

Socially Disadvantaged Farmers and Ranchers 2023 Farm Bill Recommendations

Title I – Commodity

Eliminate the FSA State and County Committee System.

Eliminate the FSA State and County Committee System. Transfer functions performed by County Office employees to a full Federal system. Include new legislation and language that defines the roles and responsibilities of all employees impacted by the change. Require that FSA employees, specifically those transferring from the County Office system to adhere to performance, hiring, and diversity standards required for current Federal employees.

Require that USDA streamline FSA program application process and increase resources set-aside for technical assistance by CBOs or TSPs.

Title II – Conservation

Subtitle F – Environmental Quality Incentives Program

Add Section (c) –A catch-up provision will be added for Socially Disadvantaged Farmers and Ranchers – The provision will be designed to enable Socially Disadvantaged Farmers or Ranchers to install measures that will improve their farms to the level that past non-socially disadvantaged farmers or ranchers were able to make. This program will be implemented with no regard to other limiting policies in this bill.

Allow SDFR cost-share to be 90% of actual versus payment schedule average. NRCS should solicit input from minority farmers and other conservation partners on alternatives to the current stewardship threshold. Require program managers to interpret the “stewardship” threshold more broadly in order to encourage participation by minority farmers. Analyze CRP program participation to document deficiencies for minority farmer enrollment.

Set-Asides for Socially Disadvantaged Farmers and Ranchers

USDA will Set-Aside 10 % of conservations program funds for Socially Disadvantaged Farmers and Ranchers using the definition of socially disadvantaged farmers and ranchers in the 1990 Farm bill. If women and veterans are included in the Socially Disadvantaged Farmers and Ranchers' definition, the set-aside should be increased to 20%. When Historically Underserved Producers are added to the list to benefit from the Set-Aside funds, the amount of the set-aside should be increased to 50%.

Title III --Trade

1. **Export Market Development Programs**, which is essentially the Market Access Program (MAP) that provides cost-sharing of overseas marketing, Foreign Market Development Cooperator Program, and the Emerging Markets Program (EMP). These programs are used to promote U.S. food, ag and timber companies, and sectors in global markets.

Add language—

- a) Facilitating organizations like the Southern U.S. Trade Association (SUSTA) and producer groups (e.g., USAPEEC) ensure SDFR and minority business participation in trade promotion activities.
 - b) EMP funds shall be used to support 1890 activities to develop foreign markets for SDFR.
 - c) Promote connections between African American ag/food/beverage businesses and African markets. That is, increased trade shows in African countries and dedicated slots and financial support for Black ag/food/beverage companies.
2. **Export Credit Guarantee Programs**, many of these programs are commodity specific and major companies and industry organizations like the Meat Export Federation play a major role.
 - a) USDA, coordinating with other agencies, shall work with Black farmer representations on U.S. trade missions to increase the inclusion of Black Farmer food products in trade-related activities.

Title IV Nutrition Programs

Improve Food Access and Affordability End hunger by making it easier for everyone — including urban, suburban, rural, and Tribal communities to access and afford food. For example, expand eligibility for and increase participation in food assistance programs and improve transportation to places where food is available.

1. Update Supplemental Nutrition Assistance Program (SNAP) Eligibility, Enrollment, Participation, and Recertification

- a. The current SNAP application and associated process discourages participants from enrolling and maintaining benefits due to eligibility, participation, enrollment, and recertification barriers. To remove these barriers, SNAP should alter the application process in a way that is designed with participants in mind.
 - i. Include essential expenditures in calculation of gross income thereby adjusting net income and eligibility
 - ii. Increase marketing and utilize participant focused language to support eligible individuals in enrolling
 - iii. Lift eligibility from 130% to 200% of the poverty line
 - iv. Increase reimbursement rates to schools.
 - v. Develop a one-stop-shop portal to streamline enrollment and recertification across safety net programs, especially federal nutrition programs, Temporary Assistance for Needy Families, Medicaid, Medicare, and WIC
 - vi. Increase enrollment among those who are eligible for SNAP.
 - vii. Understand social barriers, stigma, or fears preventing eligible participants from enrolling in SNAP.
 - viii. Establish metrics for determining and monitoring systemic racism in federal nutrition programs.
 - ix. Increase accessibility to transportation to provide better support to SNAP participants; widen the variety of eligible items.
 - x. Increase data sharing across programs to diminish burden.
 - xi. Reduce burden of recertification with respect to frequency and documentation
 - xii. Boost retention through waivers for interviews & telephonic signatures

2. *Integrate Nutrition and Health* Prioritize the role of nutrition and food security in overall health, including disease prevention and management, and ensure that our healthcare system addresses the nutrition needs of all people.

