

111TH CONGRESS
1ST SESSION

S. 757

To amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to expand the category of individuals eligible for compensation, to improve the procedures for providing compensation, and to improve transparency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 31, 2009

Mr. UDALL of Colorado (for himself, Mr. BENNET, and Mr. UDALL of New Mexico) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to expand the category of individuals eligible for compensation, to improve the procedures for providing compensation, and to improve transparency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Charlie Wolf Nuclear Workers Compensation Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; purpose.
- Sec. 3. Specified disease.
- Sec. 4. Definitions for program administration.
- Sec. 5. Change in presumption for finding of cancer.
- Sec. 6. Distribution of information to claimants and potential claimants.
- Sec. 7. Enhancement of site profiles of Department of Energy facilities.
- Sec. 8. Clarification of covered illnesses.
- Sec. 9. Payment of compensation to survivors and estates of contractor employees.
- Sec. 10. Wage loss resulting from exposure.
- Sec. 11. Expansion of toxic substance exposure for covered illnesses.
- Sec. 12. Extension of statute of limitations for judicial review of contractor employee claims.
- Sec. 13. Expansion of authority of Ombudsman of Energy Employees Occupational Illness Compensation Program.
- Sec. 14. Payment for transportation and personal care services.
- Sec. 15. Enhancement of transparency in claims process.
- Sec. 16. Extension of time for claimants to respond to requests for information.

1 SEC. 2. FINDINGS; PURPOSE.

2 (a) FINDINGS.—Congress finds that—

3 (1) the Energy Employees Occupational Illness
 4 Compensation Program Act of 2000 (42 U.S.C.
 5 7384 et seq.) (referred to in this subsection as the
 6 “Act”) was enacted to ensure fairness and equity for
 7 the civilian men and women who, for more than 50
 8 years, have performed duties uniquely related to the
 9 nuclear weapons production and testing programs of
 10 the Department of Energy (including predecessor
 11 agencies of the Department of Energy) by estab-
 12 lishing a program to provide efficient, uniform, and
 13 adequate compensation for—

14 (A) beryllium-related health conditions;
 15 and

1 (B) heavy metal-, toxic chemical-, and ra-
2 diation-related health conditions;

3 (2) the Act (42 U.S.C. 7384 et seq.) provides
4 a process for the consideration of claims for com-
5 pensation by individuals who were employed at rel-
6 evant times and at various locations, which includes
7 provisions to designate employees at certain other lo-
8 cations as members of a special exposure cohort the
9 claims of whom are subject to a less-detailed admin-
10 istrative process;

11 (3) the Act (42 U.S.C. 7384 et seq.) authorizes
12 the President, upon a recommendation by the Advi-
13 sory Board on Radiation and Worker Health estab-
14 lished under section 3624(a)(1) of the Act (42
15 U.S.C. 7384o(a)(1)), to designate additional classes
16 of employees at facilities under the jurisdiction of
17 the Department of Energy as members of a special
18 exposure cohort if the President determines that—

19 (A) it is not feasible to estimate with suffi-
20 cient accuracy the magnitude of the radiation
21 dose that the cohort received; and

22 (B) there is a reasonable likelihood that
23 the radiation dose may have endangered the
24 health of members of the cohort;

1 (4) it is not feasible to estimate with sufficient
2 accuracy the magnitude of radiation doses received
3 by employees at facilities under the jurisdiction of
4 the Department of Energy because—

5 (A) many radiation exposures by employees
6 were unmonitored or were not monitored ade-
7 quately over the lifetime of each facility, as
8 demonstrated in 2004, when an individual em-
9 ployed during the 1950s agreed to be scanned
10 under the former radiation worker program of
11 the Department of Energy and was found to
12 have a significant internal deposition of radi-
13 ation that had been undetected and unrecorded
14 for longer than 50 years;

15 (B) lung counters used for the detection
16 and measurement of plutonium and americium
17 in the lungs of the employees were not available
18 at some facilities until the late 1960s, thus—

19 (i) preventing the very insoluble oxide
20 forms of plutonium from being detected;
21 and

22 (ii) leading to a result in which a
23 large number of employees experienced in-
24 halation exposures that went undetected
25 and unmeasured;

