

1 *TITLE III—UNEMPLOYMENT AND OTHER*
 2 *EMERGENCY NEEDS*

3 *CHAPTER 1—AGRICULTURE AND RURAL*
 4 *DEVELOPMENT*

5 *DEPARTMENT OF AGRICULTURE*

6 *GENERAL PROVISION, THIS CHAPTER*

7 *RELIEF FOR DISCRIMINATION IN A CREDIT PROGRAM OF*
 8 *THE DEPARTMENT OF AGRICULTURE UNDER THE*
 9 *EQUAL CREDIT OPPORTUNITY ACT*

10 *SEC. 3101. (a) IN GENERAL.—To the extent permitted*
 11 *by the Constitution, and notwithstanding any other period*
 12 *of limitations, in the case of an eligible complaint alleging*
 13 *discrimination in violation of the Equal Credit Oppor-*
 14 *tunity Act (15 U.S.C. 1691) involving a credit program of*
 15 *the Department of Agriculture, a complainant may, before*
 16 *the end of the filing period—*

17 *(1) file a civil action under subsection (c); or*

18 *(2) request administrative review under sub-*
 19 *section (d).*

20 *(b) ELIGIBLE COMPLAINT.—For purposes of this sec-*
 21 *tion, the term “eligible complaint” means any written com-*
 22 *plaint—*

23 *(1) that is not employment related;*

1 (2) that was filed with the Department of Agri-
2 culture after December 31, 1997, and before the ear-
3 lier of—

4 (A) 2 years after the date of the alleged vio-
5 lation of the Equal Credit Opportunity Act; and

6 (B) the date of the enactment of this Act;
7 and

8 (3) with respect to which the complainant—

9 (A) was not a party to the consent decree
10 in the case entitled “Pigford v. Glickman”, ap-
11 proved by the United States District Court for
12 the District of Columbia on April 14, 1999; and

13 (B) has not obtained relief from the Depart-
14 ment of Agriculture or a court of competent ju-
15 risdiction.

16 (c) CIVIL ACTION.—A civil action may be filed under
17 this subsection if, with respect to the eligible complaint, the
18 complainant—

19 (1) has not requested administrative review; or

20 (2) has requested administrative review, and the
21 Secretary, with respect to each request, has either—

22 (A) issued a determination; or

23 (B) failed to issue a determination by a
24 date that is 180 days after the date such request
25 was made.

1 (d) *ADMINISTRATIVE REVIEW.*—*Administrative review*
2 *may be requested under this subsection as follows:*

3 (1) *DETERMINATION ON THE MERITS.*—*A com-*
4 *plainant may request a determination on the merits*
5 *if the complainant, with respect to the eligible com-*
6 *plaint, has not filed a civil action.*

7 (2) *HEARING ON THE RECORD.*—*A complainant*
8 *may request a hearing on the record if the complain-*
9 *ant, with respect to the eligible complaint—*

10 (A) *has not filed a civil action;*

11 (B) *has requested a determination on the*
12 *merits, and the Secretary has not issued such de-*
13 *termination by the issuance deadline in sub-*
14 *section (f)(2)(A); and*

15 (C) *requests such hearing no later than 180*
16 *days after the issuance deadline in subsection*
17 *(f)(2)(A).*

18 (e) *INFORMAL RESOLUTION.*—*Notwithstanding any*
19 *other provision of this section, the Secretary may infor-*
20 *mally resolve an eligible complaint with a complainant.*

21 (f) *SPECIAL RULES FOR ADMINISTRATIVE REVIEW.*—
22 *For purposes of this section:*

23 (1) *REQUESTS FOR ADMINISTRATIVE REVIEW.*—

24 *A request for administrative review shall be—*

25 (A) *in writing; and*

1 (B) filed in accordance with procedures es-
2 tablished by the Secretary.

3 (2) *RESPONSIBILITY OF SECRETARY.*—If a com-
4 plainant requests a determination on the merits
5 under subsection (d)(1), then, unless a complainant,
6 with respect to the eligible complaint, files a civil ac-
7 tion or requests a hearing on the record, the Secretary
8 shall, with respect to the eligible complaint, take the
9 following actions:

10 (Δ) *ISSUANCE OF DETERMINATION.*—The
11 Secretary shall, not later than an issuance dead-
12 line that is 1 year after the date on which the
13 complainant requests a determination on the
14 merits—

15 (i) investigate the eligible complaint;

16 and

17 (ii) issue a written determination.

18 (B) *NOTICE OF FAILURE TO ISSUE TIMELY*
19 *DETERMINATION.*—If the Secretary does not issue
20 a written determination by the issuance deadline
21 in subparagraph (Δ), the Secretary shall
22 promptly issue to the complainant, in writing
23 and by registered mail, notice—

24 (i) that the Secretary has not issued a
25 timely determination; and

1 (ii) of the period of time during which
2 the complainant may bring a civil action or
3 request a hearing on the record.

