

**FACT SHEET
WOMEN AND HISPANIC FARMERS AND RANCHERS**

The United States is establishing a voluntary administrative claims process for Hispanic and female farmers who submit timely claims alleging discrimination by USDA in responding to their applications for farm loans or loan servicing from 1981 to 2000.

THE CLAIM PERIOD IS SEPTEMBER 24, 2012 – MARCH 25, 2013.

CASH AWARDS AND OTHER RELIEF

Successful claimants will be eligible for a cash award and debt relief on eligible farm loan debt. Claimants must elect to proceed under one of the following tiers, each of which has different requirements and potential awards. Claimants under two of the tiers will also be eligible for tax relief as described below.

Tier 2 Payments

- Certain documentation is required, and the substantial-evidence standard applies.
- Prevailing claimants will receive a \$50,000 cash award, plus tax relief, and debt relief on eligible farm loans.
- There is no limit to the number of claimants under Tier 2 and there is no cap on the total dollar amounts paid to prevailing claimants under Tier 2.
- Claimants who fail to prove their Tier 2 claims will automatically be reviewed under Tier 1(a).

Tier 1(a) Payments

- The substantial-evidence standard applies.
- Prevailing claimants will receive a cash award of up to \$50,000, plus tax relief, and debt relief on eligible farm loans.
- Total amounts paid under Tier 1(a) are subject to a \$1.13 billion cap. This cap may be adjusted up to 1.33 billion if the full amount of funds available for other tiers are not paid, and awards may be reduced on a pro-rata basis from \$50,000 depending on the number of successful claimants.

Tier 1(b) Payments

- Documentary evidence admissible under the Federal Rules of Evidence is required, and the preponderance-of- the-evidence standard applies.
- Prevailing claimants will receive a cash award of up to \$250,000 for proven actual damages, plus debt relief on eligible farm loans. No tax relief is available.
- Total payments under Tier 1(b) are subject to a \$100 million cap, and awards may be reduced on a pro-rata basis depending on the number of successful claimants and the total dollar amounts of their actual damages.

DEBT RELIEF

A total of \$160 million in debt relief will be made available by USDA to successful claimants for debts on eligible farm loan program loans.

DO YOU QUALIFY?

You must satisfy the following criteria to recover:

- You are Hispanic or female;
- If you are Hispanic, you farmed, or attempted to farm, between January 1, 1981, and December 31, 1996, or between October 13, 1998, and October 13, 2000;
- If you are female, you farmed, or attempted to farm, between January 1, 1981, and December 31, 1996, or between October 19, 1998, and October 19, 2000;
- You were the owner-operator or a tenant-operator of farm property, or you attempted to own or lease farm land, during the same time periods listed above;
- You applied for a farm loan or for farm-loan servicing at a USDA office during one of the time periods listed above; or for those seeking a Tier 1(a) payment only, you made a bona fide effort to apply for a farm loan or for farm-loan servicing, and USDA actively discouraged the application during one of those time periods;
- Your application for a farm loan from USDA was denied, provided late, or approved for a lesser amount than requested or restricted; or USDA failed to provide you an appropriate loan service;
- You believe that USDA discriminated against you because you are Hispanic or female;
- USDA's treatment of your loan or loan application led to economic damage to you;
- You filed a discrimination complaint with USDA, either individually or through a representative, alleging that USDA discriminated against you based on your being Hispanic or female, in connection with a loan application or loan; and
- You have not participated in, and will not participate in, any other resolution or claims process of any kind involving the same claims.

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SINGLE RECOVERY

A farmer who is both Hispanic and female is limited to a single claim in this claims process. If more than one person operates a farm operation, recovery is limited to one claim.

ASSISTANCE WITH FILING A CLAIM

Community organizations or attorneys may be of assistance to you in filing a claim. USDA is not permitted to complete the Claims Package for you or provide you with legal advice. USDA does not require that you hire an attorney to participate in the claims process. If you hire an attorney who seeks fees for assistance in filing a successful claim, you must pay such fees directly, and there are limits on the amount of fees that can be charged for such assistance. Fees are limited to work on successful claims. Fees paid out of the cash award shall not exceed \$1500 per claimant for claims under Tier 2 or Tier 1(a), or 8% of the cash award for claims under Tier 1(b). The amount of cash awards will not be increased for those claimants who are represented by an attorney. If you have questions, you may consult with counsel or another legal service provider.

CLAIMS PROCESS

- 1. Obtaining a Claim Package:** To obtain a Claim Package, call 1-888-508-4429, or go to www.farmerclaims.gov. The Claims Administrator will send you a Claim Package, which will contain forms and instructions for participating in the claims process. The Claims Administrator will also have a toll-free helpline to provide information about the process.
- 2. Participating in the Voluntary Claims Process:** You must enter into the settlement agreement included in the Claim Package, agreeing to participate in the voluntary claims process to resolve your claim and waiving your right to file a lawsuit. Once your claim is accepted by the Administrator as eligible for adjudication, the only recovery available is that offered by the claims process. Decisions in the claims process are not appealable.
- 3. Submitting Claim to Administrator: The Claim Period is September 24, 2012 – March 25, 2013. You must submit a Claim Package within that period. The Claims Administrator will determine whether you submitted a timely and complete Claim Package. The Administrator's decisions are final and cannot be appealed.**
- 4. Review of Claims:** Every claim must be submitted under penalty of perjury. USDA reserves the right to submit evidence to the Claims Adjudicator regarding any claim. All claims will be subject to random audits and other reviews, and fraudulent claims will be denied and are subject to potential prosecution.
- 5. Determination by Adjudicator:** Your claim will be decided by a claims adjudicator with independent decision-making authority, based on the information that you submit in the Claims Package and any response by USDA. The Adjudicator's decisions are final and cannot be appealed.

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