1 (C) exposure to neutron radiation was not
2 monitored at some facilities until the late
3 1950s, and most of the measurements taken at
4 the facilities from the period beginning in the
5 late 1950s and ending in 1970 have been found
6 to be in error;

7 (D) in some areas of the facilities, neutron
8 doses were 2 to 10 times as great as the
9 gamma doses received by employees, although
10 only gamma doses were recorded;

11 (E) the radiation exposures of many em-
12 ployees at certain facilities were not measured,
13 and in some cases estimated doses were as-
14 signed, while some records for doses have been
15 destroyed or lost;

16 (F) as a result of the practices described
17 in subparagraph (E), the available exposure his-
18 tories and other data are not adequate to prop-
19 erly determine whether employees qualify for
20 compensation under the Act (42 U.S.C. 7384 et
21 seq.); and

22 (G) the model that has been used for dose
23 reconstruction by the National Institute for Oc-
24 cupational Safety and Health in determining
25 whether certain workers qualify for compensa-

1 tion under the Act (42 U.S.C. 7384 et seq.)
2 contains errors because—

3 (i) the default values used for particle
4 size and solubility of internally deposited
5 plutonium in employees are in error; and

6 (ii) the use of those erroneous default
7 values to calculate internal doses for claim-
8 ants can result in dose calculations that
9 may be 3 to 10 times below the calcula-
10 tions as indicated by the example of the
11 records and autopsy data of the Rocky
12 Flats Environmental Technology Site of
13 the Department of Energy;

14 (5) the administrative costs arising from claims
15 have been disproportionately high relative to the
16 number of claims that have been approved;

17 (6) many employees, despite working with tons
18 of plutonium and having known exposures that have
19 lead to serious health effects, have been denied com-
20 pensation under the Act (42 U.S.C. 7384 et seq.) as
21 a result of—

22 (A) potentially flawed calculations based
23 on records that are incomplete or in error; and

24 (B) the use of incorrect models;

1 (7) the purposes of the Act (42 U.S.C. 7384 et
2 seq.) are more likely to be achieved if claims by the
3 employees described in this subsection are subject to
4 administrative procedures applicable to members of
5 the special exposure cohort;

6 (8) Charlie Wolf, an employee at the nuclear
7 weapons facilities of the Savannah River Site, the
8 Fernald Site, and the Rocky Flats Environmental
9 Technology Site of the Department of Energy, died
10 in 2009 from complications due to glioblastoma mul-
11 tiform brain tumors;

12 (9) the difficulties of Mr. Wolf in securing com-
13 pensation for the illness that he likely incurred from
14 exposures to toxic and radioactive materials at the
15 nuclear weapons facilities described in paragraph (8)
16 reinforce the need to ensure that the Act (42 U.S.C.
17 7384 et seq.) will be carried out more efficiently and
18 humanely for employees similar to Mr. Wolf;

19 (10) Mr. Wolf's first tumor was discovered
20 after he had worked for several years at the Rocky
21 Flats Environmental Technology Site of the Depart-
22 ment of Energy, during which he served as the di-
23 rector of buildings numbered 771 (which was once
24 considered the most dangerous nuclear facility in the
25 United States), 774, and 779, 3 facilities at which

1 toxic and radioactive materials were present and
2 handled by employees;

3 (11) prior to working at the Rocky Flats Envi-
4 ronmental Technology Site of the Department of
5 Energy, Mr. Wolf ran plutonium metal production
6 lines at the Savannah River Site of the Department
7 of Energy;

8 (12) Mr. Wolf and his family spent almost 7
9 years of their lives seeking compensation under the
10 Act (42 U.S.C. 7384 et seq.), although, due to the
11 requirements of the Act (42 U.S.C. 7384 et seq.)
12 and the manner by which the regulations and proce-
13 dures were carried out, the claims of Mr. Wolf were
14 subjected to lengthy and repeated delays and com-
15 plications that resulted from the difficulties associ-
16 ated with establishing the reconstruction of radiation
17 doses;

18 (13) as a result of the experiences of Mr. Wolf,
19 and many others like him, there is a need to reform
20 the Act (42 U.S.C. 7384 et seq.), and the program
21 carried out in accordance with the Act (42 U.S.C.
22 7384 et seq.), to improve the processing of claims;
23 and

24 (14) the reforms established through the
25 amendments made by this Act broaden the list of

1 specified cancers, broaden the membership of the
2 special exposure cohort, and change the presumption
3 of cancer due to work-related exposures to help
4 streamline the claims process and help workers like
5 Mr. Wolf and their survivors.

