

United States Senate

WASHINGTON, DC 20510

October 28, 2009

Senator Harry Reid
Majority Leader
United States Senate
522 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Reid:

We write to express our concern regarding a difficult situation facing many of America's Hispanic farmers.

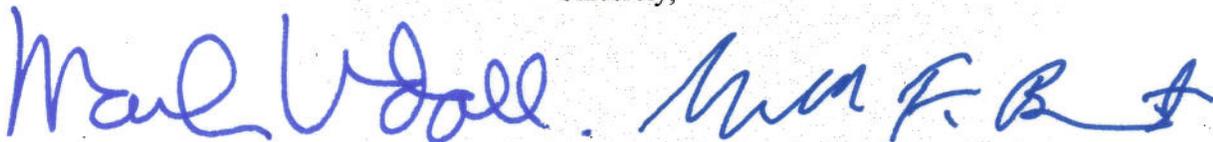
As you know, ten years ago, Hispanic farmers filed a lawsuit against the USDA for denying Hispanic farmers Farm Service Agency loans and disaster benefits in violation of the Equal Credit Opportunity Act and the Administrative Procedure Act. While separate court decisions have granted similar lawsuits filed by African American and Native American farmers class certification, a 2006 decision by the Court of Appeals of the District of Columbia Circuit affirmed a previous district court decision that denied the Hispanic farmers' case the same certification.

Following these determinations, the Department of Justice has been reluctant to negotiate with the Hispanic farmers. Additionally, there is currently no administrative process in place by which the USDA can revisit claims that have exceeded the statute of limitations. Left unaddressed, this certification denial could force each of the estimated 80,000 Hispanic farmers to either try their cases individually, a potentially costly and burdensome process, or be denied a chance at justice for the wrongs they or their family members may have suffered.

We have been pleased by the recent ongoing efforts of our Senate and House colleagues to encourage the Administration to help bring this matter to a timely and fair resolution. Despite these efforts, many Hispanic farmers in our home state and elsewhere have been left without a way forward. In light of the situation, we encourage you to continue your efforts to help find closure for this unfortunate chapter of USDA history. To this end, we offer to work with you toward a just resolution for these family farmers. Please do not hesitate to contact us if we might be helpful.

Again, on behalf of Hispanic farmers in Colorado and across the country, we thank you for this important work.

Sincerely,



Mark Udall
U.S. Senator

Michael F. Bennet
U.S. Senator

cc: Senator Robert Menendez

MEU/snt
MFB/kf