

103^D CONGRESS
1ST SESSION

S. 1580

To provide that the Employee Retirement Income Security Act of 1974 does not preempt certain State laws, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 21 (legislative day, OCTOBER 13), 1993

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To provide that the Employee Retirement Income Security Act of 1974 does not preempt certain State laws, and for other purposes.

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 provision of State law to the extent
10 that such provision requires the payment of prevail-

1 ing wages, including employee benefits, on public
2 projects and permits any prevailing employee benefit
3 plan contribution or cost requirement of such law to
4 be met by crediting—

5 “(i) the payment of employee benefit plan
6 contributions or costs,

7 “(ii) the payment of wages in lieu of such
8 contributions or costs, or

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

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

16 “(B) any provision of State law to the extent
17 that such provision—

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

21 “(ii) concerns the establishment, mainte-
22 nance, or operation of a certified or registered
23 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.

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