

Mrs. SCHROEDER. Mr. Speaker, I would say for my mom, I would rather have trustees look at it rather than Members of Congress.

Mr. KINGSTON. Mr. Speaker, reclaiming my time, my mom does not trust them. She trusts me.

#### DO NOT CUT MEDICARE FOR A TAX CUT

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, the Republican plan on Medicare is a falsehood on the people of this country. It is detrimental to all of those persons who are above 60. It is detrimental to everything that America should stand for.

We talked about trustees a minute ago, Mr. Speaker. Every person in this country should have trust in this body, trust to do what is right, especially for those persons who have worked all of their lives and who in the twilight of their years see this body snatch from them their Medicare, their Medicaid benefits, that they are due because of trust that they place in this body. They trust us to do the right thing.

Mr. Speaker, we have failed to do the right thing because we have taken money, we are attempting to take money from Medicare just to support a tax cut for rich.

#### CORRECTING TECHNICAL ERRORS IN ENROLLMENT OF H.R. 1594, ECONOMICALLY TARGETED INVESTMENTS IN CONNECTION WITH EMPLOYEE BENEFIT PLANS

Mr. GOODLING. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 108) to correct technical errors in the enrollment of the bill, H.R. 1594, and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore (Mr. RIGGS). Is there objection to the request of the gentleman from Pennsylvania?

Mr. OWENS. Mr. Speaker, reserving the right to object, I would ask the gentleman from Pennsylvania [Mr. GOODLING] to explain his request.

Mr. GOODLING. Mr. Speaker, during consideration of the bill H.R. 1594, the Committee of the Whole adopted an amendment offered by Mr. TRAFICANT, which we intended to be language contained in the House Report 104-238. Unfortunately, the language offered was not identical to the House report; hence, this resolution would instruct a correction of the House-passed bill.

Mr. OWENS. Mr. Speaker, further reserving my right to object, I rise in support of the unanimous-consent report.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. GOODLING]?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 108

*Resolved by the House of Representatives (the Senate concurring).* That, in the enrollment of the bill (H.R. 1594) to place restrictions on the promotion by the Department of Labor and other Federal agencies and instrumentalities of economically targeted investments in connection with employee benefit plans, the Clerk of the House of Representatives shall, in section 5 of the bill, strike "Nothing" and all that follows through the end of such section and insert the following: "Nothing in this Act is intended to affect the ability of the Department of Labor to issue advisory opinions, information letters, technical releases, prohibited transaction exemptions, or other pronouncements interpreting and applying the fiduciary responsibility rules of the Employee Retirement Income Security Act of 1974 in relation to particular factual situations, or exempting specific transactions from the prohibited transaction provisions of such Act (pursuant to sections 406 and 408 of such Act (29 U.S.C. 1106, 1108)).".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

#### REVERSING SUPREME COURT DECISION IN ADAMS FRUIT VERSUS BARRETT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1715) respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act as amended.

The Clerk read as follows:

H.R. 1715

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

#### SECTION 1. WORKERS' COMPENSATION.

(a) AMENDMENTS.—

(1) Section 325 of the Legislative Branch Appropriations Act, 1993 (Public Law 102-392) is repealed.

(2) Section 504(d) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854(d)) is amended to read as follows:

"(d)(1) Notwithstanding any other provision of this Act, where a State workers' compensation law is applicable and coverage is provided for a migrant or seasonal agricultural worker, the workers' compensation benefits shall be the exclusive remedy for loss of such worker under this Act in the case of bodily injury or death in accordance

with such State's workers' compensation law.

"(2) The exclusive remedy prescribed by paragraph (1) precludes the recovery under subsection (c) of actual damages for loss from an injury or death but does not preclude recovery under subsection (c) for statutory damages or equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect (A) a recovery under a State workers' compensation law or (B) rights conferred under a State workers' compensation law."

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall apply to all cases in which a final judgment has not been entered.