6 (b) PURPOSE.—The purpose of this Act is to amend
7 the Energy Employees Occupational Illness Compensation
8 Program Act of 2000 (42 U.S.C. 7384 et seq.) to improve
9 the processing of claims for work-related illnesses at facili-
10 ties under the jurisdiction of the Department of Energy.

11 **SEC. 3. SPECIFIED DISEASE.**

12 Section 4(b)(2) of the Radiation Exposure Com-
13 pensation Act (42 U.S.C. 2210 note; Public Law 101–
14 426) is amended—

15 (1) by striking “(other than chronic
16 lymphocytic leukemia)” and inserting “(including
17 chronic lymphocytic leukemia)”;

18 (2) by inserting “posterior subcapsular cata-
19 racts, nonmalignant thyroid nodular disease, para-
20 thyroid adenoma, malignant tumors of the brain and
21 central nervous system, bronchio-alveolar carcinoma,
22 benign neoplasms of the brain and central nervous
23 system,” after “disease),”; and

1 (3) by striking “or lung” and inserting “lung,
2 skin, kidney, salivary gland, rectum, pharynx, or
3 prostate”.

4 **SEC. 4. DEFINITIONS FOR PROGRAM ADMINISTRATION.**

5 (a) **ATOMIC WEAPONS EMPLOYEE.**—Section
6 3621(3)(A) of the Energy Employees Occupational Com-
7 pensation Program Act of 2000 (42 U.S.C. 7384l(3)(A))
8 is amended by inserting “, or an individual employed by
9 a contractor or subcontractor of an atomic weapons em-
10 ployer,” after “atomic weapons employer”.

11 (b) **ESTABLISHED CHRONIC BERYLLIUM DISEASE.**—
12 Section 3621 of the Energy Employees Occupational Com-
13 pensation Program Act of 2000 (42 U.S.C. 7384l) is
14 amended by striking paragraph (13) and inserting the fol-
15 lowing:

16 “(13) **ESTABLISHED CHRONIC BERYLLIUM DIS-**
17 **EASE.**—The term ‘established chronic beryllium dis-18 ease’ means chronic beryllium disease, as established
19 by—

20 “(A) an occupational or environmental his-
21 tory, or epidemiological evidence of beryllium
22 exposure; and

23 “(B) any 3 of the following criteria:

24 “(i) Characteristic chest radiographic
25 (or computed tomography) abnormalities.

1 “(ii) Restrictive or obstructive lung
2 physiology testing or a diffusing lung ca-
3 pacity defect.

4 “(iii) Lung pathology consistent with
5 chronic beryllium disease.

6 “(iv) A clinical course consistent with
7 a chronic respiratory disorder.

8 “(v) An immunologic test dem-
9 onstrating beryllium sensitivity (with pref-
10 erence given to a skin patch test or a be-
11 ryllium blood test).”.

12 (c) MEMBER OF SPECIAL EXPOSURE COHORT.—

13 (1) IN GENERAL.—Section 3621(14) of the En-
14 ergy Employees Occupational Illness Compensation
15 Program Act of 2000 (42 U.S.C. 7384l(14)) is
16 amended by adding at the end the following:

17 “(D) The employee—

18 “(i) is not covered under subpara-
19 graph (A), (B), or (C); and

20 “(ii) was employed by the Department
21 of Energy, or a contractor or subcontractor
22 of the Department of Energy, before Janu-
23 ary 1, 2006.”.

