plan through reporting, disclosure and fiduciary requirements. It is a government insurance program which is designed to provide health care protection to workers who were previously unable to afford such protection. In addition, the health insurance protection provided by the Hawaii Prepaid Health Care Act is not the type of program which ERISA was designed to regulate or preempt.

Mr. President, the exemption from ERISA’s preemption of the Hawaii Prepaid Health Care Act is strongly supported by both the Committee on Labor and Human Resources and the Finance Committee, the U.S. Department of Labor is defined under the statute. The doctrine of preemption has been applied to the administration of the ERISA program. The improvement in health insurance protection, the addition of a new health care delivery system and improved access to care provided by the Hawaii act, and the effect of any subsequent preemption of the Hawaii act. The fact that the Department of Labor would provide the appropriate committees of the Congress with any and further recommendations on the preemption of the Hawaii Prepaid Health Care Act and other State health insurance laws for employees.

Mr. President, section 409 of the Act would provide an important and broad purpose of the intent of Congress on the preemption of the Hawaii Prepaid Health Care Act by ERISA. It will provide a broad and equitable resolution of the preemption issue. I therefore urge my colleagues to join me in rejecting any amendments that would negate this important section.

CHURCH PLAN EXCLUSION

Mr. TALMADGE. Mr. President, the church plan exemption for purposes of the church plan definition. Do I understand that this plan will permit a minister serving outside his church to be covered under a church plan without applying its status as a church plan?

Mr. LONG. Yes, as under the original definition of church plan, the plan must be established and maintained for the employees of a church. The plan “excludes” the church, and the restrictions placed upon those words in the regulations under such provisions of the Internal Revenue Code and the Employee Retirement Income Security Act of 1974. The church will be responsible for the maintenance of the church plan.

Mr. TALMADGE. Mr. President, I understand that many church plans are maintained by separate, incorporated organizations which function as church boards. These boards have historically been considered by church denominations as part of their corporate characteristic. It seems that it would be possible to establish a church pension board to maintain a church plan.

Mr. LONG. Yes. I conclude that a pension board that provides for the benefits of persons carrying out the work of the church and without the premium cost. Today, 93 percent of employers are enrolled in such a plan. The church plan definition should be clarified. The bill recognizes the status of a church plan maintained by an organization, whether separately incorporated or otherwise, which is the administration of funds of a plan or program for the provision of retirement or welfare benefits to the church employees. Provided such organization is maintained by a church, and the church plan is provided organization is maintained by a church.

Mr. DURBIN. Today, a church is considered to be the only employer under the Multiemployer Pension Plan Amendments Act of 1974. One of the church plans is for the 10-year period, 1974-1984.

Mr. WILLIAMS. Yes; these regulations are to prevent the treatment of such payments as wages whose exempt from the standards or purposes of ERISA applicable to pension plans. Thus, in formulating such regulations, the Department of Labor is to take into account both the overall percentage of retiree’s total retirement benefits and retirement benefits in general, and also the extent to which retirees are subject to any guarantees of the plan. Mr. ARMSTRONG. Mr. President, this is an extremely complicated piece of legislation. Every word of this bill is subject to interpretation by the IRS, the courts, the Department of Labor, and boards of emergency. And yet there is no committee report.

Mr. WILLIAMS. Yes, I think it is irresponsible to those people who are going to be affected. The IRS has taken no action as far as the implementation of the bill is concerned. And yet the bills will remain on the books. I urge the Senate to pass this legislation.