

105TH CONGRESS
2D SESSION

H. R. 3317

To provide that each State may establish a pilot program for mediation of private rights of action under the Migrant and Seasonal Agricultural Worker Protection Act.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1998

Mr. SMITH introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide that each State may establish a pilot program for mediation of private rights of action under the Migrant and Seasonal Agricultural Worker Protection Act.

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 “Voluntary State Pilot
5 Mediation Program for MSWPA Lawsuits Act of 1998”.

6 **SEC. 2. ESTABLISHMENT OF PILOT MEDIATION PROGRAM**

7 **BY STATES.**

8 (a) PREREQUISITE.—Each State may establish a
9 pilot mediation program which would require that before

1 a person may bring a private right of action under section
2 504(a) of the Migrant and Seasonal Agricultural Worker
3 Protection Act (29 U.S.C. 1854(a)) such person shall be
4 required to submit the cause for such action to mediation
5 under the pilot mediation program of such State.

6 (b) PROGRAM CONTENT.—A pilot mediation program
7 of a State shall—

8 (1) provide that the mediation shall be under a
9 mediator who is authorized by the administrator of
10 such program in such State and who is the unani-
11 mous choice of all parties to the cause of action;

12 (2) provide that any information or agreement
13 derived from mediation under such program shall be
14 confidential;

15 (3) allow all defending parties and all real par-
16 ties in interest to the mediation to retain and be rep-
17 resented by counsel;

18 (4) provide an opportunity for all parties to ob-
19 tain relevant information and evidence from the
20 other parties to the mediation; and

21 (5) meet such other requirements as the State
22 may require to ensure that mediation may be accom-
23 plished under such program.

24 (c) NOTIFICATION.—Each State which establishes a
25 pilot mediation program as a prerequisite to an action

1 under such section 504(a) shall notify the Secretary of
2 Labor and the Secretary of Agriculture of such program.

3 (d) PILOT PROGRAM PERIOD.—A pilot mediation
4 program shall only be in effect during the 60 month period
5 beginning upon the expiration of 6 months after the date
6 of the enactment of this Act, except that if the legislature
7 of a State will not be in session during such 6-month pe-
8 riod, the pilot program shall be in effect in such State
9 only during the 60 month period beginning upon the expi-
10 ration of the legislative session of such State.

11 **SEC. 3. REPORT BY SECRETARY OF AGRICULTURE.**

12 (a) REPORT.—The Secretary of Agriculture shall re-
13 port to Congress one year before the expiration of the pilot
14 program period under section 2(d) on—

15 (1) the effectiveness of the pilot program in re-
16 ducing litigation under the Migrant and Seasonal
17 Agricultural Worker Protection Act; and

18 (2) the beneficial effects of such litigation re-
19 duction on agricultural production in States in which
20 such a program was in effect.

21 The Secretary may include in the report made under this
22 section any recommendation on continuing or expanding,
23 or both, the pilot program.

1 (b) STATE NOTICE.—The Secretary of Agriculture
2 shall take such action as may be appropriate to notify the
3 States of the pilot program under section 2.

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