



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

FEB 22 2012

The Honorable Debbie Stabenow
Chairwoman
Committee on Agriculture, Nutrition and Forestry
United States Senate
328A Russell Senate Office Building
Washington, D.C. 20510

Dear Madam Chair:

Section 1613 of the Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill) requires that the Secretary of Agriculture submit an Equitable Relief Report by February 1st of each year to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry. Enclosed in the 2011 Equitable Relief Report are the number of requests for equitable relief filed by producers 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 during the previous calendar year and disposition of the requests.

The report shows producers requested equitable relief in 1,075 cases, and the Department granted 745 of these requests and denied 314. The enclosed report provides a detailed explanation of this result. Not included in the totals for granted or denied are the following: in ten of the requests, the favorable outcome of the appeal made the request moot. For six of the requests, the Agency had no authority to grant equitable relief.

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 Senator Roberts and Congressman Lucas and Collins.

Sincerely,

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

Thomas J. Wilsack
Secretary

Enclosure



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The Honorable Collin C. Peterson
Ranking Member
Committee on Agriculture
U.S. House of Representatives
1305 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Peterson:

Section 1613 of the Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill) requires that the Secretary of Agriculture submit an Equitable Relief Report by February 1st of each year to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry. The 2011 Equitable Relief Report shows the number of requests for equitable relief filed by producers 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 during the previous calendar year and disposition of the requests.

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

Dear Mr. Chairman:

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Thomas J. Vilsack
Secretary

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The Honorable Pat Roberts
Ranking Member
Committee on Agriculture, Nutrition and Forestry
United States Senate
328A Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Roberts:

Section 1613 of the Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill) requires that the Secretary of Agriculture submit an Equitable Relief Report by February 1st of each year to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry. Enclosed in the 2011 Equitable Relief Report are the number of requests for equitable relief filed by producers 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 during the previous calendar year and disposition of the requests.

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Thomas J. Vilsack
Secretary

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**Department of Agriculture 2011 Equitable Relief Report
February 2012**

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 FSA participants in price, income support, production, or loss assistance programs and NRCS conservation programs. This relief is subject to financial limitations. Section 1613 also grants this authority to the Secretary of Agriculture, without any financial limitation, and the Secretary of Agriculture has delegated this statutory authority to the FSA Administrator 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, re-enrollment of land for conservation, or 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 2011 as required by section 1613 of the 2002 Farm Bill.

Farm Service Agency

Number of Requests for Equitable Relief:	785
Number of Requests Denied:	134
Number of Requests Approved:	651

Natural Resources Conservation Service

Number of Requests for Equitable Relief:	115
<i>Misaction/Misinformation</i>	98
<i>Failure to fully comply</i>	17
Number of Requests Denied:	67
Number of Requests Granted:	48

National Appeals Division

Number of Requests for Equitable Relief:	175
Number of Requests Denied:	113
Number of Requests Granted:	46
<i>Including 11 cases involving money and 35 involving extensions of time</i>	
Number of Requests Mooted by Favorable Outcome in Appeal:	10
No Authority to Grant Relief:	6