

I yield back the balance of my time.

REPORT ON RESOLUTION IN THE
MATTER OF REPRESENTATIVE
CHARLES B. RANGEL

Ms. ZOE LOFGREN of California (during the Special Order of Mr. CARTER), from the Committee on Standards of Official Conduct, submitted a privileged report (Rept. No. 111-661) on the resolution (H. Res. 1737) in the matter of Representative CHARLES B. RANGEL of New York, which was referred to the House Calendar and ordered to be printed.

PIGFORD FARMS AND
DISCRIMINATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Madam Speaker, it's my privilege to be recognized to address you here on the floor of the United States House of Representatives and to take up the issues that are on my mind and the issues that I hope are on the minds of the American people, the minds of the people who are the elected leaders here in the United States Congress, and hopefully on the minds of those of us who see this American taxpayer dollar as a pretty sacred dollar that should be invested wisely and responsibly.

And there are any number of issues that can be brought up under that particular parameter. But I choose to come to the floor tonight, Madam Speaker, to talk to you about the situation of Pigford Farms.

Pigford Farms is an issue that emerged here in the United States government around about and exactly on, began I'd say in 1983, in 1983 when the United States Department of Agricultural civil rights office was closed. At that period of time, there wasn't an oversight department within the USDA that might have looked over the shoulders of our USDA employees to see if they were actually treating people equally with equal opportunity under the law, as I think everyone in this Congress will agree every American citizen deserves equal opportunity under the law. That's part of the 14th Amendment. We take an oath to uphold the Constitution that includes the 14th Amendment and equal protection under the law and provide for equal opportunity, not necessarily equality of result, but equality of opportunity.

And so I suspect that that focus under the USDA diminished somewhat or at least didn't have a check on it from 1983 on. But with the Pigford Farms issue—and this is the largest civil rights class action lawsuit in the history of America, Pigford Farms.

□ 2010

It looms over the heads of the Members of Congress here to be not what it

was just a few years ago, \$1.05 billion, not what it was when the Farm Bill passed here on the floor of the House under the direction of the chairman of the Ag Committee, COLLIN PETERSON of Minnesota, at an additional \$100 million, which was designed to be the sum total that would ever be required to sweep up any of the remnants of Pigford Farms, this civil rights case, and package it all up and make sure that people were compensated and put it behind us. No, it has reared its ugly head again, Madam Speaker. It's reared its ugly head with an issue called Pigford II.

It wasn't enough to have Pigford I. Pigford I, which emerged because I believe there was discrimination taking place within some of our USDA offices, particularly around the South, where the culture of segregation had prevailed beyond the end of the legal segregation that we had, and was still, I believe, in some of the offices manifested in the form of discrimination between the Farm Service Administration personnel. But that discrimination that then perhaps, and I think likely, and I believe did carry on through some of those years of the eighties, perhaps as far back as the seventies, but this case deals with the eighties, the eighties and the nineties.

So Pigford Farms, the chronology of it goes this way, Madam Speaker. In 1983, the United States Department of Agriculture Civil Rights Office was closed. In 1994, and this would be under Bill Clinton's administration with Dan Glickman as the Secretary of Agriculture, commissioned an accounting firm or an analysis firm to analyze the treatment of minorities and women in the Farm Service agencies throughout the United States.

The study examined the conditions from 1990 until 1995 and looked primarily at crop payments and disaster payment programs in Commodity Credit Corporations, that's CCC, loans. A final report found from 1990 until 1995, minority participation in Farm Service Administration programs was very low, and that minorities received less than their fair share of USDA money for crop payments, disaster payments, and loans.

Now, Madam Speaker, I am always suspicious of the "their fair share." I know that the word "fair" comes up in law over and over again. It comes up in many, many pieces of case law, precedent cases out there. If one would read through that case law, you will see the word "fair" over and over again. You will hear the word "fair" debated here on the House of Representatives over and over again. And whenever I hear this word "fair," didn't receive their fair share, I always cringe, because you know, we are a body that should be dealing with facts and empirical data. And the judgment should be on the facts, not the judgment of the facts.

But the word "fair" is always in the mind and the eyes of the person who utters that word "fair." And none of us

can agree on what the meaning of the word is of the word "fair." Didn't receive their fair share. Perhaps that's true. I actually believe it is true.

But Marilyn and I have raised three sons. And anybody that's raised two or more kids knows there is no such thing as fair unless it's the State Fair or the World Fair or the County Fair or a fair ball or a foul ball versus fair. But this word "fair" that's a judgment call is an amorphous word. It could be anything. It could be within the context of what was fair in 1776 doesn't fit with what was fair in 1865, doesn't fit with what was fair in 1942, and not with what's fair in 2010. It's subjective, not objective, the term "fair." And I would like to get away from using the word "fair."

But nonetheless, the data didn't support that African American farmers were engaged in the programs to a similar extent as non-African American farmers, what primarily would be white farmers. So that was the report from 1994. Two years later, actually the end of that year, 1996, December of 1996, the Secretary of Agriculture Dan Glickman ordered a suspension of government foreclosures all the way across the country pending the outcome of an investigation into racial discrimination in the United States Department of Agriculture's agency loan program. And he later announced the appointment of a USDA Civil Rights Task Force.

