

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

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**H. R. 1036**

**AN ACT**

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



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:

*Clerk.*