1. *Align Healthcare and Federal Nutrition Programs Offer and Opportunity to Address Both Food and Nutrition Insecurity.*

- a. Adopt the Hunger Vital Signs in all health care settings, especially with Medicaid patients and in Federally Qualified Health Centers
- b. Provide Federally Qualified Health Centers with in-clinic resources to assist low-income patients who screen food insecure with online registration for SNAP and information on local food banks/food pantries
- c. Encourage states to use Medicaid waivers to offer fruit and vegetable prescription programs that support local, fresh produce
- d. Encourage billing codes for local, fresh produce shares or produce prescriptions

2. *Establish a Center for Health and Nutrition Innovation*, headed by a Chief Public Health and Nutrition Officer, to Promote Novel Strategies that Enhance Food and Nutrition Security for All (Center for the Study of the Presidency and Congress, 2012).

3. *Establish strong partnerships between United States Department of Agriculture, Health and Human Services, and Centers for Disease Control and Prevention* like the National Collaborative for Childhood Obesity Research (NCCOR) to Foster Research and Evidence-based, Actionable Policies and Programs to Promote Health and Nutrition in Federal Nutrition Programs (Garret Christensen and Erin Todd Bronchetti, 2020).

Title V-Credit

Farm Credit System (FCS) i

1. Farm Credit System—Require transparency in data reporting of services provided. Require that GAO:

- a. identify major operational and performance factors to consider in creating a grant program within the Farm Credit System to serve sustainable and equitable agriculture.
- b. assess the potential financial implications to FCS of allocating a percentage of its annual net income to a grant program. This assessment should cover a range of scenarios, including a 10 percent allocation.
- c. Examine the applicability of the Federal Home Loan Banks' Affordable Housing Program (AHP) as a potential model for an FCS grant program. Since 1989, AHP has provided over \$6 billion in housing grants.

Subtitle A- Farm Ownership Loans - *Add language* – “To the maximum extent possible, loans to socially disadvantaged farmers or ranchers will be direct loans.

Subtitle B- Operating Loans - *Add language* – “To the maximum extent possible, loans to socially disadvantaged farmers or ranchers will be direct loans.

Increase equity in Farm Loan Programs

Prohibit FSA loan collateralization (i) of farmer’s primary residence and (ii) to no more than 100% of the value of the loan.

Title VI – Rural Development

Minority Rural Small Communities. Rural Development will increase grants to rural communities with low employment of 50 percent or less. These grants will support improvements to infrastructure and support employment creation. There are a number of small towns across the USA, where the majority population are minority people. Improvements in farm equipment and agricultural chemicals have reduced labor needed for crop production and harvest. Employment is often at 50 percent or less.

The U.S. Department of Agriculture (USDA) shall work with these towns to provide grants and assistance to correct infrastructure concerns, food security concerns, job creation and assistance to address other rural development concerns.

Most of these towns:

- have concerns with food security, health, education, jobs, environmental and other concerns.

- need upgraded infrastructure for the city’s aging water and wastewater system, streets, and sidewalks, but due to no tax base or business in the city to assist with these issues, they look and depend on federal assistance just to maintain; and need drainage improvements, flood control, sewer refurbish, trained people to manage water and sewer projects, funds for training, operators, and police departments

Title VII – Research and Related Matters

Preamble

1890 Land Grant Institutions

In 1862, three significant bills were signed by President Abraham Lincoln that engendered the world’s greatest food and agricultural production system. Said bills were the establishment of the United States Department of Agriculture (USDA) in May 1862, the Homestead Act of May 1862, and the Agricultural Land-grant Act in July of 1862. In 1862, African Americans were still enslaved and Native Americans were relegated to reservations due to the Indian Removal Act of 1830.

The Agricultural Land-grant Act, also known as the First Morrill Act, provided that each state would be granted land to sell and use the proceeds for the establishment of an institution of higher learning (The 1862s) that was required to teach agriculture, mechanical arts, and military tactics along with the classical disciplines. Congress decided to provide 30,000 acres federal public land per federal representative. This meant that at a minimum each state would be granted 90,000 acres of land, up to one million acres, in that each state is required to have two senators and one representative. For those states whose area did not encompass 90,000 acres of federal public land, the land could be federal land located anywhere in the U.S. which had been appropriated from Native Americans. The First Morrill Act permitted all monies derived from the sale of land to be invested in United States stock or other safe stock yielding at least five percent dividend or profit and allowed each state to use these proceeds for the endowment, support, and maintenance of the state’s land-grant institution.