So under the Reagan administration the USDA Civil Rights Office was closed, 1983. Dan Glickman in 1996 reestablished a similar agency called the USDA Civil Rights Task Force. And in February of '97 that task force recommended 92 changes to address the racial bias that existed, I believe, and to the extent is negotiable or debatable as part of the USDA Civil Rights Action Plan. And while the action plan acknowledged past problems and offered solutions for the future improvements, it did not satisfy those seeking redress of past wrongs and compensation for losses suffered.

So there was a move that was made to try to alleviate the allegations of racial discrimination within the USDA. Dan Glickman stepped forward in 1996 and announced the formation of the Civil Rights Task Force. That press conference in December of 1996, Madam Speaker, was essentially the confession by the Department of Agriculture that they had engaged in racial discrimination with farm programs, crop payments, disaster payments, and loans. And this started then the litigation that was at least anticipated at the time. And this litigation began in 1997.

So in February, February 28 of '97, the Civil Rights Task Force of the USDA recommended 92 changes. And those changes were not implemented. And so in 1997, same year, the litigation against the U.S. Department of Agriculture for discrimination against African American farmers began in August of '97. Two cases. One was brought

by Timothy Pigford, *Pigford v. Glickman*. The other one was *Brewington v. Glickman*. And it dealt with the farmers from 1983 until 1997, when they applied for Federal financial help, and again by failing to investigate allegations of discrimination, the allegations of discrimination were not aggressively investigated, and those who applied for financial help often didn't get it.

But Madam Speaker, I remember those years. I remember what they were like for white farmers in my neighborhood. I remember what they were like for me. And I did business with the Farm Service Administration in some of those years that are included in these that I have noted. And I would remind the body, and yourself included, Madam Speaker, that we had a farm crisis throughout the eighties. I remember what that was like.

I can remember a booming economy in 1979, where we had more work than we could do. I was doing custom work on farms, terraces, dams, waterways, cleaning out cattle yards, shaping up, trying to improve upon what Mother Nature gave us. And in 1979, we were already watching the consolidation of farms. We were watching family farms that people were being pushed off their land, they were losing their farms, they were selling their farms. The bid was so high sometimes that they couldn't afford not to sell. Other times they didn't have the equity to be able to stand and refuse an offer. And I lived right on the line between that good land that runs out flat all the way up to Canada versus from where I live it starts running hilly all the way down through Missouri into Arkansas until you get down to the rice country in Louisiana before it flattens out. Right there on that line.

Good land, good producers to the north, they had more money and more equity in their land. It appreciated more because it produced more. And they could afford to buy that land from where I lived south in the hills and pay a pretty good price for it and fix it up. While that was going on was the beginning of the downward spiral of the farm crisis. And there was farm family after farm family.

And I remember the people, I remember the families, I remember their kids, I remember them walking the long lane to get out and get on the bus. And I remember the days that they moved to town or moved off to a city or to another State and the neighbors bought the farm and hired me or others to come in and burn the buildings and bury them and put it back to farmland. Family after family after family.

In 1979, very, very busy. In 1980, we were now down really into the meat of the farm crisis. And that went on, '79, 1980, '81, '82, '83, '84, '85. I, Madam Speaker, lived for 3½ years with a knot in my gut, not knowing if we were going to be able to make it, not knowing if I was going to be able to feed the kids. And on April 26, on Friday afternoon, at 3:00 o'clock in the afternoon,

the FDIC, the Federal Deposit Insurance Corporation, and the Iowa Highway Patrol pulled into my bank.

□ 2020

They locked the doors on the bank and stood a guard in front of that door with a red sticker on the door and it said, Banks closed by order of the FDIC.

There I was. I actually had two pennies in my pocket to rub together, two pennies only, a payroll to meet with my crew. My accounts were frozen and so were the accounts of most of my customers. We had a lot of farmers go out of business throughout the whole decade of the 1980s, Madam Speaker. A lot of them were white farmers. A lot of them didn't have a recourse. A lot of them would have liked to have had a loan from the USDA. A lot of them would have liked to have had some program benefits. A lot of them would have liked to have made what they would have considered to be a more fair shake from the board of the Farm Service Administration.

There were very tough decisions made throughout that entire decade. I remember how difficult it was to be holding some assets, equipment, a little bit of land, and watching as my customers couldn't pay me. And when they couldn't pay me, it was awfully hard for me to pay the people that had provided credit for me.

The downward spiral of that, as you see land values going down, equipment values going down, the assets even of accounts receivable going down, looking for a way out, you can't get out of a downward spiral. I watched it crush good men. I watched people whose entire identity was wrapped up in the farm that had been homesteaded by their ancestors. Some of them could hold it, but it ruined them. Others couldn't hold it, and they forever carried the guilt of that.

And this farm crisis era of the 1980s is part of the Pigford Farms issue. It's not something that can be divorced from it. And so I am convinced that there were many black farmers that lost their farms during the 1980s when the farm crisis was in a downward spiral. There were many black farmers that believed that they should have had a loan program or a commodity program, a disaster payment that they didn't get, that they believed they were discriminated against by the board of the Farm Service Administration, which, by the way, is elected by all the people that are participating in the farm programs in the county. I don't have any doubt they believe they were discriminated against. In fact, I don't doubt some of them were discriminated against. And probably in one way or another all of them that didn't get the program they asked for were discriminated against in one way or another. I don't believe they were all discriminated against on if basis of their race, although some, I believe, were.

