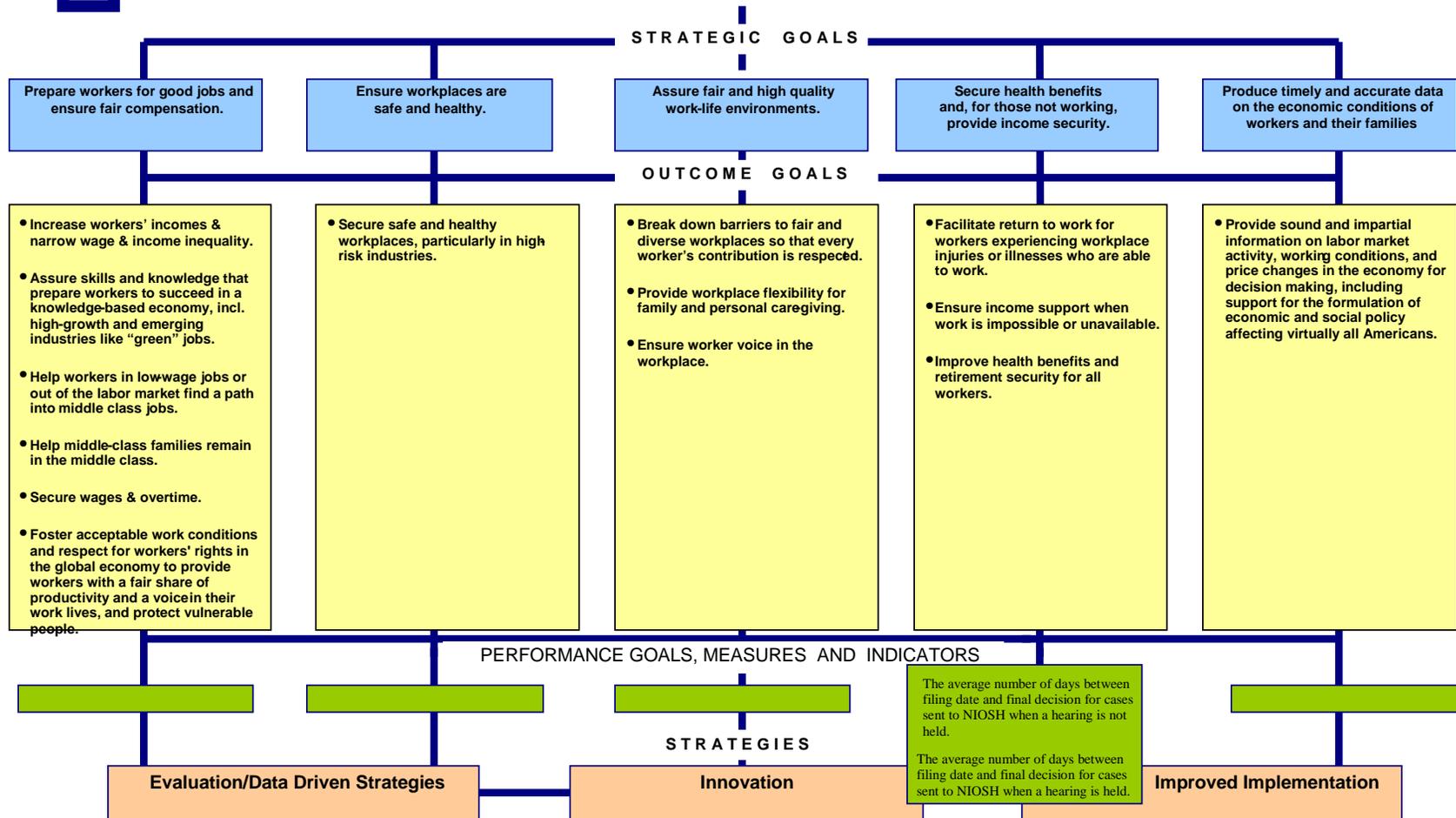
<b>BUDGET AUTHORITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2012 Revised Enacted</b>	<b>FY 2013 Full Year C.R.</b>	<b>FY 2014 Request</b>	<b>Diff. FY14 Request / FY 12 Rev. Enacted</b>
	Full-Time Equivalent				
	Full-time Permanent	219	269	269	50
	<b>Total</b>	<b>219</b>	<b>269</b>	<b>269</b>	<b>50</b>
	Average ES Salary	\$180,453	\$181,130	\$187,651	\$7,198
	Average GM/GS Grade	13/1	13/1	13/2	0
	Average GM/GS Salary	\$91,704	\$92,048	\$95,362	\$3,658
	Average Salary of Ungraded Positions	0	0	0	0
11.1	Full-time permanent	40,041	42,792	44,333	4,292
11.3	Other than full-time permanent	0	212	219	219
11.5	Other personnel compensation	191	167	173	-18
11.8	Special personal services payments	209	202	209	0
11.9	<b>Total personnel compensation</b>	<b>40,441</b>	<b>43,373</b>	<b>44,934</b>	<b>4,493</b>
12.1	Civilian personnel benefits	11,594	13,649	14,124	2,530
13.0	Benefits for former personnel	0	400	400	400
21.0	Travel and transportation of persons	974	314	314	-660
22.0	Transportation of things	42	8	8	-34
23.1	Rental payments to GSA	8,626	5,633	5,780	-2,846
23.2	Rental payments to others	52	5	5	-47
23.3	Communications, utilities, and miscellaneous charges	852	771	771	-81
24.0	Printing and reproduction	110	57	63	-47
25.1	Advisory and assistance services	760	0	350	-410
25.2	Other services from non-Federal sources	25,800	22,953	23,749	-2,051
25.3	Other goods and services from Federal sources 1/	17,462	19,279	19,279	1,817
25.4	Operation and maintenance of facilities	4	18	18	14
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	15,642	18,286	18,197	2,555
26.0	Supplies and materials	632	362	362	-270
31.0	Equipment	2,599	864	864	-1,735
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>125,590</b>	<b>125,972</b>	<b>129,218</b>	<b>3,628</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	13,289	12,514	12,514	-775
	DHS Services	390	497	497	107
	Services by DOL Agencies	0	5,267	4,486	4,486
	GSA Services	0	3	3	3
	Services by Other Government Departments	3,783	998	1,779	-2,004

