



## **PIGFORD II -- THE BLACK FARMER SETTLEMENT UPDATE**

United States  
Department of  
Agriculture

Office of  
Advocacy and  
Outreach

1400  
Independence  
Avenue SW  
Whitten Building  
Room 520-A  
Washington, DC  
20250

### **PIGFORD II**

In May 2008, as part of the 2008 Farm Bill, Congress passed legislation appropriating \$100 million for compensation for Pigford II claimants. On December 8, 2010, the President signed into law new legislation that appropriated an additional \$1.15 billion for these claims, bringing the total available compensation to \$1.25 billion. Although funding has been approved for the settlement, the Court in charge of this case still has to decide whether to approve the settlement before the claims process can start.

### **ELIGIBLE PARTIES**

The legislation does not reopen the Pigford I claims process. Instead, it funds a new claims process for individuals who sent a written request to the Pigford I Court, or the Pigford I Monitor, Facilitator or Arbitrator asking to be allowed to file a late claim, and have not received a determination on the merits of the underlying discrimination claim. **To be eligible for relief under the Pigford II Settlement, your late-filing request in the Pigford I case must have been received by no later than June 18, 2008. If you filed a request by June 18, 2008, you may be eligible to participate in the Pigford II claims process.**

### **Additional eligibility requirements for the Pigford II claims process:**

- You are African American;
- You farmed or attempted to farm between January 1, 1981, and December 31, 1996;
- You owned or leased, or attempted to own or lease, farm land between January 1, 1981 and December 31, 1996;
- You applied or tried to apply to USDA, between January 1, 1981, and December 31, 1996, for participation in a federal farm credit or non-credit benefit program and your loan or non-credit benefit was denied or provided late, you were approved for a lesser amount than requested or encumbered by restrictive conditions or you did not receive appropriate loan service from USDA;
- You experienced economic loss as a result of USDA's treatment of your application(s) for participation in a federal farm credit or benefit program(s) or as a result of inappropriate loan service by USDA; and
- You complained of discrimination to an official of the United States Government on or before July 1, 1997, regarding USDA's treatment of you in response to your application.

You can file a claim on your own behalf or if you are representing an estate and/or an incapacitated person who meets the above requirements.

If you did file a claim in Pigford I and received a decision on your claim you are not eligible to participate in Pigford II. The Pigford II claim process is only for individuals who did not obtain a decision on their claim in Pigford I. **The settlement applies only to African Americans who meet specific eligibility requirements, including the requirement that they previously submitted a request to file a late claim in the Pigford I class action Consent Decree and did not receive a determination on the merits of his or her claim.**

### **THE PIGFORD II PROCESS**

Just as in Pigford I, Pigford II permits claimants to file a claim under Track A or Track B. The maximum recovery for Track A claim will be \$50,000, plus a tax payment and debt relief (if applicable). The maximum recovery for a Track B claim is \$250,000, plus a tax payment. Claims under Track B require proof with documents and will be reviewed under a higher standard of proof than Track A claims. Awards under both tracks are subject to reduction based on the amount of available funds and the number of prevailing claimants.

### **NEXT STEPS FOR PIGFORD II**

- **The Settlement Agreement is being revised in accordance with congressional instructions and will be submitted to the court for preliminary approval.**
- **Public notice of the settlement will be given.**
- **A court hearing on the fairness of the settlement will be conducted.**
- **Once the settlement is approved, there will be a 180 day claim period.**

*A toll-free number has been established to answer questions about this case: 866-950-5547. Remember – if you do not meet the requirements above, you are not eligible for the Pigford II claims process. In particular, only those who previously asked to file a late claim in Pigford I are eligible to participate in Pigford II. Class Counsel will be available to assist claimants at no out-of-pocket cost to the claimants. USDA cannot provide legal advice to you.*