

**Calendar No. 260**

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

**S. 1519**

To amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 9, 2001

Mr. HARKIN (for himself, Mr. LUGAR, Mr. KERRY, Mr. CRAPO, Mr. McCONNELL, Mr. HELMS, Mr. DAYTON, Mr. LEAHY, Mr. HUTCHINSON, Mr. MILLER, Mrs. LINCOLN, Mr. BAUCUS, Mr. ROBERTS, Mr. CONRAD, Mr. NELSON of Nebraska, Ms. STABENOW, Mr. DASCHLE, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

DECEMBER 6, 2001

Reported by Mr. HARKIN, without amendment

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**A BILL**

To amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

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

1 **SECTION 1. FARM CREDIT ASSISTANCE FOR ACTIVATED**  
 2 **RESERVISTS.**

3 Subtitle D of the Consolidated Farm and Rural De-  
 4 velopment Act (7 U.S.C. 1981 et seq.) is amended by add-  
 5 ing at the end the following:

6 **“SEC. 376. FARM CREDIT ASSISTANCE FOR ACTIVATED RE-**  
 7 **SERVISTS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ACTIVATED RESERVIST.—The term ‘acti-  
 10 vated reservist’ means—

11 “(A) a member of a reserve component of  
 12 any of the Armed Forces of the United States  
 13 who is serving on active duty in support of a  
 14 contingency operation (as defined in section  
 15 101(a)(13) of title 10, United States Code)  
 16 pursuant to a call or order issued on or after  
 17 September 11, 2001, under a provision of law  
 18 referred to in subparagraph (B) of that section;  
 19 and

20 “(B) a member of the National Guard of  
 21 a State not in Federal service who is ordered to  
 22 duty under the laws of the State in support of  
 23 any operation to protect persons or property  
 24 from an act of terrorism or a threat of attack  
 25 by a hostile force during the period of a na-

1           tional emergency declared by the President or  
2           Congress on or after September 11, 2001.

3           “(2) ELIGIBLE PERSON.—The term ‘eligible  
4           person’ means—

5                   “(A) an activated reservist who owns or  
6                   operates a farm or ranch;

7                   “(B) an owner or operator of the farm or  
8                   ranch who is a member of the family of the ac-  
9                   tivated reservist; and

10                   “(C) an owner or operator of a farm or  
11                   ranch on which an activated reservist is em-  
12                   ployed.

13           “(b) PROGRAM.—The Secretary shall establish a pro-  
14           gram to provide assistance to any borrower of a farmer  
15           program loan who is an eligible person.

16           “(c) MODIFICATION OF LOAN TERMS.—The Sec-  
17           retary shall modify the terms and conditions of a farmer  
18           program loan (including a loan in which any participant  
19           in the loan is an eligible person) made to an eligible person  
20           for a farm or ranch under this title, or purchased under  
21           section 309B, to the extent necessary, as determined by  
22           the Secretary, to alleviate conditions of distress related to  
23           the activation of the activated reservist and to assist in  
24           maintaining the farm or ranch for such period of time as  
25           the Secretary determines is fair and equitable.

1       “(d) DEBT RESTRUCTURING.—The Secretary may  
2       modify farmer program loans, including delinquent loans,  
3       by deferring principal or interest scheduled payments, re-  
4       ducing interest rates or accumulated interest charges, re-  
5       amortizing or consolidating loans, reducing the amount of  
6       scheduled principal or interest payments, releasing addi-  
7       tional income, reducing collateral requirements, or taking  
8       any other restructuring actions determined appropriate by  
9       the Secretary, to alleviate conditions of distress related to  
10      the activation of the activated reservist and to assist in  
11      maintaining the farm or ranch for such period of time as  
12      the Secretary determines is fair and equitable.

13      “(e) EMERGENCY LOANS.—

14           “(1) IN GENERAL.—The Secretary shall make  
15      an emergency loan under subtitle C to an eligible  
16      person for a farm or ranch that has suffered, or that  
17      is likely to suffer, substantial economic injury as the  
18      result of the activation of an activated reservist, as  
19      determined by the Secretary.

20           “(2) ADMINISTRATION.—

21           “(A) IN GENERAL.—Except as provided in  
22      subparagraph (B), an emergency loan made  
23      under this subsection shall be made under the  
24      terms and conditions of subtitle C.

1           “(B) EXCEPTIONS.—An emergency loan  
2           made under this subsection shall not be subject  
3           to—

4                   “(i) the requirements of section  
5                   321(a) for a finding by the Secretary that  
6                   the applicants’ farming, ranching, or aqua-  
7                   culture operations have been substantially  
8                   affected by a natural disaster in the  
9                   United States or by a major disaster or  
10                  emergency designated by the President;

11                   “(ii) section 321(b); or

12                   “(iii) any other requirement of sub-  
13                  title C that the Secretary waives to carry  
14                  out this subsection.

15           “(3) PERIOD OF ELIGIBILITY.—To obtain an  
16           emergency loan under this subsection, an eligible  
17           person shall apply for the emergency loan during the  
18           period—

19                   “(A) beginning on the date on which the  
20                   activated reservist is activated; and

21                   “(B) ending 180 days after the date on  
22                   which the activated reservist is discharged or  
23                   released from active duty.

1       “(f) NOTICE.—The Secretary shall develop a pro-  
2 gram to notify eligible persons of assistance that is avail-  
3 able under this section.

4       “(g) SPOUSES OR RELATIVES.—

5           “(1) IN GENERAL.—The Secretary may provide  
6 for procedures under which the spouse or other close  
7 relative (as determined by the Secretary) of an acti-  
8 vated reservist may participate in, or make decisions  
9 related to, a program administered by the Secretary  
10 under this title.

11           “(2) REPRESENTATION.—The Secretary may  
12 rely on the representation of the spouse or close rel-  
13 ative (even in the absence of a power of attorney)  
14 made under the procedures described in paragraph  
15 (1) if the Secretary—

16           “(A) determines that the reliance is appro-  
17 priate in order to prevent undue hardship and  
18 to provide equitable treatment for the activated  
19 reservist; and

20           “(B) has no reason to believe that the rep-  
21 resentation of the spouse or close relative is not  
22 in accordance with the intent and interests of  
23 the activated reservist.”.

1 **SEC. 2. REGULATIONS.**

2 (a) IN GENERAL.—As soon as practicable after the  
3 date of enactment of this Act, the Secretary of Agriculture  
4 shall promulgate such regulations as are necessary to im-  
5 plement the amendment made by section 1.

6 (b) PROCEDURE.—The promulgation of the regula-  
7 tions and administration of the amendment made by sec-  
8 tion 1 shall be made without regard to—

9 (1) the notice and comment provisions of sec-  
10 tion 553 of title 5, United States Code;

11 (2) the Statement of Policy of the Secretary of  
12 Agriculture effective July 24, 1971 (36 Fed. Reg.  
13 13804), relating to notices of proposed rulemaking  
14 and public participation in rulemaking; and

15 (3) chapter 35 of title 44, United States Code  
16 (commonly known as the “Paperwork Reduction  
17 Act”).

18 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-  
19 MAKING.—In carrying out this section, the Secretary shall  
20 use the authority provided under section 808 of title 5,  
21 United States Code.

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