#### SEC. 2. EXPANSION OF STATUTORY DAMAGES.

(a) AMENDMENT.—Section 504 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854) is amended by adding after subsection (d) the following:

"(e) If the court finds in an action which is brought by or for a worker under subsection (a) in which a claim for actual damages is precluded because the worker's injury is covered by a State workers' compensation law as provided by subsection (d) that—

"(1)(A) the defendant in the action violated section 401(b) by knowingly requiring or permitting a driver to drive a vehicle for the transportation of migrant or seasonal agricultural workers while under the influence of alcohol or a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) and the defendant had actual knowledge of the driver's condition, and

"(B) such violation resulted in injury to or death of the migrant or seasonal worker by or for whom the action was brought and such injury or death arose out of and in the course of employment as determined under the State workers' compensation law,

"(2)(A) the defendant violated a safety standard prescribed by the Secretary under section 401(b) which the defendant was determined in a previous judicial or administrative proceeding to have violated, and

"(B) such safety violation resulted in an injury or death described in paragraph (1)(B),

"(3)(A)(i) the defendant willfully disabled or removed a safety device prescribed by the Secretary under section 401(b), or

"(ii) the defendant in conscious disregard of the requirements of section 401(b) failed to provide a safety device required under such section, and

"(B) such disablement, removal, or failure to provide a safety device resulted in an injury or death described in paragraph (1)(B), or

"(4)(A) the defendant violated a safety standard prescribed by the Secretary under section 401(b),

"(B) such safety violation resulted in an injury or death described in paragraph (1)(B), and

"(C) the defendant at the time of the violation of section 401(b) also was—

"(i) an unregistered farm labor contractor in violation of section 101(a), or

"(ii) a person who utilized the services of a farm labor contractor of the type specified in clause (i) without taking reasonable steps to determine that the farm labor contractor possessed a valid certificate of registration authorizing the performance of the farm labor contracting activities which the contractor was requested or permitted to perform with the knowledge of such person,

the court shall award not more than \$10,000 per plaintiff per violation with respect to whom the court made the finding described in paragraph (1), (2), (3), or (4), except that multiple infractions of a single provision of this Act shall constitute only one violation

for purposes of determining the amount of statutory damages due to a plaintiff under this subsection and in the case of a class action, the court shall award not more than the lesser of up to \$10,000 per plaintiff or up to \$500,000 for all plaintiffs in such class action."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to all cases in which a final judgment has not been entered.

#### SEC. 3. TOLLING OF STATUTE OF LIMITATIONS.

Section 504 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854), as amended by section 2, is amended by adding after subsection (e) the following:

"(f) If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of a migrant or seasonal agricultural worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (a) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for other actual damages, statutory damages, or equitable relief arising out of the same transaction or occurrence as the injury or death of the migrant or seasonal agricultural worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law."

#### SEC. 4. DISCLOSURE OF WORKERS' COMPENSATION COVERAGE.

(a) MIGRANT WORKERS.—Section 201(a) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1821(a)) is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; and", and by adding after paragraph (7) the following:

"(8) whether State workers' compensation insurance is provided, and, if so, the name of the State workers' compensation insurance carrier, the name of the policyholder of such insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

Compliance with the disclosure requirement of paragraph (8) for a migrant agricultural worker may be met if such worker is given a photocopy of any notice regarding workers' compensation insurance required by law of the State in which such worker is employed. Such worker shall be given such disclosure regarding workers' compensation at the time of recruitment or if sufficient information is unavailable at that time, at the earliest practicable time but in no event later than the commencement of work."

(b) SEASONAL WORKERS.—Section 301(a)(1) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1831(a)(1)) is amended by striking "and" at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting "; and", and by adding after subparagraph (G) the following:

"(H) whether State workers' compensation insurance is provided, and, if so, the name of the State workers' compensation insurance carrier, the name of the policyholder of such insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

Compliance with the disclosure requirement of subparagraph (H) may be met if such worker is given, upon request, a photocopy of any notice regarding workers' compensation insurance required by law of the State in which such worker is employed."

