

EXPLANATION OF DRAFT BILL TO PROVIDE FOR THE REGISTRATION
OF CREW LEADERS IN INTERSTATE AGRICULTURAL
EMPLOYMENT, AND FOR OTHER PURPOSES.

Migratory agricultural workers are almost completely dependent upon their crew leaders for obtaining their transportation and employment and for securing adequate housing and other facilities. Frequently they are also paid either directly by or through their crew leaders. These workers are thus particularly vulnerable to exploitation and abuse by irresponsible crew leaders and there is increasing evidence that the channels and instrumentalities of interstate commerce are being used to spread such exploitation and abuse. This bill is designed, through the exercise of Congressional authority to regulate interstate commerce, to afford a method of correcting these abuses by mandatory registration in order to curb the activities of persons who, because of criminal records, misrepresentation or failure to deal honestly with members of their crews, should not be permitted to operate in interstate commerce as crew leaders. Compulsory registration would make the arrangements between crew leader and crew a matter of record.

The legislation would require any person, who for a fee is engaged in the recruitment, hiring, furnishing or transporting of three or more migrant workers for interstate agricultural employment, to obtain a certificate of registration from the Secretary of Labor.

No person could engage in such activities without a certificate. The submission of certain information to be prescribed by regulation is required, and a certificate may be denied or revoked upon the Secretary's finding of conviction of a felony, misrepresentation in application for a certificate, knowingly giving false information to workers in the crew concerning conditions of employment, failure to comply with the reported working arrangements with the crew, and failure to comply with the Act or any regulations issued thereunder. Certificates would be renewable for each calendar year and revocation or refusal to issue would be upon notice and hearing in accordance with regulations prescribed by the Secretary. All administrative proceedings, conducted pursuant to the authority of the Act, will comply with the provisions of the Administrative Procedure Act. Wilful violation of the Act is made a misdemeanor subject to a fine of \$500.00 for each offense.

A B I L L

To provide for the registration of crew leaders in interstate agricultural employment, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Crew Leader Registration Act of 1959."

CONGRESSIONAL FINDING AND DECLARATION OF POLICY

(a) The Congress hereby finds that interstate commerce and the channels and instrumentalities of interstate commerce are being used by certain irresponsible crew leaders to spread and perpetuate the exploitation and abuse of workers for interstate agricultural employment.

(b) It is declared to be the policy of this Act, through the exercise by the Congress of its power to regulate commerce among the several States, to correct the conditions above referred to by requiring a person to obtain a certificate of registration from the Secretary of Labor before engaging in the activities of a crew leader with respect to interstate agricultural employment.

DEFINITIONS

SEC. 2. As used in this Act--

(a) "Person" includes any individual, partnership, association, joint stock company, trust or corporation.

(b) "Crew leader" means any person who, for a fee, either for himself or on behalf of another person, recruits, hires, furnishes, or transports three or more migrant workers (excluding members of his immediate family) for interstate agricultural employment; except that

the term "crew leader" does not apply to any employment agency duly licensed to operate under the laws of any State, or to any State employment service affiliated with the United States Employment Service, or to any other State or Federal agency engaged in the recruiting or referring of migrant workers for interstate agricultural employment.

(c) "Fee" includes any money or other valuable consideration paid or promised to be paid to a person for services as a crew leader.

(d) "Interstate agricultural employment" means any employment in agriculture, as defined in section 3 (f) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(f), or section 3121 (g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121 (g)) which involves the movement of migrant workers among the several States or between any State and any place outside thereof.

(e) "Secretary" means the Secretary of the United States Department of Labor or his duly authorized representative.

(f) "State" means any of the States of the United States, Hawaii, the District of Columbia, the Virgin Islands, Puerto Rico and Guam.

CERTIFICATE OF REGISTRATION REQUIRED

SEC. 3. No person may engage in activities as a crew leader unless he first obtains a certificate of registration from the Secretary. No person required to obtain such certificate of registration may engage in activities as a crew leader in any case where his certificate

of registration has been denied, suspended or revoked pursuant to any of the provisions of this Act.

ISSUANCE OF CERTIFICATE OF REGISTRATION:
DENIAL, REVOCATION OR SUSPENSION THEREOF

SEC. 4. (a) The Secretary shall issue a certificate of registration to any duly qualified applicant therefor, who shall keep it in his immediate personal possession for display upon request of the Secretary. Each applicant for a certificate of registration shall furnish such information as to his conduct and method of operation as a crew leader and his financial responsibility, as well as to transportation, wage arrangements, housing, and other working conditions to be afforded migrant workers in his crew, as the Secretary may by regulation require.

(b) Upon notice and hearing in accordance with regulations prescribed by him, the Secretary may refuse to issue, and may suspend, revoke, or refuse to renew a certificate of registration to any crew leader when he finds --

(1) that the crew leader has been convicted of a crime denoted a felony either under the laws of the United States or under the law of the State in which he was convicted; or

(2) that the crew leader has made any misrepresentations or false statements in his application for a certificate of registration or any renewal thereof;

or

(3) that the crew leader has knowingly given false or misleading information to migrant workers in his crew concerning the terms, conditions or existence of agricultural employment; or

(4) that the crew leader has failed to comply with the terms of any working arrangements with migrant workers in his crew as reported to the Secretary pursuant to subsection (a); or

(5) that the crew leader has failed to comply with any of the provisions of this Act or any regulations issued hereunder.

(c) A certificate of registration, once issued, may not be transferred or assigned and shall be effective for the remainder of the calendar year during which it is issued, unless suspended or revoked by the Secretary as provided in this Act. A certificate of registration may be renewed each calendar year upon approval by the Secretary of an application for its renewal.

(d) Notwithstanding the denial, suspension or revocation of a certificate of registration, or the refusal to renew a certificate of registration, under the provisions of subsection (b) of this section, the Secretary may, at his discretion, subsequently issue a certificate of registration to an applicant therefor and, in accordance with regulations prescribed by the Secretary, require the applicant to furnish bond or other form of indemnity.

AGREEMENTS WITH FEDERAL AND STATE AGENCIES

SEC. 5. The Secretary is authorized to enter into agreements with Federal and State agencies, to utilize (pursuant to such agreements) the facilities and services of the agencies, and to delegate to the agencies such authority, other than rule making, as he deems necessary in carrying out the provisions of this Act.

PENALTY PROVISION

SEC. 6. Any crew leader who wilfully and knowingly violates any provision of this Act or any regulation prescribed thereunder shall be fined not more than \$500.00, or imprisoned not more than six months, or both.

APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT

SEC. 7. The provisions of the Administrative Procedure Act (5 U.S.C. 1001 et seq.) shall apply to all administrative proceedings conducted pursuant to the authority contained in this Act.