

103^D CONGRESS
1ST SESSION

H. R. 1036

To amend the Employee Retirement Income Security Act of 1974 to provide that such Act does not preempt certain State laws.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1993

Mr. BERMAN (for himself, Mr. FORD of Michigan, Mr. WILLIAMS, Mr. GUNDERSON, Mr. MILLER of California, and Mr. SHAYS) introduced the following bill; which was referred to the Committee on Education and Labor

JUNE 14, 1993

Additional sponsors: Mr. KILDEE, Mr. ENGEL, Mr. ANDREWS of New Jersey, Mrs. MINK, Mr. STRICKLAND, Ms. PELOSI, Mr. STARK, Mr. DIXON, Mr. WAXMAN, Mr. DELLUMS, Mr. ROEMER, Mr. REED, Mr. BECERRA, Mr. COSTELLO, Mr. PENNY, Mr. MANTON, Mr. KENNEDY, Mr. TUCKER, Mr. FILNER, Mr. OLVER, Mr. SANDERS, Mr. PETERSON of Minnesota, Mr. STOKES, Mr. YATES, Mr. HOLDEN, Mr. MAZZOLI, Mr. FAZIO, Ms. ROYBAL-ALLARD, Mr. VISCLOSKEY, Mr. MCCLOSKEY, Mr. DURBIN, Mr. LANTOS, Mr. ROMERO-BARCELÓ, Mr. ACKERMAN, Mr. BROWN of California, Mr. EDWARDS of California, Mr. MINETA, Mr. STUPAK, Mr. SKAGGS, Mr. McDERMOTT, Mr. RAHALL, Mr. PALLONE, Mr. HAMBURG, Mr. DEUTSCH, Mr. KOPETSKI, Ms. ESHOO, Mrs. COLLINS of Illinois, Mr. JOHNSTON of Florida, Mr. BEILENSEN, Mrs. CLAYTON, Mr. SABO, Mr. MOAKLEY, Ms. WOOLSEY, Mrs. UNSOELD, Mr. LAFALCE, Mr. MINGE, Mr. KLECZKA, Mr. KANJORSKI, Mr. SHARP, Mr. FINGERHUT, Mr. RIDGE, Mr. HINCHEY, Ms. LONG, Mr. BARLOW, Mr. LIPINSKI, Mr. MURPHY, Mr. KREIDLER, Mr. FOGLIETTA, Ms. HARMAN, Mr. LAROCO, Mr. KING, Mr. EVANS, Ms. DELAURO, Mr. FRANK of Massachusetts, Ms. VELÁZQUEZ, Mr. NADLER, Mr. TORRES, Mr. REYNOLDS, Mrs. SCHROEDER, Mr. HOCHBRUECKNER, Mr. OBERSTAR, Mr. WHEAT, Mr. HUGHES, Mr. YOUNG of Alaska, Mr. VENTO, Mr. MEEHAN, and Mr. KLINK

A BILL

To amend the Employee Retirement Income Security Act

of 1974 to provide that such Act does not preempt certain State laws.

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. ERISA PREEMPTION RULES NOT TO APPLY TO**
4 **CERTAIN ADDITIONAL STATE LAWS.**

5 Section 514(b) of the Employee Retirement Income
6 Security Act of 1974 (29 U.S.C. 1144(b)) is amended by
7 adding at the end the following new paragraph:

8 “(9) Subsection (a) shall not apply to—

9 “(A) any State law to the extent that such law
10 requires the payment of prevailing wages, including
11 employee benefits, on public projects and permits
12 any prevailing employee benefit plan contribution or
13 cost requirement of such law to be met by crediting
14 (1) the payment of wages in lieu of such contribu-
15 tions or costs, (2) the payment of employee benefit
16 plan contributions or costs, or (3) a combination of
17 wages and such contributions or costs: *Provided,*
18 That nothing in this subparagraph shall exempt
19 from subsection (a) any State law not meeting the
20 foregoing requirements that is construed as mandat-
21 ing the maintenance of, or regulating the benefits or
22 operations of, any employee benefit plan;

23 “(B) any State law—

1 “(i) establishing minimum standards for
2 the certification or registration of apprentice-
3 ship or other training programs,

4 “(ii) regarding the establishment, mainte-
5 nance, or operation of a certified or registered
6 apprenticeship or other training program, or

7 “(iii) making certified or registered ap-
8 prenticeship or other training an occupational
9 qualification,

10 to the extent that such law does not conflict with
11 any right, requirement, or duty established under
12 this title; or

13 “(C) any State law providing for a mechanics’
14 lien or other lien, bonding, or other security for the
15 collection of delinquent contributions to a multiem-
16 ployer plan.”.

17 **SEC. 2. EFFECTIVE DATE.**

18 The amendment made by section 1 shall take effect
19 on the date of the enactment of this Act and shall apply
20 to matters with respect to which actions are pending on
21 or after such date.

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