24 (2) REAPPLICATION.—A claim for which an in-
25 dividual qualifies, by reason of paragraph (14)(D) of

1 section 3621 of the Energy Employees Occupational
 2 Illness Compensation Program Act of 2000 (42
 3 U.S.C. 7384l) (as added by paragraph (1)), for com-
 4 pensation or benefits under that Act (42 U.S.C.
 5 7384 et seq.) shall be considered for compensation
 6 or benefits notwithstanding any denial of any other
 7 claim for compensation with respect to the indi-
 8 vidual.

9 (d) SPECIFIED CANCERS.—

10 (1) IN GENERAL.—Section 3621(17) of the En-
 11 ergy Employees Occupational Compensation Pro-
 12 gram Act of 2000 (42 U.S.C. 7384l(17)) is amend-
 13 ed—

14 (A) in subparagraph (D), by striking
 15 “(other than chronic lymphocytic leukemia)”;
 16 and

17 (B) by adding at the end the following:

18 “(E) Basal cell carcinoma.

19 “(F) Skin cancer.”.

20 (2) REAPPLICATION.—A claim for which an in-
 21 dividual qualifies, by reason of subparagraph (E) or
 22 (F) of paragraph (17) of section 3621 of the Energy
 23 Employees Occupational Illness Compensation Pro-
 24 gram Act of 2000 (42 U.S.C. 7384l) (as added by
 25 paragraph (1)), for compensation or benefits under

1 that Act (42 U.S.C. 7384 et seq.) shall be consid-
 2 ered for compensation or benefits notwithstanding
 3 any denial of any other claim for compensation with
 4 respect to the individual.

5 **SEC. 5. CHANGE IN PRESUMPTION FOR FINDING OF CAN-**
 6 **CER.**

7 Section 3623(b) of the Energy Employees Occupa-
 8 tional Compensation Program Act of 2000 (42 U.S.C.
 9 7384n(b)) is amended by striking “if, and only if, the can-
 10 cer specified in that subclause was at least as likely as
 11 not related to” and inserting “, unless it is determined,
 12 by clear and convincing evidence, that such cancer was
 13 not sustained as a result of”.

14 **SEC. 6. DISTRIBUTION OF INFORMATION TO CLAIMANTS**
 15 **AND POTENTIAL CLAIMANTS.**

16 (a) INDEPENDENT PHYSICIANS FOR PERFORMANCE
 17 OF MEDICAL AND IMPAIRMENT SCREENINGS.—Section
 18 3631(b)(2) of the Energy Employees Occupational Illness
 19 Compensation Program Act of 2000 (42 U.S.C.
 20 7384v(b)(2)) is amended—

21 (1) in subparagraph (A), by striking “; and”
 22 and inserting a semicolon;

23 (2) by redesignating subparagraph (B) as sub-
 24 paragraph (C); and

1 (3) by inserting after subparagraph (A) the fol-
2 lowing:

3 “(B) lists that contain descriptions of phy-
4 sicians who are—

5 “(i) qualified to perform medical and
6 impairment screenings on matters relating
7 to the compensation program; and

8 “(ii) identified for purposes of this
9 subparagraph by 1 or more independent
10 medical associations, institutions of higher
11 education, or both that are selected by the
12 President for purposes of this subpara-
13 graph; and”.

14 (b) NOTICE OF AVAILABLE BENEFITS.—Section
15 3631 of the Energy Employees Occupational Illness Com-
16 pensation Program Act of 2000 (42 U.S.C. 7384v) (as
17 amended by subsection (a)) is amended by adding at the
18 end the following:

19 “(d) NOTICE TO CLAIMANTS REGARDING AVAILABLE
20 BENEFITS.—The President shall provide to an individual
21 who files a claim for compensation under this subtitle or
22 subtitle E a written notice that contains a description of
23 the benefits for which the individual may be eligible under
24 this Act.”.

1 **SEC. 7. ENHANCEMENT OF SITE PROFILES OF DEPART-**
2 **MENT OF ENERGY FACILITIES.**

3 (a) INCLUSION OF TRADE NAMES OF CHEMICALS IN
4 SITE PROFILES.—Section 3633 of the Energy Employees
5 Occupational Illness Compensation Program Act of 2000
6 (42 U.S.C. 7384w–1) is amended by striking subsection
7 (c) and inserting the following:

8 “(c) DEFINITION OF SITE PROFILE.—In this section,
9 the term ‘site profile’ means an exposure assessment of
10 a facility that—

11 “(1) identifies the toxic substances or processes
12 that were commonly used in each building or process
13 of the facility, and the time frame during which the
14 potential for exposure to toxic substances existed;
15 and

16 “(2) includes the trade name (if any) of any
17 substance described in paragraph (1).”.