When the Second Morrill Act was passed in 1890, the equity formula of 30,000 acres of land per representative was not used for establishment of the 19 historically Black land-grant institutions. Thus, the 19 historically Black land-

grant universities (1890s) never received the minimum 90,000 acres of land nor the monetary value equivalent to the sale of land. The 1890 land grant institutions are land grant in name only since they did not receive the federal land grants. Had the 1890 land grant institutions received the land grants or monetary value for 90,000 acres plus they possibly would not need to request infrastructure funding today.

To reduce the gap between 1862 and 1890 Land grant Universities:

1. Reauthorize the Evans Allen Research Act and increase the authorization level from 30% to 40% of Hatch and add
 - a. “Tuition and fees for graduate students will be an allowable expense for Evans-Allen”
2. Change language related to Use of Funds for research activities in the 1890 HBCU Evans Allen Research Act to be consistent with Use of Funds for research activities for 1862 universities in the Hatch Act
3. Reauthorize 1890 Extension and increase the authorization level from 20% to 40% of Smith Level
4. Reauthorize the 1890 Capacity Building Grants Program
5. Reauthorize 1890 Facilities Improvement Program
6. Reauthorize the Scholarships for Students at the 1890 Institutions
 - a. Include flexibility for staff support (approx. \$75 million)
7. Reauthorize the Centers of Excellence
 - a. Change the authorization language for funding for the length of the Farm Bill (from 4 years to 5 years)
 - b. Increase the number of Centers from 6 to 10, with a base funding of \$5 million/per year/per Center for length of the Farm Bill
8. Eliminate the waiver application and make all federal funding contingent upon states granting 1862 Institutions and 1890 Institutions an equal percentage of the matching funds.
9. Shift the burden of submitting a waiver to the states, requiring them to demonstrate why they cannot meet the matching requirements for federal funding for the land grant institutions in their state.
10. Reauthorize the Research Facilities Act and remove the matching requirement.
11. Require USDA to withhold federal funds authorized under all provisions which authorize capacity grants until the state submits a waiver explaining why they cannot meet the matching requirements for the 1890 or 1862 Institutions

12. Establish an endowment in the 1890 Universities Foundation to generate income for the support of the 1890 Institutions. Endowments can greatly impact the quality and quantity of opportunities at an 1890, increase an 1890's financial resiliency, and help carry the 1890 through periods of state or federal divestment of higher education.

Create student loan forgiveness program for Black farmers and professionals, prioritizing HBCU alum, with 20% reduction in student loan debt for each year spent working in agriculture or at CBO's serving Black farmers with retroactive application available. Full student loan forgiveness for Black farmers and professionals will be achieved upon completion of five (5) years of work in these fields.

Title XII – Miscellaneous

Use of the terms “Socially Disadvantaged Farmers and Ranchers” (SDFR) or Historically Underserved Producers (HUP). Eliminate use of the term Historically Underserved Producers and limit the use of the term Socially Disadvantaged Farmers and Ranchers to describe “a group of individuals whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities.” When referring to minority farmers, use the appropriate socially defined term for race or ethnic origin, i.e., Black, Hispanic, American Indian, Native Hawaiian, Alaska or Pacific Islander farmers and ranchers, where appropriate to define the targeted services or benefits that are proposed along with the specific case for action. When the term Socially Disadvantaged Farmers and Ranchers is used it should be based on the 1990 Farm Bill definition.

Policy Center – The Socially Disadvantaged Farmers and Ranchers Policy Research Center at Alcorn State University will be funded at \$2,500,000 annually for 2024 through 2028, with mandatory funding from the Commodity Credit Corporation (CCC). *Note;* Funds will be used to support the center at Alcorn State University and to support the needed research and assistance from the other 1890 universities, Community Based Organization and other stakeholders.

Outreach and Technical Assistance _ Outreach and Technical Assistance for Socially Disadvantaged Farmers or Ranchers

Section 14004 (a) (3) (A) (ii) Strike “\$50,000,000 for each of the fiscal years 2018 through 2023” and add “\$80,000,000 for each of the fiscal years 2024 through 2028” with Mandatory funding from the Commodity Credit Corporation (CCC)

Fully implement the Justice for Black Farmers Act of January 2023.