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect upon the expiration of 90 days after the date final regulations are issued by the Secretary of Labor to implement such amendments.

#### SEC. 5. LIABILITY INSURANCE.

(a) AMENDMENT.—Section 401(b)(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)(3)) is amended to read as follows:

"(3) The level of insurance required under paragraph (1)(C) shall be determined by the Secretary considering at least the factors set forth in paragraph (2)(B) and similar farm-worker transportation requirements under State law."

(b) REGULATIONS.—Within 180 days of the date of the enactment of this Act, the Secretary of Labor shall promulgate regulations establishing insurance levels under section 401(b)(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)(3)) as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect upon the expiration of 180 days after the date of enactment of this Act or upon the issuance of final regulations under subsection (b), whichever occurs first.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes, and the gentleman from New York [Mr. OWENS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1715 clarifies the relationship between workers' compensation benefits and the private right of action available under Migrant and Seasonal Agricultural Workers Protection Act [MSPA].

H.R. 1715 reverses the Supreme Court's ruling in Adams Fruit Company, Inc. versus Barrett. In that case the Supreme Court held that agricultural workers covered by MSPA could sue for actual damages over injury or death under the private right of action provided under the act, even though the workers are covered for those injuries under State workers' compensation law. In so doing, the Supreme Court rejected the principle of the exclusivity of workers' compensation, which is a fundamental rationale and underpinning for workers' compensation in this country.

As a result of this decision, many agricultural employers in this country face liability for injuries suffered by farm workers even though they have provided workers' compensation coverage for these workers. At the same time, and because not all States require workers' compensation coverage of farm workers, the dual liability of agricultural employers above and beyond workers' compensation insurance serves to discourage more agricultural employers from providing workers' compensation coverage for farm workers.

Mr. Speaker, I introduced H.R. 1715 in May, along with a bipartisan group of cosponsors: Representatives FAZIO, BALLENGER, ANDREWS, FAWELL, STEN-

HOLM, HOEKSTRA, THURMAN, FUNDERBURK, and DOOLEY.

The Economic and Educational Opportunities Committee voted to report H.R. 1715 as introduced on July 22. As introduced, H.R. 1715 was a single section bill that simply reversed the Adams Fruit decision and provided that where State workers' compensation is applicable and coverage is provided, workers' compensation shall be the farm workers exclusive remedy and the employer's sole liability under MSPA for bodily injury or death.

Subsequent to the committee's passage of the bill, several weeks of intensive negotiation took place among the staffs of Republican and Democratic Members along with representatives of national agricultural employer groups and farm workers organizations. As a result of those negotiations, I am today offering a substitute to H.R. 1715 which has the support of not only myself and the other cosponsors of H.R. 1715, but of Members who had concerns with the original bill.

The substitute bill has five sections. Section 1 is similar to the language of the original H.R. 1715, and reverses the Adams Fruit decision. Section 2 provides for increased statutory damages under MSPA under certain limited circumstances described in the bill. Section 3 provides for tolling of the statute of limitations on actions brought under MSPA during the time period in which a claim under State workers' compensation is pending. Section 4 requires disclosure of information regarding workers' compensation coverage to migrant or seasonal agricultural workers. Section 5 requires the Department of Labor to determine the level of liability insurance required of employers engaged in transportation of migrant or seasonal agricultural workers.

I believe that the concerns with this legislation as it was passed by the Economic and Educational Opportunities Committee have been addressed in the substitute that is being offered today. I want to especially thank several Members for their efforts and willingness to work with us in forging this bipartisan agreement: Mr. CLAY, Mr. OWENS, Mr. BERMAN, and Mr. MILLER, along with the group of original cosponsors of H.R. 1715 that I have already mentioned.

