

Aug. 22, 1996, 110 Stat. 2174, stated purpose of jobs for employable dependent individuals incentive bonus program.

A prior section 501 of Pub. L. 97-300, which enacted sections 49e, 49f, 49i, and 49j-1 of this title, amended sections 49 to 49b, 49d, and 49g to 49j of this title, and enacted provisions set out as a note under section 49 of this title, was renumbered section 601 of Pub. L. 97-300.

Section 1791a, Pub. L. 97-300, title V, §502, as added Pub. L. 100-628, title VII, §712(a)(3), Nov. 7, 1988, 102 Stat. 3248; amended Pub. L. 102-367, title V, §501, Sept. 7, 1992, 106 Stat. 1096, related to payments to States.

A prior section 502 of Pub. L. 97-300, which amended sections 632 and 633 of Title 42, The Public Health and Welfare, was renumbered section 602 of Pub. L. 97-300.

Section 1791b, Pub. L. 97-300, title V, §503, as added Pub. L. 100-628, title VII, §712(a)(3), Nov. 7, 1988, 102 Stat. 3249; amended Pub. L. 102-367, title V, §501, Sept. 7, 1992, 106 Stat. 1096, related to amount of incentive bonus.

A prior section 503 of Pub. L. 97-300, which amended section 602 of Title 42, The Public Health and Welfare, was renumbered section 603 of Pub. L. 97-300.

Section 1791c, Pub. L. 97-300, title V, §504, as added Pub. L. 100-628, title VII, §712(a)(3), Nov. 7, 1988, 102 Stat. 3249; amended Pub. L. 102-367, title V, §501, Sept. 7, 1992, 106 Stat. 1097, related to use of incentive bonus funds.

A prior section 504 of Pub. L. 97-300 was renumbered section 604 and was classified to section 1504 of this title prior to repeal by Pub. L. 105-220.

Section 1791d, Pub. L. 97-300, title V, §505, as added Pub. L. 100-628, title VII, §712(a)(3), Nov. 7, 1988, 102 Stat. 3250; amended Pub. L. 102-367, title V, §501, Sept. 7, 1992, 106 Stat. 1097, related to notices and applications.

Another section 505 of title VI of Pub. L. 97-300, as added Pub. L. 100-418, title VI, §6307(a), Aug. 23, 1988, 102 Stat. 1541, and amended, was renumbered section 605 of title VI of Pub. L. 97-300 by Pub. L. 102-367, title VII, §702(a)(20), Sept. 7, 1992, 106 Stat. 1113, and was classified to section 1505 of this title, prior to repeal by Pub. L. 105-220.

Section 1791e, Pub. L. 97-300, title V, §506, as added Pub. L. 100-628, title VII, §712(a)(3), Nov. 7, 1988, 102 Stat. 3251; amended Pub. L. 102-367, title V, §501, Sept. 7, 1992, 106 Stat. 1098; Pub. L. 104-193, title I, §110(n)(15), 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.

**Statutory Notes and Related Subsidiaries**

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**

**Editorial Notes**

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.

**Statutory Notes and Related Subsidiaries**

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.

**CHAPTER 20—MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION**

Sec.

- 1801. Congressional statement of purpose.
- 1802. Definitions.
- 1803. Applicability of chapter.

**SUBCHAPTER I—FARM LABOR CONTRACTORS**

- 1811. Certificate of registration required.
- 1812. Issuance of certificate of registration.
- 1813. Registration determinations.
- 1814. Transfer or assignment; expiration; renewal.
- 1815. Notice of address change; amendment of certificate of registration.
- 1816. Repealed.

**SUBCHAPTER II—MIGRANT AGRICULTURAL WORKER PROTECTIONS**

- 1821. Information and recordkeeping requirements.
- 1822. Wages, supplies, and other working arrangements.
- 1823. Safety and health of housing.

**SUBCHAPTER III—SEASONAL AGRICULTURAL WORKER PROTECTIONS**

- 1831. Information and recordkeeping requirements.
- 1832. Wages, supplies, and other working arrangements.

**SUBCHAPTER IV—FURTHER PROTECTIONS FOR MIGRANT AND SEASONAL AGRICULTURAL WORKERS**

- 1841. Motor vehicle safety.
- 1842. Confirmation of registration.
- 1843. Information on employment conditions.
- 1844. Compliance with written agreements.

**SUBCHAPTER V—GENERAL PROVISIONS**

**PART A—ENFORCEMENT PROVISIONS**

- 1851. Criminal sanctions.
- 1852. Judicial enforcement.

Sec.	
1853.	Administrative sanctions.
1854.	Private right of action.
1855.	Discrimination prohibited.
1856.	Waiver of rights.
PART B—ADMINISTRATIVE PROVISIONS	
1861.	Rules and regulations.
1862.	Authority to obtain information.
1863.	Agreements with Federal and State agencies.
PART C—MISCELLANEOUS PROVISIONS	
1871.	State laws and regulations.
1872.	Transition provision.

### § 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.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 97-470, title V, §524, Jan. 14, 1983, 96 Stat. 2600, 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

Pub. L. 97-470, §1, Jan. 14, 1983, 96 Stat. 2584, 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 employ-

ment, 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 Co-