

**Congress of the United States**  
**Washington, DC 20515**

March 16<sup>th</sup>, 2006

The Honorable Elaine Chao  
Secretary of Labor  
Frances Perkins Building  
Third Street and Constitution Ave. NW  
Washington, D.C. 20210

The Honorable Michael Leavitt  
Secretary of Health and Human Services  
Department of Health and Human Services  
200 Independence Ave. SW  
Washington, D.C. 20201

The Honorable Joshua Bolten  
Director, Office of Management and Budget  
Eisenhower Executive Office Building  
725 Seventeenth Street NW  
Washington, D.C. 20503

Dear Secretary Chao, Secretary Leavitt, and Director Bolten:

On February 13, we wrote to express our concern about the reduction in benefit payments under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) projected in the President's budget request for fiscal year 2007. We now write to express our extreme disappointment with the Administration's proposals to interfere with the congressionally authorized payment of benefits to America's Cold War veterans.

Our February 13 letter noted that those concerns were heightened by reports the Administration might be considering steps to reduce future EEOICPA payments, possibly by changing the procedures for handling special exposure cohort (SEC) petitions. These reported changes included steps that could result in decisions about petitions being based primarily on budgetary considerations, not the scientific criteria and processes for evaluation rooted in the purposes of the Act.

Since we sent that letter – which remains unanswered – we have learned that our concerns were well founded. We refer specifically to an OMB document commending the Labor Department for “identifying the potential for a large expansion” of benefits and stating that, “The Administration will convene a White House-led interagency work group...to develop options for administrative procedures to contain growth in the costs of benefits provided by the program.”

As you know, the OMB document was the subject of a March 1<sup>st</sup> oversight hearing by a subcommittee of the Judiciary Committee of the House of Representatives. We think the

subcommittee's chairman, Representative John Hostettler, put it well when he said the document "sets out a plan to ... base SEC status approvals on budget concerns rather than the scientific basis mandated by law" – in other words, a "plan to override science to meet OMB's budget priorities."

Like Representative Hostettler, we think the Administration's plan is "at odds with Congressional intent," and not only "does a disservice to these Cold War veterans" but threatens to "undermine Government credibility with claimants and the public."

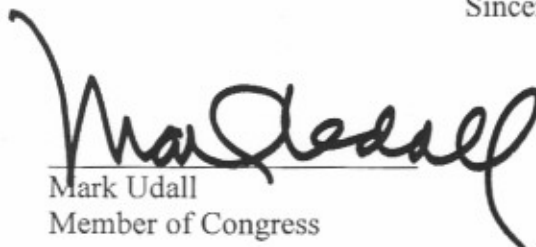
It is particularly outrageous that this attempt to subvert congressional intent would be done at the expense of those whom Chairman Hostettler accurately described as the Cold War veterans who "had the least knowledge of how hazardous their work conditions really were because of the lack of exposure information in their cases."

We therefore request prompt, written answers to these questions:

- 1) Has the "interagency working group" mentioned in the OMB document been established, and if so, with what membership?
- 2) If the working group exists, has it met or is it scheduled to meet in the future?
- 3) Have some or all of the "options" identified in the OMB document been adopted?
- 4) If not, what is the likelihood that any of those options (or other options not mentioned in the OMB document) will be adopted in the future?
- 5) What steps will the Administration take to assure Congress and the public that all its actions related to implementation of EEOICPA – particularly with regard to consideration of SEC petitions – will fully comply with the letter, spirit, and intent of the Act and that the Act's purpose of providing a measure of justice to injured Cold War veterans will not be subordinated to a desire to stint on paying the compensation required by law?

To be clear, we believe it would be contrary to law, contrary to the promises made to the Cold War veterans who served their nation, and contrary to any sense of decency and morality to secretly attempt to balance the budget on the backs of these cancer-stricken workers. The Administration should abandon any thought of implementing such a shameful plan.

Sincerely,

  
Mark Udall  
Member of Congress

  
Ken Salazar  
United States Senator