

1 **Subtitle D—Other Matters**

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

8 (a) ADVISORY BOARD ON TOXIC SUBSTANCES AND
9 WORKER HEALTH.—Subtitle E of the Energy Employees
10 Occupational Illness Compensation Program Act of 2000
11 (42 U.S.C. 7385o et seq.) is amended by adding at the
12 end the following:

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

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

20 “(2) The President shall make appointments to the
21 Board in consultation with organizations with expertise on
22 worker health issues in order to ensure that the member-
23 ship of the Board reflects a proper balance of perspectives
24 from the scientific, medical, and claimant communities.

1 “(3) The President shall designate a Chair of the
2 Board from among its members.

3 “(b) DUTIES.—The Board shall—

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

6 “(A) the site exposure matrices of the De-
7 partment of Labor;

8 “(B) medical guidance for claims exam-
9 iners for claims under this subtitle with respect
10 to the weighing of the medical evidence of
11 claimants;

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

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

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

23 “(c) STAFF AND POWERS.—(1) The President shall
24 appoint a staff to facilitate the work of the Board. The
25 staff of the Board shall be headed by a Director, who shall

1 be appointed under subchapter VIII of chapter 33 of title
2 5, United States Code.

3 “(2) The President may authorize the detail of em-
4 ployees of Federal agencies to the Board as necessary to
5 enable the Board to carry out its duties under this section.
6 The detail of such personnel may be on a nonreimbursable
7 basis.

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

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

18 “(e) EXPENSES.—Members of the Board, other than
19 full-time employees of the United States, while attending
20 meetings of the Board or while otherwise serving at the
21 request of the President, and while serving away from
22 their homes or regular places of business, shall be allowed
23 travel and meal expenses, including per diem in lieu of
24 subsistence (as authorized by section 5703 of title 5,

1 United States Code) for individuals in the Federal Govern-
2 ment serving without pay.

3 “(f) SECURITY CLEARANCES.—(1) The Secretary of
4 Energy shall ensure that the members and staff of the
5 Board, and the contractors performing work in support
6 of the Board, are afforded the opportunity to apply for
7 a security clearance for any matter for which such a clear-
8 ance is appropriate.

9 “(2) The Secretary of Energy should, not later than
10 180 days after receiving a completed application for a se-
11 curity clearance for an individual under this subsection,
12 make a determination of whether or not the individual is
13 eligible for the clearance.

14 “(3) For fiscal year 2016 and each fiscal year there-
15 after, the Secretary of Energy shall include in the budget
16 justification materials submitted to Congress in support
17 of the Department of Energy budget for that fiscal year
18 (as submitted with the budget of the President under sec-
19 tion 1105(a) of title 31, United States Code) a report
20 specifying the number of applications for security clear-
21 ances under this subsection, the number of such applica-
22 tions granted, and the number of such applications denied.

23 “(g) INFORMATION.—The Secretary of Energy shall,
24 in accordance with law, provide to the Board and the con-
25 tractors of the Board, access to any information that the

1 Board considers relevant to carry out its responsibilities
2 under this section, including information such as Re-
3 stricted Data (as defined in section 11 y. of the Atomic
4 Energy Act of 1954 (42 U.S.C. 2014(y))) and information
5 covered by section 552a of title 5, United States Code
6 (commonly known as the ‘Privacy Act’).

7 “(h) AUTHORIZATION OF APPROPRIATIONS.—

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

11 “(2) TREATMENT AS DISCRETIONARY SPEND-
12 ING.—Amounts appropriated to carry out this sec-
13 tion—

14 “(A) shall not be appropriated to the ac-
15 count established under subsection (a) of sec-
16 tion 151 of title I of division B of Appendix D
17 of the Consolidated Appropriations Act, 2001
18 (Public Law 106–554; 114 Stat. 2763A–251);
19 and

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

22 “(i) SUNSET.—The Board shall terminate on the
23 date that is 5 years after the date of the enactment of
24 this section.”.

1 (b) DEPARTMENT OF LABOR RESPONSE TO THE OF-
2 FICE OF THE OMBUDSMAN ANNUAL REPORT; EXTENSION
3 OF AUTHORITY.—Section 3686 of such Act (42 U.S.C.
4 7385s–15) is amended—

5 (1) in subsection (e)—

6 (A) in paragraph (1), by striking “Feb-
7 ruary 15” and inserting “July 30”; and

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

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

14 “(A) includes a statement of whether the Sec-
15 retary agrees or disagrees with the specific issues
16 raised by the Ombudsman in the report;

17 “(B) if the Secretary agrees with the Ombuds-
18 man on those issues, describes the actions to be
19 taken to correct those issues; and

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

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