18 (b) PUBLIC ACCESS TO SITE PROFILES AND RE-
19 LATED INFORMATION.—Section 3633 of the Energy Em-
20 ployees Occupational Illness Compensation Program Act
21 of 2000 (42 U.S.C. 7384w–1) (as amended by subsection
22 (a)) is amended by adding at the end the following:

23 “(e) PUBLIC ACCESS TO SITE PROFILES AND RE-
24 LATED INFORMATION.—The Secretary of Labor shall
25 make available to the public—

1 “(1) each site profile prepared under subsection
2 (a);

3 “(2) any other database used by the Secretary
4 of Energy to evaluate claims for compensation under
5 this Act; and

6 “(3) statistical data regarding the number of
7 claims filed, the illnesses claimed, the number of
8 claims filed for each illness, the number of claimants
9 receiving compensation, and the length of time re-
10 quired to process each claim, as measured from the
11 date on which the claim is filed to the final disposi-
12 tion of the claim.”.

13 **SEC. 8. CLARIFICATION OF COVERED ILLNESSES.**

14 (a) DEFINITION OF COVERED ILLNESS.—Section
15 3671 of the Energy Employees Occupational Compensa-
16 tion Program Act of 2000 (42 U.S.C. 7385s) is amended
17 by striking paragraph (2) and inserting the following:

18 “(2) COVERED ILLNESS.—The term ‘covered ill-
19 ness’ means an illness or death resulting from expo-
20 sure to a toxic substance, including—

21 “(A) all forms of cancer;

22 “(B) silicosis;

23 “(C) asbestosis;

24 “(D) mesothelioma;

25 “(E) lung fibrosis;

1 “(F) chronic obstructive pulmonary dis-
 2 ease;
 3 “(G) chronic renal insufficiency;
 4 “(H) peripheral neuropathy;
 5 “(I) chronic encephalopathy;
 6 “(J) occupational asthma; and
 7 “(K) pneumoconiosis.”.

8 (b) REAPPLICATION.—A claim for which an indi-
 9 vidual qualifies, by reason of section 3671(2) of the En-
 10 ergy Employees Occupational Compensation Program Act
 11 of 2000 (42 U.S.C. 7385s(2)) (as amended by subsection
 12 (a)), for compensation or benefits under that Act (42
 13 U.S.C. 7384 et seq.) shall be considered for compensation
 14 or benefits notwithstanding any denial of any other claim
 15 for compensation with respect to the individual.

16 **SEC. 9. PAYMENT OF COMPENSATION TO SURVIVORS AND**
 17 **ESTATES OF CONTRACTOR EMPLOYEES.**

18 Section 3672 of the Energy Employees Occupational
 19 Illness Compensation Program Act of 2000 (42 U.S.C.
 20 7385s–1) is amended to read as follows:

21 **“SEC. 3672. COMPENSATION.**

22 “(a) CONTRACTOR EMPLOYEES; SURVIVORS.—

23 “(1) CONTRACTOR EMPLOYEES.—

24 “(A) IN GENERAL.—In accordance with
 25 section 3673, a covered contractor employee of

1 the Department of Energy shall receive con-
2 tractor employee compensation under this sub-
3 title.

4 “(B) COMPENSATION AFTER DEATH OF
5 CONTRACTOR EMPLOYEE.—Except as provided
6 in paragraph (2)(B), if the death of a con-
7 tractor employee described in subparagraph (A)
8 occurs after the date on which the contractor
9 employee applies for compensation under this
10 subtitle, but before the date on which such com-
11 pensation is paid, the amount of compensation
12 that the contractor employee would have re-
13 ceived under this paragraph shall be paid to—

14 “(i) a survivor of the contractor em-
15 ployee in accordance with section 3674; or

16 “(ii) if, as of the date of the death of
17 the contractor employee, no survivor of the
18 contractor employee exists, the estate of
19 the contractor employee.

