

**Calendar No. 505**

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 1036**

**[Report No. 103-299]**

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**AN ACT**

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

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JULY 1 (legislative day, JUNE 7), 1994

Reported without amendment

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## 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

JULY 1 (legislative day, JUNE 7), 1994

Reported by Mr. KENNEDY, without amendment

**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,*

1 **SECTION 1. ERISA PREEMPTION RULES NOT TO APPLY TO**  
2 **CERTAIN ADDITIONAL STATE LAWS.**

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

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

7 “(A) any provision of State law to the extent  
8 that such provision requires the payment of prevail-  
9 ing wages, including employee benefits, on public  
10 projects and permits any prevailing employee benefit  
11 plan contribution or cost requirement of such law to  
12 be met by crediting—

13 “(i) the payment of employee benefit plan  
14 contributions or costs,

15 “(ii) the payment of wages in lieu of such  
16 contributions or costs, or

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

19 except that this subparagraph shall not be construed  
20 to exempt from subsection (a) any such provision to  
21 the extent it otherwise mandates the maintenance of,  
22 or otherwise regulates the benefits or operations of,  
23 any employee benefit plan;

24 “(B) any provision of State law to the extent  
25 that such provision—

