

Public Law 102-89  
102d Congress

An Act

Aug. 14, 1991  
[H.R. 2031]

To amend title I of the Employee Retirement Income Security Act of 1974 to provide for equal treatment of telephone and electric cooperative welfare plans for the purposes of preemption.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Rural Telephone  
Cooperative  
Associations  
ERISA  
Amendments  
Act of 1991.  
29 USC 1001  
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Telephone Cooperative Associations ERISA Amendments Act of 1991".

SEC. 2. EQUAL TREATMENT OF TELEPHONE AND ELECTRIC COOPERATIVE WELFARE PLANS FOR PURPOSES OF PREEMPTION.

Section 3(40) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(40)) is amended—

- (1) in subparagraph (A)(i), by striking "or" at the end;
- (2) in subparagraph (A)(ii), by striking "cooperative." and inserting "cooperative, or";
- (3) by adding at the end of subparagraph (A) the following new clause:
 

"(iii) by a rural telephone cooperative association.";
- (4) in subparagraph (B)(iii), by striking "and" at the end;
- (5) in subparagraph (B)(iv)(II), by striking "subclause (I)." and inserting "subclause (I), and"; and
- (6) by adding at the end of subparagraph (B) the following new clause:

"(v) the term 'rural telephone cooperative association' means an organization described in paragraph (4) or (6) of section 501(c) of the Internal Revenue Code of 1986 which is exempt from tax under section 501(a) of such Code and at least 80 percent of the members of which are organizations engaged primarily in providing telephone service to rural areas of the United States on a mutual, cooperative, or other basis."

29 USC 1002  
note.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect on the date of the enactment of this Act.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.R. 2031:

HOUSE REPORTS: No. 102-150 (Comm. on Education and Labor).  
CONGRESSIONAL RECORD, Vol. 137 (1991):  
July 16, considered and passed House.  
July 24, considered and passed Senate.