4 (3) *FINALITY OF DETERMINATION WITH RESPECT*
5 *TO HEARING ON THE RECORD.*—A determination with
6 respect to a hearing on the record shall be final.

7 (4) *JUDICIAL REVIEW OF ADMINISTRATIVE DE-*
8 *TERMINATION.*—A determination on the merits or a
9 determination with respect to a hearing on the record
10 shall be subject to *de novo* review.

11 (g) *FILING PERIOD.*—

12 (1) *IN GENERAL.*—For purposes of this section,
13 the term “filing period” means the 2-year period be-
14 ginning on the date of enactment of this Act.

15 (2) *TOLLING.*—The running of the filing period
16 in paragraph (1), for the purpose of filing a civil ac-
17 tion under subsection (c) or requesting a hearing on
18 the record under subsection (d)(2), shall be tolled for
19 the period that, with respect to the eligible com-
20 plaint—

21 (A) begins on the date of a request for a de-
22 termination on the merits; and

23 (B) ends on the date on which the Secretary
24 issues a determination with respect to a deter-

1 *mination on the merits or a hearing on the*
2 *record.*

3 *(h) RELIEF.—*

4 *(1) AMOUNT.—Subject to paragraph (2), a com-*
5 *plainant shall, under subsection (a), and may, under*
6 *subsection (e), be awarded such relief as the complain-*
7 *ant would be afforded under the Equal Credit Oppor-*
8 *tunity Act, including—*

9 *(A) actual damages;*

10 *(B) the costs of the action, together with a*
11 *reasonable attorney's fee; and*

12 *(C) debt relief, including—*

13 *(i) write-downs or write-offs of the*
14 *principal on a loan;*

15 *(ii) write-downs or write-offs of the in-*
16 *terest on a loan;*

17 *(iii) reduction of the interest rate on a*
18 *loan;*

19 *(iv) waiver or reduction of penalties*
20 *with respect to a loan; or*

21 *(v) other modification of the terms of a*
22 *loan.*

23 *(2) LIMITATIONS ON RELIEF.—*

1 (A) *IN GENERAL.*—The total amount
2 awarded under this section for all claims shall
3 not exceed \$100,000,000.

4 (B) *ACTUAL DAMAGES, COSTS, AND ATTOR-*
5 *NEY'S FEES.*—The sum of the total amount
6 awarded under paragraph (1)(A) for all claims,
7 plus the total amount awarded under paragraph
8 (1)(B) for all claims, shall not exceed
9 \$40,000,000.

10 (C) *DEBT RELIEF.*—The total amount
11 awarded under paragraph (1)(C) for all claims
12 shall not exceed \$60,000,000.

13 (3) *EXEMPTION FROM TAXATION.*—Any award
14 under clauses (ii), (iii), or (iv) of subparagraph (C)
15 of paragraph (1) shall not be included in gross in-
16 come for purposes of chapter 1 of the Internal Rev-
17 enue Code of 1986.

18 (i) *FUNDING.*—

19 (1) There is hereby appropriated to the Sec-
20 retary, for relief awarded under subsection (h)(1),
21 \$100,000,000, to remain available until expended.

22 (2) Of the funds derived from interest on the
23 cushion of credit payments including funds in the
24 current fiscal year, as authorized by section 313 of the
25 Rural Electrification Act of 1936, an additional

1 *\$100,000,000 shall not be obligated and an additional*
 2 *\$100,000,000 are rescinded.*

3 (j) *SECRETARY.*—*For purposes of this section, the term*
 4 *“Secretary” means the Secretary of Agriculture.*

5 *CHAPTER 2—FINANCIAL SERVICES AND*
 6 *GENERAL GOVERNMENT*

7 *SMALL BUSINESS ADMINISTRATION*

8 *BUSINESS LOANS PROGRAM ACCOUNT*

9 *For an additional amount for “Business Loans Pro-*
 10 *gram Account” for fee reductions and eliminations under*
 11 *section 501 of division A of the American Recovery and*
 12 *Reinvestment Act of 2009 (Public Law 111–5) and for the*
 13 *cost of guaranteed loans under section 502 of such division,*
 14 *\$354,000,000: Provided, That such cost shall be as defined*
 15 *in section 502 of the Congressional Budget Act of 1974: Pro-*
 16 *vided further, That authority to guarantee loans under sec-*
 17 *tion 502 of division A of the American Recovery and Rein-*
 18 *vestment Act of 2009 shall remain in effect through Sep-*
 19 *tember 30, 2010, notwithstanding subsection (f) of such sec-*
 20 *tion.*

21 *GENERAL PROVISION, THIS CHAPTER*

22 *RESCISSIONS*

23 *SEC. 3201. The following funds are hereby rescinded*
 24 *from the following accounts and programs in the specified*
 25 *amounts:*