1. Fully implement the Justice for Black Farmers Act of 2023. This would enact reforms within USDA to end discrimination within the agency, would protect the remaining Black farmers from losing their land, and would provide land grants to create a new generation of Black farmers and begin to restore the land base that has been lost by Black farmers due to discrimination.

The Justice for Black Farmers Act is an attempt to create economic justice by eliminating lingering federal discrimination; by granting potential Black farmers up to 160 acres of farmland, which will create a fair shot at the American dream; and by creating fair access to credit and federal programs, which will provide the tools to grow that dream into a reality. The bill also puts in place market reforms and invests in regenerative agriculture, which will help level the playing field and make it possible once again for independent family farmers and ranchers across the country to thrive. This model of fair markets and federal support created generational wealth for the ancestors of tens of millions of white Americans alive today -- it is time that Black Americans are provided this same opportunity.

- a. Establish an independent civil rights oversight board within USDA. The board would investigate reports of discrimination within USDA and recommend to the Secretary improvements to USDA policies and procedures to prevent future discrimination. (Sec. 101)
- b. Fund historically Black colleges and universities at \$500M per year for 10 years to commence new courses of study and expand existing courses of study focused on careers in agriculture. (Sec. 301)
- c. The USDA 1890 National Scholars Program, which provides scholarships for students to attend 1890 Historically Black Land-Grant Universities and employment with USDA during summers and after graduation, be codified

- and funding of \$20 million annually be authorized for the program. (Sec. 302)
- d. Establish an Equity Commission that specifically studies the legacy of discrimination against Black agricultural producers or change organizational structure of existing Commission to align with original proposed structure. This includes investigating discrimination in Farm Service Agency County committees and claimants who did not receive payments under *Pigford v. Glickman*. (Sec. 103)
 - e. Require that the USDA Office of Civil Rights, establish a Civil Rights Ombudsman within the USDA OASCR to assist individuals in navigating the complaint process. During the complaint process, foreclosure actions by USDA against any farmer who files a civil rights complaint during time period when the complaint is pending should be prohibited. (Sec. 105)
 - f. Require the USDA OASCR to publish reports on the complaints it receives, broken down by race, gender, and age.
 - g. Prohibit the Office of General Counsel from interfering in civil rights complaints brought against the Secretary. (Sec. 105)
 - h. Require the Secretary to make publicly available annual reports on recipients of USDA assistance, including subsidies, broken down by race, ethnicity, and gender.
 - i. Establish an Equitable Land Access Service to create a new line agency within USDA to administer the land grants program, The Secretary should purchase from willing sellers at fair market value available agricultural land in the United States and convey grants of that land of up to 160 acres to eligible Black individuals at no cost. (Sec. 202 and 203)
 - j. Increase funding for the Relending Program to Resolve Ownership and Succession on Farmland from \$5 million to \$50 million annually. (Sec. 401)
 - k. Extend funding for the Reports on Land Access and Farmland Ownership Data Collection program to \$10 million annually. (Sec. 401)
 - l. Lower the on-farm income requirement from 50% to 30% for family farmers to file for Chapter 12 bankruptcy. (Sec. 401)
 - m. Permanently waive the prohibition on refinancing of other debt with FSA Direct Loans and FSA Farm Ownership Loans. (Sec. 403)
 - n. Remove the eligibility restriction for new FSA loans based on past debt write-down or other loss to the agency. (Sec. 403)
 - o. Increase the FSA Farm Ownership Loan budget authority to \$10 billion. (Sec. 403)

- p. Increase the FSA Farm Operating Loan budget authority to \$10 billion. (Sec. 403)
- q. Provide USDA loan forgiveness to farmers who filed claims under the Pigford Consent Decree. (Sec. 403)
- r. Provide Farm Service Agency loan eligibility for farmers on heirs' property if they provide USDA with a tenant in common agreement containing certain information. (Sec. 403)

Environmental Justice Conditions in Socially Disadvantaged Communities.

Require USDA to fully implement the Environmental Justice Executive Order that was issued in the 1990s.

Transparency and Accountability Require the Secretary of Agriculture to Implement **Section 14006** of the 2008 Farm Bill that require Compilation of Program Participation Data:

- (1) ***Annual Requirements.*** For each county and state in the United States, the Secretary of Agriculture shall annually compile program application and participation rate data regarding socially disadvantaged farmers and ranchers by computing for each program of the Department of Agriculture that serves agricultural producers and landowners—raw numbers of applicants and participants by race, ethnicity, and gender, subject to appropriate privacy protections, as determined by the Secretary; and the application and participant rate, by race, ethnicity, and gender, as a percentage of the total participation rate of all agricultural producers and landowners.

