

**EQUITY COMMISSION**

Shaping Change at USDA

# INTERIM REPORT 2023

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Recommendations made to the  
U.S. Department of Agriculture  
to advance equity for all

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## Letter to the Secretary

February 27, 2023

Thomas J. Vilsack  
Secretary, U.S. Department of Agriculture  
1400 Independence Ave., SW  
Washington, D.C. 20250

Dear Secretary Vilsack:

The USDA Equity Commission is grateful for the opportunity to put forth a set of interim recommendations to advance equity at USDA. We commend USDA for its commitment to equity and recognize the progress made since January 2021, when President Biden signed [Executive Order 13985](#) On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.

In preparation for this interim report, the Equity Commission held four public meetings:

- February 28, 2022
- May 10-11, 2022
- September 21-22, 2022
- January 31 – February 2, 2023

Public input was gathered through written and oral comments provided at each of the public meetings. These comments were shared with members of the Equity Commission for their consideration and are posted on the public Equity Commission website.

The Equity Commission members received briefings from the following USDA staff:

- Under Secretary Robert Bonnie, Farm Production and Conservation
- Deputy Assistant Secretary Dr. Penny Brown Reynolds, Civil Rights, Management and Operations
- Administrator, Zach Ducheneaux, Farm Service Agency
- Chief of Staff Katharine Ferguson, Office of the Secretary
- Former Director Claudette Fernandez, Program Equity and Opportunity Strategy
- Senior Counsel Rick Gibson, Office of the General Counsel
- Senior Advisor Dr. Dewayne Goldmon, Racial Equity
- Deputy Under Secretary Gloria Montaño Greene, Farm Production and Conservation
- Deputy Administrator Scott Marlow, Farm Programs
- Associate Director Chris Nelson, Office of Budget and Program Analysis
- Deputy Director Jennifer Nicholson, National Appeals Division
- Deputy Assistant Secretary Monica Rainge, Civil Rights
- Director Heather Dawn Thompson, Office of Tribal Relations
- Director Frank M. Wood, National Appeals Division

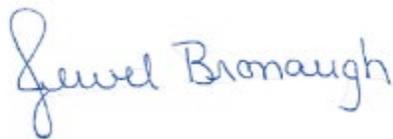
Additionally, USDA provided a [library of resources](#) to the Equity Commission including relevant Executive Orders, American Rescue Plan documents, Government Accountability Office (GAO) Reports and Findings, USDA internal reports and findings, USDA advisory committee reports and findings, and USDA strategic plans and equity action plans.

The attached interim report includes our set of 32 initial recommendations, all of which were approved unanimously.

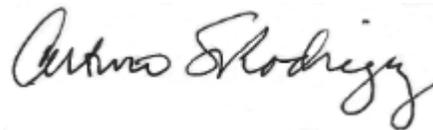
Our goal was not to duplicate the efforts already underway at USDA, but to identify additional steps for embedding equity into USDA's policies, practices, and processes. However, many of the issues we identified are not new issues or concerns. They require renewed commitment from USDA to improve its customer-facing business processes and address historical inequities.

The Equity Commission and our two subcommittees will continue to research and develop recommendations to include in our final report, which we will submit by the end of 2023. We also look forward to continuing our work with the Rural Community Economic Development Subcommittee to develop an additional set of recommendations. It is an honor to be a part of this important work. On behalf of our fellow Commission members, we want to thank you again for the opportunity to help advance equity at USDA.

Sincerely,



**Dr. Jewel Bronaugh**  
Co-Chair,  
USDA Equity Commission



**Arturo S. Rodríguez**  
Co-Chair,  
USDA Equity Commission

## Equity Commission Members

- Dr. Jewel Bronaugh, Co-Chair, *Deputy Secretary, USDA*
- Arturo S. Rodríguez, Co-Chair, *Special Government Employee*
- Shorlette Ammons, *Special Government Employee*
- Todd Corley, *Special Government Employee*
- Ertharin Cousin, *Chair & Chief Executive Officer, Food Systems for the Future*
- Derrick Johnson, *Special Government Employee*
- Yvonne Lee, *Special Government Employee*
- Elizabeth Lower-Basch, *Special Government Employee*
- Dr. Mireya Loza, *Special Government Employee*
- Dr. Ronald Rainey, *Special Government Employee*
- Charles Rawls, *Special Government Employee*
- Dr. Hazell Reed, *Executive Director, National Black Growers Council*
- Shirley Sherrod, *Executive Director, Southwest Georgia Project for Community Education*
- Poppy Sias Hernandez, *Special Government Employee*
- Rick Smith, *Former President and Chief Executive Officer, Dairy Farmers of America*
- Toni Stanger-McLaughlin, *Chief Executive Officer, Native American Agriculture Fund*

## Subcommittee on Agriculture Members

- Erica Lomeli Corcoran, *Systemic Change Director, United Farm Workers Foundation*
- Dr. Gina Eubanks, *Special Government Employee*
- Janssen Hang, *Co-Founder and Executive Director, Hmong America Farmers Association*
- Phillip Johnson (P.J.) Haynie, III, *Farmer/Owner, Haynie Farms LLC*
- Savonala “Savi” Horne, *Special Government Employee*
- Michelle A.T. Hughes, *Operations and Impact Director, National Young Farmers Coalition*
- Kari Jo Lawrence, *Executive Director, Intertribal Agriculture Council*
- Gary Matteson, *Executive Vice President of Young, Beginning, Small Farmer programs and Outreach, Farm Credit Council*
- Dr. Alexis Racelis, *Special Government Employee*
- Russell Redding, *Secretary of Agriculture, State of Pennsylvania*
- Shari Rogge-Fidler, *Chief Executive Officer, Farm Foundation*
- Dr. Jennie Stephens, *Chief Executive Officer, Center for Heirs' Property Preservation*
- Sarah Vogel, *Lawyer, Sarah Vogel Law Office*



## Table of Contents

I. Executive Summary .....	7
II. Support of the Federal Government’s Focus on Equity .....	8
III. Historical Context .....	9
IV. About the Commission and its Subcommittees .....	11
V. Goals of the Commission and its Subcommittees.....	12
VI. Commission Workplan .....	14
VII. Promoting Accountability and Transparency: Compilation of Historical Recommendations.....	15
VIII. Interim Report Recommendations .....	16
How USDA Works with Farmers, Ranchers, and Producers Day-to-Day.....	17
Recommendation 1: Heirs’ Property and Fractionated Land.....	17
Recommendation 2: Land Access.....	18
Recommendation 3: Conservation .....	19
Recommendation 4: Technical Assistance and Outreach .....	20
Recommendation 5: Subsistence Farmers .....	22
Recommendation 6: Farm Service Agency Loan Programs .....	22
Recommendation 7: Base Acres Modernization.....	23
Recommendation 8: County Committees .....	24
USDA’s Need for Department-wide Change.....	27
Recommendation 9: Institutionalize Equity.....	27
Recommendation 10: Legislation to Ensure Accountability for Equity .....	27
Recommendation 11: Elevate the Office of Tribal Relations .....	29
Recommendation 12: Language Access .....	29
Recommendation 13: Customer Experience.....	30
Recommendation 14: Annual Compliance Reviews.....	30
Recommendation 15: Equity Audits .....	31
Recommendation 16: Office of the Assistant Secretary for Civil Rights .....	31
Recommendation 17: Private-Public Partnerships.....	32
Recommendation 18: Procurement.....	33
USDA’s Commitment to Farmworkers and Their Families .....	35
Recommendation 19: Staffing Farmworkers’ Work.....	35
Recommendation 20: Interagency Farmworker Service Council .....	35
Recommendation 21: Farmworker Nutrition.....	35
Recommendation 22: Farmworkers’ Access to USDA Programs .....	36
Recommendation 23: Funding for Farmworkers .....	36
Re-evaluating Other USDA Programs .....	38

