

“(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 by 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 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.

TRIBUTE TO DR. FRANCIS A. HIGGINS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1995

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished educator and a friend for many years, Dr. Francis A. Higgins, retired superintendent of the L’Anse Creuse Public Schools in Macomb County, MI.

This Sunday, October 15, 1995, the people of L’Anse Creuse Public Schools will honor Dr. Higgins by proudly naming their newest facility the Francis A. Higgins Elementary School. Higgins elementary is now accommodating 700 kindergarten through fifth grade students.

I have known Dr. Higgins for many years and he richly deserves the honor that will be bestowed upon him. For 15 years, Frank Higgins’ leadership made L’Anse Creuse a model school district that has been emulated throughout the county and State. He championed educational methods and programs that benefited students of all ages while instilling a sense of pride and commitment from all who worked with him.

In 1979, when Frank first assumed his role as superintendent, the school district faced severe financial difficulties and declining enrollment. Today, the L’Anse Creuse Public School District is an excellent school system where many parents choose to buy homes. And, it is in excellent financial shape.

While Dr. Higgins deserves much credit for the district’s successes, he is first to acknowledge the role of the staff and a community that supported millages during difficult economic times. However, when one becomes familiar with Dr. Higgins’ administrative and educational talents, it is easy to see why he received such support. His success at educating students and inspiring a desire to learn is only surpassed by his success at fostering support for education.

As the L’Anse Creuse Public Schools prepare to honor Dr. Higgins this weekend, I urge my colleagues to join with me and thank him for his many years of devoted service. I know he is proud to be immortalized by the community he so faithfully served for many years.

UPHOLDING THE AMERICAN DREAM IN CLEVELAND

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1995

Mr. HOKE. Mr. Speaker, I want to take a few minutes out of our hectic legislative schedule to congratulate several families in my district that are overcoming the odds and making their dreams come true. I also want to salute the Cleveland Housing Network, which helped make those dreams a reality.

For 13 years the Cleveland Housing Network [CHN] has been helping Clevelanders buy their own homes. The network’s lease-purchase program is especially noteworthy since it offers stable, decent, and affordable housing—with the ultimate goal of homeownership—to families currently living in poverty. And it is widely recognized that homeownership stabilizes neighborhoods and unites

communities. I am personally gratified to have assisted in the crafting and passage of the Federal tax law which created the economic foundation of CHN's program.

Those being recognized today are truly impressive—impressive as individuals and impressive as families. They have made a commitment to themselves and their children that whatever winds may blow, their families will be well-grounded.

For decades, the dream of owning one's own home has inspired millions of Americans to work hard, plan and save for the future, and become active and committed citizens. When I think of a home several things come to mind: A place of shelter, a place of love, and a place of sanctuary from the turbulent world outside. Gathering with friends and family over a good meal or a good movie, home is truly where the heart is.

Today, several families in my district are being recognized for their commitment to these ideals. And I know that with this commitment comes certain responsibilities. Requirements to attend numerous homeownership training workshops, to learn how to maintain property, and to become financially self-sufficient have encouraged each of these families to take personal responsibility for their futures. These sacrifices will pay off and one day, in the not so distant future, they will be the proud owners of a piece of the American dream. To these families I say, may God bless you as you strive to make your house a home.

OSEOLA McCARTY OF MISSISSIPPI

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1995

Mr. LAZIO of New York. Mr. Speaker, recently I read story that ran in some of the New York papers about an 87-year-old woman from Hattiesburg, MS named Oseola McCarty. Ms. McCarty quit school in the sixth grade and went to work as a laundress. She never married, and she never had children. She merely worked hard, day in and day out, and lived a simple life.

Over the years, she saved the money she made rather than spending it. She saved until the sum grew to an astounding \$150,000. She claimed it was more money than she would ever need so she decided to donate the amount to the University of Southern Mississippi to finance scholarships for African-American students. In the words of John Melloncamp, "Ain't that America?" Stories like this inspire us and demonstrate that people like Oseola McCarty are what makes this Nation great. This gift has been matched by local business leaders.

Some have criticized this voluntary gift by a private citizen because it is earmarked for African-American students only and will be used by a public university. Talk about not getting the point. This woman is a modern example of the biblical story about the poor widow putting her two copper coins in the temple treasury, an amount greater in meaning than all the gifts of the wealthy combined. This should be encouraged, not criticized. I refuse to believe that our culture has gotten to the point where an act of generosity such as this will be discouraged because it is not politically correct.