NOTE: FY 2012 reflects actual FTE.

# ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT



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



# ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

## PERFORMANCE STRUCTURE

<b>Strategic and Outcome Goals Supporting <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.	

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS  
COMPENSATION PROGRAM ACT**

**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

## 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>
2004					
Base Appropriation...1/	\$55,074	\$55,074	\$55,074	\$51,651	300
2005					
Base Appropriation...2/	\$40,821	\$40,821	\$40,821	\$88,296	380
2006					
Base Appropriation...3/	\$156,031	\$96,081	\$96,081	\$143,031	464
2007					
Base Appropriation...4/	\$161,838	\$0	\$0	\$158,966	464
2008					
Base Appropriation...5/	\$161,630	\$0	\$0	\$158,278	598
2009					
Base Appropriation...6/7/	\$108,178	\$0	\$49,654	\$115,713	598
2010					
Base Appropriation...8/	\$111,209	\$51,197	\$51,197	\$127,137	580
2011					
Base Appropriation...9/	\$126,567	\$0	\$0	\$123,778	494
2012					
Base Appropriation...10/	\$125,590	\$0	\$0	\$125,590	464
2013					
Base Appropriation...11/	\$129,000	\$0	\$0	\$128,787	472
2014					
Base Appropriation	\$129,218	\$0	\$0	\$0	0

<sup>1/</sup> Reflects \$3,423,000 rescission.

<sup>2/</sup> Reflects \$500 thousand rescission.

<sup>3/</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>4/</sup> Reflects (Part B - \$49,971,000 and 275 FTE, and HHS \$52,336,000).

<sup>5/</sup> Reflects (Part B - \$49,387,000 and 305 FTE, and HHS \$55,358,000).

<sup>6/</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>7/</sup> Reflects (Part B - \$49,654,000 and 305 FTE. Funding for HHS/NIOSH was appropriated directly to HHS.

