

Aug. 22, 1996, 110 Stat. 2174, related to eligibility for incentive bonuses.

Section 1791f, Pub. L. 97-300, title V, § 507, as added Pub. L. 100-628, title VII, § 712(a)(3), Nov. 7, 1988, 102 Stat. 3252; amended Pub. L. 102-367, title V, § 501, Sept. 7, 1992, 106 Stat. 1098, related to information and data collection.

Section 1791g, Pub. L. 97-300, title V, § 508, as added Pub. L. 100-628, title VII, § 712(a)(3), Nov. 7, 1988, 102 Stat. 3252; amended Pub. L. 102-367, title V, § 501, Sept. 7, 1992, 106 Stat. 1099; Pub. L. 104-193, title I, § 110(n)(16), Aug. 22, 1996, 110 Stat. 2175, related to evaluations and reports.

Section 1791h, Pub. L. 97-300, title V, § 509, as added Pub. L. 100-628, title VII, § 712(a)(3), Nov. 7, 1988, 102 Stat. 3253; amended Pub. L. 102-367, title V, § 501, Sept. 7, 1992, 106 Stat. 1099, related to implementing regulations.

#### EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 2000, see section 199(c)(2)(B) of Pub. L. 105-220, set out as a note under section 1501 of this title.

### §§ 1791i, 1791j. Omitted

#### CODIFICATION

Sections 1791i and 1791j of this title were omitted in the general revision of this subchapter by Pub. L. 102-367, title V, § 501, title VII, § 701(a), Sept. 7, 1992, 106 Stat. 1099, 1103, effective July 1, 1993.

Section 1791i, Pub. L. 97-300, title V, § 510, as added Pub. L. 100-628, title VII, § 712(a)(3), Nov. 7, 1988, 102 Stat. 3253, related to awards to States for start-up costs for participation in the incentive bonus program.

Section 1791j, Pub. L. 97-300, title V, § 511, as added Pub. L. 100-628, title VII, § 712(a)(3), Nov. 7, 1988, 102 Stat. 3254, related to evaluation and performance standards for the incentive bonus program.

#### SUBCHAPTER VI—STATE HUMAN RESOURCE INVESTMENT COUNCIL

### §§ 1792 to 1792b. Repealed. Pub. L. 105-220, title I, § 199(b)(2), Aug. 7, 1998, 112 Stat. 1059

Section 1792, Pub. L. 97-300, title VII, § 701, as added Pub. L. 102-367, title VI, § 601(a), Sept. 7, 1992, 106 Stat. 1099; amended Pub. L. 104-193, title I, § 110(n)(17), Aug. 22, 1996, 110 Stat. 2175, related to establishment and functions of State human resource investment councils.

Section 1792a, Pub. L. 97-300, title VII, § 702, as added Pub. L. 102-367, title VI, § 601(a), Sept. 7, 1992, 106 Stat. 1101, related to composition of Councils.

Section 1792b, Pub. L. 97-300, title VII, § 703, as added Pub. L. 102-367, title VI, § 601(a), Sept. 7, 1992, 106 Stat. 1102, related to administration of Councils.

#### EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 2000, see section 199(c)(2)(B) of Pub. L. 105-220, set out as a note under section 1501 of this title.

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### § 1801. Congressional statement of purpose

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 re-

search, 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)(ii)”.

#### 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 first day of the seventh month beginning after the date of the enactment of this Act [Nov. 6, 1986]; except that if the provisions of section 274A of the Immigration and Nationality Act [8 U.S.C. 1324a] are terminated as of a date under [former] subsection (7) of such section, then such amendments shall no longer apply as of such date.” [The provisions of section 1324a of Title 8, Aliens and Nationality, were not terminated under subsection (7) of section 1324a, and that subsection was repealed by Pub. L. 104-208.]

#### § 1803. Applicability of chapter

(a) The following persons are not subject to this chapter:

(1) FAMILY BUSINESS EXEMPTION.—Any individual who engages in a farm labor contracting activity on behalf of a farm, processing establishment, seed conditioning establishment, cannery, gin, packing shed, or nursery, which is owned or operated exclusively by such individual or an immediate family member of such individual, if such activities are performed