

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 972

To amend the Food, Conservation, and Energy Act of 2008 to provide funding for successful claimants following a determination on the merits of Pigford claims related to racial discrimination by the Department of Agriculture.

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IN THE SENATE OF THE UNITED STATES

MAY 5, 2009

Mr. GRASSLEY (for himself and Mrs. HAGAN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Food, Conservation, and Energy Act of 2008 to provide funding for successful claimants following a determination on the merits of Pigford claims related to racial discrimination by the Department of Agriculture.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FUNDING FOR PIGFORD CLAIMS.**

4       Section 14012 of the Food, Conservation, and En-  
5       ergy Act of 2008 (122 Stat. 2209; Public Law 110–246)  
6       is amended—

1 (1) by striking subsection (c) and inserting the  
2 following:

3 “(c) CRIMINAL PENALTIES.—

4 “(1) IN GENERAL.—It shall be unlawful for any  
5 person to—

6 “(A) knowingly execute, or attempt to exe-  
7 cute, a scheme or artifice to defraud, or obtain  
8 money or property from any person by means  
9 of false or fraudulent pretenses, representa-  
10 tions, or promises, relating to the eligibility or  
11 ability of a person to—

12 “(i) file a civil action relating to a  
13 Pigford claim;

14 “(ii) submit a late-filing request under  
15 section 5(g) of the consent decree;

16 “(iii) obtain a determination on the  
17 merits of a Pigford claim; or

18 “(iv) recover damages or other relief  
19 relating to a Pigford claim; and

20 “(B) for the purpose of executing the  
21 scheme or artifice or attempting so to do, or ob-  
22 taining the money or property—

23 “(i) place or deposit, or cause to be  
24 placed or deposited, any matter or thing to  
25 be sent or delivered by the Postal Service

1 or any private or commercial interstate  
2 carrier;

3 “(ii) take or receive any matter or  
4 thing sent or delivered by the Postal Serv-  
5 ice or any private or commercial interstate  
6 carrier;

7 “(iii) knowingly cause to be delivered  
8 by the Postal Service or any private or  
9 commercial interstate carrier any matter  
10 or thing according to the direction on the  
11 matter or thing, or at the place at which  
12 the matter or thing is directed to be deliv-  
13 ered by the person to whom it is ad-  
14 dressed; or

15 “(iv) transmit, or cause to be trans-  
16 mitted, any writings, signs, signals, pic-  
17 tures, or sounds by means of wire, radio,  
18 or television communication in interstate  
19 or foreign commerce.

20 “(2) PENALTY.—Any person who violates para-  
21 graph (1) shall be fined under title 18, United  
22 States Code, imprisoned for not more than 5 years,  
23 or both.”; and

24 (2) in subsection (i), by striking paragraph (2)  
25 and inserting the following:

1           “(2) PERMANENT JUDGMENT APPROPRIA-  
2           TION.—

3           “(A) IN GENERAL.—After the expenditure  
4           of all funds made available under paragraph  
5           (1), any additional payments or debt relief in  
6           satisfaction of claims against the United States  
7           under subsection (b) and for any actions under  
8           subsection (f) or (g) shall be paid from amounts  
9           appropriated under section 1304 of title 31,  
10          United States Code.

11          “(B) AUTHORIZATION OF CERTAIN EX-  
12          PENSES.—Reasonable attorney’s fees, adminis-  
13          trative costs, and expenses described in section  
14          14(a) of the consent decree and related to adju-  
15          dicating the merits of claims brought under  
16          subsection (b), (f), or (g) shall be paid from  
17          amounts appropriated under section 1304 of  
18          title 31, United States Code.

19          “(3) AUTHORIZATION OF APPROPRIATIONS.—In  
20          addition to any other funds made available under  
21          this subsection, there are authorized to be appro-  
22          priated such sums as are necessary to carry out this  
23          section.”.

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