That's the scenario of the farm crisis in the 1980s. That's the scenario by

which the issue was raised and the civil rights class action lawsuit was brought forward against the USDA, that 1997 litigation that brought about the *Pigford v. Glickman* case and the *Brewington v. Glickman* case that covered those years of 1983 until 1997.

Then in mid-November of 1997 the government agreed to mediation and to explore a settlement in Pigford. In the next month in December the parties agreed to stay the course for 6 months while mediation was pursued and settlement discussions took place. But the USDA had acknowledged past discrimination, and the Justice Department opposed blanket mediation, so they argued that the case had to be investigated separately. I would agree with that from a legal standpoint.

But a year later, a little less, October of 1998, the Court issued a ruling that certified as a class black farmers who filed discrimination complaints against the USDA for the period of time between 1983 and February 21 of 1997. And then, in April of 1999, the Court approved this consent decree.

This is Pigford I, and they set forth a revised settlement agreement of all claims raised by the class members that reviewed the claims. And that began almost immediately and the initial disbursement of checks to qualifying farmers began on November 9, 1999.

Now, this is where some of the rest of the USDA employees came in. To summarize this, Madam Speaker, it works like this. Ronald Reagan's administration shut down their USDA Civil Rights Office and, under Bill Clinton, they started a similar entity back up again. In 1994, 2 years later, Dan Glickman, the Secretary of Agriculture, essentially confessed that the USDA had been discriminating against black farmers. So he appointed a company to do an analysis of it and, over time, it devolved into the courts declaring that the black farmers that had filed the complaints were a class, a class that could be dealt with by the courts to try to get them some compensation.

And so Pigford I was born and it resulted in \$1.05 billion being distributed—now there was a couple hundred million of administrative costs that I believe are in addition to that and not part of that accounting—but roughly \$1.05 billion was distributed to farmers who, well, let me say this, African Americans who filed claims. And, in order to administer all of these claims, this massive number, over 22,000 claims, it was required of the USDA to expedite this to call from across the country their FSA county directors, Farm Service Administration county directors, to come to Washington D.C. to administer these claims, to plow through these piles of paperwork.

And so they did. And they came from many of the States and certainly they come from Iowa, we are a farm State after all. And as the FSA directors and other personnel arrived here in Washington, D.C. and began to dig down

through this paperwork, working with a lot of it by certifying it as a paperwork application and others face-to-face or over the telephone with the claimants.

Here is what came back to me. One of those individuals, and I have had anecdotes from several, but one of those individuals felt the burden of the corruption and the fraudulent claims that were coming forward in front of him, that he copied a box of applications, and a literal box of applications, which I am really sure that would not have been very constructive to him maintaining his job with the USDA.

But it bothered his conscience so much, and when he came back to Iowa, he wanted to make it a point to make sure that I knew that these applications that he was dealing with were, he believed were a minimum of 75 percent fraudulent, 75 percent fraudulent. Now if you just apply that to the \$1.05 billion in claims that were paid out, if he is right in that number, \$750 million were wasted paying people that didn't have it coming, 250 or so million dollars perhaps went to those that did have a claim that had it coming.

And these applications are quite interesting to read through them one after another, take the stack and read through them. And you will see that there also were copies of complaints that were filed about fraudulent claims. And the fraudulent claims might be, well, Johnny, yeah, he was raised on a farm but he wouldn't help his daddy. He went off to the city and became a drug addict. And when his daddy needed the help, Johnny wouldn't come and help his daddy. But now his daddy has died and Johnny wants the \$50,000 that comes from the USDA under this claim.

Pigford I was set up to do this, to pay out claims to people who met—I believe it's four criteria, and I will see, Madam Speaker, if I can remember them—people that were black, people that farmed or people that wanted to farm, those who believed they were discriminated against by the people within the FSA office, Farm Service Administration office within the counties, and those who also issued a complaint, filed a complaint in one of the criteria that's allowed under Pigford I.

This would mean that if there is an individual that, if you were back, and you wanted to farm, and you wanted to apply for a farm program, and you believed that they would not treat you fairly because of your skin color, and you complained about it to the proper authorities, that's all that's required. You didn't have to be a farmer. There actually wasn't a verification that you would be black either, but let's just presume that's the case.

So if you are an African American, and you didn't have to farm or ever farm or even know what a farm looked like, you just had to want to farm. You didn't have to know where the Farm Service Administration was, you just had to have complained that they

weren't going to treat you right and get somebody to sign an affidavit that says that, yep, Joe complained about it to the Farm Service Administration employee at a public meeting somewhere, or a Member of Congress or there are a couple of other criteria there.

And if Joe and Tom can agree to sign each other's affidavit, that's all the proof that's required. It's not proof of discrimination. It's an allegation that you believe you were discriminated against.

□ 2030

What comes out of the USDA? In Pigford I is this, and I read through form after form of these, if you are black and farmed or wanted to farm and you believed you were discriminated against and you were willing to say so on the application and you allege that you complained, even verbally, to an FSA employee, a Member of Congress, a couple other criteria, and if somebody else will attest in an affidavit that you have actually filed that complaint, that's it. There is no check on whether they have been discriminated against. The consent decree doesn't allow for verification of discrimination. It just simply pays out what they consider to be a legitimate allegation of discrimination this way, an allegation of discrimination that meets those four criteria with someone who signed the affidavit, \$50,000 essentially automatic, \$50,000 and because of the tax liability that comes with it, there's another \$12,500, Madam Speaker, that check gets cut to the IRS so that that there's not a tax liability. And if you actually happen to be a farmer and you had engaged in programs with the USDA Farm Service Administration and you say you had farm loans, program loans, a 100 percent debt forgiveness was automatic that went along with the \$50,000 payment, and another 25 percent of that, an additional 25 percent of the debt forgiveness was a check that was also written to the IRS so that the tax liability would be gone.