<sup>8/</sup> Reflects (Part B - \$51,900,000 and 305 FTE). This amount includes \$703,000 for the Ombudsman's Office.

<sup>9/</sup> Reflects (Part B - \$51,900,000 and 285 FTE). This amount includes \$703,000 for the Ombudsman's Office.

<sup>10/</sup> Reflects (Part B - \$52,147,000 and 219 FTE). This amount includes \$703,000 for the Ombudsman's Office.

<sup>11/</sup> Reflects (Part B - \$55,000,000 and 269 FTE). This amount includes \$708,000 for the Ombudsman's Office.

<sup>12/</sup> Reflects (Part B - \$55,176,000 and 269 FTE). This amount includes \$708,000 for the Ombudsman's Office.

# ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

## Introduction

The Energy Employees Occupational Illness Compensation Program Act (EEOICPA) enacted in October 2000, provides for program administration and operations that 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, the EEOICPA was amended to replace Part D, wherein the DOE provided assistance in obtaining state workers compensation 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 provide federal benefits and 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. In some cases, the Social Security Administration (SSA) provides work history and earnings information. The Department of Justice (DOJ) provides DOL with information about whether claimants filing under EEOICPA have also received benefits under RECA, in order to determine eligibility to 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 of \$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.

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

Under Part B, over 137,100 nuclear energy workers and their survivors have submitted claims. As of March 10, 2013, the Division has issued recommended and/or final decisions on over 201,600 claims (multiple claims are addressed per employee for appropriate segments of the law), and payments in over 58,300 Part B claims, with compensation benefit payments totaling more than \$4,852,000,000. Under Part E, EEOICPA has received over 115,600 claims and issued recommended and/or final decisions on over 136,700 claims (multiple claims are addressed per employee for appropriate segments of the law). EEOICPA has delivered over \$2,868,000,000 in Part E compensation benefits to more than 26,600 claimants. Over \$1,428,000,000 has been paid in medical benefits under both Parts B and E.

EEOICPA continues to establish challenging performance goals in support of the Department's Strategic Goal 4 Secure health benefits and, for those not working, provide income security through Outcome Goal 4.2 Ensure income support when work is impossible or unavailable.

DEEOIC developed baselines in FY 2012 for two new joint measures with DOE and NIOSH that will shorten the overall time to make claims decisions and improve program implementation. The new goals combine Part B and Part E results and were first reported on in FY 2013. The goals account for the various actions a case may require, including dose reconstruction and oral hearing. The average number of days between filing date and final decision for cases sent to NIOSH when a hearing was held was 552 days in FY 2013. The average number of days between filing date and final decision for cases sent to NIOSH when a hearing was not held was 331 days in FY 2013. A priority focus for the program will be to reduce the time required to process cases that are sent to NIOSH for dose reconstruction and those requiring an oral hearing. These goals also support improved 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 these goals can be seen in the workload summary table.

As part of its benefit structure, EEOICPA provides home health care services, where medically necessitated, to severely ill covered employees. Home health care costs have grown by 1,697 percent over the last seven years from \$10,667,641 in FY 2005 to \$191,712,524 in FY 2011. The average cost per claimant has increased 17 percent from \$99,721 in FY 2007 to \$116,755 in FY 2011. On average, one claimant has received home health care benefits for an average of 12 to 24 months at a time. EEOICPA will improve the quality of home health care services through provider outreach and internal monitoring and oversight of provider care. The program has begun the process of developing a new measure in FY 2013 to evaluate home health care cases to ensure appropriate prescribed care as well as to provide additional capacity to monitor for instances of fraud.

Administrative funds for Part B are appropriated annually. For Part E, administrative funds are provided through indefinite appropriations. For Part B in FY 2014, \$55,176,000 is requested. The estimate for Part E is \$74,042,000.

