

109TH CONGRESS
2D SESSION

S. 2794

To ensure the equitable provision of pension and medical benefits to
Department of Energy contractor employees.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2006

Mr. KENNEDY (for himself, Mr. REID, Mr. BAUCUS, Mr. BINGAMAN, Mr. HARKIN, Ms. MIKULSKI, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To ensure the equitable provision of pension and medical
benefits to Department of Energy contractor employees.

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.**

4 This Act may be cited as the “Department of Energy
5 Contractor Employee Equitable Treatment Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) employment-based pension and medical ben-
2 efits are critical elements to the retirement security
3 and state of health of working Americans;

4 (2) the Department of Energy, through the
5 guidance of the Department of Energy relating to
6 contractor employee pension and medical benefits
7 policy (Notice DOE N 351.1 (April 27, 2006)) (re-
8 ferred to in this Act as “Notice DOE N 351.1”), in-
9 dicated the intent of the Department to cease fund-
10 ing for future defined benefit pension benefits and to
11 reduce the medical benefits for contractor employees;

12 (3) those policies attack the retirement security
13 and medical benefits of energy workers and workers
14 employed in the defense of the United States, includ-
15 ing in the manufacturing and testing of nuclear
16 weapons;

17 (4) those policies also undermine the ability of
18 employers to provide appropriate and adequate re-
19 tirement and medical benefits;

20 (5) defined benefit pension plans have a dem-
21 onstrated ability to provide secure retirement bene-
22 fits that furnish steady lifetime retiree income with
23 protection for surviving spouses;

24 (6) market-based medical benefit plans encour-
25 age employers to shift rising health care costs onto

1 employees, particularly less healthy employees, low-
 2 ering employee compensation and leading to poorer
 3 health outcomes without addressing the underlying
 4 problem of skyrocketing health care costs; and

5 (7) the Federal Government should foster em-
 6 ployment policies that provide adequate retirement,
 7 health, and other employment benefits to the Fed-
 8 eral and contractor workforce.

9 **SEC. 3. GUIDANCE OF THE DEPARTMENT OF ENERGY RE-**
 10 **LATING TO CONTRACTOR EMPLOYEE PEN-**
 11 **SION AND MEDICAL BENEFITS POLICY.**

12 (a) IN GENERAL.—No funds made available before,
 13 on, or after the date of enactment of this Act shall be
 14 expended to implement, administer, or enforce the guid-
 15 ance of the Department of Energy relating to contractor
 16 employee pension and medical benefits policy (Notice DOE
 17 N 351.1 (April 27, 2006)) (and any successor guidance),
 18 or any of the practices described in the guidance.

19 (b) WITHDRAWAL.—Not later than 1 day after the
 20 date of enactment of this Act, the Secretary of Energy
 21 shall withdraw the guidance described in subsection (a).

22 (c) REINSTATEMENT OF ELIGIBILITY FOR BENEFITS
 23 OR BENEFIT REIMBURSEMENT.—If the Secretary has car-
 24 ried out Notice DOE N 351.1 (and any successor guid-
 25 ance) before the date of enactment of this Act, the Sec-

1 retary shall reinstate eligibility for benefits or reinstate re-
2 imbursement for benefits, as appropriate, in effect as of
3 January 1, 2006, as if Notice DOE N. 351.1 (and any
4 successor guidance) had not been promulgated or carried
5 out.

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