

THE CLAIMS DEADLINE IS MARCH 25, 2013

TIER 1(a)

To be eligible for payment under Tier 1(a), you must establish the elements in Section VIII.B. of the Framework by substantial evidence. If you establish the elements for Tier 1(a), you will receive:

- A cash award of up to \$50,000, depending on the number of successful claims;
- Debt relief from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt; and
- A tax payment to the IRS of 25% of the total of the cash award and debt relief.

The dollar amount of Tier 1(a) cash awards will be the same for each successful Claimant, and will be determined after all Tier 1(a) claims have been adjudicated. The dollar amount for each award is subject to reduction from \$50,000 depending on the total number of successful claims under Tier 1(a). No payments will be made under Tier 1(a) until all Tier 1(a) claims have been decided. Tier 1(a) is the only Tier under which Claimants **who sought to apply for a USDA loan but were actively discouraged from submitting an application** may be eligible for payment.

TIER 1(b)

To be eligible for payment under Tier 1(b), you must establish the elements in Section VIII.C. of the Framework by a preponderance of the evidence and (except as provided below) through independent documentary evidence admissible under the Federal Rules of Evidence. You must also:

- 1) provide a copy of your application for USDA loan assistance, or a document from USDA showing that you submitted an application;
- 2) establish that you complained of discrimination to an official of the U.S. Government prior to July 1, 1997 or between October 13, 1998 through October 13, 2000 (Hispanic farmers) or October 19, 1998 through October 19, 2000 (female farmers);
- 3) establish that the treatment of your application for a loan or loan servicing was less favorable than that accorded a specifically identified, similarly situated non-Hispanic Caucasian farmer (if you are Hispanic) or male farmer (if you are female); and
- 4) establish that USDA's treatment of the loan or loan servicing application caused you economic damage.

You may submit expert testimony to explain the independent documentary evidence showing your economic damage. Items 2 and 3 may be established by a preponderance of the evidence with a sworn statement based on personal knowledge by an individual who is not a member of your family. Your loan application and supporting documents forming the basis of your claim are deemed admissible under the Federal Rules of Evidence upon a sworn statement by you that these documents were submitted to USDA contemporaneously with the date of the complete application. USDA documents that were provided to you in response to your loan application are also deemed admissible under the Federal Rules of Evidence upon a sworn statement by you that you received these USDA documents in response to your loan application contemporaneously with the date of the response.

If you have questions, please call the Claims Administrator at 1-888-508-4429, toll free, or reference www.farmerclaims.gov.

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TIER 1(b) (continued)

If you establish the elements for Tier 1(b), you will receive:

- A cash award of up to \$250,000 for proven actual damages; and
- Debt relief from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt.
- No tax payment will be made.

Total payments under Tier 1(b) are subject to a \$100 million cap, and awards may be reduced from \$250,000 on a pro-rata basis depending on the number of successful Claimants and the total dollar amounts of their actual damages.

TIER 2

To be eligible for payment under Tier 2, you must establish the elements in Section VIII.A. of the Framework by substantial evidence, and also provide:

- 1) a copy of your application for USDA loan assistance, or a document from USDA showing that you submitted an application;
- 2) a copy of a discrimination complaint that was filed with USDA or a U.S. Government official by July 1, 1997 or between October 13, 1998 through October 13, 2000 (Hispanic farmers) or October 19, 1998 through October 19, 2000 (female farmers); or a document or correspondence from a U.S. Government agency acknowledging receipt (or otherwise reflecting the filing) of such complaint; and
- 3) specific facts showing that the USDA action was due to discrimination.

If you meet the elements for Tier 2, you will receive:

- A \$50,000 cash award;
- Debt relief from USDA for some or all of your eligible USDA/FSA Farm Loan Program debt; and
- A tax payment to the IRS of 25% of the total of the cash award and debt relief.

If you select Tier 2 and your claim is denied by the Claims Adjudicator, it will automatically be reviewed under Tier 1(a).