

tional Commission on Agriculture and Rural Development Policy established by this chapter terminated 5 years after Dec. 23, 1985.

Section 5001, Pub. L. 99-198, title XVII, §1722, Dec. 23, 1985, 99 Stat. 1637; Pub. L. 100-71, title V, §519(a)(2), July 11, 1987, 101 Stat. 475, defined “Commission”, “Governor”, and “State”.

Section 5002, Pub. L. 99-198, title XVII, §1723, Dec. 23, 1985, 99 Stat. 1637; Pub. L. 100-71, title V, §519(a)(2), July 11, 1987, 101 Stat. 475, provided for establishment of the Commission, appointment of its members by President, election of Chairman, and meetings of the Commission.

Section 5003, Pub. L. 99-198, title XVII, §1724, Dec. 23, 1985, 99 Stat. 1638, related to studies to be conducted by the Commission.

Section 5004, Pub. L. 99-198, title XVII, §1725, Dec. 23, 1985, 99 Stat. 1639, provided for annual reports to President and Congress.

Section 5005, Pub. L. 99-198, title XVII, §1726, Dec. 23, 1985, 99 Stat. 1639, provided for administrative operations of the Commission, member compensation, appointment and compensation of director and staff, and maintenance of records.

Section 5006, Pub. L. 99-198, title XVII, §1727, Dec. 23, 1985, 99 Stat. 1640, authorized appropriations to carry out chapter.

Section 5007, Pub. L. 99-198, title XVII, §1728, Dec. 23, 1985, 99 Stat. 1640, provided that this chapter and the Commission terminate five years after Dec. 23, 1985.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Section 1721 of subtitle C (§§1721-1728) of title XVII of Pub. L. 99-198, as amended by Pub. L. 100-71, title V, §519(a)(1), July 11, 1987, 101 Stat. 475, provided that this subtitle, which enacted this chapter, could be cited as the “National Commission on Agriculture and Rural Development Policy Act of 1985”.

CHAPTER 82—STATE AGRICULTURAL LOAN MEDIATION PROGRAMS

Sec.	
5101.	Qualifying States.
5102.	Matching grants to States.
5103.	Participation of Federal agencies.
5104.	Regulations.
5105.	Report.
5106.	Authorization of appropriations.

§ 5101. Qualifying States

(a) In general

A State is a qualifying State if the Secretary of Agriculture (hereinafter in this chapter referred to as the “Secretary”) determines that the State has in effect a mediation program that meets the requirements of subsection (c).

(b) Determination by Secretary

Within 15 days after the Secretary receives from the Governor of a State a description of the mediation program of the State and a statement certifying that the State has met all of the requirements of subsection (c), the Secretary shall determine whether the State is a qualifying State.

(c) Requirements of State mediation programs

(1) Issues covered

(A) In general

To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans

are made or guaranteed by the Secretary or made by a third party).

(B) Other issues

The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in one or more of the following issues:

- (i) Wetlands determinations.
- (ii) Compliance with farm programs, including conservation programs and the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).
- (iii) Agricultural credit.
- (iv) Rural water loan programs.
- (v) Grazing on National Forest System land.
- (vi) Pesticides.
- (vii) Lease issues, including land leases and equipment leases.
- (viii) Family farm transition.
- (ix) Farmer-neighbor disputes.
- (x) Such other issues as the Secretary or the head of the department of agriculture of each participating State considers appropriate for better serving the agricultural community and persons eligible for mediation.

(C) Mediation services

Funding provided for the mediation program of a qualifying State may also be used to provide credit counseling to persons described in paragraph (2)—

- (i) prior to the initiation of any mediation involving the Department of Agriculture; or
- (ii) unrelated to any ongoing dispute or mediation in which the Department of Agriculture is a party.

(2) Persons eligible for mediation

(A) In general

Subject to subparagraph (B), the persons referred to in paragraph (1) include—

- (i) agricultural producers;
- (ii) creditors of producers (as applicable);
- (iii) persons directly affected by actions of the Department of Agriculture; and
- (iv) any other persons involved in an issue for which mediation services are provided by a mediation program described in paragraph (1)(B).

(B) Voluntary participation

(i) In general

Subject to clause (ii) and section 5103 of this title, a person may not be compelled to participate in mediation services provided under this Act.

(ii) State laws

Clause (i) shall not affect a State law requiring mediation before foreclosure on agricultural land or property.

(3) Certification conditions

The Secretary shall certify a State as a qualifying State with respect to the issues proposed to be covered by the mediation program of the State if the mediation program—