

105TH CONGRESS  
2D SESSION

# S. 1803

To reform agricultural credit programs of the Department of Agriculture,  
and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

MARCH 19, 1998

Mr. ROBB introduced the following bill; which was read twice and referred to  
the Committee on Agriculture, Nutrition, and Forestry

---

## A BILL

To reform agricultural credit programs of the Department  
of Agriculture, 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 “Agricultural Credit Res-*  
5       *toration Act”.*

6       **SEC. 2. AMENDMENTS TO THE CONSOLIDATED FARM AND**  
7       **RURAL DEVELOPMENT ACT.**

8       (a) Section 343(a)(12)(B) of the Consolidated Farm  
9       and Rural Development Act (7 U.S.C. 1991(a)(12)(B)) is  
10      amended to read as follows:

1           “(B) EXCEPTIONS.—The term ‘debt for-  
2           giveness’ does not include—

3                   “(i) consolidation, rescheduling, re-  
4                   amortization, or deferral of a loan;

5                   “(ii) 1 debt forgiveness in the form of  
6                   a restructuring, write-down, or net recov-  
7                   ery buy-out during the lifetime of the bor-  
8                   rower that is due to a financial problem of  
9                   the borrower relating to a natural disaster  
10                  or a medical condition of the borrower or  
11                  of a member of the immediate family of  
12                  the borrower (or, in the case of a borrower  
13                  that is an entity, a principal owner of the  
14                  borrower or a member of the immediate  
15                  family of such an owner); and

16                  “(iii) any restructuring, write-down,  
17                  or net recovery buy-out provided as a part  
18                  of a resolution of a discrimination com-  
19                  plaint against the Secretary.”.

20           (b) Section 353(m) of such Act (7 U.S.C. 2001(m))  
21   is amended by striking all that precedes paragraph (2) and  
22   inserting the following:

23           “(m) LIMITATION ON NUMBER OF WRITE-DOWNS  
24   AND NET RECOVERY BUY-OUTS PER BORROWER.—

1           “(1) IN GENERAL.—The Secretary may provide  
 2           a write-down or net recovery buy-out under this sec-  
 3           tion on not more than 2 occasions per borrower with  
 4           respect to loans made after January 6, 1988.”.

5           (c) Section 353 of such Act (7 U.S.C. 2001) is  
 6           amended by striking subsection (o).

7           (d) Section 355(c)(2) of such Act (7 U.S.C.  
 8           2003(c)(2)) is amended to read as follows:

9           “(2) RESERVATION AND ALLOCATION.—

10           “(A) IN GENERAL.—The Secretary shall,  
 11           to the greatest extent practicable, reserve and  
 12           allocate the proportion of each State’s loan  
 13           funds made available under subtitle B that is  
 14           equal to that State’s target participation rate  
 15           for use by the socially disadvantaged farmers or  
 16           ranchers in that State. The Secretary shall, to  
 17           the extent practicable, distribute the total so  
 18           derived on a county by county basis according  
 19           to the number of socially disadvantaged farmers  
 20           or ranchers in the county.

21           “(B) REALLOCATION OF UNUSED  
 22           FUNDS.—The Secretary may pool any funds re-  
 23           served and allocated under this paragraph with  
 24           respect to a State that are not so used as de-  
 25           scribed in subparagraph (A) in a State in the

1 first 10 months of a fiscal year with the funds  
 2 similarly not so used in other States, and may  
 3 reallocate such pooled funds in the discretion of  
 4 the Secretary for use by socially disadvantaged  
 5 farmers and ranchers in other States.”.

6 (e) Section 373(b)(1) of such Act (7 U.S.C.  
 7 2008h(b)(1)) is amended to read as follows:

8 “(1) IN GENERAL.—Except as provided in para-  
 9 graph (2), the Secretary may not make or guarantee  
 10 a loan under subtitle A or B to a borrower who on,  
 11 2 or more occasions, received debt forgiveness on a  
 12 loan made or guaranteed under this title.”.

13 (f) Section 373(c) of such Act (7 U.S.C. 2008h(c))  
 14 is amended to read as follows:

15 “(c) NO MORE THAN 2 DEBT FORGIVENESSES PER  
 16 BORROWER ON DIRECT LOANS.—The Secretary may not,  
 17 on 2 or more occasions, provide debt forgiveness to a bor-  
 18 rower on a direct loan made under this title.”.

19 **SEC. 2. REGULATIONS.**

20 Not later than 90 days after the date of the enact-  
 21 ment of this Act, the Secretary of Agriculture shall pro-  
 22 mulgate regulations necessary to carry out the amend-  
 23 ments made by this Act, without regard to—

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

1           (2) the statement of policy of the Secretary of  
2   Agriculture relating to notices of proposed rule-  
3   making and public participation in rulemaking that  
4   became effective on July 24, 1971 (36 Fed. Reg.  
5   13804).

○