And Judge Paul Friedman, who approved this consent decree, wrote in his opinion that the average settlement would not be \$50,000, it would be \$187,500 because a \$50,000 check for the discrimination, or alleged discrimination, \$12,500, or an additional 25 percent to the IRS, plus Judge Friedman concluded in his calculation that the average debt to the USDA was \$100,000, that's forgiven along with another \$25,000 check for 25 percent of the debt forgiveness to the IRS. So you add those numbers up—50, 1,250, 100,000, \$187,000 was supposedly to be the average settlement in Pigford I. This all out of the pockets of the taxpayers, all without a shred of proof, just—well, I guess you could say a shred of proof because the signature on the affidavit from Joe's buddy Tom is the proof, that affidavit, and, yes, the application is filled out by the staff of a lawyer.

Well, this door was opened up in a huge yawning way. And the lawyers went to work to begin to promote this across the South, black churches, town hall meetings, fish fries, they promoted it as your 40 acres and a mule. That seems a little bit appalling, and it sounds perhaps like it's a stretch, Madam Speaker, but in reading Judge Paul Friedman's decision, it starts out with these words, and I quote, the very first words in Judge Paul Friedman's decision, and I quote, "40 acres and a mule." Forty acres and a mule.

And he goes on to lament that all of the wrongs of slavery and segregation cannot be corrected in the largest civil rights class action suit and settlement in the history of America. But he sets about to try. And that's how he comes with the \$50,000 plus the tax component of it and the \$100,000 average debt waiver plus the \$25,000 in IRS tax liability.

He also addresses the issue of some of the groups in the black farmers wanted to have an exemption from the inheritance tax, the estate tax, because they believed that the money that would come from Pigford would be a large enough sum that they wouldn't want to pay estate tax on that when they died and passed it along to the next generation. Judge Friedman, I guess that would be one part of the good judgment, concluded that that was a bridge too far. It was too much to ask for. And so, Pigford I was supposedly settled and resolved.

And before the House Judiciary Committee there was a new bill introduced for Pigford II by BOBBY SCOTT of Virginia and others, and this would be the companion, although it may not be exactly verbatim, but essentially at least the de facto companion to the bill that was introduced by then United States Senator Barack Obama.

Now figure this out, Madam Speaker. We have a very, very urban Senator, Barack Obama, who has decided he is going to run for President. And what does he do? He introduces legislation to create a whole new Pigford claim. Pigford I should have been settled. That's what the courts decided to do. Why would there be an action of a court? Why would there be a consent decree that essentially was a handshake signed off on by Dan Glickman and, well, true it was Dan Glickman and the black farmers organization, the Clinton administration, why would they sign off on all of that if it didn't end the Pigford issue? Yes, it was designed to end the Pigford claim. It was designed to package it up and put it behind us and move on.

But it didn't work that way because Barack Obama introduced—there was a statute of limitations by the way. And the statute of limitations from the opening up of Pigford I until it closed, the consent decree was approved in April 14 of 1999, and they had 6 months to file all of their claims, which would have settled that in October, I've got October 12 of 1999, and there were over 22,000 that claimed they had been discriminated against and that they had

complained about it, and they got in line for the \$50,000, plus the debt forgiveness, plus the tax liability being paid up front along with the rest, to over 22,000 almost 22,500 claims. And there must have been some paperwork glitches along the way, because over 14,000 of those were paid out, and that's the \$1.05 billion, Madam Speaker.

To pass this statute of limitations, the effort on the part of Barack Obama and BOBBY SCOTT from Virginia here in this House whom I serve with, and they introduced legislation to open up Pigford again, to disregard the statute of limitations and allow for a new sign-up period because they had accumulated some 74,000, maybe only 72, but 74,000 new names of black farmers who believed they were discriminated against who were shut out of that process on Columbus Day in 1999.

So we had hearings. They had a hearing on the bill in the House Judiciary Committee. And the hearing went along about like this, John Boyd, the president of the black farmers organization, which was formed to move forward and collect on Pigford, testified under oath before the House Judiciary Committee that there are 18,000 black farmers.

Now, if you are listening, Madam Speaker, you will have already added up that there are 94,000 claims, if you are listening, Madam Speaker, 94,000 claims. That would be 22,000 plus 72,000, 94,000 claims. John Boyd, the head of this, who has driven a tractor around Washington, D.C. and filed his claims and made this a high priority public issue, testified there were 18,000 black farmers. So how is it even if one would concede the point—and I do not for an instant, Madam Speaker, even when we concede the point that every black farmer was discriminated against, that would be 18,000 claims, not 94,000 claims. One could go back through the records and try to find the time we had the highest population of black farmers in modern record history, and we were able to go back into the 1970s and through some convoluted rationale put together some numbers that might justify twice that many, as high as 36,000. But John Boyd's under oath testimony was 18,000 black farmers, 94,000 claims.

How does that work? When I asked him the question under oath, he said, we have brothers, we have family who maybe they never saw the farm, maybe they moved off to the city, but they have a share. They have been discriminated against, too. Well, it seems to me to be a great big stretch, Madam Speaker, that we could have 18,000 black farmers and 94,000 claims.