Recommendation 24: The Federally Recognized Tribal Extension Program.....	38
Recommendation 25: 1890s Institutions Matching Requirements .....	39
Recommendation 26: Cooperative Extension Service Programming .....	39
Recommendation 27: Cooperative Agreements and Competitive Grants.....	39
Recommendation 28: Distinctions that Allow Access to Endowments and Appropriations .....	40
Recommendation 29: Supplemental Nutrition Assistance Program (SNAP) .....	41
Recommendation 30: Thrifty Food Plan (TFP) .....	41
Recommendation 31: Customer-Centered Service of the Supplemental Nutrition Assistance Program (SNAP).....	42
Recommendation 32: Review of Nutrition Programs .....	42

## I. Executive Summary

The purpose of the USDA Equity Commission (“the Commission”) is to make recommendations for enduring changes to USDA programs and policies that eliminate or mitigate barriers to inclusion or access, eliminate systemic discrimination, advance equity and justice, and provide meaningful processes for continuing oversight of civil rights issues. Congressional reports, internal USDA studies, and court actions going back to the 1960s have well documented racial and other forms of discrimination at USDA in program access and delivery. Farmers who are Black, Hispanic, Native American and Alaska Native, Asian and Pacific Islander, women, and young, new, or beginning, have disproportionately encountered barriers to accessing critical USDA funding and resources needed to adequately support their agriculture operations, specialty crops/alternative enterprises, and local communities. [Section 1006 of the American Rescue Plan Act](#) (ARP) and the [Inflation Reduction Act](#) (IRA) provide a critical opportunity for USDA to take concrete steps toward addressing longstanding barriers and inequities, including authorization of the Equity Commission to examine equity issues at USDA.

The Equity Commission plays a vital role in identifying the root causes of existing inequities and assisting USDA to center equity and justice within the Department’s efforts to develop and strengthen policies and approaches to truly serve all people regardless of their background or experience.

Ultimately, the Equity Commission is helping guide USDA’s efforts to deliver on the Department’s broad justice and equity goals addressing discrimination/disparity relating to race, gender, sexual preference, disability status, religion, rural versus urban, and persistent poverty communities. We are informed in that endeavor in part by the Executive Order on Advancing Racial Equity and Support for Underserved Communities through the Federal Government (EO 13985) and the Executive Order on Diversity, Equity, Inclusion and Accessibility in the Federal Workforce (EO 14035).

This Interim Recommendations report is the first report of the Commission.

The Commission is submitting 32 recommendations for USDA’s consideration that focus on the following areas for near and long-term action:

- **How USDA Works with Farmers, Ranchers, and Producers Day-to-Day**
- **USDA’s Need for Department-Wide Change**
- **USDA’s Commitment to Farmworkers and Their Families**
- **Re-evaluating Other USDA Programs**

## II. Support of the Federal Government's Focus on Equity

In January 2021, President Biden signed [Executive Order 13985 On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) and committed to creating an Equity Commission as part of his rural agenda and commitment to closing the racial wealth gap by addressing longstanding inequities in agriculture.

In March 2021, [Section 1006 of the American Rescue Plan](#) (ARP) (as amended by Section 22007 of the [Inflation Reduction Act of 2022](#)) directed USDA to establish the Equity Commission and provided funds sufficient to ensure the Commission is well staffed and positioned to deliver on its charge. A [report](#) on the implementation of the ARP provides details on how each Federal Agency, including USDA, has taken steps to ensure that equity was part of the fabric of the program. Additionally, each Federal Agency was required to submit an Equity Action Plan to the White House.

To inform USDA's Equity Action Plan, the Department issued a [request for information](#) (RFI) on June 16, 2021, which sought information from the public to help identify opportunities in current USDA policies, regulations, and guidance that would be useful in addressing systemic inequities. USDA received more than 400 public comments from individuals, advocacy organizations, Tribal entities, state, and local governments, and more. These [submissions](#) informed [USDA's Equity Action Plan](#), published February 10, 2022, which states a clear and strong commitment to equity in the programs and operations of the Department, and provides a roadmap, in broad terms, for the equity work of the Department and each of its Agencies for the future.

The Commission supports and applauds ongoing USDA Equity initiatives including, but not limited to:

- USDA Equity Action Plans
- Mission Area and Program Initiatives
- Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plans
- Creation of a USDA DEIA Office and hiring of a Chief Diversity and Inclusion Officer
- ARP and IRA Funding and Implementation

### III. Historical Context

The Commission considers its primary equity charge to be forward looking: What data is useful to detect and document disparities in USDA programs and personnel? What barriers can we identify and eliminate to improve access and availability of USDA programs and services for all eligible Americans? Across America and many parts of the world, dedicated individual employees of USDA do important work to accomplish the Department's many missions. A report on these various programs and activities and their successes would fill many volumes. USDA feeds millions of food insecure Americans every day, ensures a safe and wholesome food supply, provides clean water to thousands of rural communities, conducts vital research, provides critical solutions for plant and animal diseases, provides quantifiable soil and water conservation and forest management for a better environment, promotes markets for U.S. agricultural products, and provides stability and an economic safety net for America's farmers and ranchers.

USDA serves the American public every day, in hundreds of ways. Therefore, it is vital that its programs are delivered equitably, efficiently, and fairly. Studies, listening sessions, and personal testimony informed the Commission that discrimination and unfair treatment has existed in numerous USDA programs—loans, grants, and services—as well as internally within hiring and promotion practices. Many individuals who have interacted with USDA have come away with the belief that discrimination, bias, or unfairness has played a significant role in limiting their access to services and benefits. We know that Black farmers lost nearly 90 percent of their valuable farmland between 1910 and 1997 and are still suffering from the effects of those losses today. We know the long-lasting impact of internment of Japanese Americans during World War II resulted in a loss of Asian agriculture ownership from early to mid-20th century. While hard to quantify, we also know that inequitable practices have harmed the success and contributed to the loss of farms for Hispanic and Indigenous farmers. We know that limited access to credit and unreasonable bureaucratic requirements are persistent barriers to economic development and success for Native American and Native Hawaiian producers. We know that the lack of access to language services, outreach, and nutrition programs negatively impact Asian American and Hispanic farmers and other immigrant farmworkers and their families. We know some members of several other communities, such as young, new, beginning farmers, and specialty crop producers continue to feel that they have not and cannot equally participate in USDA programs.

Farming is challenging under any circumstance. Many factors play into the ability of farmers to grow and thrive in such a competitive and difficult environment. The unequal distribution of programs and benefits and disparities in risk management and conservation benefits reflect the cumulative impact of inequitable practices, creating an added and unnecessary burden. Systemic concerns about program design and implementation go beyond farm lending activities. The disparate access results in cumulative impacts that limit farm size, wealth accumulation, and quality of life issues for many communities.