EEOICPA's base funding includes \$708,000 in Part B funds and \$925,000 in Part E funds for the Office of the Ombudsman for the EEOICPA. The Office of the Ombudsman was created by

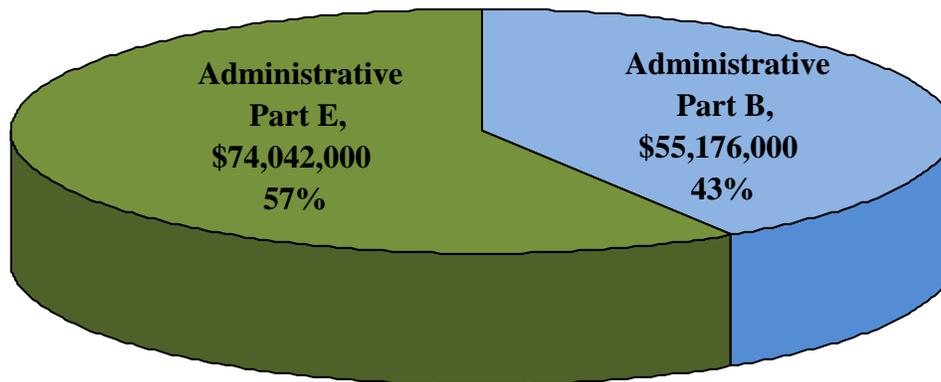
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Congress to address the concerns of claimants and potential claimants regarding their receipt of benefits under Part E of EEOICPA and was later expanded to Part B. By law, this office is required to be independent from the DEEOIC program office. The activities of the Office of the Ombudsman are addressed in the Departmental Management chapter of the Department of Labor's budget presentation.

### **Cost Model**

The FY 2014 Request for Part B is \$55,176,000, an increase of \$3,029,000 compared to the FY 2012 Revised Enacted level. The FY 2014 estimate for the indefinite appropriation for Part E is \$74,042,000, an increase of \$599,000 compared to the FY 2012 Revised Enacted level. The request funds on-going support for claimants, including the capacity to meet performance plan goals and objectives as well as deploy document imaging and ICD-10 coding through base funds.

**Energy Employees Occupational Illness Compensation Program  
FY 2014 Budget Request by Budget Activity Total  
DEEOIC - \$129,218,000**





## ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT PART B

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2012 Revised Enacted</b>	<b>FY 2013 Full Year C.R.</b>	<b>FY 2014 Request</b>	<b>Diff. FY 14 Request / FY 12 Rev. Enacted</b>
<b>Activity Appropriation</b>	<b>52,147</b>	<b>52,147</b>	<b>55,176</b>	<b>3,029</b>
FTE	227	269	269	42

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 219.

### **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.

In FY 2013, DEEOIC is revising its performance measure of the processing of initial claims for Part B and Part E. 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. FY 2012 results for the performance goals are an average of 92 days to process an initial claim under Part B and 104 days to process an initial claim under Part E, cutting the FY 2007 baseline durations by more than one-half. After reviewing the performance through FY 2012, the program decided to combine these measures into one with an FY 2013 target of 100 days.

DEEOIC developed two new joint measures with DOE and NIOSH that will shorten the overall time required to make claims decisions. These goals will account for the various actions a case

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

may require, including dose reconstruction and oral hearing. The program established baselines and targets for these new measures at the end of FY 2012.

DEEOIC Site Exposure Matrices (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. The DEEOIC continues to add additional information to the database as research and claimant feedback arises. In addition, the DEEOIC works closely with DOE to publish quarterly updates on the website. An independent review of the scientific validity of the SEM database will be performed by the National Academy of Sciences (NAS) beginning in FY 2012. The review will focus on strengthening the SEM, filling gaps in knowledge concerning the validity the database and ameliorating negative perceptions about the database that exist with many DEEOIC stakeholders. The NAS report is expected in FY 2013.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2009	\$57,189	305
2010	\$51,900	305
2011	\$53,778	241
2012	\$52,147	219
2013	\$54,962	227

### **FY 2014**

Total resources at the FY 2014 Agency Request level for the Division of Energy Employees Occupational Illness Compensation (DEEOIC) program are \$129,218,000 and 514 FTE. Part B funds are \$55,176,000 and 269 FTE, including \$708,000 for the Office of the Ombudsman. This is an increase of \$3,029,000 when compared to the FY 2012 Revised Enacted level. Part E funds are \$74,042,000 and 245 FTE, including \$925,000 for the Office of the Ombudsman. This is an increase of \$599,000 when compared to the FY 2012 Revised Enacted level.

