

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4504

To amend the Migrant and Seasonal Agricultural Worker Protection Act to provide for recovery of attorneys fees and a statute of limitations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2005

Mr. NORWOOD (for himself, Mr. DAVIS of Tennessee, and Mr. GRAVES) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Migrant and Seasonal Agricultural Worker Protection Act to provide for recovery of attorneys fees and a statute of limitations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Agriculture Access to  
5 Justice Act”.

1 **SEC. 2. STATUTORY DAMAGES.**

2 Section 504(c)(1) of the Migrant and Seasonal Agri-  
3 cultural Worker Protection Act (29 U.S.C. 1854(c)(1)) is  
4 amended to read as follows:

5 “(c)(1) If the court finds that the respondent has in-  
6 tentiously violated any provision of this Act or any regula-  
7 tion under this Act, it may award damages up to and in-  
8 cluding an amount equal to the amount of actual damages  
9 or other equitable relief. In addition, if the court finds be-  
10 yond a reasonable doubt that the respondent has inten-  
11 tionally violated any provision of this Act or any regulation  
12 under this Act, it may award statutory damages of up to  
13 \$500 per plaintiff per violation, except that (A) multiple  
14 infractions of a single provision of this Act or of regula-  
15 tions under this Act shall constitute only one violation for  
16 purposes of determining the amount of statutory damages  
17 due a plaintiff; and (B) if such complaint is certified as  
18 a class action, the court shall award no more than the  
19 lesser of up to \$500 per plaintiff per violation, or up to  
20 \$500,000 or other equitable relief.”.

21 **SEC. 3. RECOVERING ATTORNEYS’ FEES.**

22 Section 504 of the Migrant and Seasonal Agricultural  
23 Worker Protection Act (29 U.S.C. 1854) is further  
24 amended by inserting after subsection (f) the following:

25 “(g)(1) In any action under this section where the  
26 defendant prevails and the plaintiff is represented by an

1 attorney who is employed by an entity receiving funds  
2 from the Legal Services Corporation, such entity receiving  
3 such funds shall award to the prevailing defendant, fees  
4 and other expenses incurred by the defendant in connec-  
5 tion with the action. For purposes of this section, the term  
6 ‘fees and other expenses’ has the meaning given that term  
7 in section 504(b)(1)(A) of title 5, United States Code.

8 “(2) The court shall take whatever steps necessary,  
9 including the imposition of sanctions, to ensure compli-  
10 ance with this subsection.”

11 **SEC. 4. STATUTE OF LIMITATIONS.**

12 Section 504 of the Migrant and Seasonal Agricultural  
13 Worker Protection Act (29 U.S.C. 1854) is further  
14 amended by inserting after subsection (g) (as added by  
15 section 3) the following:

16 “(h) No claim may be brought under this section  
17 after 2 years after the date on which a request is made  
18 under subsection (b)(1)(A).”

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