

109TH CONGRESS
1ST SESSION

S. 608

To create an independent office in the Department of Labor to advocate on behalf of pension participants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 11, 2005

Mr. HARKIN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To create an independent office in the Department of Labor to advocate on behalf of pension participants, 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. OFFICE OF PENSION PARTICIPANT ADVOCACY.**

4 (a) IN GENERAL.—Title III of the Employee Retire-
5 ment Income Security Act of 1974 (29 U.S.C. 1201 et
6 seq.) is amended by adding at the end the following:

7 **“Subtitle D—Office of Pension**
8 **Participant Advocacy**

9 **“SEC. 3051. OFFICE OF PENSION PARTICIPANT ADVOCACY.**

10 **“(a) ESTABLISHMENT.—**

1 “(1) IN GENERAL.—There is established in the
2 Department of Labor an office to be known as the
3 ‘Office of Pension Participant Advocacy’.

4 “(2) PENSION PARTICIPANT ADVOCATE.—The
5 Office of Pension Participant Advocacy shall be
6 under the supervision and direction of an official to
7 be known as the ‘Pension Participant Advocate’ who
8 shall—

9 “(A) have demonstrated experience in the
10 area of pension participant assistance, and

11 “(B) be selected by the Secretary after
12 consultation with pension participant advocacy
13 organizations.

14 The Pension Participant Advocate shall report di-
15 rectly to the Secretary and shall be entitled to com-
16 pensation at the same rate as the highest rate of
17 basic pay established for the Senior Executive Serv-
18 ice under section 5382 of title 5, United States
19 Code.

20 “(b) FUNCTIONS OF OFFICE.—It shall be the func-
21 tion of the Office of Pension Participant Advocacy to—

22 “(1) evaluate the efforts of the Federal Govern-
23 ment, business, and financial, professional, retiree,
24 labor, women’s, and other appropriate organizations

1 in assisting and protecting pension plan participants,
2 including—

3 “(A) serving as a focal point for, and ac-
4 tively seeking out, the receipt of information
5 with respect to the policies and activities of the
6 Federal Government, business, and such organi-
7 zations which affect such participants,

8 “(B) identifying significant problems for
9 pension plan participants and the capabilities of
10 the Federal Government, business, and such or-
11 ganizations to address such problems, and

12 “(C) developing proposals for changes in
13 such policies and activities to correct such prob-
14 lems, and communicating such changes to the
15 appropriate officials,

16 “(2) promote the expansion of pension plan cov-
17 erage and the receipt of promised benefits by in-
18 creasing the awareness of the general public of the
19 value of pension plans and by protecting the rights
20 of pension plan participants, including—

21 “(A) enlisting the cooperation of the public
22 and private sectors in disseminating informa-
23 tion, and

1 “(B) forming private-public partnerships
2 and other efforts to assist pension plan partici-
3 pants in receiving their benefits,

4 “(3) advocate for the full attainment of the
5 rights of pension plan participants, including by
6 making pension plan sponsors and fiduciaries aware
7 of their responsibilities,

8 “(4) give priority to the special needs of low
9 and moderate income participants, and

10 “(5) develop needed information with respect to
11 pension plans, including information on the types of
12 existing pension plans, levels of employer and em-
13 ployee contributions, vesting status, accumulated
14 benefits, benefits received, and forms of benefits.

15 “(c) REPORTS.—

16 “(1) ANNUAL REPORT.—Not later than Decem-
17 ber 31 of each calendar year, the Pension Partici-
18 pant Advocate shall report to the Committees on
19 Education and the Workforce and Ways and Means
20 of the House of Representatives and the Committees
21 on Health, Education, Labor, and Pensions and Fi-
22 nance of the Senate on its activities during the fiscal
23 year ending in the calendar year. Such report
24 shall—

1 “(A) identify significant problems the Ad-
2 vocate has identified,

3 “(B) include specific legislative and regu-
4 latory changes to address the problems, and

5 “(C) identify any actions taken to correct
6 problems identified in any previous report.

7 The Pension Participant Advocate shall submit a
8 copy of such report to the Secretary and any other
9 appropriate official at the same time it is submitted
10 to the committees of Congress.

11 “(2) SPECIFIC REPORTS.—The Pension Partici-
12 pant Advocate shall report to the Secretary or any
13 other appropriate official any time the Advocate
14 identifies a problem which may be corrected by the
15 Secretary or such official.

16 “(3) REPORTS TO BE SUBMITTED DIRECTLY.—
17 The report required under paragraph (1) shall be
18 provided directly to the committees of Congress
19 without any prior review or comment by any person
20 other than the Secretary or any other Federal officer
21 or employee.

22 “(d) SPECIFIC POWERS.—

23 “(1) RECEIPT OF INFORMATION.—Subject to
24 such confidentiality requirements as may be appro-
25 priate, the Secretary and other Federal officials

1 shall, upon request, provide such information (in-
 2 cluding plan documents) as may be necessary to en-
 3 able the Pension Participant Advocate to carry out
 4 the Advocate’s responsibilities under this section.

5 “(2) APPEARANCES.—The Pension Participant
 6 Advocate may represent the views and interests of
 7 pension plan participants before any Federal agency,
 8 including, upon request of a participant, in any pro-
 9 ceeding involving the participant.

10 “(3) CONTRACTING AUTHORITY.—In carrying
 11 out responsibilities under subsection (b)(5), the Pen-
 12 sion Participant Advocate may, in addition to any
 13 other authority provided by law—

14 “(A) contract with any person to acquire
 15 statistical information with respect to pension
 16 plan participants, and

17 “(B) conduct direct surveys of pension
 18 plan participants.”.

19 (b) CONFORMING AMENDMENT.—The table of con-
 20 tents for title III of such Act is amended by adding at
 21 the end the following:

“SUBTITLE D—OFFICE OF PENSION PARTICIPANT ADVOCACY
 “3051. Office of Pension Participant Advocacy”.

22 (c) EFFECTIVE DATE.—The amendment made by
 23 this section shall take effect on January 1, 2006.

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