The Commission recognizes the collective impact and compounding harm that inequitable practices of the past have perpetuated over time. These past actions inform the Commission's critical view of existing USDA structures, programs, and service to Americans today. To be successful in its endeavors, the Commission is committed to recommending sweeping and generational change that must not only interrupt the perpetuation of discriminatory systems but

reconstruct the way USDA operates at all levels moving forward, to create an equitable and inclusive future.

The vision is that USDA cannot fulfill its mission without delivering equitable service. Equity is not about one USDA customer versus another; it is about ensuring ALL USDA customers receive equitable treatment and support needed to operate sustainable, efficient, and productive operations.

#### IV. About the Commission and its Subcommittees

The purpose of the Equity Commission is to advise the Secretary of Agriculture by (1) providing USDA with an analysis of how its programs, policies, systems, structures, and practices contribute to systemic discrimination, construct barriers to inclusion or access, and exacerbate or perpetuate racial, economic, health and social disparities, and (2) recommending corrective action. The Equity Commission is subject to the requirements of the Federal Advisory Committee Act (FACA) and its membership and charge are established under a [charter](#), as required by FACA.

The Equity Commission currently includes a Subcommittee on Agriculture, and a Rural Community Economic Development (RCED) Subcommittee. The recommendations of the Agriculture Subcommittee in this Interim Report address issues and concerns specifically related to agriculture and conservation. The RCED Subcommittee will provide recommendations on issues and concerns related to rural housing, rural utilities, and rural business and community development, persistent poverty, and underserved communities.

In September 2021, the [Federal Register Notice](#) called for nominations for the Equity Commission and its Subcommittee on Agriculture. [Members](#) were appointed by the Secretary in accordance with the membership balance plan in February 2022. Nominations for the RCED Subcommittee were solicited in the [Federal Register](#) in April 2022, with members named in August 2022.

Under its charter, the duties of the Commission are solely advisory. Commission recommendations will aid USDA in achieving its goals by helping the Department improve access to programs and services for all Americans and serve all its diverse stakeholders with greater fairness and equity.

## V. Goals of the Commission and its Subcommittees

Based on stakeholder engagement and former recommendations, the following goals for the Equity Commission and its Subcommittees were established by USDA.

### Equity Commission Goals:

- Identify and recommend actions to remove barriers to equitable access and use of USDA programs, policies, systems, structures, and practices, including impediments that are internal, external, discretionary, or statutory.
- Recommend actions and solutions that address racial equity issues, expand assistance, and provide support for historically underserved customers and communities needed for equitable access to USDA programs and services.
- Recommend actions and solutions that address broader and more systemic equity issues at USDA.
- Recommend actions that will ensure USDA is a modern, competitive workplace with an organizational culture that prioritizes diversity, equity, inclusion, and access for its staff and customers alike.

### Subcommittee on Agriculture Goals:

- Improve technical assistance necessary for navigating USDA programs and services.
- Improve access to capital.
- Improve access to programs and services related to agriculture and land use.
- Implement programs and services to mitigate effects of climate change, including improvements in risk management, conservation, and forestry programs.
- Address access to land, including financing programs and addressing unique issues related to heirs' property, fractionated land, and other land access/retention issues.
- Increase market access to facilitate expanded access for value added opportunities (e.g., processing, trade, and marketing).
- Enhance customer service via improved USDA staffing, training, and transformation of the organizational culture within USDA.
- Review supporting functions such as county committees, conservation districts, and advisory boards.
- Improve use of data and technology both to ensure access and to increase accountability.
- Improve USDA performance measurement and program evaluation so that implemented recommendations can be monitored, tracked, and reported with real outcomes.
- Make recommendations for ways to hold USDA accountable by requesting an implementation strategy and an action plan on recommendations.

### Rural Community Economic Development Subcommittee Goals:

- Improve technical assistance, capacity building, and place-based economic development strategies necessary for navigating and accessing USDA programs and services.

- Improve access to capital for business growth and development in rural and Tribal communities.
- Improve USDA’s program delivery strategy to ensure investments are equitable now and into the future, including data-driven outreach and program design.
- Reduce climate pollution, implement environmental justice standards, and ensure better management of natural resources.
- Minimize disproportionate effects of climate change by increasing infrastructure resilience and economic support to rural and Tribal communities.
- Improve access to high-speed internet for all rural and Tribal residents.
- Ensure equitable access to safe, affordable housing.
- Ensure equitable access to safe, affordable, and resilient water and wastewater infrastructure.
- Improve equitable and sustainable access to natural resources, including recreational facilities.
- Enhance customer service via improved USDA staffing, training, IT modernization, and transformation of the organizational culture within USDA.
- Improve use of data and technology both to ensure access to programs and services and to increase accountability.
- Improve USDA performance measures and program evaluation so that the implementation of recommendations can be monitored, tracked, and reported with real outcomes.
- Make USDA accountable by requesting an implementation strategy and an action plan on recommendations.

## VI. Commission Workplan

The Equity Commission and Agriculture Subcommittee members were appointed and the [first public meeting](#) was held in February 2022. In accordance with FACA guidelines, the public was given the opportunity to provide comments for consideration to committee members in written and oral form. All public meetings are streamed virtually to allow maximum participation.

During the first public meeting the members were given their goals as stated above and subsequently grouped into three focus areas: Access, Service, and Performance. Following that meeting, members expressed the need to know where USDA implementation or consideration stood on the many equity-related recommendations that other committees and reports made over the years. In response, the Department started a Compilation of Historical Recommendations initiative based on relevant reports identified by the Commission. Further discussion of the initiative is included in Part VII of this report.

During the [second public meeting](#) held in May 2022, members received historical perspectives from USDA leadership and updates about current equity work being done at the Department. Members brainstormed a list of potential recommendations to explore further and collaborated on next steps for developing the Interim Report. Following the meeting, Farmworker, Nutrition, and Department-wide focus areas were added and subsequent workgroups were formed to align to the themes. Additionally, an Interim Report writing team was formed leveraging the varied expertise and stakeholder representation from the members.

During the [third public meeting](#) held in September 2022, members presented draft recommendations from the workgroups to ensure collective clarity and understanding of each recommendation. The Equity Commission members deliberated and voted on each recommendation to be included in the Interim Report. Other recommendations were deferred for further review and possible action during future meetings.

During the [fourth public meeting](#) held in February 2023, members revisited the interim recommendations as some changes were made since the previous public meeting vote. Members presented, deliberated, and voted to include the 32 recommendations within this Interim Report. One recommendation was tabled for further research and deliberation.

As previously noted, the RCED Subcommittee was formed in September 2022 and is charged with providing recommendations on issues and concerns related to rural development, persistent poverty, and underserved communities. As of the publication of the Interim Report, the RCED Subcommittee is currently researching and developing recommendations for consideration by the Equity Commission during future public meetings.

## VII. Promoting Accountability and Transparency: Compilation of Historical Recommendations

The recommendations of the Commission are forward looking. However, at the beginning of the Commission’s formation, members recognized the benefits of knowing the status of the various recommendations that have been made in the past on—or closely related to—equity issues at USDA. Reports dating back to 1965, beginning with the [Equal Opportunity in Farm Programs Report](#), demonstrate concerns with inequality at USDA. In response, USDA staff supporting the Commission conducted a department-wide review process documented as a “compilation of historical recommendations” (CHR). Staff continue to refine the project in an effort to gather more information and to determine the most accurate and appropriate ways to categorize and display the data.

