

103D 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.

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## 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

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## 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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