



Congress of the United States
House of Representatives
Washington, DC 20515

October 7, 2004

The Honorable F. James Sensenbrenner, Jr.
Chairman, House Committee on the Judiciary
2138 Rayburn H.O.B.
Washington, DC 20525

Dear Chairman Sensenbrenner:

We are writing today to request your assistance in expediting legislative action to renew family farm bankruptcy protections before the 108th Congress adjourns.

As you know, the authorization for Chapter 12 of Title 11 U.S.C., pertaining to farm bankruptcy, expired on January 1, 2004. Since that time, America's family farmers have been left without the special protections afforded by Chapter 12, which permit them to retain farm assets in the unfortunately event of a bankruptcy filing. In the absence of the availability of Chapter 12, our family farmers are forced to file under other provisions of the bankruptcy code, none of which are adequate to meet their particular needs.

In prior years, Chapter 12 has been allowed to expire while Congressional renewal is pending. However, never before has it lapsed for so long a time. Farm organizations and Chapter 12 trustees have expressed serious concerns about how harmful the continued lack of availability of Chapter 12 protections are to our farm families.

We would also like to note the particular urgency of this matter in light of the financial challenges faced by farmers who were unfortunate enough to be the path of the recent hurricanes in the southeastern United States. It is an unfortunate fact that hurricane damages will force some farmers to a bankruptcy filing. Renewal of Chapter 12 will give many of them a chance to retain their farm equipment and continue farming.

Mr. Chairman, you have made clear your desire to enact permanent Chapter 12 authority only as part of comprehensive bankruptcy reform. While we may disagree on the effectiveness of this strategy, we hope we can agree that a renewal of temporary Chapter 12 authority now will not jeopardize any strategy decisions on comprehensive bankruptcy reform that might be considered in the 109th Congress.

We urge you to do all in your power as Chairman of the Judiciary Committee to secure passage of H.R. 5167, which would renew Chapter 12 until June 30, 2005 and apply retroactively to January 1, 2004. This bipartisan legislation is identical to previous Chapter 12 extensions

enacted by this and previous Congresses. Senators Chuck Grassley and Patrick Leahy have introduced companion legislation in the Senate.

We stand ready to work with you to win rapid adoption of H.R. 5167. Although it is late in this Congress, we believe that working together we can get this legislation completed prior to adjournment. Our family farmers cannot afford to wait until next year for Chapter 12 to become available again.

Sincerely,



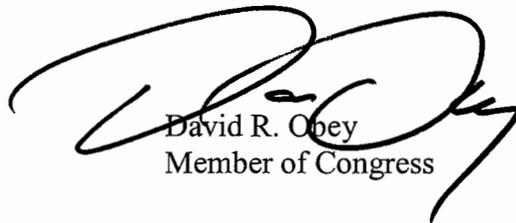
Tammy Baldwin
Member of Congress



Nick Smith
Member of Congress



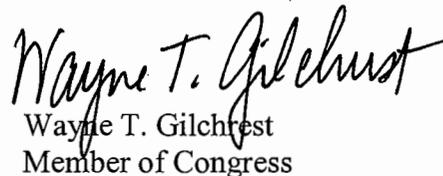
Tom Osborne
Member of Congress



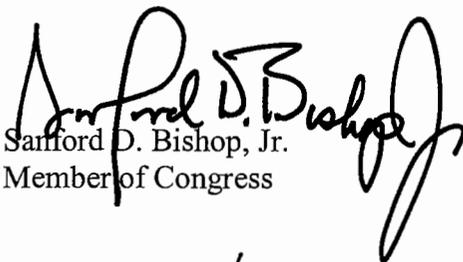
David R. Obey
Member of Congress



Bob Etheridge
Member of Congress



Wayne T. Gilchrist
Member of Congress



Sanford D. Bishop, Jr.
Member of Congress



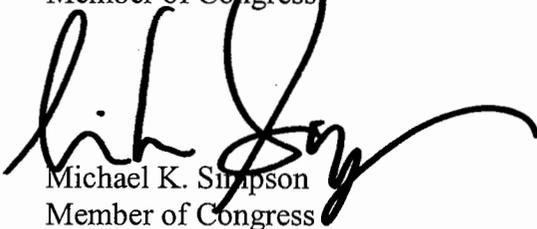
Darlene Hooley
Member of Congress



Steven C. LaTourette
Member of Congress



Bernard Sanders
Member of Congress



Michael K. Simpson
Member of Congress



Michael H. Michaud
Member of Congress


Marcy Kaptur
Member of Congress


Tim Holden
Member of Congress


John M. McHugh
Member of Congress


Sherrod Brown
Member of Congress