The Commission received a preliminary briefing on the summary of findings of the CHR at its third public meeting in September 2022. Once the analysis is finalized, the results will be provided to the Secretary and made available to the Commission. In summary, as part of this effort, 748 historical recommendations from 11 reports were compiled by the staff into a single inventory and assigned to the relevant mission areas and agencies for review and comments related to implementation status.

Recurring issues identified for the Commission included lack of workforce diversity, cumbersome program processes, lack of technical assistance, county committee adverse impacts, and civil rights accountability and program complaints. Common challenges or obstacles to implementing past recommendations included lack of clear USDA ownership and authority to act, budgetary resources needed for implementation, and the need for metrics to measure and track progress. The briefing also noted the lack of standardized practices that would enable USDA to systematically incorporate stakeholder input, historical reports, and the outcomes of program evaluations into strategic planning, policy design, and regulatory development in a cohesive way.

While not final, the Commission is grateful for the significant work produced by USDA, and for the cooperation demonstrated by the various offices and agencies that participated in the review. This foundational work will be very helpful in prioritizing the Commission’s efforts going forward, and in establishing a system to track the implementation of future recommendations. This effort will be an important legacy of the Commission.

## VIII. Interim Report Recommendations

The challenge for this Commission is to recommend actions that will drive impactful and resilient change and restore public trust in USDA. The Commission is keenly aware of the difficulty of the challenge. To have maximum and lasting impact, the recommendations must support, enhance, and amplify the existing equity work at USDA. The recommendations are intended to drive systems-level change.

The Commission makes the following recommendations to advance equity at USDA. The goal is to identify additional steps that can build a lasting infrastructure for embedding equity into its policies, practices, and processes. The guiding principles are accountability, transparency, and equity.

At the outset the Commission calls attention to the common issues identified in the responses to the USDA request for information. These are not new issues or concerns, but they do require a renewed commitment at USDA to improve its customer-facing business processes. Specifically, the Department should undertake a best practices business process review to improve outreach and information, review its various grant, loan, and other applications to reduce complexity, clarify program requirements, assure that applications are written in simple terms using plain English, and that language barriers are addressed for non-English speaking communities. Agencies need to consistently work to ensure that decisions are fully explained and documented. Many individuals do not understand the basis of the denial of service or benefits and are left to assume that race or other discrimination determined the outcome of their application. Customer service surveys, receipts for service, and training in customer satisfaction skills for employees should also be utilized.

## How USDA Works with Farmers, Ranchers, and Producers Day-to-Day

The work of the Equity Commission is to address broad-reaching and systemic issues that prevent equitable access and use of USDA programs and services. The Equity Commission and Subcommittees focused several recommendations on supporting the farmers, ranchers, and producers that make up today's agricultural industry. The Commission and Subcommittee on Agriculture were informed by the current USDA structures, policies, laws, lived experiences, and public comments submitted to the Commission or shared during public meetings to form the body of recommendations. Furthermore, the Commission was given preparatory briefings on the current ongoing USDA activities that promote equity in agriculture which include relending programs and other support for underserved farmers. The Commission applauds these efforts and offers the following recommendations to further advance equity for farmers, ranchers, and producers.

### **Recommendation 1: Heirs' Property and Fractionated Land**

*The Equity Commission recognizes that heirs' property, as defined in the Uniform Partition Heirs Property Act, and fractionated land are barriers that prevent historically underserved<sup>1</sup> producers, farmers, ranchers, and other landowners from accessing USDA programs, such as loans offered by Farm Service Agency (FSA) and Rural Development (RD), and cost-share programs offered by Natural Resources Conservation Service (NRCS) and the Forest Service (FS). Currently, the only USDA option for heirs' property owners/producers to resolve their title issues to access USDA programs is the use of the loans through the FSA Heirs' Property Relending Program (HPRP). The HPRP provides loans through third-party intermediaries such as community development financial institutions (CDFIs) that in turn makes loans to individuals to cover estate and/or succession plans and the cost to acquire legal counsel to resolve their title issues. Historically underserved/limited resource heirs' property producers have difficulty receiving cost-share program funds from programs such as Environmental Quality Incentive Program (EQIP) and Conservation Stewardship Program (CSP), because they must compete with more experienced producers who have higher rankings.*

#### **1. Provide non-loan options for producers to prevent the creation of heirs' property and fractionated land that would reduce the barriers this type of land ownership encounters when accessing USDA programs.**

- a. Appropriate funds for grants and cooperative agreements for community-based nonprofit organizations to address and resolve heirs' property and fractionated land issues for underserved producers through the delivery of legal technical assistance, education, and drafting of estate plans.
- b. Provide multi-year grants and/or cooperative agreements to 501c3 organizations to deliver legal technical assistance and education that will prevent the creation of heirs' property and remedy title issues which caused heirs' property and fractionated land. These 501c3 organizations

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<sup>1</sup> The Agriculture Improvement Act of 2018 (2018 Farm Bill) outlines four groups defined by USDA as "Historically Underserved," including farmers or ranchers who are: Beginning; Socially Disadvantaged; Veterans; and Limited Resource, socially disadvantaged, beginning, limited resource, and veteran farmers and ranchers. The Equity Commission acknowledges that the definitions as currently written in the Farm Bill and other USDA policy may add to existing barriers to access programs and funding and continues to assess this and other definitions related to requirements to access funds, programs, or services.

- must have at least five years of experience delivering legal services to indigent persons.
- c. Require all state Natural Resources Conservationists establish separate allocated funding of 10-15% of Environmental Quality Incentives Program (EQIP) cost-share funds for heirs' property owners and socially disadvantaged producers (i.e., historically underserved minority producers). Currently, the requirement is 5%, but these landowners must compete with the more experienced producers who will receive a higher-ranking score. Creating a designated funding pool allows for more equitable competition and increases chances that disadvantaged producers will receive funding. Currently, the state conservationists in Alabama and South Carolina have used their discretion to establish such a pool for these producers.

### **Recommendation 2: Land Access**

*The Equity Commission recognizes that USDA land-related programs have not been accessible to all, including farmers who are young, new, and beginning; women; and Black, Indigenous, and people of color (BIPOC), and farmworkers. By funding community-led land access and transition projects, USDA will increase access to all farmers and ranchers, and increase engagement in programs and initiatives that can improve their land security, which is their greatest need to ensure a viable future for the agriculture industry.*

#### **2. Ensure equitable funding to community-led land access and transition projects.**

- a. Continue to direct funding to community-led land access projects designed to create land security for farmers. This USDA funding should be available to a wide variety of entities, such as tribes, municipalities, nonprofits, and cooperatives, with priority for projects led by and benefitting underserved farmers and ranchers. This funding should be available as a line of credit or grant prior to purchase, enabling eligible entities to act quickly in the real estate market.
- b. Authorize mandatory, recurring funding for land-access related data gathering, including the Tenure, Ownership, and Transition of Agricultural Land survey that includes data collection on farmer demographics and economic data by county. Report data by county publicly and include median and average rates of participation by race, gender, and ethnicity.
- c. Amend and fund the Commission on Farm Transition established in the 2018 Farm Bill to study land access and transition to inform policy setting that facilitates equitable access to land.
- d. Provide the Office of Tribal Relations (OTR) with the authority to immediately appoint a Designated Federal Officer from OTR to help facilitate the nomination process for seating the Tribal Advisory Committee authorized in the 2018 Farm Bill. This committee will provide advice to USDA on Tribal-related issues and policies throughout the Department.

