

| Sec.  |                                                                                                                                                                                                                                                                                                                                                                   | Sec.  |                                                                                            |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------------------------------------------------------------------------------------------|
|       | (a) Written disclosure requirements imposed upon recruiters.                                                                                                                                                                                                                                                                                                      | 1842. | Confirmation of registration.                                                              |
|       | (b) Posting requirements imposed upon employers.                                                                                                                                                                                                                                                                                                                  | 1843. | Information on employment conditions.                                                      |
|       | (c) Posting or notice requirements imposed upon housing providers.                                                                                                                                                                                                                                                                                                | 1844. | Compliance with written agreements.                                                        |
|       | (d) Recordkeeping and information requirements imposed upon employers.                                                                                                                                                                                                                                                                                            |       | (a) Applicability to contracting activity or worker protection.                            |
|       | (e) Furnishing of records by farm labor contractor; maintenance of records by recipient.                                                                                                                                                                                                                                                                          |       | (b) Statutory liability.                                                                   |
|       | (f) Prohibition on knowingly providing false or misleading information to workers.                                                                                                                                                                                                                                                                                |       | SUBCHAPTER V—GENERAL PROVISIONS                                                            |
|       | (g) Form and language requirements.                                                                                                                                                                                                                                                                                                                               |       | PART A—ENFORCEMENT PROVISIONS                                                              |
| 1822. | Wages, supplies, and other working arrangements.                                                                                                                                                                                                                                                                                                                  |       | 1851. Criminal sanctions.                                                                  |
|       | (a) Payment of wages.                                                                                                                                                                                                                                                                                                                                             |       | (a) Violations of chapter or regulations.                                                  |
|       | (b) Purchase of goods or services by worker.                                                                                                                                                                                                                                                                                                                      |       | (b) Violations of section 1324a(a) of title 8.                                             |
|       | (c) Violation of terms of working arrangement.                                                                                                                                                                                                                                                                                                                    | 1852. | Judicial enforcement.                                                                      |
|       | (d) Compliance with substantive Federal and State safety and health standards.                                                                                                                                                                                                                                                                                    |       | (a) Injunctive relief.                                                                     |
|       | (e) Certification that applicable safety and health standards met; posting of certificate of occupancy; retention of certificate and availability for inspection and review; occupancy prior to inspection.                                                                                                                                                       |       | (b) Control of civil litigation.                                                           |
|       | (f) Applicability to providers of housing on a commercial basis to the general public.                                                                                                                                                                                                                                                                            | 1853. | Administrative sanctions.                                                                  |
|       | (g) Payment of penalties into Treasury of United States.                                                                                                                                                                                                                                                                                                          |       | (a) Civil money penalties for violations; criteria for assessment.                         |
| 1823. | Safety and health of housing.                                                                                                                                                                                                                                                                                                                                     |       | (b) Administrative review.                                                                 |
|       | (a) Compliance with substantive Federal and State safety and health standards.                                                                                                                                                                                                                                                                                    |       | (c) Judicial review.                                                                       |
|       | (b) Certification that applicable safety and health standards met; posting of certificate of occupancy; retention of certificate and availability for inspection and review; occupancy prior to inspection.                                                                                                                                                       |       | (d) Failure to pay assessment; maintenance of action.                                      |
|       | (c) Applicability to providers of housing on a commercial basis to the general public.                                                                                                                                                                                                                                                                            |       | (e) Payment of penalties into Treasury of United States.                                   |
|       | (d) Maintenance of civil action in district court by aggrieved person.                                                                                                                                                                                                                                                                                            | 1854. | Private right of action.                                                                   |
|       | (e) Appointment of attorney and commencement of action.                                                                                                                                                                                                                                                                                                           |       | (a) Maintenance of civil action in district court by aggrieved person.                     |
|       | (f) Award of damages or other equitable relief; amount; criteria; appeal.                                                                                                                                                                                                                                                                                         |       | (b) Appointment of attorney and commencement of action.                                    |
|       | (g) Workers' compensation benefits; exclusive remedy.                                                                                                                                                                                                                                                                                                             |       | (c) Award of damages or other equitable relief; amount; criteria; appeal.                  |
