

Amendment offered by Mr. David Scott

Amendment Description

This amendment would improve access to equitable relief for farmers and ranchers improperly deemed ineligible for loans, payments, and other benefits.

AMENDMENT

OFFERED BY M . _____

At the end of title XII, add the following:

1 **SEC. ____ . EQUITABLE RELIEF.**

2 (a) EQUITABLE RELIEF FROM INELIGIBILITY FOR
3 LOANS, PAYMENTS, OR OTHER BENEFITS.—Section 1613
4 of the Farm Security and Rural Investment Act of 2002
5 (7 U.S.C. 7996) is amended—

6 (1) by redesignating subsections (f) through (j)
7 as subsections (g) through (k), respectively;

8 (2) by inserting after subsection (e) the fol-
9 lowing:

10 “(f) EQUITABLE RELIEF BY THE ASSISTANT SEC-
11 RETARY OF AGRICULTURE FOR CIVIL RIGHTS.—

12 “(1) IN GENERAL.—The Assistant Secretary of
13 Agriculture for Civil Rights (or a designee of the
14 Secretary in the Office of the Assistant Secretary for
15 Civil Rights, if no Assistant Secretary of Agriculture
16 for Civil Rights is confirmed in accordance with sec-
17 tion 218(b) of the Department of Agriculture Reor-
18 ganization Act of 1994 (7 U.S.C. 6918(b))) may
19 grant relief in accordance with subsections (b)

1 through (d) to a participant who files a civil rights
2 program complaint.

3 “(2) DECISIONS.—The decision by the Assist-
4 ant Secretary of Agriculture for Civil Rights (or the
5 designee of the Secretary) to grant relief under this
6 subsection shall not require prior approval by any of-
7 ficer or employee of the Department of Agriculture.

8 “(3) OTHER AUTHORITY.—The authority pro-
9 vided to the Assistant Secretary of Agriculture for
10 Civil Rights (or the designee of the Secretary) under
11 this subsection is in addition to any other applicable
12 authority and does not limit other authority provided
13 by law or the Secretary.”;

14 (3) in subsection (g), as so redesignated, by
15 striking “or the State Conservationist” and inserting
16 “the State Conservationist, or the Assistant Sec-
17 retary of Agriculture for Civil Rights (or the des-
18 ignee of the Secretary)”; and

19 (4) in paragraph (1) of subsection (h), as so re-
20 designated, by striking “and (e)” and inserting “(e),
21 and (f)”.

22 (b) EQUITABLE RELIEF FOR ACTIONS TAKEN IN
23 GOOD FAITH.—Section 366 of the Consolidated Farm and
24 Rural Development Act (7 U.S.C. 2008a) is amended—

1 (1) by amending subsection (b) to read as fol-
2 lows:

3 “(b) LIMITATION.—The Secretary may only provide
4 relief to a farmer or rancher under subsection (a) if the
5 Secretary determines that the farmer or rancher—

6 “(1) acting in good faith, relied on an action of,
7 or the advice of, the Secretary (including any au-
8 thorized representative of the Secretary) to the det-
9 riment of the farming or ranching operation of the
10 farmer or rancher; or

11 “(2) failed to comply fully with the require-
12 ments of a program described in subsection (a)(1),
13 but made a good faith effort to comply with the re-
14 quirements.”;

15 (2) by redesignating subsection (e) as sub-
16 section (f);

17 (3) by inserting after subsection (d) the fol-
18 lowing:

19 “(e) EQUITABLE RELIEF BY THE ASSISTANT SEC-
20 RETARY OF AGRICULTURE FOR CIVIL RIGHTS.—

21 “(1) IN GENERAL.—The Assistant Secretary of
22 Agriculture for Civil Rights (or a designee of the
23 Secretary in the Office of the Assistant Secretary for
24 Civil Rights, if no Assistant Secretary of Agriculture
25 for Civil Rights is confirmed in accordance with sec-

1 tion 218(b) of the Department of Agriculture Reor-
2 ganization Act of 1994 (7 U.S.C. 6918(b))) may
3 grant relief in accordance with subsections (a)
4 through (d) to an individual who files a civil rights
5 program complaint.

6 “(2) DECISIONS.—The decision by the Assist-
7 ant Secretary of Agriculture for Civil Rights (or the
8 designee of the Secretary) to grant relief under this
9 subsection shall not require prior approval by any of-
10 ficer or employee of the Department of Agriculture.

11 “(3) OTHER AUTHORITY.—The authority pro-
12 vided to the Assistant Secretary of Agriculture for
13 Civil Rights (or the designee of the Secretary) under
14 this subsection is in addition to any other applicable
15 authority and does not limit other authority provided
16 by law or the Secretary.”; and

17 (4) in subsection (f), as so redesignated, by
18 striking “Secretary” and inserting “Secretary, or
19 the Assistant Secretary of Agriculture for Civil
20 Rights (or the designee of the Secretary)”.