- e. Increase investments in the Heirs' Property Relending Program as the program grows and expand funding eligibility to include administration of program funds by relending entities.
- f. Provide direct family loans to close heirs' property estates and be inclusive of legal costs.
- g. Maintain and expand the level of funding and technical assistance related to the Highly Fractionated Indian Land Loan Program, created by the 2014 Farm Bill.
- h. Engage with Indigenous and community-based organizations and other interested entities in ensuring that heirship issues also address "fractionization" issues that Tribal communities face.
- i. Ensure USDA land-related programs are accessible to all young, new and beginning, women, and BIPOC farmers specifically, and next generation farmers as a whole, by accommodating eligibility for collective, cooperative, and communal non-family entities, and tracking and publicly reporting demographics data on program participants.
- j. Provide continued funding for cooperative agreements with community-based organizations, such as the Natural Resources Conservation Service Cooperative Agreements for Racial Justice and Equity.
- k. Implement thorough racial equity informed evaluation and reporting requirements to not only measure who is benefitting, but also to measure program effectiveness in facilitating secure land tenure for young, new and beginning, women, and BIPOC farmers.

### **Recommendation 3: Conservation**

*The Equity Commission recognizes that USDA climate programs have historically targeted large-scale producers and have not supported traditional sustainable practices. By including equitable climate justice actions, USDA can ensure Indigenous practices are integrated into the Natural Resources Conservation Services' (NRCS) sustainable agriculture programs and support smaller, non-traditional farmers in accessing Environmental Quality Incentives Program (EQIP) funding and other environmental programs.*

#### **3. Include equitable climate actions in USDA conservation programs to address environmental justice.**

- a. Increase incentive payments for implementation of climate-resilient practices to ensure limited-resource farmers can participate in cost-share programs. Automatically provide EQIP advance payments for historically underserved producers. The Commission recommends that NRCS reduce the required number of years a producer must be in production on a particular parcel of land to qualify for EQIP.
- b. Adjust EQIP and Conservation Reserve Program (CRP) practice standards to better integrate, and to equitably compensate for, the use of Indigenous knowledge and land management practices. Federal conservation programs should streamline support for producers embodying these practices, not create a barrier to accessing NRCS. The Commission recommends that USDA take

into consideration non-traditional methods of agriculture (i.e., subsistence farming, aquaculture/fishing) for disaster relief purposes and other assistance programs offered by the Agency.

- c. Prioritize research that helps small-scale, diversified farmers implement climate-smart conservation practices and measure their climate mitigation impacts through methods with a proven track record of success, which should include traditional or historical agricultural practices.
- d. Increase funding for technical assistance to be linguistically and culturally appropriate and invest in local experts and communities through cooperative agreements with tribes, acequias, and other experts.
- e. Support climate justice solutions that target resources to women and BIPOC farmers and protect farmworkers from hazardous working conditions due to climate change.
- f. Require the collection and public reporting of demographic data on all conservation programs to better understand how producers who are young, new and beginning, women, and BIPOC are utilizing the conservation programs.
- g. Develop science-based climate-smart agriculture definitions that include Tribal Ecological Knowledge and further prioritize practices that afford the greatest climate benefit, such as incorporating cover crops, perennial crops, managed grazing of perennial pasture, and other investments in soil health.
- h. Codify the new Micro Farm program through the Risk Management Agency to improve access to crop insurance for operations that are diversified, organic, and/or selling in local, regional, and specialty markets.
- i. Expand direct marketing prices within the Noninsured Crop Disaster Assistance Program (NAP) or allow all farmers to use their own yields and historic pricing data to more equitably serve farmers who sell direct-to-consumer or receive a premium on their crops.
- j. Administer NAP as an on-ramp to more holistic risk management programs such as the Whole Farm Revenue Protection program and the Micro Farm program.
- k. Increase the maximum allowable farm revenue for historically underserved applicants to the Micro Farm program.
- l. Mandate NRCS provides the public with an impact report on how EQIP funding has been used, and the impact those dollars have had on the environment.

#### **Recommendation 4: Technical Assistance and Outreach**

*The Equity Commission has heard from multiple stakeholders that navigating USDA programs and services can be an impediment and, in some instances, impossible for certain stakeholders. By allocating funding for third-party organizations to provide technical assistance, mediation services, and/or legal services, USDA can ultimately help applicants get the tools and resources they need to submit competitive applications for programs.*

*Furthermore, the existing outreach and engagement structures in USDA across mission areas, offices, and programs need to have a centralized hub to better identify, reach, and align USDA programs and services with those stakeholders requiring technical assistance. In doing so, USDA will be better equipped to respond, cross-coordinate, and plan for ongoing stakeholder needs across mission areas, offices, and programs and provide stakeholders and customers a more seamless experience across USDA's technical assistance portfolio of support.*

- 4. Establish and/or ensure USDA's external engagement office has the necessary capacity, resources, and skillsets to operate in a robust and centralized manner that will enhance the Department's role and financial investment in organizations (nonprofit, non-governmental, community-based) to provide technical assistance.**
  - a. Increase the Department's institutional bandwidth, both technically and financially, to increase support for young, new and beginning, small-scale, underserved, and specialty crop farmers.
  - b. Invest in early mediation and technical services for farmers transitioning and accessing land, in particular Heirship and Trust or Restricted property.
  - c. Develop and implement innovative, culturally responsive communication platforms and outreach strategies, including mobile technologies to engage young, new and beginning, small-scale, underserved, and specialty crop farmers on starting and maintaining a successful agricultural enterprise while facilitating strong, consistent connections with USDA personnel.
  - d. Provide cooperative agreements to organizations offering effective agricultural business management tools, such as the Center for Farm Financial Management, to strategically engage in expanded, targeted outreach and offer technical assistance tools to young, new and beginning, small-scale, underserved, and specialty crop farmers.
  - e. Develop a dashboard of nonprofit organizations and institutions of higher education that provide technical assistance to young, new and beginning, small-scale, underserved, and specialty crop farmers so USDA can provide information and updates to these entities as well as request for feedback on programs and potential opportunities to partner with USDA.
  - f. Provide targeted technical assistance trainings and coaching to nonprofit organizations that serve underserved producer communities by focusing on understanding USDA grant programs, funding technical assistance efforts, and enhancing capacity to submit quality, competitive grant proposals.
  - g. Provide technical assistance to USDA-funded, nonprofit organizations serving young, new and beginning, small-scale, underserved, and specialty crop farmers to increase their internal capacity for effective nonprofit organizational management.