Heirs Property

- 1. Establish Heirs Property Outreach, Education, and Technical Assistance Grants to provide multi-year cooperative agreements to organizations with a proven record of successfully providing outreach and technical assistance to socially disadvantaged farmers and ranchers with heirs' property. The program should be funded at \$5,000,000 annually over the life of the 2023 Farm Bill.
- 2. Amend Relending Program to allow grants for clearing of title on heirs property.

3. Establish a national heirs property task force comprised of a broad collaborative of stakeholders including Community-Based Organizations (CBOs) and 1890 Land-grant universities (1890s). This task force would be an Heirs Property "Strike Force" designed to assist in identifying specific outreach needs and providing feedback on the implementation of these outreach efforts. This task force would identify opportunities to participate in workshops and conferences in areas with a high concentration of heirs' property.
4. Incentivize states to pass the Uniform Partition of Heirs Property Act (UPHPA) in all states
5. Advance Uniform Heirs Property legislation that reduces barriers to heirs property management decisions when less than 100% heirs are in agreement

Increase Technical and Financial Assistance to SDFR

Increase Technical and Financial Assistance to SDFR for financial, estate, and tax planning and marketing support services.

Youth Programs

1. Fund new grants for youth programs that serve socially disadvantaged groups. Amend the existing grant authorization to better support youth from socially disadvantaged groups in two ways.
 - i. Amend the statute to include grants for organizations primarily serving youth from socially disadvantaged groups as determined by the Secretary in consultation with the Policy Center or a similarly situated organization or stakeholder group.
 - ii. Specify that all or part of the grants offered to the organizations contemplated in the statute be used to expand outreach and offerings to youth from socially disadvantaged groups, such as, for instance, by strengthening relationships with and chapters at HBCU, Tribal Colleges, and Hispanic-Serving Institutions.

Urban Agriculture

1. Provide *funding* to enable cities to determine how they can better *support urban producers* by creating an overall plan for equitable urban agriculture growth.
2. Give *grants of federally owned land to local community land trusts* to be managed by the local community. Provide financial support to incentivize states and cities to provide state and city-owned land to local land trusts for agricultural use by local communities. The program should incentivize the use of long-term leases and other tools that can promote land security for urban producers.
 - a. Expand current conservation and agricultural easement programs on public land in urban areas to protect the land from development and encourage agricultural use.
 - b. Incentivize municipalities to review and modify their zoning regulations to support urban farming. This could be accomplished through mandatory funding of municipal plans for urban agriculture.
3. *Financial Assistance (USDA grants and loans)*
 - a. Provide mandatory funding for a micro-grant program that would give small grants (up to \$50,000) to local community-based organizations and or individuals in socially disadvantaged communities based on a simple application process and using criteria so that the people who have been engaging in urban agriculture in that local community are prioritized for funding.
 - b. Provide funding to states, for distribution to cities, for “neighborhood grants” of up to \$10,000 for smaller projects.
 - c. Reevaluate federal price and income support programs that currently go to the largest and wealthiest farms practicing industrial row-crop farming, using minimal conservation practices, requiring significant fertilization, eroding soils, and significantly harming native ecosystems and wildlife.
 - d. Create incentives to encourage the consumption of locally grown foods. Congress should evaluate model legislation in a variety of states that requires a percentage mandate or goal to increase the procurement of locally grown food by public institutions or institutions participating in federal food programs.

4. *Technical Assistance*

- a.* Provide mandatory funding for satellite USDA offices in urban areas across the country. This could be part of a “USDA resource hub” that gets established in each state’s major cities and will ensure that USDA technical support is geographically accessible to producers in urban centers.
- b.* Provide funding for 4H and other youth agriculture programs specifically targeted towards Black communities.

5. *Infrastructure*

- a.* Provide grant funding to specifically assist small producers in urban areas to aggregate their products to be able to reach larger markets.

6. *Valuation of Benefits to Community from Urban Agriculture*

- a.* Make grant funding available for urban farmers for engaging in ecologically healthy practices, thereby incentivizing for urban growers using climate-friendly or conservation practices related to irrigation, rainwater harvesting systems, soil retention, green roofing, and others.
- b.* Declare that urban farms and gardens are critical to our country’s ability to fight climate change, and help municipalities develop criteria for when an urban farm could be razed for development.