|       | (h) Expansion of statutory damages.                                                                                                                                                                                                                                                                                                                               |       | (d) Workers' compensation benefits; exclusive remedy.                                      |
|       | (i) Tolling of statute of limitations.                                                                                                                                                                                                                                                                                                                            |       | (e) Expansion of statutory damages.                                                        |
|       | (j) Discrimination prohibited.                                                                                                                                                                                                                                                                                                                                    | 1855. | Discrimination prohibited.                                                                 |
|       | (k) Prohibited activities.                                                                                                                                                                                                                                                                                                                                        |       | (a) Prohibited activities.                                                                 |
|       | (l) Proceedings for redress of violations.                                                                                                                                                                                                                                                                                                                        |       | (b) Proceedings for redress of violations.                                                 |
|       | (m) Waiver of rights.                                                                                                                                                                                                                                                                                                                                             | 1856. | Waiver of rights.                                                                          |
|       | (n) Rules and regulations.                                                                                                                                                                                                                                                                                                                                        |       | PART B—ADMINISTRATIVE PROVISIONS                                                           |
|       | (o) Authority to obtain information.                                                                                                                                                                                                                                                                                                                              | 1861. | Rules and regulations.                                                                     |
|       | (p) Investigation and inspection authority concerning places, records, etc.                                                                                                                                                                                                                                                                                       | 1862. | Authority to obtain information.                                                           |
|       | (q) Attendance and testimony of witnesses, and production of evidence; subpoena authority.                                                                                                                                                                                                                                                                        |       | (a) Investigation and inspection authority concerning places, records, etc.                |
|       | (r) Prohibited activities.                                                                                                                                                                                                                                                                                                                                        |       | (b) Attendance and testimony of witnesses, and production of evidence; subpoena authority. |
|       | (s) Agreements with Federal and State agencies.                                                                                                                                                                                                                                                                                                                   | 1863. | Agreements with Federal and State agencies.                                                |
|       | (t) Scope of agreements.                                                                                                                                                                                                                                                                                                                                          |       | (a) Scope of agreements.                                                                   |
|       | (u) Delegation of authority pursuant to written State plan.                                                                                                                                                                                                                                                                                                       |       | (b) Delegation of authority pursuant to written State plan.                                |
|       | (v) PART C—MISCELLANEOUS PROVISIONS                                                                                                                                                                                                                                                                                                                               |       |                                                                                            |
|       | (w) State laws and regulations.                                                                                                                                                                                                                                                                                                                                   | 1871. | State laws and regulations.                                                                |
|       | (x) Transition provision.                                                                                                                                                                                                                                                                                                                                         | 1872. | Transition provision.                                                                      |
|       | (y) CHAPTER REFERRED TO IN OTHER SECTIONS                                                                                                                                                                                                                                                                                                                         |       |                                                                                            |
|       | (z) This chapter is referred to in section 774 of this title; title 22 section 7109; title 26 section 3306.                                                                                                                                                                                                                                                       |       |                                                                                            |
|       | <b>§ 1801. Congressional statement of purpose</b>                                                                                                                                                                                                                                                                                                                 |       |                                                                                            |
|       | It is the purpose of this chapter to remove the restraints on commerce caused by activities detrimental to migrant and seasonal agricultural workers; to require farm labor contractors to register under this chapter; and to assure necessary protections for migrant and seasonal agricultural workers, agricultural associations, and agricultural employers. |       |                                                                                            |
|       | (Pub. L. 97-470, § 2, Jan. 14, 1983, 96 Stat. 2584.)                                                                                                                                                                                                                                                                                                              |       |                                                                                            |
|       | EFFECTIVE DATE                                                                                                                                                                                                                                                                                                                                                    |       |                                                                                            |
|       | Section 524 of Pub. L. 97-470 provided in part that:                                                                                                                                                                                                                                                                                                              |       |                                                                                            |
|       | "The provisions of this Act [enacting this chapter and                                                                                                                                                                                                                                                                                                            |       |                                                                                            |