### **Recommendation 5: Subsistence Farmers**

*The Equity Commission is concerned that the Census of Agriculture does not fully account for subsistence farmers who rely on trading and/or sharing resources. The current farmers/ranchers included in the census—whether rural or urban—count if \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the census year. The Native farming community believes that the Census of Agriculture data on Native farmers is incomplete, making policymakers and USDA staff believe the community is smaller than it is and therefore ineligible to receive program benefits.*

- 5. Direct the National Agricultural Statistics Service (NASS) to include the varying types of farmers and ranchers in the next Census of Agriculture to account for the nature of many traditional forms of how agriculture products are produced, sold, or exchanged. In addition, NASS should evaluate the threshold used to quantify a qualifying farmer and provide education on alternative forms of documentation that can be used for eligibility. The Secretary should also direct NASS to research and consider changing the definition of a farm.**

### **Recommendation 6: Farm Service Agency Loan Programs**

*Existing Farm Service Agency (FSA) loan programs and processes challenge the ability of underserved individuals to access credit. Because FSA is seen as an entry point for those seeking assistance from USDA, transforming FSA’s culture to a customer service centered approach will lead to increased access to capital for programs and services in a more equitable way. Responding to the borrowing needs of underserved individuals with clarity of eligibility, simplicity of process, flexibility in administration—all delivered in a timely manner—will further equitable engagement more than any other effort.*

- 6. Transform FSA into a customer service organization that provides equitable treatment for all.**
  - a. Examine FSA loan processes and use plain language and clearly describe eligibility criteria regarding loan programs and processes to improve equitable access to underserved populations of both new and experienced farmers and ranchers.
  - b. Provide additional flexibility regarding the timing and processing of loans, including the ability to offer an initial statement of eligibility or accept preliminary paperwork before an application is submitted. Additional flexibility regarding loan terms and conditions should be available when structuring financial packages for underserved farmers and ranchers.
  - c. Identify gaps between FSA loans and USDA grant programs intended for underserved populations to assure that Inflation Reduction Act (IRA) and USDA initiatives can be effectively combined to meet the needs of underserved individuals.
  - d. Define “distressed borrower” to include those that have not yet entered delinquency yet are under financial stress that may prevent them from continuing farm operations.

- e. Develop cooperative agreements with community-based organizations who work as agents of and advocates for individual borrowers with their permission to allow examination of individual borrower applications and loan decisions.

### **Recommendation 7: Base Acres Modernization**

*Starting with the Agricultural Adjustment Act of 1933 (New Deal), USDA has deployed various strategies to subsidize farmers producing covered commodities. From the 1930s to the early 1990s, these payments were closely tied to the farmer's production, a process which was largely monitored and regulated by the Farm Service Agency through county committees. In the 1996 Farm Bill (the Food, Agriculture Improvement and Reform Act), farm program payments were decoupled from actual plantings, instead based on the historical production. This system of paying farmers via crop acreage bases (CABs), which is the established acreage and yields of eligible commodities, has become an important part of an operation's cash flow, especially in times of low crop prices or challenging production environments. CABs are used to calculate annual subsidies paid to producers and landowners (with crop share leases).*

*The critical years for establishing these CAB components were 1981-1985, when farmers were allowed to report annual planted acreage and average yields, excluding the years with the highest and lowest yield. During this period, covered crops included wheat, corn, sorghum, barley, oats, upland cotton, and rice and subsequent farm bills utilized these CABs as the foundation for making future payment modifications. The 2002 Farm Bill (Farm Security and Rural Investment Act) continued decoupled payments, but allowed soybeans, peanuts, and other oilseeds (sunflower, canola, rapeseed, mustard, flaxseed, Crambe, and sesame) to be added to uncommitted acreage. In nearly all cases, growers elected to add these oilseeds to eligible uncommitted acreage, a process which strengthened the safety net but did little to address disparities among producers. Subsequent opportunities to modify CABs provided some assistance, but still did not properly address large discrepancies, according to recent data.*

*USDA reports and congressional testimony have provided evidence of huge discrepancies in subsidies paid to underserved producers in comparison to their neighbors, with some reports showing them receiving only 20-25% of the per acre subsidies received by their neighbors. Admitted discrimination during the critical period (1981-1985) for establishing CABs likely played a role in certain farmers only being able to secure funding to produce lower yields of lower value crops. Farmers who were privy to loans were able to install irrigation, improve drainage, adopt technology, and make other infrastructure improvements that allowed them to increase yields, diversify crops, and expand acreage. Contrarily, many underserved farmers still operate acres that need improvements as they can only produce lower yields of lower value crops (e.g. winter wheat or oats and non-irrigated summer crops). The disparate annual subsidies, currently Agriculture Risk Coverage and Price Loss Coverage (ARC/PLC) payments, distributed annually only exacerbate these longstanding problems.*

**7. Modernize base acre policies to address the concern of producers' inability to receive necessary program payments that help stabilize on-farm revenue during economic downturns with commodity markets.**

The base acre modernization would support a combination of one or more of the following:

- a. Review base acre farm program payment calculations and consider redistribution of base acreage to address disparities among farmers. Determine commodity specific base acres on lands historically not included in the initial base acre establishment.
- b. Allow cost-shared improvements to *significantly* inferior base acres in a prioritized format.
- c. Allow re-establishment of *crop acreage bases* (CABs) after improvements are completed. As an alternative, allow *significantly* inferior base acres to qualify for an annual revenue adjustment based on county or regional discrepancies.

**Recommendation 8: County Committees**

*The County Committee's purpose, impact, and general efficacy has continued to be a point of research and reflection since its enactment via the Agricultural Adjustment Act of 1933 and throughout the series of congressional and legal adjustments made to their scope and operations via the Soil Conservation and Domestic Allotment Act of 1936 and subsequent Farm Bills (2002 and 2008). Continued study and recommendations for reform have been documented in reports such as the 1996 D.J. Miller Report, the 1997 Civil Rights Action Team Report, and the 2011 Jackson Lewis Report.*

*Despite the many past recommendations and attempts to alleviate the documented inequities associated with the County Committee's election process and power, addressing County Committees continues to be a critical step in advancing equity in USDA's programs and services. County Committees in many states have not represented minority farmers and ranchers and the powers afforded to County Committees have continued to result in decisions that often cripple the economic livelihood of minority farmers and ranchers. As an extension of the FSA, County Committees presently have the authority to advise and make decisions on income safety-net loans and deficiency payments, conservation payments, emergency programs, and incentive, indemnity, and disaster payments for certain commodities.*

*By elevating the voice of minority advisors, bolstering the training of new County Committee members, and improving the appeals process, the Commission aims to strengthen the accountability and transparency of County Committees. More broadly, the role of County Committees in today's agricultural system should be reassessed and, if required, redesigned to ensure more equitable outcomes.*

## 8. Address historical and present-day inequitable services by making County Committees more equitable.

### Training:

- a. Require diversity training related to African American, Asian, Hispanic, American Indian, Alaska Natives, Native Hawaiian, and Pacific Islander issues where a high number of diverse communities exist.
- b. Include the appeals process and role of the minority advisor in training for new committee members.
- c. Train County Committees to exercise their voting powers and use the tools at their disposal to ensure members can vote without retribution or sense of retribution for voting actions.

### Representation:

- a. Give current minority advisors the same voting rights and terms as elected members; where a minority advisor does not currently exist, the Secretary should appoint a minority VOTING member.
- b. Consider a minimum percentage of representation required that is reflective of population for County Committee member vote. For example, if 10 percent of the county population consists of minority farmers and ranchers, approximately at a minimum, 10 percent of the County Committee representation should consist of voting minority farmers and ranchers reflective of that population.
- c. Ensure equitable opportunities for individuals interested in serving on County Committees are available by reducing the complexities of the nomination and election process and increasing awareness about opportunities to serve on County Committees through multiple mechanisms, including but not limited to online outlets. Use the NASS Census outreach process as a way to notify all farmers of County Committee election and voting process and eligibility.
- d. Given the nature of Tribal Governments and their membership/citizenship, specific outreach should be created and implemented to provide awareness of the opportunity to serve through focused outreach.
- e. The Secretary should explore the feasibility to change the eligibility of County Committee elections to expand efforts and allow nominations from the following categories:
  - i. Community-Based Organizations with relevant expertise
  - ii. 1890 and 1994 Land Grant Institutions
  - iii. Hispanic Serving Agricultural Colleges and Universities

### Accountability:

- a. Establish a USDA County Committee Liaison responsible for identifying and instituting diverse representation on County Committees.
- b. Increase transparency and accountability for County Committee staff by establishing performance metrics with controls and mechanisms to ensure they adhere to equitable standards and have access to USDA resources. The County Executive Director (CED) and County Committee staff should be

subject to oversight and evaluation by FSA with civil rights, equity, and demographic indicators included as metrics.

