



Robert A. Leflar Law Center • Fayetteville, Arkansas 72701 • (479) 575-3706 (Phone) • (479) 575-2224 (Fax)

School of Law
Graduate Program in Agricultural Law

February 21, 2004

Norma Ferguson
FOIA/PA Officer- Rm. 3620-S
Ag Stop 0506
Washington, DC 20250-0506

Dear Ms. Ferguson:

This letter is a request for information pursuant to the Freedom of Information Act.

I am an Associate Professor of Law and the Director of the Graduate Program in Agricultural Law at the University of Arkansas School of Law. I am working on a law review article that explores the many complicated issues that arise when a farmer files for relief in bankruptcy and has an ongoing farm program contract. One descriptive aspect of this article will discuss the USDA's response to the bankruptcy filing, in other words, what are the procedures and guidelines at USDA when a farmer that is under contract files bankruptcy.

There is very little in the federal regulations that provide guidance. I have contacted several state offices and obtained information from them. However, I am now requesting that you provide me with any national administrative documents (not published in the Code of Federal Regulations) that provide guidance.

I am specifically requesting administrative or procedural notices, handbook provisions, form letters, or other guidance documents that answer the following questions:

- 1) What notices and/or form letters are sent to farmers with farm program contracts when they file a bankruptcy?
- 2) When does the FSA consider a farm program contract to be an executory contract under the Bankruptcy Code?
- 3) What procedures does FSA require with regard to affirmation or rejection of an executory farm program contract?
- 4) What instructions are given regarding the transfer of contract rights to a trustee in bankruptcy or some other successor in interest in a bankruptcy?

Received in PAS on 3/1/05

By Norma

RIF

If any of this information is available on the Internet, I would be a very happy to receive a link to the information instead of a printed copies. Similarly, if there is any question as to what information I am requesting, I would be happy to contact anyone in your agency by phone to clarify my request.

Because educational institutions are charged only for photocopying expenses and are allowed 100 free pages of copies, and because there will likely be far less than 100 pages of information at issue, I trust that there will be no charge for this request. If the information requested exceeds 100 pages, I request a waiver of fees on the grounds that the disclosure of the requested information is in the public interest and is likely to contribute significantly to the public's understanding of the operations and activities of the government. It is not requested for any commercial purpose, but only for academic scholarship.

Thank you very much for your assistance.

Sincerely,

Susan A. Schneider

Susan A. Schneider

Associate Professor and Director

Graduate Program in Agricultural Law

University of Arkansas School of Law

Fayetteville, Arkansas 72701

479-575-4334

sschneid@uark.edu

RIF