FY 2014 funding will enable DEEOIC to maintain timely adjudication of claims, quality decisions, and prompt benefit delivery. DEEOIC activities are focused on shortening the time it takes to process and pay compensation benefits while at the same time maintain quality and accuracy to ensure that claimants receive benefits and services timely and for which they are entitled. In FY 2014, DEEOIC projects that over 13,000 Final Decisions will be issued. DEEOIC implemented two new joint processing timeliness measures with DOE and NIOSH to reduce the overall time to make claims decisions. Specific focus will be placed on the

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

cohort of claims that typically require the longest amount of time to adjudicate – those that require both dose reconstruction and oral hearings. For claims sent for dose reconstruction to NIOSH and not requiring a hearing, DEEOIC has targeted a reduction of an average 16 days per case through FY 2014; for cases sent to NIOSH and also requiring a hearing, DEEOIC projects a reduction in time of 12 percent from an average 552 days in FY 2012 to 485 days in FY 2014.

Management of home health care services is also a key program activity. The program is developing a measure to ensure the appropriateness of prescribed home health care as well as improve fraud detection and fiscal integrity. The program will shift existing resources to focus on this new measure. Such shifts are not expected to negatively impact program performance in other areas.

Funding will also enable the operation of Resource Centers that provide critical local and front line assistance and quality customer service in this activity and the maintenance of the Site Exposure Matrix (SEM). The SEM is an essential tool for claims examiners to assess the relationship of an exposure to a claimant's injuries and illnesses. Adequate funding to maintain the SEM is critical to ensure documents that address exposures are reviewed and posted timely. FY 2014 funds will be used to ensure timely review and posting of new documents to update SEM. As NIOSH continues to add new Special Exposure Cohort (SEC) classes, it is paramount that the Resource Center staffing levels are sufficient to support Town Hall Meetings for potential claimants and the influx of inquiries about filing claims that occur after the outreach events and the addition of new cohorts. Resource Centers also respond to questions and concerns that arise from the public as they utilize the additional on-line information in the SEM.

The program will direct funding to several IT initiatives that build on prior year investments and leverage improvements and functionality available through other OWCP program to gain performance efficiencies and improvements. DEEOIC will use base funds to update, improve and maintain the system, including software developers to provide additional upgrades and releases every three to four months.

The program will also deploy document imaging and ICD-10 coding through IT investments. These investments will build upon program investments by other OWCP components and therefore, minimize the costs while maximizing the benefits of implementation. In FY 2012, DEEOIC began planning imaging of documents through the OWCP Imaging System (OIS). OIS is the infrastructure that allows programs to store images that may be retrieved via a standalone desktop imaging viewer application. Second generation imaging will use a web-based viewer. Imaging of documents will allow for ease of transferring files between offices, reductions in storage of claims files, and easier portability of case files. DEEOIC implementation of OIS will be completed in FY 2014. The ECS system will be modified to accommodate the new ICD-10 coding standard mandated by the Department of Health and Human Services.

The Energy Compensation System (ECS) which unifies claims management for Parts B and E became operational in FY 2012. The ECS generates claims processing efficiencies and improves

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accuracy and timeliness, particularly for claims that require adjudication under both Parts of the Act. Claimants receive a higher level of customer service and improved program reporting will allow greater transparency for the public. DEEOIC will use base funds to update, improve and maintain the system, including software developers to provide additional upgrades and releases every three to four months.

### **FY 2013**

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plan for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

### **FY 2012**

Total resources at the FY 2012 Revised Enacted level for DEEOIC were \$125,590,000 and 464 FTE. Part B funds were \$52,147,000 and 219 FTE, including \$703,000 for the Office of the Ombudsman and Part E funds were \$73,443,000 and 245 FTE, including \$917,000 for the Office of the Ombudsman.

