

110TH CONGRESS
1ST SESSION

S. 1989

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.

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 “Pigford Claims Rem-
5 edy Act of 2007”.

1 **SEC. 2. DETERMINATION ON MERITS OF PIGFORD CLAIMS.**

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

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

11 (c) LOAN DATA.—

12 (1) REPORT TO PERSON SUBMITTING PETI-
13 TION.—Not later than 60 days after the Secretary
14 of Agriculture receives notice of a complaint filed by
15 a claimant under subsection (a), the Secretary shall
16 provide to the claimant a report on farm credit loans
17 made within the claimant's county or adjacent coun-
18 ty by the Department during the period beginning
19 on January 1 of the year preceding the year or years
20 covered by the complaint and ending on December
21 31 of year following such year or years. Such report
22 shall contain information on all persons whose appli-
23 cation for a loan was accepted, including—

24 (A) the race of the applicant;

25 (B) the date of application;

26 (C) the date of the loan decision;

1 (D) the location of the office making the
2 loan decision; and

3 (E) all data relevant to the process of de-
4 ciding on the loan.

5 (2) NO PERSONALLY IDENTIFIABLE INFORMA-
6 TION.—The reports provided pursuant to paragraph
7 (1) shall not contain any information that would
8 identify any person that applied for a loan from the
9 Department of Agriculture.

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

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

23 (2) the court shall decide the case based on a
24 review of documents submitted by the complainant

1 and defendant relevant to the issues of liability and
2 damages.

3 (e) LIMITATION ON FORECLOSURES.—Notwith-
4 standing any other provision of law, the Secretary of Agri-
5 culture may not begin acceleration on or foreclosure of a
6 loan if the borrower is a Pigford claimant and, in an ap-
7 propriate administrative proceeding, makes a prima facie
8 case that the foreclosure is related to a Pigford claim.

9 (f) DEFINITIONS.—In this Act—

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

16 (2) the term “Pigford claim” means a discrimi-
17 nation complaint, as defined by section 1(h) of that
18 consent decree and documented under section 5(b)
19 of that consent decree.

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