

§ 1844. Compliance with written agreements**(a) Applicability to contracting activity or worker protection**

No farm labor contractor shall violate, without justification, the terms of any written agreements made with an agricultural employer or an agricultural association pertaining to any contracting activity or worker protection under this chapter.

(b) Statutory liability

Written agreements under this section do not relieve a person of any responsibility that such person would otherwise have under this chapter. (Pub. L. 97-470, title IV, §404, Jan. 14, 1983, 96 Stat. 2596.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 90 days from Jan. 14, 1983, see section 524 of Pub. L. 97-470, set out as a note under section 1801 of this title.

SUBCHAPTER V—GENERAL PROVISIONS

PART A—ENFORCEMENT PROVISIONS

§ 1851. Criminal sanctions**(a) Violations of chapter or regulations**

Any person who willfully and knowingly violates this chapter or any regulation under this chapter shall be fined not more than \$1,000 or sentenced to prison for a term not to exceed one year, or both. Upon conviction for any subsequent violation of this chapter or any regulation under this chapter, the defendant shall be fined not more than \$10,000 or sentenced to prison for a term not to exceed three years, or both.

(b) Violations of section 1324a(a) of title 8

If a farm labor contractor who commits a violation of paragraph (1) or (2) of section 1324a(a) of title 8 has been refused issuance or renewal of, or has failed to obtain, a certificate of registration or is a farm labor contractor whose certificate has been suspended or revoked, the contractor shall, upon conviction, be fined not more than \$10,000 or sentenced to prison for a term not to exceed three years, or both.

(Pub. L. 97-470, title V, §501, Jan. 14, 1983, 96 Stat. 2596; Pub. L. 99-603, title I, §101(b)(1)(D), Nov. 6, 1986, 100 Stat. 3372.)

Editorial Notes

AMENDMENTS

1986—Subsec. (b). Pub. L. 99-603 substituted “paragraph (1) or (2) of section 1324a(a) of title 8” for “section 1816 of this title”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-603 applicable to employment, recruitment, referral, or utilization of services of an individual occurring on or after first day of seventh month beginning after Nov. 6, 1986, see section 101(b)(2) of Pub. L. 99-603, as amended, set out as a note under section 1802 of this title.

EFFECTIVE DATE

Section effective 90 days from Jan. 14, 1983, see section 524 of Pub. L. 97-470, set out as a note under section 1801 of this title.

§ 1852. Judicial enforcement**(a) Injunctive relief**

The Secretary may petition any appropriate district court of the United States for temporary or permanent injunctive relief if the Secretary determines that this chapter, or any regulation under this chapter, has been violated.

(b) Control of civil litigation

Except as provided in section 518(a) of title 28, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this chapter, but all such litigation shall be subject to the direction and control of the Attorney General.

(Pub. L. 97-470, title V, §502, Jan. 14, 1983, 96 Stat. 2596.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 90 days from Jan. 14, 1983, see section 524 of Pub. L. 97-470, set out as a note under section 1801 of this title.

§ 1853. Administrative sanctions**(a) Civil money penalties for violations; criteria for assessment**

(1) Subject to paragraph (2), any person who commits a violation of this chapter or any regulation under this chapter, may be assessed a civil money penalty of not more than \$1,000 for each violation.

(2) In determining the amount of any penalty to be assessed under paragraph (1), the Secretary shall take into account (A) the previous record of the person in terms of compliance with this chapter and with comparable requirements of the Farm Labor Contractor Registration Act of 1963 [7 U.S.C. 2041 et seq.], and with regulations promulgated under this chapter and such Act, and (B) the gravity of the violation.

(b) Administrative review

(1) The person assessed shall be afforded an opportunity for agency hearing, upon request made within thirty days after the date of issuance of the notice of assessment. In such hearing, all issues shall be determined on the record pursuant to section 554 of title 5. If no hearing is requested as herein provided, the assessment shall constitute a final and unappealable order.

(2) If a hearing is requested, the initial agency decision shall be made by an administrative law judge, and such decision shall become the final order unless the Secretary modifies or vacates the decision. Notice of intent to modify or vacate the decision of the administrative law judge shall be issued to the parties within thirty days after the decision of the administrative law judge. A final order which takes effect under this paragraph shall be subject to review only as provided under subsection (c).

(c) Judicial review

Any person against whom an order imposing a civil money penalty has been entered after an agency hearing under this section may obtain