- c. Immediately implement a process to ensure that County Committee minority advisors have access to the FSA Administrator to bring in real time issues or concerns within the county and an annual report or accounting to the Administrator on how that committee is operating.
- d. Provide more transparency on FSA elections by making reports and contact information available to the public in a timelier manner. Reports should include demographic information of the members.
- e. Conduct a biannual assessment on performance measures that indicate equitable outcomes for County Committees. Should the above recommendations not yield the desired equitable outcomes, conduct an external analysis and study on the equity disparities of the County Committees and a potential reform of the County Committee system to a more equitable alternative for ALL farmers. The analysis should include the current role of the County Committee creating disparities for women and BIPOC farmers, both the historical role of the County Committee system and the current displacement of women and BIPOC farmers.

## USDA’s Need for Department-wide Change

The structure of the Department and how it serves the Nation has changed significantly over time; however, some structures, policies and cultural norms have persisted that no longer serve the American people and in fact have perpetuated inequity or widened the gaps that existed among Americans over time. USDA is currently made up of 29 agencies spread across the United States and overseas, serving more than 4,500 locations. The Commission recognizes and applauds USDA for restoring a standalone Office of Tribal Relations and appointing a Senior Advisor for Racial Equity in the Office of the Secretary. The following recommendations outline department-wide change that affects the Department’s structure, leadership responsibilities, and overarching accountability and data collection.

### **Recommendation 9: Institutionalize Equity**

*Lasting and long-term organizational change requires consistent leadership attention, adequate resources, and accountability. The Equity Commission understands that USDA has experienced uneven levels of commitment and success related to equity over the years, especially across changes in administration. We are making this recommendation to establish leadership responsibility and organizational accountability within the Office of the Deputy Secretary to ensure that equity efforts are institutionalized throughout the Department.*

#### **9. Institutionalize equity within the Department to drive compliance, accountability, and culture change across all of USDA.**

- a. Utilize existing leadership structures with line authority to provide consistent leadership attention for institutional change and organizational accountability.
- b. Task the Deputy Secretary, through a Departmental regulation, to review Agency equity plans and ensure, through the annual budget process, that those plans are faithfully carried out and senior executives are accountable for making measurable improvements in equity in programs and services.
- c. The Deputy Secretary should use any staff and resources under its control beyond the Mission Areas, including operational, budgetary, administrative, financial, and economic analysis functions to carry out these responsibilities.
- d. Support workforce diversity and cultural competency by enhancing and improving job descriptions and hiring requirements. This should include utilizing specialized experience and selective placement in recruitment actions to prioritize demonstrated experience with target populations, where applicable.
- e. Conduct an Annual Convening on Equity to have data available to inform the ongoing work of the Equity Commission.

### **Recommendation 10: Legislation to Ensure Accountability for Equity**

*There have been many studies, reports, and recommendations over time across several groups outlining the need for change within USDA; however, the Commission recognizes the need for a sustainable and consistent framework within USDA that is transparent to the public, USDA staff, USDA customers, and partners.*

*For all equity efforts outlined in this report and those currently taking place across USDA to be successful, there is a need to enact legislation and policy to ensure that*

*continued work towards equity in programs and services is a priority of USDA leadership over time. More importantly, USDA should be measured and held accountable for their progress against impacting populations most affected by unfair or inequitable programs, services, or practices.*

**10. Support legislation to provide standing authority and accountability for the Secretary and senior leadership to carry out a continuous program to improve the equitable availability and distribution of services and program benefits to all eligible American residents.**

Key elements of the legislation would include the following:

- a. The Secretary shall be responsible for directing and carrying out a continuous program to ensure all applicants and participants have equitable access to services and program benefits at USDA.
- b. The Secretary shall collect data, information, and conduct studies and analysis to understand and document the extent to which underserved communities are not participating equitably in the programs and benefits provided or administered by the Department, including those administered through state or local agencies, County Commissions, or nonprofit organizations. This shall include research and information sharing on the best ways to collect demographic information that do not rely on third-party visual observations, including both best practices for encouraging voluntary provision of demographic information and statistical methods to incorporate missing data.
- c. Use data to evaluate programs and policies to identify and understand communities in need, where the funding is distributed, and who benefits. Participants benefitting from funding distributions should align with communities in need so that the investing efforts effectively reduce disparities.
- d. The Secretary shall provide a publicly available annual report to Congress and the American public that provides details on the data collection and studies conducted, and the results thereof. The report shall also include discussion of efforts to implement necessary improvements to equity so identified, including metrics and timelines.
- e. Performance evaluations of Agency heads and senior executives shall reflect an individual's appropriate and direct efforts to improve equity in the programs and services within their span of control or authority.
- f. If the Secretary identifies an opportunity to improve equity in a particular program or service but lacks authority to make the necessary changes, Congress shall be notified and provided a recommendation for a legislative change. If the Secretary identifies the need for additional resources to improve equity, Congress shall be notified and provided an explanation of the needed resources.
- g. Revise definitions as needed: Such as "Equity," "Equitable," and "Underserved Communities" as defined from the Executive Order.
- h. Funds and staff required to implement these provisions shall be from within existing budgets and appropriations.

### **Recommendation 11: Elevate the Office of Tribal Relations**

*The Equity Commission agrees with a repeated recommendation from the 2021 RFI (Request for Information) Listening Sessions about the need for USDA to respect Tribal nations' sovereignty. By elevating the Office of Tribal Relations to the Assistant Secretary level and providing dedicated resources, USDA can strengthen the Nation-to-Nation relationship with Indian Tribes and help improve support for Tribal ownership, protection, and conservation of land. The Tribal Liaison positions should have direct access to senior decision makers and be a combination of both career and appointed positions to ensure appropriate oversight and continuity over time.*

#### **11. Elevate the Office of Tribal Relations from its current office to become The Office of the Assistant Secretary of Tribal Affairs.**

- a. Establish the Assistant and Deputy Assistant Secretary of Tribal Affairs positions.
- b. Align or create Tribal Liaison positions within each Agency, Mission Area, and Offices that have access to the highest ranking official within those areas; some of these positions already exist, some may need to be created, some should be elevated within their area to serve as the highest ranking official or career leader (example: Senior Executive Service [SES], Assistant Secretary, Administrator or Chief). These positions should also have the authority to coordinate and work with the Office of Tribal Relations or newly elevated Office of the Assistant Secretary of Tribal Affairs.
- c. Dedicate a Tribal Affairs attorney (GS-15 or SES) within the Office of General Counsel (OGC) to act as a support for the office and Agency-level Tribal Relations staff.