20 “(2) SURVIVORS.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), a survivor of a covered con-
23 tractor employee of the Department of Energy
24 shall receive contractor employee compensation

1 under this subtitle in accordance with section
2 3674.

3 “(B) ELECTION OF CONTRACTOR EM-
4 PLOYEE COMPENSATION OR SURVIVOR COM-
5 PENSATION.—A survivor of a contractor em-
6 ployee described in subparagraph (A) who is
7 otherwise eligible to receive compensation pur-
8 suant to subparagraph (A) and paragraph
9 (1)(B) shall—

10 “(i) receive compensation pursuant to
11 subparagraph (A) or paragraph (1)(B), as
12 elected by the survivor of the contractor
13 employee; and

14 “(ii) not receive compensation pursu-
15 ant to both subparagraph (A) and para-
16 graph (1)(B).

17 “(b) APPLICABILITY.—Subsection (a) is subject to
18 each other provision of this subtitle.”.

19 **SEC. 10. WAGE LOSS RESULTING FROM EXPOSURE.**

20 Section 3673(a)(2)(A)(i) of the Energy Employees
21 Occupational Compensation Program Act of 2000 (42
22 U.S.C. 7385s–2(a)(2)(A)(i)) is amended by inserting
23 “that contributed to the wage loss of the employee” after
24 “that employee”.

1 **SEC. 11. EXPANSION OF TOXIC SUBSTANCE EXPOSURE FOR**
2 **COVERED ILLNESSES.**

3 Section 3675(c)(1) of the Energy Employees Occupa-
4 tional Compensation Program Act of 2000 (42 U.S.C.
5 7385s-4(c)(1)) is amended—

6 (1) in subparagraph (A), by inserting “(includ-
7 ing radiation or a combination of a toxic substance,
8 including heavy metals, and radiation)” after “toxic
9 substance”; and

10 (2) in subparagraph (B), by inserting “(includ-
11 ing radiation or a combination of a toxic substance
12 and radiation)” after “toxic substance”.

13 **SEC. 12. EXTENSION OF STATUTE OF LIMITATIONS FOR JU-**
14 **DICIAL REVIEW OF CONTRACTOR EMPLOYEE**
15 **CLAIMS.**

16 Section 3677(a) of the Energy Employees Occupa-
17 tional Illness Compensation Program Act of 2000 (42
18 U.S.C. 7385s-6(a)) is amended, in the first sentence, by
19 striking “within 60 days” and inserting “not later than
20 1 year”.

21 **SEC. 13. EXPANSION OF AUTHORITY OF OMBUDSMAN OF**
22 **ENERGY EMPLOYEES OCCUPATIONAL ILL-**
23 **NESS COMPENSATION PROGRAM.**

24 Section 3686 of the Energy Employees Occupational
25 Illness Compensation Program Act of 2000 (42 U.S.C.
26 7385s-15) is amended—

1 (1) by striking subsection (c) and inserting the
2 following:

3 “(c) DUTIES.—The Office shall—

4 “(1) assist individuals in making claims under
5 this subtitle and subtitle B;

6 “(2) provide information regarding—

7 “(A) the benefits available under this sub-
8 title and subtitle B; and

9 “(B) the requirements and procedures ap-
10 plicable to the provision of the benefits de-
11 scribed in subparagraph (A);

12 “(3) function as an advocate on behalf of indi-
13 viduals seeking benefits under this subtitle and sub-
14 title B;

15 “(4) make recommendations to the Secretary
16 regarding the location of centers (to be known as
17 ‘resource centers’) for the acceptance and develop-
18 ment of claims for benefits under this subtitle and
19 subtitle B; and

20 “(5) carry out such other duties as the Sec-
21 retary may require.”;

22 (2) in subsection (d), by inserting “and subtitle
23 B” after “this subtitle”;

24 (3) in subsection (e), by inserting “and subtitle
25 B” after “this subtitle” each place it appears; and

1 (4) by striking subsection (g) and inserting the
2 following:

3 “(g) CONTRACT AUTHORITY.—The Ombudsman may
4 enter into 1 or more service contracts with individuals who
5 possess expertise in any matter that the Ombudsman con-
6 siderers appropriate for the performance of the duties of the
7 Office, including matters relating to health physics, medi-
8 cine, industrial hygiene, and toxicology.”.

