To provide a mechanism for the determination on the merits of the claims of claimants who met the class criteria in a civil action relating to racial discrimination by the Department of Agriculture but who were denied that determination.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2007

Mr. Obama introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide a mechanism for the determination on the merits of the claims of claimants who met the class criteria in a civil action relating to racial discrimination by the Department of Agriculture but who were denied that determination.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pigford Claims Rem-
edy Act of 2007”.

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SEC. 2. DETERMINATION ON MERITS OF PIGFORD CLAIMS.

(a) IN GENERAL.—Any Pigford claimant who has not previously obtained a determination on the merits of a Pigford claim may, in a civil action, obtain that determination.

(b) INTENT OF CONGRESS AS TO REMEDIAL NATURE OF SECTION.—It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim denied that determination.

(c) LOAN DATA.—

(1) REPORT TO PERSON SUBMITTING PETITION.—Not later than 60 days after the Secretary of Agriculture receives notice of a complaint filed by a claimant under subsection (a), the Secretary shall provide to the claimant a report on farm credit loans made within the claimant’s county or adjacent county by the Department during the period beginning on January 1 of the year preceding the year or years covered by the complaint and ending on December 31 of year following such year or years. Such report shall contain information on all persons whose application for a loan was accepted, including—

(A) the race of the applicant;

(B) the date of application;

(C) the date of the loan decision;
(D) the location of the office making the loan decision; and

(E) all data relevant to the process of deciding on the loan.

(2) NO PERSONALLY IDENTIFIABLE INFORMATION.—The reports provided pursuant to paragraph (1) shall not contain any information that would identify any person that applied for a loan from the Department of Agriculture.

(d) EXPEDITED RESOLUTIONS AUTHORIZED.—Any person filing a complaint under this Act for discrimination in the application for, or making or servicing of, a farm loan, at his or her discretion, may seek liquidated damages of $50,000, discharge of the debt that was incurred under, or affected by, the discrimination that is the subject of the person’s complaint, and a tax payment in the amount equal to 25 percent of the liquidated damages and loan principal discharged, in which case—

(1) if only such damages, debt discharge, and tax payment are sought, the complainant shall be able to prove his or her case by substantial evidence; and

(2) the court shall decide the case based on a review of documents submitted by the complainant.
and defendant relevant to the issues of liability and damages.

(c) LIMITATION ON FORECLOSURES.—Notwithstanding any other provision of law, the Secretary of Agriculture may not begin acceleration on or foreclosure of a loan if the borrower is a Pigford claimant and, in an appropriate administrative proceeding, makes a prima facie case that the foreclosure is related to a Pigford claim.

(f) DEFINITIONS.—In this Act—

(1) the term “Pigford claimant” means an individual who previously submitted a late-filing request under section 5(g) of the consent decree in the case of Pigford v. Glickman, approved by the United States District Court for the District of Columbia on April 14, 1999; and

(2) the term “Pigford claim” means a discrimination complaint, as defined by section 1(h) of that consent decree and documented under section 5(b) of that consent decree.