

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1715

Respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1995

Mr. GOODLING (for himself, Mr. FAZIO of California, Mr. BALLENGER, Mr. ANDREWS, Mr. FAWELL, Mr. STENHOLM, Mr. HOEKSTRA, Mrs. THURMAN, Mr. FUNDERBURK, and Mr. DOOLEY) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

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## A BILL

Respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

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. FINDINGS.**

4 The Congress finds that—

5 (1) the fundamental premise of the workers'  
6 compensation system, which is the exclusivity of  
7 workers' compensation for workplace injuries as an  
8 alternative to a fault-based system relying on costly

1 and lengthy litigation in the courts, must be pre-  
2 served,

3 (2) this premise was threatened by the decision  
4 in 1990 of the United States Supreme Court in  
5 Adams Fruit Co. Inc. v. Barrett, 494 U.S. 638,  
6 which held that migrant and seasonal farmworkers  
7 could bring a private right of action for certain job-  
8 related injuries under the Migrant and Seasonal Ag-  
9 ricultural Worker Protection Act even where the em-  
10 ployer has provided workers' compensation coverage  
11 of such farmworkers,

12 (3) the Adams Fruit decision did not reflect the  
13 intent of the Congress when it enacted the Migrant  
14 and Seasonal Agricultural Worker Protection Act in  
15 1982,

16 (4) the Adams Fruit decision singles out agri-  
17 cultural employers as the only employers in America  
18 who can be subjected to lawsuits as a result of work-  
19 place injuries even where they have provided work-  
20 ers' compensation to their employees,

21 (5) Congress expressed its disapproval of the  
22 Adams Fruit decision in Public Law 102-392 by  
23 overturning the decision until July 6, 1993, and

24 (6) it is essential that the exclusivity of work-  
25 ers' compensation be permanently restored.

1 **SEC. 2. WORKERS' COMPENSATION.**

2 (a) AMENDMENT.—Section 504 of the Migrant and  
3 Seasonal Agricultural Worker Protection Act (29 U.S.C.  
4 1854) is amended by adding at the end thereof the follow-  
5 ing new subsection:

6 “(d)(1) Notwithstanding any other provision of this  
7 Act, where a State workers’ compensation law is applicable  
8 and coverage is provided for a migrant or seasonal agricul-  
9 tural worker, the workers’ compensation benefits shall be  
10 the exclusive remedy for loss of such worker under this  
11 Act in the case of bodily injury or death.

12 “(2) The exclusive remedy prescribed by paragraph  
13 (1) precludes the recovery under subsection (c) of actual  
14 damages for loss from an injury or death but does not  
15 preclude recovery under subsection (c) for statutory dam-  
16 ages or an injunction.”.

17 (b) EFFECTIVE DATE.—The amendment made by  
18 subsection (a) shall apply to all cases in which a final judg-  
19 ment has not been entered.

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