And nobody that is advocating for the funding for Pigford can get around this, they can't get their brain around this concept that how would it be that 100 percent of the black farmers were discriminated against?

□ 2040

The data that I have seen that shows the percentage of the populations in

each of the counties where there were Pigford claims, the percentage of African Americans in those counties, the percentage of claims is directly proportional to the black population in those counties. Now, Madam Speaker, think about that. If the percentage of claims reflected the discrimination, then wouldn't it be that there would be a variance in that relationship between the black population and the black farmers, for one thing? You are not always going to have an equal between the black population and the black farmers. That is not going to be the same county to county. Some counties there is a higher percentage of farmers to black population, and some there would be less, but also, an equal distribution of claims for discrimination. Madam Speaker, I can't seem to reconcile this idea that if you look at the data, the data would show that the discrimination was equal county by county by county in nearly every county all the way across the land in proportion to the black population. How could that possibly be? And I will say it can't possibly be because I know something about the culture within the FSA offices, Farm Service Administration offices. I dealt with them on a regular basis for nearly 30 years. Here is what I know:

Each office, a county office, has its own culture. The culture of that office is sometimes shaped by the career employees that work behind the counter. A lot of times they are farmers' wives. They know nearly every farmer in the county. They know their land. They know what kind of crops they raise. They know their personalities, their idiosyncrasies, and they know how to take care of them and how to process them. And the director, the county director, is hired by the county board. The county board is elected by the people who participate in the farm programs in the county. So it is very much a reflection of the county.

Now, it could well be, and I wouldn't take issue with a statement that there likely were counties that discriminated against black farmers as a matter of practice. I actually think that happened. But I don't believe that it happened in equal proportion in every county where there were black farmers, which is what the data, what the data would indicate.

I believe that there could have been counties that discriminated against every black farmer in that county. And we know there are counties that had all black staff. It is hard to believe that they would have discriminated against every black farmer. And I am convinced there were counties that had county directors and staff people behind the counter where the culture there would not tolerate discrimination in any way, shape, or form. In fact, I believe, of all of these hundreds of counties that were involved, probably there is a full spectrum of culture within each of those counties. But there is no way I can accept the idea

that they all discriminated equally county to county across the board. There is no way I can accept that because the cultures of these counties changed.

But I will and I can get my mind around the idea that if you get enough lawyers that understand that there is a nice contingency fee for doing a little bit of work, that they can go out and promote the idea of every African American that they can convince that will fill out the forms that may have some form of a complaint or willing to file one without actually having a complaint, that they could gin this thing up, and we have the data that supports the idea that they did.

So what we have is Pigford II, a Pigford II set up, Madam Speaker, at least by the words of our Secretary of Agriculture, Tom Vilsack, by the 2008 farm bill. So when he told me that I had voted for legislation that directed him to sit down with Eric Holder and John Boyd and negotiate a settlement for opening up Pigford a second time in a settlement, it was a pretty shocking thing for me to hear. I wasn't aware that I had been complicit in facilitating what I consider to be a high percentage of billions of dollars worth of fraud here in the United States.

So I went back and I read the bill. I remember the discussion we had on the way in here with the chairman of the Agriculture Committee, COLLIN PETERSON, when they slipped in at the last minute a hundred million dollar provision in the 2008 farm bill that was designed, it was designed to fund Pigford II. Now, remember, Pigford I was done. It was packaged up. It had a limitation equivalent to a statute of limitation, a closing date, which was October 12, 1999. There were those who said that they missed their chance to sign up. They thought there was 70,000-some out there who would do that. Bobby Scott and others introduced legislation in the House; it didn't go anywhere. Barack Obama, down this hallway, introduced legislation in the United States Senate; it didn't go anywhere. Congress never acted on a willful means to open up Pigford II. It didn't happen. Congress didn't act. Congress didn't appropriate. Congress didn't authorize. Congress accepted the consent decree that closed the filing October 12 of 1999. Even though Congress didn't act, not the House, not the Senate, it still was not enough to say no to some of the people who wanted to see this happen.

The chairman of the House Ag Committee, COLLIN PETERSON, said \$100 million will close up Pigford. We need to have that provision in the farm bill. I argued that was a placeholder for \$1.3 billion. He argued back that I was completely wrong; \$100 million would settle the account and be done with it. Now, \$100 million is not loose change, Madam Speaker. It is a lot of money, but it is a whole lot less than \$1.3 billion, which I alleged would be the cost of him providing this placeholder in

the 2008 farm bill. We sharply disagreed on that.

And now I will read from the 2008 farm bill, Madam Speaker, what went into that bill, and this is the language that the Secretary of Agriculture says authorizes him to sit down with Eric Holder, the Attorney General, John Boyd, the head of the black farmers, and open up Pigford II for another \$1.15 billion.

The limitation under Pigford—and this is the 2008 farm bill, H.R. 2419 for those who are paying attention, limitation—in general and subject to paragraph 2, all payments of debt relief shall be made exclusively from funds made available under this subsection. This subsection right here, Madam Speaker, item number 2, maximum amount. The total amount of payments and debt relief pursuant to actions commenced under section B shall not exceed \$100 million.