repealing chapter 52 (§2041 et seq.) of Title 7, Agriculture] shall take effect ninety days from the date of enactment [Jan. 14, 1983].”

#### SHORT TITLE

Section 1 of Pub. L. 97-470 provided in part that this Act [enacting this chapter and repealing chapter 52 (§2041 et seq.) of Title 7, Agriculture] may be cited as the “Migrant and Seasonal Agricultural Worker Protection Act”.

### § 1802. Definitions

As used in this chapter—

(1) The term “agricultural association” means any nonprofit or cooperative association of farmers, growers, or ranchers, incorporated or qualified under applicable State law, which recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker.

(2) The term “agricultural employer” means any person who owns or operates a farm, ranch, processing establishment, cannery, gin, packing shed or nursery, or who produces or conditions seed, and who either recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker.

(3) The term “agricultural employment” means employment in any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), or section 3121(g) of title 26 and the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state.

(4) The term “day-haul operation” means the assembly of workers at a pick-up point waiting to be hired and employed, transportation of such workers to agricultural employment, and the return of such workers to a drop-off point on the same day.

(5) The term “employ” has the meaning given such term under section 3(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(g)) for the purposes of implementing the requirements of that Act [29 U.S.C. 201 et seq.].

(6) The term “farm labor contracting activity” means recruiting, soliciting, hiring, employing, furnishing, or transporting any migrant or seasonal agricultural worker.

(7) The term “farm labor contractor” means any person, other than an agricultural employer, an agricultural association, or an employee of an agricultural employer or agricultural association, who, for any money or other valuable consideration paid or promised to be paid, performs any farm labor contracting activity.

(8)(A) Except as provided in subparagraph (B), the term “migrant agricultural worker” means an individual who is employed in agricultural employment of a seasonal or other temporary nature, and who is required to be absent overnight from his permanent place of residence.

(B) The term “migrant agricultural worker” does not include—

(i) any immediate family member of an agricultural employer or a farm labor contractor; or

(ii) any temporary nonimmigrant alien who is authorized to work in agricultural employment in the United States under sections 1101(a)(15)(H)(ii)(a) and 1184(c) of title 8.

(9) The term “person” means any individual, partnership, association, joint stock company, trust, cooperative, or corporation.

(10)(A) Except as provided in subparagraph (B), the term “seasonal agricultural worker” means an individual who is employed in agricultural employment of a seasonal or other temporary nature and is not required to be absent overnight from his permanent place of residence—

(i) when employed on a farm or ranch performing field work related to planting, cultivating, or harvesting operations; or

(ii) when employed in canning, packing, ginning, seed conditioning or related research, or processing operations, and transported, or caused to be transported, to or from the place of employment by means of a day-haul operation.

(B) The term “seasonal agricultural worker” does not include—

(i) any migrant agricultural worker;

(ii) any immediate family member of an agricultural employer or a farm labor contractor; or

(iii) any temporary nonimmigrant alien who is authorized to work in agricultural employment in the United States under sections 1101(a)(15)(H)(ii)(a) and 1184(c) of title 8.

(11) The term “Secretary” means the Secretary of Labor or the Secretary’s authorized representative.

(12) The term “State” means any of the States of the United States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, and Guam.

(Pub. L. 97-470, §3, Jan. 14, 1983, 96 Stat. 2584; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 99-603, title I, §101(b)(1)(A), Nov. 6, 1986, 100 Stat. 3372.)

#### REFERENCES IN TEXT

That Act, referred to in par. (5), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, known as the Fair Labor Standards Act of 1938, which is classified generally to chapter 8 (§201 et seq.) of this title. For complete classification of this Act to the Code, see section 201 of this title and Tables.

#### AMENDMENTS

1986—Par. (3). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

Pars. (8)(B)(ii), (10)(B)(iii). Pub. L. 99-603 substituted “1101(a)(15)(H)(ii)(a)” for “1101(a)(15)(H)(i)”.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Section 101(b)(2) of Pub. L. 99-603, as amended by Pub. L. 100-525, §2(a)(2), Oct. 24, 1988, 102 Stat. 2610, provided that: “The amendments made by paragraph (1) [amending this section and sections 1813 and 1851 of this title and repealing section 1816 of this title] shall apply to the employment, recruitment, referral, or utilization of the services of an individual occurring on or after the