

**Union Calendar No. 142**

103D CONGRESS  
1ST SESSION

**H. R. 1036**

**[Report No. 103-253]**

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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.

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SEPTEMBER 22, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

SEPTEMBER 22, 1993

Additional sponsors: Mr. HASTINGS, Mrs. KENNELLY, Mr. WYNN, Miss COL-

LINS of Michigan, Mr. ABERCROMBIE, Mr. DEFazio, Mr. MENENDEZ, Mr. GENE GREEN of Texas, Mr. BROWN of Ohio, Mr. BORSKI, Mr. COYNE, Mr. THOMPSON of Mississippi, Mr. MARKEY, Mr. NEAL of Massachusetts, Mr. CARDIN, Mr. PASTOR, Mr. STUDDS, Ms. SLAUGHTER, Mr. PAYNE of New Jersey, Mr. BONIOR, Mr. SWIFT, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. BARRETT of Wisconsin, Mr. DICKS, Mr. BACCHUS of Florida, Mr. MARTINEZ, Ms. CANTWELL, Mr. SWETT, Mrs. MALONEY, Mr. SERRANO, Mr. MOLLOHAN, Mr. ANDREWS of Maine, and Mr. POMEROY

SEPTEMBER 22, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 23, 1993]

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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 Se-*  
 6        *curity Act of 1974 (29 U.S.C. 1144(b)) is amended by add-*  
 7        *ing at the end the following new paragraph:*

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

9                *“(A) any provision of State law to the extent*  
 10        *that such provision requires the payment of prevail-*  
 11        *ing wages, including employee benefits, on public*  
 12        *projects and permits any prevailing employee benefit*

1     *plan contribution or cost requirement of such law to*  
2     *be met by crediting—*

3             *“(i) the payment of employee benefit plan*  
4             *contributions or costs,*

5             *“(ii) the payment of wages in lieu of such*  
6             *contributions or costs, or*

7             *“(iii) the payment of a combination of*  
8             *wages and such contributions or costs;*

9     *except that this subparagraph shall not be construed*  
10    *to exempt from subsection (a) any such provision to*  
11    *the extent it otherwise mandates the maintenance of,*  
12    *or otherwise regulates the benefits or operations of,*  
13    *any employee benefit plan;*

14            *“(B) any provision of State law to the extent*  
15            *that such provision—*

16                *“(i) establishes minimum standards for the*  
17                *certification or registration of apprenticeship or*  
18                *other training programs,*

19                *“(ii) concerns the establishment, mainte-*  
20                *nance, or operation of a certified or registered*  
21                *apprenticeship or other training program, or*

22                *“(iii) makes certified or registered appren-*  
23                *ticeship or other training an occupational quali-*  
24                *fication,*

1        *and does not conflict with any right, requirement, or*  
2        *duty established under this title; or*

3            *“(C) any provision of State law to the extent*  
4        *that such provision provides for a mechanics’ lien or*  
5        *other lien, bonding, or other security for the collection*  
6        *of delinquent contributions to a multiemployer*  
7        *plan.”.*

8        ***SEC. 2. EFFECTIVE DATE.***

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