DEEOIC delivered quality program performance by processing initial claims within 92 days for Part B and 104 days for Part E. During FY 2012, 93 percent of all final decisions were issued timely. Benefit payments were delivered efficiently and expeditiously. Processing efficiencies extended to claims returned from NIOSH with dose reconstructions, including those for previously adjudicated claims that required re-evaluation based on NIOSH processing updates. DEEOIC achieved its program, operational, and strategic goals during the fiscal year.

The Energy Compensation System (ECS), the new claims management and compensation system designed to unify claims management for Parts B and E became operational in FY 2012. The ECS generates claims processing efficiencies and improved accuracy and timeliness, particularly for claims that require adjudication under both Parts of the Act. Claimants receive a higher level of customer service and improved program reporting allows greater transparency for the public.

The process of utilizing District Medical Consultants (DMCs) was improved by shifting responsibility for oversight to a contractor to provide more consistency between different reports from physicians and more accurate claims adjudication in FY 2012. The contractor is now held to quality and timeliness standards and reviewed by the program on a quarterly basis.

DEEOIC coordinated with DOE to verify employment records and enable DOE to process claims timely. A signed Memorandum of Understanding established that employment verification requests will be processed by DOE and returned to DOL within 60 days. The DEEOIC also implemented a cross-agency system of sharing employment information

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electronically, thereby eliminating time and cost associated with mailing paper documents or CDs.

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

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COMPENSATION PROGRAM ACT PART B**

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>FY 2012 Revised Enacted</b>		<b>FY 2013 Full Year C.R.</b>	<b>FY 2014 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>Strategic Goal 4 - Secure health benefits and, for those not working, provide income security.</b>					
<b>Outcome Goal 4.2 - Ensure income support when work is impossible or unavailable.</b>					
<b>Performance Measures</b>					
EE 3	Percentage of Special Exposure Cohort (SEC) recommended decisions issued within 60 days	92.00%	93.00%	95.00%	95.00%
EE 4a	Average number of days between filing date and final decision for cases sent to NIOSH when a hearing is held (Part B and E)	604	552 <sup>1</sup>	500	485
EE 4b	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)	445	331	325	315
EE 4c	Average number of days between filing date and final decision for cases not sent to NIOSH when a hearing is held	372	366	365	354
EE 4d	Average number of days between filing date and final decision for cases not sent to NIOSH when a hearing is not held	178	177	170	165
EE 5	Percent of telephone inquiries responded to within 1 work day	89.00%	91.00%	92.00%	93.00%
EE 7	Average time (days) to process initial claims (Part B and E)	--	98	100	100
<b>Workload Measures</b>					

<sup>1</sup> FY 2012 is baseline year for EE 4a, EE 4b, and EE 6. Targets will be available October 2012.

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<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2012 Revised Enacted</b>		<b>FY 2013 Full Year C.R.</b>	<b>FY 2014 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
Initial Claims Received	8,074	7,526	7,267	6,540
Initial Claims Processed	9,763	8,777	8,787	7,908
Final Decisions Issued	16,143	15,774	14,529	13,076
Payments Issued	6,321	5,501	5,689	5,120
<b>Total</b>	<b>40,301</b>	<b>37,578</b>	<b>36,272</b>	<b>32,644</b>

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

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

### **Workload Summary**

DEEOIC will improve the provision and management of home health care services, maintain timely adjudication of claims, quality decisions, and prompt benefit delivery and income support to all EEOICPA claimants. The program will direct requested funding to several IT initiatives that build on prior year investments and leverage improvements and functionality available through other OWCP programs to gain performance efficiencies and make improvements.

DEEOIC workload activities provide income support and are focused on shortening the duration of income interruptions. This is accomplished by promptly and accurately processing claims to determine entitlement and deliver benefits. DEEOIC must balance quality and accuracy with production demands to ensure that claimants receive in a timely manner the benefits and services to which they are entitled.

DEEOIC's two new joint timeliness measures with DOE and NIOSH will shorten the overall time to make claims decisions and improve program implementation. These measures will account for the various actions a case may require, including dose reconstruction or oral hearing. These goals provide a more transparent view of the claims process, including time spent in case development outside of DEEOIC. The program will focus on improving performance for the cohort of claims that require the longest amount of time to adjudicate; those that require both dose reconstruction and oral hearings.

