

was, by unanimous consent, laid on the table.

131.11 ERISA AMENDMENT

The SPEAKER pro tempore, Mr. MAZZOLI, pursuant to House Resolution 299 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1036) to amend the Employee Retirement Income Security Act of 1974 to provide that such Act does not preempt certain State laws.

The SPEAKER pro tempore, Mr. MAZZOLI, by unanimous consent, designated Mr. MCDERMOTT as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the Senate.

The SPEAKER pro tempore, Mr. KLINK, assumed the Chair.

131.12 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2520), an act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the Senate agreed, to the amendments of the House to the amendments of the Senate numbered 1, 2, 4, 10, 12, 18, 23, 24, 38, 39, 62, 69, 71, 72, 73, 74, 75, 77, 81, 84, 90, 100, 102, 118, 120, 121, and 125 to the above-entitled bill.

The message also announced that the Senate receded from its amendments numbered 123 and 124, to the above-entitled bill.

The Committee resumed its sitting; and after some further time spent therein,

131.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GOODLING:

Page 4, line 2, insert after "title;" the following: "except that nothing in this subparagraph shall be construed to exempt from subsection (a) any portion of such provision of the law of such State to the extent that such portion limits apprenticeship or training opportunities by discriminating against any apprenticeship or training program under an employee benefit plan for an anti-competitive purpose which is based on the affiliation or nonaffiliation of the plan sponsor, any participant, or any employer of a participant with any labor organization, or which is designed to benefit or protect any other apprenticeship or training program under such a plan;"

It was decided in the { Yeas 174 negative } { Nays 255

131.14 [Roll No. 553] AYES—174

- Allard Archer Armev Bachus (AL) Baker (CA) Baker (LA)

- Ballerger Barrett (NE) Bartlett Barton Bateman Bentley Bereuter Bilirakis Bliley Blute Boehner Bonilla Bunning Burton Buyer Callahan Calvert Camp Canady Castle Clinger Coble Collins (GA) Combest Cox Cramer Crane Crapo Cunningham Deal DeLay Derrick Dickey Doolittle Dornan Dreier Duncan Dunn Emerson Everett Ewing Fawell Fields (TX) Fowler Franks (CT) Gallegly Gekas Geren Gilchrest Gillmor Gingrich Goodlatte Goodling Goss Grams Grandy Greenwood Gunderson Hall (TX) Hancock Hansen Hastert Hayes Hefley Herger Hobson Hoekstra Hoke Horn Houghton Huffington Hunter Hutchinson Hutto Hyde Inglis Inhofe Istook Johnson (CT) Johnson (GA) Johnson, Sam Kasich Kim Kingston Klug Knollenberg Kolbe Kyl Laughlin Leach Lewis (CA) Lightfoot Linder Livingston Machtley Manzullo McCandless McCollum McCreery McDade McInnis McKeon McMillan Meyers Mica Michel Miller (FL) Molinari Montgomery Moorhead Morella Myers

NOES—255

- Abercrombie Ackerman Andrews (ME) Andrews (NJ) Andrews (TX) Applegate Bacchus (FL) Baesler Barca Barcia Barlow Barrett (WI) Becerra Beilenson Berman Bevill Bilbray Bishop Blackwell Boehlert Bonior Borski Boucher Brewster Brooks Browder Brown (CA) Brown (FL) Brown (OH) Bryant Byrne Cantwell Cardin Carr Chapman Clay Clayton Clement Clyburn Coleman Collins (IL) Collins (MI) Condit Conyers Cooper Coppersmith Costello Coyne Danner Darden de la Garza de Lugo (VI) DeFazio DeLauro Dellums Deutsch Diaz-Balart Dicks Dingell Dixon Dooley Durbin Edwards (CA) Edwards (TX) Engel English (AZ) English (OK) Eshoo Evans Faleomavaega (AS) Farr Fazio Fields (LA) Filner Fingerhut Fish Flake Foglietta Ford (MI) Ford (TN) Frank (MA) Franks (NJ) Frost

- Neal (NC) Nussle Oxley Packard Parker Paxon Payne (VA) Pombo Porter Portman Pryce (OH) Quillen Quinn Ramstad Ravenel Regula Roberts Rogers Rohrabacher Ros-Lehtinen Roth Roukema Rowland Royce Sarpalius Schaefer Schiff Sensenbrenner Shaw Shuster Skeen Smith (MI) Smith (OR) Smith (TX) Snow Spence Stearns Stenholm Stump Sundquist Talent Tanner Taylor (MS) Taylor (NC) Thomas (CA) Thomas (WY) Thurman Upton Valentine Vucanovich Walker Walsh Wolf Young (FL) Zeliff Zimmer

- Furse Gallo Gejdenson Gephardt Gibbons Gilman Glickman Gonzalez Gordon Green Gutierrez Hall (OH) Hamburg Hamilton Harman Hastings Hefner Hilliard Hinchey Hoagland Hochbrueckner Holden Hoyer Hughes Insole Jacobs Jefferson Johnson (SD) Johnson, E. B. Johnston Kanjorski Kaptur Kennedy Kennelly Kildee King Kleczka Klein Klink Kopetski Kreidler LaFalce

- Lambert Lancaster Lantos LaRocco Lazio Lehman Levin Levy Lewis (GA) Lipinski Lloyd Long Lowey Maloney Mann Manton Margolies-Mezvinsky Markey Martinez Matsui Mazzoli McCloskey McCurdy McDermott McHale McHugh McKinney McNulty Meehan Meek Menendez Mfume Miller (CA) Mineta Minge Mink Mollohan Moran Murphy Murtha Nadler Natcher Neal (MA) Oberstar Obey Olver Ortiz Orton Owens Pallone Pastor Payne (NJ) Pelosi Penny Peterson (FL) Peterson (MN) Pickett Pickle Pomeroy Poshard Price (NC) Rahall Rangel Reed Reynolds Richardson Ridge Roemer Rostenkowski Roybal-Allard Rush Sabo Sanders Sangmeister Santorum Sawyer Saxton Schenk Schroeder Schumer Scott Serrano Sharp Shays Shepherd Sisisky Skaggs Skelton Slattery Slaughter Smith (IA) Smith (NJ) Solomon Spratt Stark Stokes Strickland Studds Stupak Swett Swift Synar Tejeda Thompson Thornton Torildsen Torres Torricelli Towns Traficant Tucker Unsoeld Velazquez Vento Visclosky Volkmer Washington Waters Watt Waxman Weldon Wheat Williams Wilson Wise Woolsey Wyden Wynn Yates Young (AK)

NOT VOTING—9

- Lewis (FL) Moakley Norton (DC) Petri Romero-Barcelo (PR) Rose Tauzin Underwood (GU) Whitten

So the amendment was not agreed to. After some further time,

The SPEAKER pro tempore, Mr. HUGHES, assumed the Chair.

When Mr. BARLOW, Acting Chairman, pursuant to House Resolution 299, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

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

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

"(9) Subsection (a) shall not apply to— "(A) any provision of State law to the extent that such provision requires the payment of prevailing wages, including employee benefits, on public projects and permits any prevailing employee benefit plan contribution or cost requirement of such law to be met by crediting— 11(i) the payment of employee benefit plan contributions or costs,

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

"(iii) the payment of a combination of wages and such contributions or costs; except that this subparagraph shall not be construed to exempt from subsection (a) any such provision to the extent it otherwise mandates the maintenance of, or otherwise