

Congress of the United States

Washington, DC 20515

January 22, 2013

The Honorable Thomas J. Vilsack, Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Dear Secretary Vilsack:

We write to request that the United States Department of Agriculture (USDA) extend the claims period for loan discrimination cases against Hispanic and women farmers and ranchers. The current deadline for submitting claims is March 25, 2013. We appreciate that the USDA has embarked on a much-needed effort to provide relief to these producers who have been subject to discrimination in the operation of the USDA Farm Service Agency farm loan program.

Despite its very worthy intentions, our offices have received concerns regarding the *Garcia v. Vilsack* claims process. Under this process, potential claimants are held to stricter criteria for obtaining relief than farmers applying under a similar program created on behalf of African American and Native American farmers. While we understand that the stricter criteria may be based on the legal treatment of these claimants in the courts, USDA risks creating a program where many claimants ultimately cannot prove their claims – especially in the limited timeframe currently available. Of particular concern is the requirement that claimants provide evidence of a written complaint of discrimination filed with the Farm Services Agency at the time of incident, which for many claimants was almost thirty years ago, when legally such formal complaints were not required. As the rules now state, claimants cannot submit secondary affidavits from witnesses to their incidents of discrimination. Without this important tool, many potential claimants are likely to not participate at all in the claims process. Delays are also certain to occur with this higher standard.

We understand your staff is working to increase participation in this process and we greatly appreciate these efforts. At the same time, we believe that extending the claims period will provide a better opportunity for achieving justice by ensuring that claimants have full and fair consideration of their claims. We urge you to extend the claims process and seek to address these concerns outlined above within the bounds of all relevant laws and regulations.

Thank you for your consideration, and please do not hesitate to contact our offices with any questions.

Sincerely,



Mark Udall
U.S. Senator



Michael F. Bennet
U.S. Senator



Scott Tipton
U.S. Representative