The program is in the process of developing a measure that will ensure appropriateness of prescribed home health care as well as improve fraud detection. The program will shift existing resources to focus on this new measure. Such shifts are not expected to negatively impact program performance in other areas.

For established measures, the program performance is expected to exceed the out-year targets for the initial claims processing, the percentage of Special Exposure Cohort (SEC) recommended decisions issued timely, and the timeliness for responding to telephone inquiries.

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<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2012 Revised Enacted</b>		<b>FY 2013 Full Year C.R.</b>	<b>FY 2014 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>Strategic Goal 4 - Secure health benefits and, for those not working, provide income security.</b>				
<b>Outcome Goal 4.2 - Ensure income support when work is impossible or unavailable.</b>				
<b>Workload Measures</b>				
Initial Claims Received	6,868	6,520	6,387	5,940
Initial Claims Processed	7,884	7,417	7,647	7,418
Final Decisions Issued	14,338	15,927	12,904	11,614
Payments Issued	4,040	968	3,919	3,801
<b>Total</b>	<b>33,130</b>	<b>30,832</b>	<b>30,857</b>	<b>28,773</b>

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

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<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
<b>(Dollars in Thousands)</b>					
		<b>FY 2012 Revised Enacted</b>	<b>FY 2013 Full Year C.R.</b>	<b>FY 2014 Request</b>	<b>Diff. FY14 Request / FY 12 Rev. Enacted</b>
11.1	Full-time permanent	19,167	22,764	23,584	4,417
11.3	Other than full-time permanent	0	204	211	211
11.5	Other personnel compensation	191	167	173	-18
11.9	<b>Total personnel compensation</b>	<b>19,358</b>	<b>23,135</b>	<b>23,968</b>	<b>4,610</b>
12.1	Civilian personnel benefits	5,605	7,202	7,453	1,848
13.0	Benefits for former personnel	0	100	100	100
21.0	Travel and transportation of persons	574	160	160	-414
22.0	Transportation of things	25	7	7	-18
23.1	Rental payments to GSA	3,000	2,687	2,687	-313
23.2	Rental payments to others	35	0	0	-35
23.3	Communications, utilities, and miscellaneous charges	499	398	398	-101
24.0	Printing and reproduction	45	13	13	-32
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	9,030	6,760	6,760	-2,270
25.3	Other goods and services from Federal sources 1/	7,796	7,818	7,818	22
25.4	Operation and maintenance of facilities	1	5	5	4
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	3,484	2,985	4,930	1,446
26.0	Supplies and materials	345	166	166	-179
31.0	Equipment	2,350	711	711	-1,639
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>52,147</b>	<b>52,147</b>	<b>55,176</b>	<b>3,029</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	5,938	5,164	5,164	-774
	DHS Services	250	258	258	8
	Services by DOL Agencies	0	1,588	807	807
	GSA Services	0	1	1	1
	Services by Other Government Departments	1,608	807	1,588	-20

# ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT PART B

## CHANGES IN FY 2014

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$4,610
Personnel benefits	1,295
Employee health benefits	473
Moving allowance	0
One day more of pay	0
Federal Employees' Compensation Act (FECA)	80
Benefits for former personnel	100
Travel and transportation of persons	-414
Transportation of things	-18
Rental payments to GSA	-313
Rental payments to others	-35
Communications, utilities, and miscellaneous charges	-101
Printing and reproduction	-32
Advisory and assistance services	0
Other services from non-Federal sources	-2,270
Working Capital Fund	-774
Other Federal sources (DHS Charges)	8
Other goods and services from Federal sources	788
Research & Development Contracts	0
Operation and maintenance of facilities	4
Operation and maintenance of equipment	1,446
Supplies and materials	-179
Equipment	-1,639
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$3,029**

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

**Direct FTE** **0**

	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>\$55,176</b>	<b>227</b>

NOTE: Base reflects actual FY 2012 FTE.