For those who may later be reading these comments, I also want to call attention to the fact that a more extensive joint statement of legislative intent reflecting the understandings of myself, Mr. CLAY, Mr. BALLENGER, and Mr. OWENS regarding this substitute to H.R. 1715 is printed in the CONGRESSIONAL RECORD of Friday, October 13, 1995.

It is my hope and expectation that we will quickly pass H.R. 1715 today and that the Senate will likewise pass it on a bipartisan basis and send the bill to the President for his signature. Again, I want to thank many Members from both sides, and particularly Mr. CLAY, Mr. OWENS, Mr. BERMAN, and Mr.

FAZIO for their willingness to work with us to reach this bipartisan agreement on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING]. I want to express my appreciation to the distinguished chairman of the Economic and Educational Opportunities Committee, Mr. GOODLING, and to the chairman of the Subcommittee on Work Force Protections, Mr. BALLENGER, for their willingness to seek consensus with the ranking member of our committee, Mr. CLAY, and myself on this legislation. I also want to acknowledge the efforts of three gentlemen from California, Mr. MILLER, Mr. BERMAN, and Mr. FAZIO. The efforts of all three gentlemen have been instrumental in the development of the amendment before us.

The legislation before us is a compromise. Those of us who have sought to represent the interests of farm workers have had to make difficult concessions. Nevertheless, unlike the bill reported by committee, the amendment before us also contains important provisions to ensure that H.R. 1715 reflects the interests of farmworkers as well as growers. Among other provisions, the amendment provides for notification of farmworkers of their rights under State workers' compensation laws, tolls the statute of limitations while State workers' compensation claims are pending, and enhances statutory damages for certain egregious violations of the Migrant and Seasonal Agricultural Workers Protection Act. I refer my colleagues to page E1943 of the CONGRESSIONAL RECORD of last Friday, October 13, in which the gentleman from Pennsylvania [Mr. GOODLING] placed a definitive explanation of the amendment before us.

I fully support the amendment of the gentleman from Pennsylvania and believe this legislation now merits the support of my colleagues. I urge the House to suspend the rules and pass H.R. 1715.

Mr. Speaker, I reserve the balance of my time.

□ 1430

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Speaker, I yield to the gentleman from North Carolina.

(Mr. BALLENGER asked and was given permission to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I strongly support H.R. 1715, a bill to clarify the relationship between workers compensation benefits and the private right of action for certain job-related injuries under the Migrant and Seasonal Agricultural Worker Protection Act [MSPA]. In the 1990 decision on the Adams Fruit case, the Supreme Court interpreted

MSPA to provide for a private right of action for certain job-related injuries, even if the individual was covered by workers compensation at the time of the injury.

H.R. 1715 would reverse the Supreme Court's ruling, which essentially permits migrant and seasonal farmworkers to seek dual remedies. Agricultural employers could be exposed to potentially enormous liability for damages, in spite of the fact that they have contributed into the workers compensation system. The purpose of workers compensation is to provide a prompt and reasonable remedy to the injured worker without delay or expense. Employers pay into workers compensation programs to avoid being exposed to additional liability. Moreover, in States where agricultural employers are not required to provide workers compensation for migrant and seasonal farmworkers, the Supreme Court's decision may act as a disincentive for employers to provide coverage for those workers.

I urge my colleagues to support Chairman GOODLING's substitute amendment to H.R. 1715. This package of legislative changes to MSPA is fully supported by agricultural employers and farmworker organizations. Not only will this amendment permanently reverse the Adams Fruit decision, it also adds provisions to MSPA which encourage employers to provide safe transportation for farmworkers. This bipartisan agreement has the support of Members on both sides of the aisle. I commend the chairman of the committee, Mr. GOODLING, as well as Mr. CLAY and Mr. OWENS for their success in forging a compromise on this important issue.