I believe in America. And when I have my doubts, the story of Oseola McCarty, and the

knowledge that there are others like her in communities throughout this Nation, make it a little easier to have faith.

THE 84TH ANNIVERSARY OF THE
FOUNDING OF THE REPUBLIC OF
CHINA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1995

Mr. BURTON of Indiana. Mr. Speaker, October 10 marks the 84th anniversary of the founding of the Republic of China, a day that is marked here in Washington by a number of social events. But there is a more important reason for us to celebrate this date along with our Chinese friends, for it could only be under a democratic system that Taiwan has been able to flourish economically and socially as we have seen over the past decade, becoming one of the worlds leading economic powers.

To help us celebrate all of these momentous accomplishments for our friends on Taiwan, I urge my colleagues here in the Congress to support the Republic of China's bid to gain membership in the United Nations. Although a member of several international organizations, the Republic of China has been refused a seat in the United Nations, which to many of us, is truly absurd, for it denies to all of us around the world the benefits that the Republic of China's membership could bring. I know that Representative Benjamin Lu has worked tirelessly for the last year on this matter, and I know that we all hope to see this important step realized for the Republic of China. I can think of no better way for us to show our support for the democratic ideals found in the Republic of China than to support this United Nations bid.

THE LOGICAL RESULTS OF
GERRYMANDERING

HON. BARBARA-ROSE COLLINS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1995

Miss COLLINS of Michigan. Mr. Speaker, I rise to add a very brief overview to the discussion relating to congressional redistricting. First, however, I want to congratulate my fellow Congresswoman, the Honorable CYNTHIA MCKINNEY of Georgia for her recent and valuable contributions on this topic. Partly because of her intense interest in this vital issue, and based on the work of legal scholars who have studied congressional redistricting, I have come to recognize that Congress clearly has the authority to compel fair representation by the States in the House of Representatives and to provide for uniform redistricting standards such as compactness, contiguity and equality of population. Unfortunately, Congress has not acted.

In recent years, there have been bills introduced providing specific standards for congressional redistricting. In the 101st Congress, a bill was introduced providing for the establishment of State redistricting commissions to draft congressional districts that would meet three specified standards:

First, the boundaries of each district could not be drawn for the purpose of minimizing the

voting strength of any racial, ethnic or economic group, or for the purpose of favoring any political party;

Second, each district would have to be composed of contiguous territory, including adjoining insular territory, in a compact form; and

Third, the boundaries of each district would have to coincide with the boundaries of local political subdivisions.

In the 102d Congress a proposed Senate measure would have required equality, compactness, contiguity and reasonable adherence to county, municipal, and other political subdivision boundaries, in addition, it would have prohibited political gerrymandering.

Another Senate bill introduced in the 103d Congress would have required that congressional districts be equal, contiguous, compact, reasonably adhering to the boundaries of counties, municipalities and other political subdivisions, and without ethnic, racial or political gerrymandering. Again, and unfortunately, none of these bills were entered into law. Also, of course, the prospects for passing such reasonable legislation in this Congress are not favorable.

Now, to be sure that we all know exactly what we're talking about here, let's be clear about this evil called gerrymandering that some in previous Congresses have sought to prohibit. It is defined as the process of dividing a State into civil or political divisions, but with such a geographical arrangement so as to assure a majority for a given political party or population in districts where the result would be otherwise, if they were divided according to obvious natural lines. As Ms. MCKINNEY, has graphically pointed out, the concept has long been used to devise Congressional districts that are not compact, that do not adhere to the boundaries of other political subdivisions within districts and as a means of preventing certain racial or ethnic minorities from obtaining representation. It inevitably results in a Congress that does not reflect the diversity of our society and, in turn, that results in laws that do not adequately protect the interests of all peoples in our society. This is occurring despite all of the so-called protections built into our national Constitution and our statutes that supposedly are designed to protect the interests of minorities in this country.

I hate to be the one to point it out Mr. Speaker, but the makeup of this Congress does not allow much room or consideration to be given to the protection of minority interests of any kind. This is a winner-take-all political free-for-all. The laws of this Congress are primarily being crafted by a great mass of young white males with limited living experience and their slightly older white male congressional employers who do not really believe in Democracy anyway.

In my humble opinion, this white male dominated majority, partly elected due to the continuing use of gerrymandering all across the country, has misread their electoral mandate. The voters in the last election may have called for a revolution, but they did not send you guys up here to run rough shod over the interests of all groups who may disagree with your view of what that revolution is all about. The voters really were trying to instruct you to come to Congress and work with us to resolve governmental gridlock and solve the Nation's problems. They did not send you here to tilt all