

109TH CONGRESS
1ST SESSION

H. R. 4503

To amend the Migrant and Seasonal Agricultural Worker Protection Act
to provide for mandatory mediation.

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

A BILL

To amend the Migrant and Seasonal Agricultural Worker
Protection Act to provide for mandatory mediation.

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 Worker
5 Protection and Workplace Improvement Act”.

6 **SEC. 2. MANDATORY MEDIATION.**

7 Section 504 of the Migrant and Seasonal Agricultural
8 Worker Protection Act (29 U.S.C. 1854) is amended by
9 redesignating subsections (b) through (f) as subsection (c)

1 through (g), respectively, and inserting after subsection
2 (a) the following:

3 “(b)(1) No person aggrieved by a violation of this
4 chapter may bring an action, including a complaint, under
5 subsection (a) unless the mediator first certifies that the
6 party—

7 “(A) has made a request, not less than 90 days
8 prior to bringing an action, to the Federal Mediation
9 and Conciliation Service or an equivalent State pro-
10 gram (as defined by the Secretary of Labor) to as-
11 sist the parties in reaching a satisfactory resolution
12 of all issues involving all parties to the dispute; and

13 “(B) has attempted, in good faith, mediation or
14 other non-binding dispute resolution of all issues in-
15 volving all parties to the dispute.

16 “(2) If the mediator finds that an agricultural em-
17 ployer, agricultural association, or farm labor contractor
18 has corrected a violation of this Act or regulation under
19 this Act within 14 days after the date on which such agri-
20 cultural employer, agricultural association, or farm labor
21 contractor was notified in writing of such violation, no ac-
22 tion may be brought under this subsection with respect
23 to such violation.

24 “(3) Upon request, the Federal Mediation and Con-
25 ciliation Service shall assign a mediator that is mutually

1 agreeable to all parties, and there is hereby authorized to
2 be appropriated annually such sums as necessary to carry
3 out this paragraph.

4 “(4) Any settlement reached through the mediation
5 process required under this section shall preclude any
6 right of action arising out of the same facts between the
7 parties in any Federal or State court or administrative
8 proceeding.”.

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