That is consistent with what the chairman of the Ag Committee told me: \$100 million will cap the United States Government's liability to black farmers for discrimination by adding an additional \$100 million to the previous \$1.15 billion that had already been distributed, to clean up anything left out there, and here is the language that says so. This is intent language. It says it is the 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 of each Pigford claim previously denied that determination.

That means if anybody was denied a determination, even by a statute of limitation that closed this on October 12, 1999, that this \$100 million was to be the sum total that would be used to settle this issue.

The Secretary of Agriculture says this language gives him license to sit down with Eric Holder and John Boyd and put the American people in debt, because this is debt for another \$1.15 billion, without having any proof of discrimination.

Madam Speaker, I read this language and I point this out because that is why this chart is here. Subject paragraph 2: All payment or debt relief shall be made exclusively from funds made available under subsection (i). Maximum amount, \$100 million. That is what was in the farm bill of 2008. That is what was represented to me by the chairman of the Ag Committee, by Chairman PETERSON from Minnesota, who argued with me vociferously that I was wrong, that it wouldn't be \$1.3 billion; it would be \$100 million.

Now, Madam Speaker, I point out that we are looking tomorrow or the next day at \$1.15 billion coming at us down the pipe through the Rules Committee, no amendments allowed, although I have got one up there in a request, but it is not going to be allowed. They have already told me, You're wasting paper and staff time. \$100 million plus \$1.15 billion is \$1.25 billion.

□ 2050

My number was \$1.3 billion, a lot closer than this \$100 million here—a placeholder that opened the door. We have bureaucrats, Cabinet members, the Secretary of Agriculture, and the Attorney General of the United States that take it upon themselves to read license in this language to put the American people in further debt to a tune of \$1.15 billion and open this door up so that people that allege they believe they were discriminated against and allege that they filed a claim and have some friend that will sign an affidavit, will get a \$50,000 check, and the IRS gets the tax liability of \$12,500 on top of that. And by the way, if they have any USDA FSA debt, that is all forgiven, and the taxes are paid on it, and they are unhappy because they don't get a State tax waiver on these particular assets. This is what's happening.

We've got to stand up at some point and say we're not going to pay slavery reparations in the United States Congress. That war has been fought. That was over a century ago. That debt was paid for in blood—it was paid for in the blood of a lot of Yankees especially—and there are no reparations for the blood that paid for the sin of slavery. No one is filing that claim. They're just filing claims because they think they can get away with it and because they believe they understand, probably appropriately, that not a lot of Members of Congress want to stand and fight that battle. Well, it's a matter of justice and equity. It's a matter of needing to look into this and of needing to bring the facts out.

Madam Speaker, I want to make sure that the Members of this Congress know what they will be voting on tomorrow. I will be voting "no." I will be voting "no" because there is no justice in this decision. This is something of which there is no court decision that enables it. There is no legal authorization that provides for it. There is no directive from Congress that directs the Secretary of Agriculture or the Attorney General to enter into any kind of an agreement. There is no court agreement. The court hasn't approved this. They sat around a table, wrote up a document and apparently shook hands. I don't even know if they shook hands.

This document said that if Congress authorized or appropriated the money by March 31 of 2010, then they would have an agreement that would bind the black farmers and, if that day went by, then they wouldn't be bound. That's what has happened. If government can sit down and decide to pay reparations with money borrowed from the Chinese, this government is still in free fall. We've got to fix it, and we've got to arrest it.

One of the people who is here to arrest the free fall in the United States Congress is my good friend, the gentle lady from Minnesota, who can withstand anything they throw at her, MICHELE BACHMANN, to whom I would

yield as much time as she may consume.

Mrs. BACHMANN. I want to thank the gentleman from Iowa, STEVE KING.

It was some months ago when STEVE KING had first told me about the situation with Pigford. He has been investigating and looking into this matter for probably about 3 years now. He is very interestingly situated by having a seat on both the Judiciary Committee and the Agriculture Committee, and both of those committees have something to do with this case.

I want to go back to basics for just a moment, if I can, because, as Congressman KING was giving me details about this case, on every level, it just didn't add up. He had talked a little bit about the reparations angle, and that, of course, was an opinion that was written by Judge Friedman in the very first class certification case with Pigford, Pigford I. That was about \$1 billion of tax money that went out to the claimants.

This is now a situation called Pigford II. As Congressman KING rightly said, there is no judgment. This is simply something negotiated around a table with, I believe, Attorney General Eric Holder and, I believe, with Tom Vilsack, Ag Secretary. They got together and came up with an agreement. They came up with this settlement, but here is part of the problem.

I am a former Federal tax litigation attorney, Madam Speaker. In that capacity, when I was working as a Federal tax lawyer, we had to refer to something as our standard of measurement. We would use the Bureau of Labor Statistics. Well, according to the Bureau of Labor Statistics, in the years in question, the maximum number of black farmers in the entire period for which we were talking about giving people money for alleged discrimination claims was about 33,000 black farmers. Now, there is dispute that even that number is egregiously high, 33,000. Well, in the Pigford I settlement, there has already been \$1 billion that has been paid out. The estimate is something like 15,000 to 18,000 claims that have already been paid out.

So here is the situation: Under Pigford II, we now have new claimants who have come to the fore who have said they want to have money, too. Well, just think. If the entire universe of black farmers is 33,000, today we have 94,000 claimants asking for money in order to be made whole.

How does this make sense? If you have a total universe of 33,000 black farmers, how can you possibly have 94,000 claimants?