Mr. CANADY of Florida. Mr. Speaker, let me begin by thanking Chairman GOODLING for allowing me the opportunity to address the House in support of H.R. 1715, a bill to overturn the Supreme Court's decision in Adams Fruit versus Barrett. And I also want to thank you for all your hard work and dedication in bringing this measure before us today.

Mr. Chairman, in 1990 the Supreme Court, in handing down the Adams Fruit decision, held that injured farmworkers may bring a private right of action under the Migrant and Seasonal Agricultural Worker Protection Act. This was allowed even though the workers had already received workers compensation benefits for those same injuries. The implications of this decision have been quite troubling.

First, this decision undermines the exclusivity of workers compensation as a remedy—both in the context of agricultural law and beyond. The workers comp system was designed to be a trade in which employees forego the right to a tort remedy in exchange for expeditious relief without questions of liability or contributory negligence. The Adams Fruit decision does an end-run around this important bargain and opens up employers to costly litigation and open-ended liability for workplace injuries they thought they were insuring themselves against.

Second, it is important to note that farmworkers will also suffer if the Court's decision is allowed to stand. The Adams Fruit decision removes an incentive for agricultural employers to

provide workers compensation coverage. In several States, farmworker coverage on workers comp remains optional. The Court's decision provides employers in those States with little reason to exercise that option. For injured farmworkers, lengthy, costly, and uncertain suits are no substitute for the quick and dependable relief of workers compensation.

The bill before us today, Mr. Chairman, ensures that the integrity of this crucial remedy remains available to all farmworkers and all employers. By reversing Adams Fruit and reaffirming the exclusivity of workers compensation, this legislation returns us to Congress' original intent in enacting the statute's current remedial scheme.

This bill is good for agricultural workers and it is good for agricultural employers. I urge my colleagues to support this measure and I look forward to seeing this bill passed by the House today.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time, and I rise in support of the compromise version of H.R. 1715, a bill that addresses the Supreme Court decision in the Adams Fruit case.

The bill as originally introduced would have prohibited farmworkers from both receiving workers compensation and suing in court for violations under MSPA [the Migrant and Seasonal Agricultural Worker Protection Act]. The compromise bill we are considering today would achieve that purpose, while at the same time providing some needed safeguards for farmworkers and some deterrence to would-be violators.

I offered in committee an amendment to strengthen the deterrence in the bill by addressing egregious violations of the law, and I am satisfied that the essence of my amendment was incorporated in the compromise version of this bill.

The bill changes the current statutory damages from \$500 dollars to \$10,000 dollars for egregious cases in which a worker was injured or killed in an accident where alcohol or drugs were involved, where an employer has a history of violations, where the employer willfully makes a vehicle dangerous, or where the employer uses an unregistered farm-labor contractor.

The increase in statutory damages is very much needed to provide a deterrence against violations. As we all know, farmworkers are some of the most exploited workers in America: kids are used in the fields in clear violation of child labor laws; workers are crammed into grossly unsafe, uninsured vehicles that have no seats or safety belts and are injured, maimed and killed; work-site sanitation is poor or nonexistent; and wages are skimmed by unscrupulous farm-labor contractors.

Enhanced penalties in H.R. 1715 provides needed deterrence to some of these violations, and I therefore urge my colleagues to support this legislation.

Again, Mr. Speaker, I thank the gentleman from New York [Mr. OWENS], for yielding and for his help during these negotiations, and I also thank the chairman of the committee, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I thank my friend for yielding. This is a very fair and balanced bill. It has taken a number of years to get calibrated so that we can pass it on suspension.

I want to thank the gentleman from Pennsylvania, Mr. GOODLING, and the gentleman from Missouri, Mr. BILL CLAY, and the gentleman from New York, Mr. MAJOR OWENS, and the gentleman from North Carolina, Mr. CASS BALLENGER, for seeing this effort through to conclusion this year. But I also want to thank my friends, the gentlemen from California, Messrs. HOWARD BERMAN, GEORGE MILLER, and CAL COOLEY, for working so diligently in the last Congress and on into this one to find the right balance so that we could come to closure on this very important issue for agricultural employers and for farmworkers.

