

111TH CONGRESS
1ST SESSION

H. R. 3623

To amend the Food, Conservation, and Energy Act of 2008 to provide funding for successful claimants following a determination on the merits of Pigford claims related to racial discrimination by the Department of Agriculture.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2009

Mr. DAVIS of Alabama introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Food, Conservation, and Energy Act of 2008 to provide funding for successful claimants following a determination on the merits of Pigford claims related to racial discrimination by the Department of Agriculture.

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. FINDINGS.**

4 Congress finds the following:

5 (1) The claims of a significant number of Afri-
6 can-American farmers who brought discrimination

1 cases against the Department of Agriculture in the
2 case *Pigford v. Glickman* were denied without such
3 farmers receiving a hearing on the merits of those
4 claims.

5 (2) Section 14012 of the Food, Conservation,
6 and Energy Act of 2008 (Public Law 110–246; 122
7 Stat. 2210) states that it is Congress’ express intent
8 that such section “be liberally construed so as to ef-
9 fectuate its remedial purpose of giving a full deter-
10 mination on the merits for each Pigford claim pre-
11 viously denied that determination,” and explicitly
12 authorizes expedited resolutions to Pigford claims.

13 (3) Such section authorizes the expenditure of
14 \$100,000,000 from the Commodity Credit Corpora-
15 tion for the purpose of addressing such claims.

16 (4) The \$100,000,000 expenditure was not in-
17 tended to serve as a cap, but was intended to serve
18 as a place-holder allowing Congress to increase fund-
19 ing as necessary so that each Pigford claim may be
20 determined on the merits.

21 (5) The number of African-American farmers
22 who have had discrimination claims against the De-
23 partment of Agriculture unfairly denied may total
24 more than 77,000 persons.

1 (6) Funding in addition to the \$100,000,000
2 made available in such section 14012 will be needed
3 to achieve Congress' intent to carry out the remedial
4 purpose of having each Pigford claim determined on
5 the merits.

6 **SEC. 2. FUNDING FOR PIGFORD CLAIMS.**

7 Section 14012 of the Food, Conservation, and En-
8 ergy Act of 2008 (122 Stat. 2209; Public Law 110–246)
9 is amended—

10 (1) by striking subsection (c) and inserting the
11 following:

12 “(c) CRIMINAL PENALTIES.—

13 “(1) IN GENERAL.—It shall be unlawful for any
14 person to—

15 “(A) knowingly execute, or attempt to exe-
16 cute, a scheme or artifice to defraud, or obtain
17 money or property from any person by means
18 of false or fraudulent pretenses, representa-
19 tions, or promises, relating to the eligibility or
20 ability of a person to—

21 “(i) file a civil action relating to a
22 Pigford claim;

23 “(ii) submit a late-filing request under
24 section 5(g) of the consent decree;

1 “(iii) obtain a determination on the
2 merits of a Pigford claim; or

3 “(iv) recover damages or other relief
4 relating to a Pigford claim; and

5 “(B) for the purpose of executing the
6 scheme or artifice or attempting so to do, or ob-
7 taining the money or property—

8 “(i) place or deposit, or cause to be
9 placed or deposited, any matter or thing to
10 be sent or delivered by the Postal Service
11 or any private or commercial interstate
12 carrier;

13 “(ii) take or receive any matter or
14 thing sent or delivered by the Postal Serv-
15 ice or any private or commercial interstate
16 carrier;

17 “(iii) knowingly cause to be delivered
18 by the Postal Service or any private or
19 commercial interstate carrier any matter
20 or thing according to the direction on the
21 matter or thing, or at the place at which
22 the matter or thing is directed to be deliv-
23 ered by the person to whom it is ad-
24 dressed; or

1 “(iv) transmit, or cause to be trans-
2 mitted, any writings, signs, signals, pic-
3 tures, or sounds by means of wire, radio,
4 or television communication in interstate
5 or foreign commerce.

6 “(2) PENALTY.—Any person who violates para-
7 graph (1) shall be fined under title 18, United
8 States Code, imprisoned for not more than 5 years,
9 or both.”; and

10 (2) in subsection (i), by striking paragraph (2)
11 and inserting the following:

12 “(2) PERMANENT JUDGMENT APPROPRIA-
13 TION.—

14 “(A) IN GENERAL.—After the expenditure
15 of all funds made available under paragraph
16 (1), any additional payments or debt relief in
17 satisfaction of claims against the United States
18 under subsection (b) and for any actions under
19 subsection (f) or (g) shall be paid from amounts
20 appropriated under section 1304 of title 31,
21 United States Code.

22 “(B) AUTHORIZATION OF CERTAIN EX-
23 PENSES.—Reasonable attorney’s fees, adminis-
24 trative costs, and expenses described in section
25 14(a) of the consent decree and related to adju-

1 dicating the merits of claims brought under
2 subsection (b), (f), or (g) shall be paid from
3 amounts appropriated under section 1304 of
4 title 31, United States Code.

5 “(3) AUTHORIZATION OF APPROPRIATIONS.—In
6 addition to any other funds made available under
7 this subsection, there are authorized to be appro-
8 priated such sums as are necessary to carry out this
9 section.”.

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