

109TH CONGRESS  
1ST SESSION

# H. R. 4503

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

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## 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

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## 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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