Leon Panetta, Rick Lehman, and Austin Murphy, former Members of this body, contributed greatly during their tenure here. In fact, this is the result of 5 years of discussions, but it is a bill that needed to be enacted because it reverses a Supreme Court decision in the Adams Fruit case that unfairly placed agricultural employees in the United States and employers in an untenable position.

Mr. Speaker, agricultural employers were the only people who were eligible both to be sued in court under the tort liability system and required to provide worker's compensation coverage so that they could be sued for workplace injuries by their employees. That double jeopardy needed to be repaired, and, in doing so, we have written a bill that also benefits farmworkers by removing any disincentives to supplying worker's compensation, also encouraging employers to maintain safe transportation practices, the area that was most at issue in terms of these kinds of problems.

Mr. Speaker, it did so by creating four new areas where increased damages are available for transportation related violations. It gives the Secretary of Labor authority to establish appropriate levels of vehicle insurance, given the fact that the Interstate Commerce Commission levels have made it difficult for some involved in farmworker transportation to obtain insurance.

This is a bill that will make sure that farmworkers truly get to exercise their remedy under workers compensation. I think it is a good bill. It certainly is long overdue. I would hope the administration would support it and the President sign it into law. I would ask my colleagues in both parties to sign off on what the gentleman from New York, Mr. OWENS, has described as a cease-fire in the war between the sides on this committee and, I think, a fine example of bipartisanship.

Mr. Speaker, I rise today in support of H.R. 1715, a bill that would reverse the effect of the U.S. Supreme Court in the Adams Fruit Company versus Barrett case. The Supreme Court held that an action for damages under the migrant and seasonal agricultural worker protection was preserved and could be maintained by injured farm workers, even though the farm workers were covered under State workers' compensation for the same injuries suffered in the course of employment.

I commend Chairman BILL GOODLING and ranking member BILL CLAY of the Economic and Educational Opportunities Committee for bringing this bill to the floor along with ranking member MAJOR OWENS and Chairman CASS BALLENGER of the Subcommittee on Workforce Protections. HOWARD BERMAN has also played a leading role in crafting this compromise. But it is also some measure of how long we have been at this that I also want to recognize three former members—Leon Panetta and Rick Lehman from my home State of California, and former subcommittee chairman Austin Murphy—all three of whom were instrumental in moving forward with this compromise during the last Congress.

This bill is the product of 5 years of extensive discussion between representatives of agriculture and farmworkers from throughout the United States. It is a balanced bill, stemming from two hearings before the former Education and Labor Committee, one of which I participated in in California along with then chairman Austin Murphy and my California colleagues CAL DOOLEY, Rick Lehman, HOWARD BERMAN, and GEORGE MILLER. A more recent hearing was held this past summer here in Washington. So the issues addressed in this legislation have been thoroughly considered by the committee and the problems raised are addressed in a balanced way that reflects the realities of the agricultural workplace.

The cornerstone of the bill is the reversal of the Adams Fruit decision, which unfairly places agricultural employers throughout the United States in the position of being the only employers in America who can be mandated under State law to provide workers' compensation—it is mandatory in my own State of California—yet still be sued for unlimited damages in State court for the workplace injuries already compensated under the workers' compensation system.

The decision by the Supreme Court in 1990 was very unfortunate. I felt it was important to respond quickly and strongly, and we temporarily reversed the decision in 1992 as part of the legislative branch appropriations bill, Public Law 192-392.

The legislation before us makes permanent what we accomplished in 1992. Workers' compensation will now be the exclusive remedy for workplace injuries where workers' compensation is provided. Agricultural employers will

now be treated the same as all other employers in this country. If workers' compensation is not provided, however, workers will have the right to sue for actual damages under the Migrant and Seasonal Agricultural Worker Protection Act [MSPA].

