

Congress of the United States
House of Representatives
Washington, DC 20515

August 3, 2012

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Holder and Secretary Vilsack,

We write to request improvements to the Administrative Claims Program that the United States Department of Agriculture (USDA) and Department of Justice (DOJ) have proposed to address discrimination in USDA farm loan programs directed toward women farmers.

While we applaud the Administration for working to resolve the discrimination claims, we remain troubled by the different treatment that women farmers will receive under the proposed claims process. We believe that women farmers should be offered the potential for compensation on similar terms as African-American and Native-American farmers. We strongly urge the Administration to improve the program before it is launched. Specifically:

Barriers: The definition of “participated in” regarding other settlement programs is unfair. In particular, it prohibits a woman from filing a claim if her spouse previously filed in another claims process, regardless of whether they were married at that time, the same claim is at issue, or the prior claim was ever evaluated. It also precludes a woman from taking part in the Program if she tried to file a claim in a previous program, even if that claim was never evaluated on the merits.

We also understand that USDA and DOJ seek to impose higher evidentiary requirements for constructive applicants in this program than they have for the previous administrative claims programs. Requiring women to provide copies of specific documents and witness statements related to events that happened decades ago will leave out many deserving women, and is unfair when other groups did not face the same requirements. We object to the perception that women farmers are less trustworthy and need additional, higher evidentiary requirements. We are also concerned because the program appears to require constructive applicants to show they were rejected by a commercial bank, but USDA’s loan programs are meant for those who could not obtain loans at reasonable rates, not just those who were outright rejected for a loan.

Notice and Outreach: We continue to have questions about the notice and outreach for this program to ensure that affected women farmers know about the program, its details, and the administrative claims process in a timely manner. We would appreciate detailed information on both the timeline for notice and outreach, and the methods of ensuring a comprehensive outreach

effort, which we hope will include widespread radio ads. We urge you to complete significant outreach before the claims period officially begins to ensure that women farmers who faced discrimination by USDA learn about the program and have adequate time to complete the process.

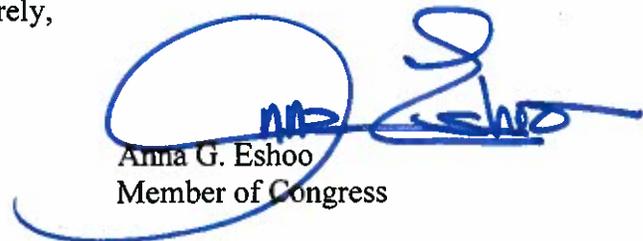
Access to Legal Representation: Unlike the other claims programs, the Administration has proposed not to include *any* legal representation for women claimants in the program. Yet, the revised claim form dated July 18, 2012, is more than 30 pages long, full of details for this complex administrative claims process. We believe that women farmers should have equal access to counsel as has been the case for the African-American and Native-American farmers who faced similar discrimination.

We urge you to make the changes discussed above, and in addition to a written response, we are requesting an in-person staff briefing from USDA and DOJ on these issues by Monday, August 13, 2012. We would also like to be briefed on any steps the USDA has undertaken to ensure that this sort of discrimination against women is not repeated by USDA staff in the future.

On behalf of the thousands of women farmers across the United States, we look forward to working with you to ensure a fair administrative claims process is established promptly.

Sincerely,


Rosa L. DeLauro
Member of Congress


Anna G. Eshoo
Member of Congress

cc: President Obama
Vice President Biden