



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

FEB 24 2010

The Honorable Collin C. Peterson
Chairman
Committee on Agriculture
U.S. House of Representatives
1301 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Section 1613 of the Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill) requires that the Secretary of Agriculture submit a report by February 1st of each year to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry. That report is required to describe the number of requests for equitable relief that producers filed pursuant to sections 1613(b) and (e) of the 2002 Farm Bill and section 278(d) of the Department of Agriculture Reorganization Act of 1994 (Reorganization Act) during the previous calendar year and their disposition.

The report shows producers requested equitable relief in 4,716 cases, and the Department granted 4,511 of these requests and denied 201. The enclosed report provides a detailed explanation of this result.

If you have questions about the enclosed report, please ask your staff to contact Mr. Roger Klurfeld, Director of the National Appeals Division, at 703-305-2708.

A similar letter is being sent to Senators Lincoln and Chambliss, and Congressman Lucas.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack".

Thomas I. Vilsack
Secretary

Enclosure

Section 1613 of the Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill) grants the Farm Service Agency (FSA) State Directors and the Natural Resources Conservation Service (NRCS) State Conservationists the authority to provide equitable relief to participants in price, income support, production, or loss assistance programs of the FSA, and conservation programs of NRCS. This relief is subject to financial limitations. Section 1613 also grants this authority to the Secretary, without any financial limitation, and the Secretary has delegated this statutory authority to the Administrator of FSA and the Chief of NRCS. To qualify for relief, a participant must demonstrate that he or she acted in good faith to comply with program requirements. Forms of relief include the retention of benefits received under the program, continuity of benefits, reenrollment of land for conservation, or any other appropriate relief.

Section 278(d) of the Department of Agriculture Reorganization Act of 1994 grants the Director of the National Appeals Division the same authority to provide equitable relief to program participants as provided to the Secretary.

The following table reflects information for calendar year 2009 as required by section 1613 of the 2002 Farm Bill.

Farm Service Agency

Number of Requests for Equitable Relief:	3878
Number of Requests Denied:	79
Number of Requests Approved:	3799

Natural Resources Conservation Service

Number of Requests for Equitable Relief:	707
(Misaction/Misinformation)	641
(Failure to fully comply)	66
Number of Requests Denied:	34
Number of Requests Granted:	673

National Appeals Division

Number of Requests for Equitable Relief:	131
Number of Requests Denied:	88
Number of Requests Granted:	39
(Including 25 cases involving money and 14 involving extensions of time)	
Number of Requests Mooted by Favorable Outcome in Appeal	1
No Authority to Grant Relief	3