In addition to providing equity to agricultural employers, this legislation also benefits farmworkers. Because of the transient nature of migrant farmworkers, workers' compensation is very beneficial to them because it provides immediate medical, disability, or death benefits. Without such benefits they would have to sue in a location far from their homes and wait with uncertainty for several years before the court system resolved their claim. Yet with the Adams Fruit decision, agricultural employers in a number of States which make the providing of workers' compensation by employers voluntary have no incentive to provide it, because they still can be sued. But as a result of this legislation, employers will be encouraged to provide workers' compensation to farmworkers.

This bill will also encourage employers to maintain safe transportation practices for their workers. It elevates the statutory damages available to migrant and seasonal farmworkers if those subject to MSPA engage ignore the existing transportation safety requirements of MSPA. The bill creates four new areas where increased damages are available for transportation-related violations. Whatever deterrence to unsafe practices was created by the Adams Fruit decision will be offset more than adequately by the availability of the new transportation-safety provisions.

Finally, the bill gives the Secretary of Labor the authority to establish the appropriate levels of vehicle insurance coverage to be required under MSPA. Currently, the Secretary has to follow ICC-mandated levels. The ICC levels have made it difficult for those involved in farmworker transportation to obtain insurance, thus exposing them to liability and preventing farmworkers from getting needed protection. This provision will allow the Secretary of Labor to balance the need to protect farmworkers' health and safety against undue burdens to agricultural employers and associations and farm labor contractors.

In short, this legislation is an excellent product. It treats agricultural employers the same as other employers, it encourages the provision of workers' compensation to farmworkers, and it encourages transportation safety—a source of many injury claims arising under MSPA. It is evenhanded and fair. While we have taken a long time getting here, the final product is worth the wait. I urge my colleagues to support this bill.

I will also ask the President to sign it, and I believe the administration has given a strong indication in this regard. Secretary of Labor Robert Reich sent a letter to the Economic and Educational Opportunities Committee during its hearing on H.R. 1715, the predecessor to this bill, this past summer and indicated his support for the intent of the legislation in reversing the Adams Fruit decision. He also indicated that farmworker reforms should be a part of it, and the committee has responded to his request. I believe the bill meets the Secretary's and the administration's concerns. It reverses Adams Fruit and contains farmworker reforms. I urge my colleagues to support this long and bipartisan effort, and I look forward to seeing it signed into law.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BERMAN].

(Mr. BERMAN asked and was given permission to revise and extend his remarks.)

Mr. BERMAN. Mr. Speaker, I want to thank the chairman of the committee and my colleagues, the gentleman from New York, Mr. OWENS, and the gentleman from Missouri, BILL CLAY, for all of their help in bringing us to this point. I want to make a few comments.

This bill is a very different bill than the bill that was originally introduced or the bill that came out of the Committee on Economic and Educational Opportunity, or whatever that committee is now called. There are a couple of points to make.

First of all, Mr. Speaker, my colleague from Virginia kept talking about the Adams Fruit decision as if it was wrong, because State law somehow would, because State law somehow would preempt Federal law; that is the Migrant and Seasonal Agricultural Worker Protection Act. The court decision was the recognition, everyone knows, that Federal law preempts State law.

On the other hand, Mr. Speaker, there were many weaknesses in that Federal law and some of which we have addressed. This is no longer a bill that allows a grower in a State which has no coverage for farm workers or only partial coverage for farm workers or only voluntary coverage for farm workers to avoid workers compensation and also to immunize himself from any lawsuit. That particular issue has been affected and dealt with through the amendments.

It is also no longer a bill which leaves the inadequate penalty structures of the existing Migrant and Seasonal Agricultural Worker Protection Act, because, in the context of this particular Congress, and in this situation, this seemed to me like, and others, like the best possible arrangement that we could get in terms of the two different needs.

