

103^D CONGRESS
1ST SESSION

S. 1450

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13 (legislative day, SEPTEMBER 7), 1993

Mrs. FEINSTEIN (for herself, Mr. JEFFORDS, Mr. BURNS, Mr. GORTON, Mr. GRAHAM, Mr. KEMPTHORNE, and Mr. MACK) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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 single out agricul-
17 tural 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. ELIMINATION OF EXPIRATION.**

2 Section 325(c) of the Legislative Branch Appropria-
3 tions Act, 1993 (29 U.S.C. 1854 note) is amended to read
4 as follows:

5 “(c) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall apply to all cases in which a final judg-
7 ment has not been entered before October 6, 1992.”.

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