You'd have to presume that every black farmer in the United States applied for a loan to the U.S. Department of Agriculture. That's almost statistically impossible. Then you'd have to assume that every black farmer who applied for a loan qualified for that loan. That would also be a statistical improbability. Then you'd have to assume that every black farmer in the

United States who applied for a loan was qualified and that they were turned down for their loans. As to every single black farmer, not one would have been given a loan. Then you'd have to presume that every single black farmer in the country applied for a loan, that they qualified and that they were turned down. Then you'd also have to assume that every one of them was turned down because they were discriminated against.

This is unbelievable. Even if you believe all of that, we still have 60,000 too many claimants than there were black farmers. The numbers just bespeak obvious fraud in this situation. So the taxpayers are supposed to pay out another \$1.15 billion? It doesn't make sense.

Remember, what we would have to talk about is that every black farmer in the United States would have had to apply for a loan and would have had to been turned down because of obvious discrimination.

What's even more bizarre is that after all of this terrible discrimination that has been alleged, after the \$1 billion that has been paid out and after the \$1.15 billion that Speaker PELOSI wants to pay out this week—after all that and after all of this discrimination at the USDA, there isn't even one employee who has been fired, who has been suspended, who has paid a fine or who has been reprimanded. We can't find evidence of even one. In fact, just the opposite is true.

There are whistleblowers who have come forward from the department who have been willing to testify privately that there is obvious fraud that's going on right now. So it really begs the question: Why have the settlement? Why pay out 94,000 claimants when there is only a total universe of maybe 33,000 black farmers? Why is that? What's going on?

In an article that just came out last week in the Associated Press, the reporter wrote that, once this claim is satisfied of \$1.15 billion for Pigford II, the next claimants are already in the queue. They're the Hispanic farmers who allege they've been discriminated against, and they're the women farmers who allege they've been discriminated against. If that's the case, why is the United States Department of Agriculture even allowed to be in business anymore if they have this blatant level of bigotry and discrimination going on? Why haven't they been fired?

I think what we need to have—and I believe that this is something in the future that Congress needs to do because it's certainly not happening today, Madam Speaker, under the headship of Speaker NANCY PELOSI. What we need to have is a very thorough review of every single claim that's going out the door, because these payments are going out in the form of \$50,000 payments per claimant, tax free.

□ 2100

So not only do they not pay the taxes, we the taxpayers are paying the

taxes for the claimants. We're paying a payment of \$12,500 to the IRS on behalf of each claimant. So the claimant will get \$50,000 tax free, and we the taxpayers will even pay their tax bill for them. And what's worse, we will even wipe off the books any outstanding loans that they have on their farm property. Everybody's going to want to know where to go to sign up for this deal. Who wouldn't want to do that? You have farmers all across the country right now that are trying to make ends meet, and meanwhile they have to watch this spectacle go on at the USDA.

Every single claimant needs to be fully investigated. Not one check should go out the door if it's not warranted. No one disagrees that if the USDA did something wrong and if they acted in a discriminatory manner, the people should be allowed to be made whole. Everyone agrees. But I would be the first person to stand on this floor of the House of Representatives and say if that is the case, then each of these USDA employees should be, at minimum—at minimum—written up in their personnel file, reprimanded, fined, and most likely fired if they're causing the taxpayers to have to pay out what would add up to be over \$2 billion. We are here talking about, in these weeks, what can we do to cut the budget. I think this is the perfect place to start here in Pigford when we're paying out 94,000 claimants when there is a total universe of 33,000.

I want to thank my dear colleague from Iowa, Representative STEVE KING, for being on this issue and dogging this issue for 3 years. And now here we are coming to the climax. We are about to see another \$1.15 billion about to go out the door, \$1.15 billion that we don't have, which my colleague rightly said we will have to go to China and borrow and our children will have to get second and third jobs to pay back. This is just flat out wrong. Can we say it? Can we be gutsy enough on the floor of this House of Representatives to say this is pure and complete fraud that is about to be voted on this week. It's wrong, and it's got to stop.

And I want to encourage any of my colleagues on either side of the aisle, vote "no" on this bill. I will be voting "no." Representative KING said he will be voting "no" because this will be a vote that I guarantee will haunt Members of Congress in the future if they vote "yes" because of the obvious fraud that will very soon be discovered and played out for the American people to see.

I yield to my distinguished colleague from Iowa.

Mr. KING of Iowa. Reclaiming my time and thanking the gentlelady from Minnesota for coming to the floor to add to this discussion, I happened to have clicked on YouTube on the Internet, I did a little search today because I wanted to see what I could find on Timothy Pigford, who is the lead plaintiff in Pigford Farms v. the USDA. It is

a video of Timothy Pigford sitting there telling his story, but then he goes on to say that he's hopeful that, first, that they all get paid; second, that it lays the foundation so that the Hispanics, the Native Americans and the women farmers all get paid, too.

So when I listen to that I think, what is the motive for this? Do you really believe that there isn't any place in America where people who are listed in his list of minorities get a fair shake? Not one place, not one county, not one FSA director, not one staff that sits behind the counter and says this is the right thing to do, we're going to treat everybody as if they're equal in our eyes just like we're all equal under the eyes of God? Doesn't that happen in one single county in America somewhere? They would deny it, Madam Speaker. They would deny that Americans can be nondiscriminating and understand this equal opportunity and equal justice under the law concept. And to have this kind of pressing that comes on from Timothy Pigford and a number of the other personalities involved here, this system—and there are a good number of African American farmers that filed their complaints, they complain that it has distorted their reputation. They may have a legitimate claim that wasn't settled adequately, and because this has been a full court press at all on, pushed by lawyers in bow ties from the Northeast and sold in the South and marketed as your 40 acres and a mule, this has damaged the legitimate black farmers.