Mr. Speaker, I support this compromise and urge its adoption.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, we are called the Golden Opportunity Committee.

Mr. BERMAN. I assume golden not having any reference to age?

Mr. GOODLING. Grimes Golden, Golden Delicious.

Mr. BERMAN. Mr. Speaker, I thank the gentleman for his correction of my earlier remarks and yield back the balance of my time.

Mr. OWENS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RIGGS). The question is on the motion offered by the gentleman from Penn-

sylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 1715, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1715, a bill to reverse the Supreme Court's decision on Adams Fruit versus Barrett.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### HARRY KIZIRIAN POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1606) to designate the United States Post Office building located at 24 Corliss Street, Providence, RI, as the "Harry Kizirian Post Office Building."

The Clerk read as follows:

H.R. 1606

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

##### SECTION 1. DESIGNATION.

The United States Post Office building located at 24 Corliss Street, Providence, Rhode Island, shall be known and designated as the "Harry Kizirian Post Office Building".

##### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Harry Kizirian Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MCHUGH] and the gentlewoman from Michigan [Miss COLLINS] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Government Reform and Oversight voted favorably on the measure before us. Congressman REED of Rhode Island introduced H.R. 1606 and was joined by his State delegation in cosponsoring his bill, as required by committee policy. This legislation designates the main U.S. Post Office in Providence, RI, be named the "Harry Kizirian Post Office."

The measure before us honors Mr. Kizirian, a World War II marine veteran and former Providence Postmaster. Mr. Kizirian is Rhode Island's most decorated living veteran and was a career postal worker who held the position of Providence Postmaster for 25 years until his retirement.

Mr. Speaker, I urge our colleagues to support H.R. 1606, a bill which would name a Post Office after the postal employee who served as Postmaster at the facility for 25 years.

Mr. Speaker, I reserve the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again join my colleague and chairman of the Subcommittee on the Postal Service in support of H.R. 1606, legislation naming the U.S. Post Office, located at 24 Corliss Street in Providence, RI as the, "Harry Kizirian Post Office Building."

It gives me great pleasure to acknowledge Mr. Kizirian. He retired from the Post Office as the Postmaster of the facility being named after him and is the most decorated World War II veteran in Providence.

Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Rhode Island, Mr. JACK REED, sponsor of the bill.

Mr. REED. Mr. Speaker, I would first like to thank Chairman MCHUGH and the ranking member, Representative COLLINS of the Subcommittee on Postal Service and Chairman CLINGER of the Government Reform and Oversight Committee for helping me bring this bill to the floor. I would also like to thank my colleague from Rhode Island, Mr. KENNEDY, who cosponsored this bill with me, and Senators CHAFFEE and PELL, who have introduced an identical bill in the Senate.

This bill would designate the main U.S. Post Office in Providence, RI, as the "Harry Kizirian Post Office." Because some of you may not know Harry, I would like to tell you a little about this outstanding Rhode Island citizen.

Harry Kizirian is the most decorated living veteran in Rhode Island. On Okinawa, he was severely wounded while leading an infantry assault. For his extraordinary heroism, Harry was awarded the Navy Cross, the Bronze Star with V Device for Valor, the Purple Heart with a Gold Star, and the Rhode Island Cross.

When Harry returned to the United States, he immediately went to work at the main post office in Providence where he had worked during high school to support his widowed mother. Displaying the same commitment and teamwork he showed on the frontlines at Okinawa, he worked his way up to an appointment as the Postmaster. He was confirmed by the U.S. Senate in 1961, and held the position of Postmaster for 25 years.

Throughout his career with the Postal Service, Harry also devoted much of his time to the community, serving on numerous boards and committees. Harry served on the board of directors for Butler Hospital, Big Brothers of Rhode Island, Rhode Island Blue Cross, the Rhode Island Heart and Lung Associations, and numerous others.

Harry and his wife, Hazel, also successfully raised a wonderful family.