9 **SEC. 14. PAYMENT FOR TRANSPORTATION AND PERSONAL**
10 **CARE SERVICES.**

11 (a) DEFINITION OF COVERED INDIVIDUAL.—In this
12 section, the term “covered individual” means an individual
13 who receives medical benefits under section 3629(a) of the
14 Energy Employees Occupational Illness Compensation
15 Program Act of 2000 (42 U.S.C. 7384t(a)).

16 (b) REGULATIONS.—Not later than 90 days after the
17 date of enactment of this Act, the Secretary of Labor shall
18 promulgate regulations to provide for the direct payment
19 to providers of the costs to covered individuals of—

20 (1) personal care services (as that term is used
21 in section 30.403 of title 20, Code of Federal Regu-
22 lations (as in effect on the day before the date of en-
23 actment of this Act)) authorized pursuant to section
24 3629 of the Energy Employees Occupational Illness

1 Compensation Program Act of 2000 (42 U.S.C.
2 7384t); and

3 (2) necessary and reasonable transportation ex-
4 penses incident to securing medical services, appli-
5 ances, or supplies pursuant to section 3629(c) of the
6 Energy Employees Occupational Illness Compensa-
7 tion Program Act of 2000 (42 U.S.C. 7384t(c)).

8 **SEC. 15. ENHANCEMENT OF TRANSPARENCY IN CLAIMS**
9 **PROCESS.**

10 (a) INFORMATION PROVIDED ON DENIAL OF CLAIM;
11 REQUIREMENTS RELATING TO CORRESPONDENCE.—Not
12 later than 90 days after the date of enactment of this Act,
13 the President shall promulgate regulations to ensure
14 that—

15 (1) any notification to an individual making a
16 claim under the Energy Employees Occupational Ill-
17 ness Compensation Program Act of 2000 (42 U.S.C.
18 7384 et seq.) that the claim of the individual has
19 been denied, and all other correspondence with the
20 individual relating to the claim, are written in lan-
21 guage that is clear, concise, and easily understand-
22 able; and

23 (2) any notification described in paragraph (1)
24 contains—

1 (A) an explanation of each reason for the
2 denial of the claim described in that paragraph;
3 and

4 (B) a description of the information, if
5 any, that the individual could have submitted
6 that could have resulted in approval of the
7 claim.

8 (b) DOCUMENT RETENTION.—Not later than 90 days
9 after the date of enactment of this Act, the Secretary of
10 Labor and the Secretary of Energy shall jointly promul-
11 gate regulations to ensure that the Department of Labor
12 and the Department of Energy—

13 (1) retain each original document in the posses-
14 sion of the Department of Labor or the Department
15 of Energy relating to a facility under the jurisdiction
16 of the Department of Energy if—

17 (A) any employee of the facility might rea-
18 sonably be expected to file a claim for com-
19 pensation under the Energy Employees Occupa-
20 tional Illness Compensation Program Act of
21 2000 (42 U.S.C. 7384 et seq.); and

22 (B) the document might reasonably be ex-
23 pected to be used by any employee described in
24 subparagraph (A) in making a claim for com-
25 pensation under the Energy Employees Occupa-

1 tional Illness Compensation Program Act of
2 2000 (42 U.S.C. 7384 et seq.); and

3 (2) provide each employee described in para-
4 graph (1)(A) with access to each document described
5 in that paragraph.

6 **SEC. 16. EXTENSION OF TIME FOR CLAIMANTS TO RE-**
7 **SPOND TO REQUESTS FOR INFORMATION.**

8 If the Secretary of Labor submits to an individual
9 who has filed a claim for compensation under the Energy
10 Employees Occupational Illness Compensation Program
11 Act of 2000 (42 U.S.C. 7384 et seq.) a request for infor-
12 mation that relates to the claim for compensation, the in-
13 dividual shall be required to respond to the request by not
14 earlier than 120 days after the date on which the indi-
15 vidual receives the request.

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