I can't think of a more honorable profession than raising food out of this soil. I can't think of a more honorable profession than sometimes bending over and getting dirty and being out in the weather—in all kinds of weather, the summer and winter, rain and storm, out there having your roots go into the soil. Nothing makes you more rooted to America than being rooted in the soil. And I applaud every farmer, black or white or Native American or women or Hispanics, whatever they might be. It's a hard way to make a living, but there is a certain honor and glory to it that can't be replicated anywhere else. It builds character and it builds honor, and they are being besmirched by this broader effort here.

We need to say "no" tomorrow to the Pigford Farms funding that's coming, "no" because it wasn't authorized by the United States Congress. There wasn't even a head fake—to use something that might be the President's language—from Congress that said Secretary of Agriculture and the Attorney General, why don't you see if you can sit down with the head of the black farmers who formed the organization for the purposes of pressing the taxpayers for money—I don't think in the beginning he really thought we were going to borrow it all from the Chinese, but there is no directive on the part of Congress. Congress said, even though I disagreed with it, that \$100 million would cap this, it puts an end to it, and

anybody that didn't have their case resolved in Pigford I would be resolved here under the 2008 farm bill. But Tom Vilsack took license and sat down with Eric Holder, and they're poised tomorrow to stick the taxpayers for another \$1.15 billion, Madam Speaker. And it's time the American people said enough. This election was about debt and deficit and jobs and the economy, and we have to have the will to say "no" and draw a bright line. And there isn't guilt on the part of this country that should cause us—it can't be assuaged anyway by borrowing money and paying out people that don't have it coming. We want to make sure we make those people whole who were discriminated against.

I want to look into this deeply. I want to follow the money. I want to track and sort the applications, put them all on a big spreadsheet and see what the data indicates. And I think we will find that there is a massive amount of fraud. And we may lose this vote tomorrow, Madam Speaker, we may lose it. And if we lose this vote tomorrow, it still calls upon us to shed sunlight on this issue so the American people know what happened so that we don't do it again, so that we don't queue this up to go down the list of the other minorities—the Hispanics, the women, the Native Americans, and so on.

So I come to speak of the Pigford Farms issue, which I am completely convinced has far more fraud in it than it has legitimate claims, and that the American people deserve equal justice under the law, and if they have a legitimate claim it should be able to withstand the scrutiny.

I stand in opposition to the funding of Pigford II and the people that perpetrated it, Madam Speaker.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today and November 30 on account of family medical reasons.

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. DEFAZIO (at the request of Mr. HOYER) for today and the balance of the week.

Mr. GERLACH (at the request of Mr. BOEHNER) for today on account of attending a funeral of a fallen soldier from his district.

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today.

Mr. WU (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. LINCOLN DIAZ-BALART of Florida) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes, today, November 30, December 1, 2, 3, and 6.

Mr. POE of Texas, for 5 minutes, today, November 30, December 1, 2, 3, and 6.

Mr. GARRETT of New Jersey, for 5 minutes, today, November 30, December 1, 2, and 3.

Mr. BURTON of Indiana, for 5 minutes, today, November 30, December 1, 2, and 3.

Mr. MORAN of Kansas, for 5 minutes, December 1, 2, 3, and 6.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today, November 30, December 1, 2, and 3.

Ms. ROS-LEHTINEN, for 5 minutes, today, November 30, December 1, 2, and 3.

Mr. GRAVES of Georgia, for 5 minutes, today.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1609. An act to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes; to the Committee on Natural Resources.

S. 3650. An act to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service; to the Committee on Oversight and Government Reform.

S. Con. Res. 75. Concurrent Resolution authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy; to the Committee on House Administration.

S. Con. Res. 76. Concurrent Resolution to recognize and honor the commitment and sacrifices of military families of the United States; to the Committee on Armed Services.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1722. An act to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.

H.R. 5566. An act to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

H.R. 5712. An act entitled the Physician Payment and Therapy Relief Act of 2010.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1376. An act to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague convention on Intercountry Adoption to allow their admission into the United States.

S. 3567. An act to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building".

S. 3689. An act to clarify, improve, and correct the laws relating to copyrights, and for other purposes.

S. 3774. An act to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

S.J. Res. 40. Appointing the day for the convening of the first session of the One Hundred Twelfth Congress.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 30, 2010, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10419. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's "Major" final rule — Biomass Crop Assistance Program (RIN: 0560-AH92) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10420. A letter from the Director, Program Development & Regulatory Analysis, Rural Utilities Service, transmitting the Department's final rule — Specifications and Drawings for Construction of Direct Buried Plant received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10421. A letter from the Acting Under Secretary, Department of Defense, transmitting Selected Acquisition Reports (SARs) for the September 2010 reporting period pursuant to section 2432, Title 10 United States Code; to the Committee on Armed Services.

10422. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's "Major" final rule — Truth in Lending [Regulation Z; Docket No: R-1384] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10423. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's "Major" final rule — Electronic Fund Transfers [Regulation E; Docket No. R-1377] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.