

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM: ARE WE FULFILL-
ING THE PROMISE WE MADE TO THESE COLD
WAR VETERANS WHEN WE CREATED THIS
PROGRAM? (PART IV)**

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CLAIMS

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

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SIGNIFICANT DOCUMENTS AND COMMUNICATIONS RELATED TO THE SUBCOMMITTEE'S
OVERSIGHT OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION
PROGRAM ACT

The following documents and communications are significant items the Subcommittee has come across during its oversight investigation on EEOICPA. The Subcommittee found that there is a continuous stream of communications too numerous to include in the record dating from 2002-2006 that reflect a general mentality in the DOL hierarchy from the Assistant Secretary level down to the health physicists reviewing cases that --

- a. Costs are the primary consideration in DOL policy regarding the program.
- b. Any other opinion (executive and legislative) that conflicts with DOL policy and opinions is borne of ignorance, an attempt to defraud the American taxpayer, politics, or some vague personal agenda.
- c. Everyone except DOL is in the pocket of the worker advocates or pursuing an agenda for financial gain.
- d. Exaggeration of the impact of every action by the Advisory Board and the Secretary of HHS is required when reporting to the Secretary of Labor.

Additionally, the Subcommittee found numerous communications dating from 2002-2006 within the HHS offices involved with EEOICPA as well as between those HHS offices and DOL strategizing on minimizing payouts. The following communications are a small sampling of such communications. Relevant correspondence as well as historical and research documents have also been included.

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- **Legislative proposals.** The 2007 Budget assumes DOL will continue to work with Congress regarding legislation to *dear* repeat violators of child labor and union financial integrity laws; and reforms to improve the efficiency, fairness, and fiscal integrity of the FECA and Black Lung programs.
 - **FECA benefit reforms.** The 2007 Budget will again include changes to FECA to improve benefit fairness, *dear* frivolous claims, and update and rationalize the benefit structure. No later than December 9th, DOL should provide final savings estimates for this package for inclusion in the 2007 Budget.
 - **Black Lung Disability Trust Fund Refinancing.** The 2007 Budget will re-propose legislation to restructure the Black Lung Disability Trust Fund debt. The Department is recognized for its efforts to gain Congressional support for this reform, and should continue its work to enact H.R. 3915 - Black Lung Disability Trust Fund Debt Restructuring Act.

Program Management. The 2007 estimate assumes the following with respect to major components of ESA programs.

- **Central bill processing contract.** While ESA is working to address cost and implementation issues related to the central medical bill processing contract, concerns remain, and ESA is requested to provide periodic status reports on its status.
- **Energy Employees Occupational Illness Compensation Program Act (EEOICPA) Part B.** ESA is to be commended for identifying the potential for a large expansion of EEOICPA Part B benefits through the designation of Special Exposure Cohorts (SEC). The Administration will convene a White House-led interagency workgroup including HHS, and Energy to develop options for administrative procedures to contain growth in the costs of benefits provided by the program. Discussions are not limited to, but will involve, the following five options:
 1. Require Administration clearance of SEC determination;
 2. Address any imbalance in membership of President's Advisory Board on Radiation and Worker Health;
 3. Require an expedited review by outside experts of SEC recommendations by NIOSH;
 4. Require NIOSH to apply "conflict of interest" rules and constraints to the Advisory Board's contractor; and
 5. Require that NIOSH demonstrate that its site profiles and other dose reconstruction guidance are balance.
- **PART assessments.** ESA is encouraged to implement quickly and deliberately recommendations made in PART assessments for each of its activities. We look forward to working with DOL on each of these reforms.