

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5362

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2006

Mr. GEORGE MILLER of California (for himself, Mr. RANGEL, Mr. DINGELL, Mr. ANDREWS, Mr. LEVIN, Mr. STARK, Mr. CARDIN, Mr. BROWN of Ohio, Mr. POMEROY, Mr. STRICKLAND, Mr. McDERMOTT, and Ms. BEAN) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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          undermine the medical benefits for contractor em-  
12          ployees;

13          (3) those policies attack the retirement security  
14          and medical benefits of workers employed in the de-  
15          fense of the United States, including the manufac-  
16          turing and testing of nuclear 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 retirement benefits that  
22          are adequate to supplement retiree incomes, based  
23          on lifetime income needs, with protection for sur-  
24          viving spouses;

1           (6) market-based medical benefit plans encour-  
2           age employers to shift rising health care costs onto  
3           employees, lowering employee wages without ad-  
4           dressing the underlying problem of skyrocketing  
5           health care costs; and

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

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

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

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

23           (c) REINSTATEMENT OF BENEFIT ELIGIBILITY.—If  
24 the Secretary has carried out Notice DOE N 351.1 (and  
25 any successor guidance) before the date of enactment of

1 this Act, the Secretary shall reinstate eligibility for bene-  
2 fits or reinstate reimbursement for benefits, as appro-  
3 priate, in effect as of January 1, 2006, as if Notice DOE  
4 N. 351.1 (and any successor guidance) had not been pro-  
5 mulgated or carried out.

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