

103^D CONGRESS
1ST SESSION

H. R. 1036

IN THE SENATE OF THE UNITED STATES

NOVEMBER 10 (legislative day, NOVEMBER 2), 1993

Received; read twice and referred to the Committee on Labor and Human
Resources

AN ACT

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—

1 “(A) any provision of State law to the extent
2 that such provision requires the payment of prevail-
3 ing wages, including employee benefits, on public
4 projects and permits any prevailing employee benefit
5 plan contribution or cost requirement of such law to
6 be met by crediting—

7 “(i) the payment of employee benefit plan
8 contributions or costs,

9 “(ii) the payment of wages in lieu of such
10 contributions or costs, or

11 “(iii) the payment of a combination of
12 wages and such contributions or costs;

13 except that this subparagraph shall not be construed
14 to exempt from subsection (a) any such provision to
15 the extent it otherwise mandates the maintenance of,
16 or otherwise regulates the benefits or operations of,
17 any employee benefit plan;

18 “(B) any provision of State law to the extent
19 that such provision—

20 “(i) establishes minimum standards for the
21 certification or registration of apprenticeship or
22 other training programs,

23 “(ii) concerns the establishment, mainte-
24 nance, or operation of a certified or registered
25 apprenticeship or other training program, or

1 “(iii) makes certified or registered appren-
2 ticeship or other training an occupational quali-
3 fication,

4 and does not conflict with any right, requirement, or
5 duty established under this title; or

6 “(C) any provision of State law to the extent
7 that such provision provides for a mechanics’ lien or
8 other lien, bonding, or other security for the collec-
9 tion of delinquent contributions to a multiemployer
10 plan.”.

11 **SEC. 2. EFFECTIVE DATE.**

12 The amendment made by section 1 shall take effect
13 on the date of the enactment of this Act and shall apply
14 to matters with respect to which actions are pending on
15 or after such date.

 Passed the House of Representatives November 9,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.