

103^D CONGRESS
2^D SESSION

H. R. 4153

To amend the Agricultural Credit Act of 1987 to expand the types of agricultural issues covered by State mediation programs.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1994

Mr. POMEROY (for himself, Mr. BAESLER, Mr. HOLDEN, Ms. LONG, Mr. PETERSON of Minnesota, Mr. SARPALIUS, Mr. SLATTERY, and Mr. TEJEDA) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Agricultural Credit Act of 1987 to expand the types of agricultural issues covered by State mediation programs.

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 “Agricultural Mediation
5 Improvement Act of 1994”.

1 **SEC. 2. EXPANSION OF AGRICULTURAL ISSUES COVERED**
2 **BY STATE MEDIATION PROGRAMS.**

3 (a) EXPANSION OF MEDIATION PROGRAMS.—Section
4 501 of the Agricultural Credit Act of 1987 (7 U.S.C.
5 5101) is amended—

6 (1) in subsection (a), by striking “an agricul-
7 tural loan mediation program” and inserting “a me-
8 diation program”; and

9 (2) in subsection (b), by striking “agricultural
10 loan”; and

11 (3) by striking subsection (c) and inserting the
12 following new subsection:

13 “(c) REQUIREMENTS OF STATE MEDIATION PRO-
14 GRAMS.—

15 “(1) AGRICULTURAL ISSUES COVERED.—To be
16 certified as a qualifying State, the mediation pro-
17 gram of the State must provide mediation services to
18 producers, their creditors (if applicable), other per-
19 sons directly affected by actions of the Department
20 of Agriculture, and the Department of Agriculture,
21 involved in one or more of the following agricultural
22 issues:

23 “(A) Agricultural loans.

24 “(B) Wetlands determinations under the
25 jurisdiction of the Department.

1 “(C) Compliance with farm programs, in-
2 cluding conservation programs of the Depart-
3 ment.

4 “(D) Agricultural credit.

5 “(E) Rural water loan programs.

6 “(F) Grazing on National Forest System
7 lands.

8 “(G) Pesticides.

9 “(H) Such other agricultural issues under
10 the jurisdiction of the Department as the Sec-
11 retary considers appropriate.

12 “(2) CERTIFICATION CONDITIONS.—The Sec-
13 retary shall certify a State as a qualifying State with
14 respect to the agricultural issues proposed to be cov-
15 ered by the mediation program of the State if the
16 mediation program—

17 “(A) provides for mediation services that,
18 if decisions are reached, result in mediated, mu-
19 tually agreeable decisions between the parties to
20 the mediation;

21 “(B) is authorized or administered by an
22 agency of the State government or by the Gov-
23 ernor of the State;

24 “(C) provides for the training of medi-
25 ators;

1 “(D) provides that the mediation sessions
2 shall be confidential;

3 “(E) ensures, in the case of agricultural
4 loans, that all lenders and borrowers of agricul-
5 tural loans receive adequate notification of the
6 mediation program; and

7 “(F) ensures, in the case of other agricul-
8 tural issues covered by the mediation program,
9 that persons directly affected by actions of the
10 Department of Agriculture receive adequate no-
11 tification of the mediation program.

12 “(3) TIME FOR CERTIFICATION.—The Secretary
13 shall make a determination whether to certify a
14 State as a qualifying State not later than 15 days
15 after the Secretary receives a description of the pro-
16 posed mediation program of the State.”.

17 (b) PARTICIPATION OF DEPARTMENT.—Section 503
18 of such Act (7 U.S.C. 5103) is amended—

19 (1) by striking “agricultural loan” each place it
20 appears;

21 (2) in the matter preceding subparagraph (A)
22 of subsection (a)(1)—

23 (A) by inserting “or agency” after “pro-
24 gram”; and

1 (B) by striking “that makes, guarantees,
2 or insures agricultural loans”;

3 (3) in subsection (a)(1)(A)—

4 (A) by inserting “or agency” after “such
5 program”; and

6 (B) by inserting “certified under section
7 501” after “mediation program”;

8 (4) in subsection (a)(1)(B)—

9 (A) by striking “, effective beginning on
10 the date of the enactment of this Act,”; and

11 (B) by inserting “certified under section
12 501” after “mediation programs”; and

13 (5) in subsection (a)(1)(C)—

14 (A) in clause (i), by striking “described in”
15 and inserting “certified under”; and

16 (B) in clause (ii), by inserting “if applica-
17 ble,” before “present”.

18 (c) REGULATIONS.—Section 504 of such Act (7
19 U.S.C. 5104) is amended—

20 (1) by striking “Within 150 days after the date
21 of the enactment of this Act, the ” and inserting
22 “The”; and

23 (2) by adding at the end the following new sen-
24 tence: “The regulations prescribed by the Secretary
25 shall require qualifying States to adequately train

1 mediators to address all of the agricultural issues
2 covered by the mediation program of the State.”.

3 (d) REPORT.—Section 505 of such Act (7 U.S.C.
4 5105) is amended by striking “1990” and inserting
5 “1998”.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
7 506 of such Act (7 U.S.C. 5106) is amended by striking
8 “1995” and inserting “2000”.

9 (f) CONFORMING AMENDMENTS.—

10 (1) REFERENCES TO AGRICULTURAL LOANS.—
11 Subtitle A of title V of such Act is amended—

12 (A) in sections 502 and 505(1) (7 U.S.C.
13 5102, 5105(1)), by striking “agricultural loan”
14 each place it appears; and

15 (B) in section 505(3) (7 U.S.C. 5105(3)),
16 by striking “an agricultural loan mediation”
17 and inserting “a mediation”.

18 (2) WAIVER OF FARM CREDIT MEDIATION
19 RIGHTS BY BORROWERS.—Section 4.14E of the
20 Farm Credit Act of 1971 (12 U.S.C. 2202e) is
21 amended by striking “agricultural loan”.

22 (3) WAIVER OF FMHA MEDIATION RIGHTS BY
23 BORROWERS.—Section 358 of the Consolidated
24 Farm and Rural Development Act (7 U.S.C. 2006)
25 is amended by striking “agricultural loan”.

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