### **Recommendation 12: Language Access**

*The Equity Commission recognizes language as a barrier for linguistically and culturally diverse communities trying to access USDA programs and services. It also recognizes language access as a key element of the U.S. Department of Justice Policy Guidance "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency" (LEP Guidance). Additionally, the Equity Commission notes that per Executive Order 13166 "Improving Access to Services for Persons with Limited Language Proficiency" (August 11, 2000), a memo issued by the Attorney General on November 21, 2022, asks USDA to submit an updated plan to improve language access within 180 days. By adhering to these policies and improving language accessibility, USDA can become a more equitable, inclusive, and culturally competent Department.*

#### **12. Ensure equitable language and culturally competent access to USDA services.**

- a. Designate an executive level career staff member to be responsible for Language Access guidance, compliance, and oversight.
- b. Cultivate a sustainable department-wide culture of equity and inclusion by investing in long term financial partnerships with women and BIPOC servicing educational institutions and Tribal, territorial, and community

- service organizations to build Language Access capacity for current and next generations of agricultural partners, stakeholders, and department workforce.
- c. Increase funding for technical assistance to be linguistically and culturally appropriate and invest in local community serving organizations and communities through cooperative agreements with tribes, acequias, and organizations.

### **Recommendation 13: Customer Experience**

*The Equity Commission has identified the need for USDA to improve its customers' experience and establish consistent and high-quality service across all agencies. By institutionalizing a routine, robust, and coordinated customer feedback loop into USDA's programs and services, USDA can improve its efforts to provide more equitable and consistent services to all individuals that seek service from and engage with USDA.*

#### **13. Improve Customer Experience through institutionalizing customer feedback, service delivery, and program design.**

- a. Establish an enterprise-wide feedback loop for all USDA agencies and offices to hear from stakeholders through multiple mechanisms such as evaluations, surveys, dial-in calls, QR Codes, newspaper advertising, radio, etc.
- b. Ensure feedback opportunities and responses are provided in multiple languages.
- c. Provide specific feedback opportunities for individuals with lived experience and compensate them for their time and expertise.
- d. Train USDA staff to be culturally sensitive, understand their constituents, and include community-based organizations in USDA language contracts to interpret and translate with more accuracy and cultural competence.
- e. Increase staff knowledge of farmer and rancher customer profiles to adequately match relevant services and programs with USDA's customers.

### **Recommendation 14: Annual Compliance Reviews**

*The Equity Commission supports the USDA's adherence and execution of Section 14006 of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill), that mandates USDA prepare an annual report on each of its agency's civil rights complaints, resolutions, and actions. By designating a responsible party for administering reports, providing the related data to inform compliance and customer service, and authorizing funding to conduct audits, USDA can increase trust, transparency, and accountability to its stakeholders.*

#### **14. Fund, establish, and maintain accountability for the execution or conduct of annual civil rights compliance reviews across all USDA agencies.**

- a. Complete and execute annual civil rights compliance reviews across all USDA agencies as mandated by the 2008 Farm Bill (section 14006), starting FY 2023.
- b. Ensure reports and related data are accessible to the public and shared with Congress.

- c. Designate a responsible party for administering reports by the end of each fiscal year.

#### **Recommendation 15: Equity Audits**

*The Equity Commission reviewed reports and stakeholder input that detailed problems with the program complaint system such as the timeliness, complexity, and lack of transparency of the results of audits and reports. The Commission agrees with the 2021 OIG determination that USDA needs to develop a stronger internal control environment over its civil rights program complaints processing to ensure that complaints and findings are timely, appropriately handled, and made publicly available. By complying with the existing Farm Bill audit requirements, USDA can leverage targeted research and analysis of existing publicly available data to identify and address patterns of complaints, discrimination, and systemic issues.*

#### **15. Under existing authorities, conduct periodic system-wide audits to look at equity across USDA's services. Publish results on the USDA website and release underlying data to independent researchers. Analyze program complaints and make use of findings.**

- a. Hire a third party to conduct an analysis of all program complaints received over the past five years and identify patterns for complaints, looking for programs, specific offices, and types of discrimination that have been alleged. These patterns should be used as a basis for identifying immediate fixes that can be made (e.g., making buildings and websites accessible, translating materials into additional required languages), prioritizing audits and statistical analysis of disparities in services received.
- b. Conduct periodic audits across USDA system-wide to look at service of underserved customers. Publish results on USDA website. Release underlying data (with personally identifiable information removed) for independent researchers to replicate and build on official audits.

#### **Recommendation 16: Office of the Assistant Secretary for Civil Rights**

*The Office of the Assistance Secretary for Civil Rights (OASCR) has received much attention through testimony and reports from organizations such as the U.S. Commission on Civil Rights, U.S. Equal Employment Opportunity Commission, USDA's Office of Inspector General, and the Government Accountability Office. It has been noted by the Commission that oftentimes relief is found through class-action lawsuits versus working through the OASCR process due to backlog, capacity issues, and lack of expediency. Concerns persist around addressing backlogged complaints, processing times of incoming complaints, and capacity and staffing within OASCR. Ensuring program participants can effectively navigate the complaint process and receive timely resolutions will be instrumental in USDA's ability to achieve its equity goals.*

**16. Transform and adequately fund the Office of the Assistant Secretary for Civil Rights (OASCR).**

- a. Allocate necessary funding to ensure OASCR capacity to deal with ALL civil rights violations in a timely manner.
- b. Provide adequate funding and resources to OASCR so they can process customer cases within 180 days.
- c. Explore alternative program complaints models, including changing rules and regulations (consider using parts of NAD as a model).

**Recommendation 17: Private-Public Partnerships**

*The Equity Commission supports increasing the role of the private sector in advancing farming and agriculture programs. By piloting “private-public partnerships,” with organizations that have strong DEIA plans on file, both USDA and the partners can benefit from mutual learning and expanded access to capital with the intention of building out programs that garner longevity and sustainability for communities served.*

**17. Enhance private-public partnership authorities that empower program leaders across thousands of offices and in headquarters to pursue innovation independently and rapidly, but with a central mechanism to manage funding, monitor results, and disseminate/scale best practices to create a shared responsibility. Such an authority can be established as a new program through Congress and Secretarial authority, and/or by leveraging existing authorities.**

The Secretary shall explore opportunities to:

- a. Pilot a “private-public” partnership whereby the private sector partner (with more than 1,000 full-time employees) matches at a minimum of \$20,000 per award from USDA to a nonprofit or community-based organization that is serving members of a distressed community and has a diversity, equity, and inclusion plan on file with USDA’s office of equity. Prior to the partnership, private sector partners will be evaluated for credibility by way of interviews and any other necessary avenues. Nonprofit or community-based organizations may also be evaluated on credibility and commitment to serving distressed communities.
- b. Pilot a “private-public” partnership whereby the private sector partner (with more than 1,000 full-time employees) matches each \$20,000 award from USDA to a nonprofit, community-based organization or college/university that is helping farmers and ranchers create farm management plans that generate more output while conserving water resources and rebuilding soil health.
- c. Pilot a “private-public” partnership whereby the private sector partner provides financial assistance (e.g., renewable tuition-scholarship) to a scholarship fund to assist an admitted student attending a land grant university; federally designated Minority Serving Institution (MSI); or a Hispanic Serving Agriculture College and University (HSACU) (USDA and said private sector partner will select the student recipients).
- d. Pilot a “private-public” partnership whereby the private sector partner is strongly encouraged to leverage its social media platforms to highlight their

support of USDA programs and opportunities that advance equity; create brand activations/cause-related campaigns (e.g., “Giving Tuesday”) that increase public support/engagement for USDA programs and opportunities that advance equity; and promote existing and recognized efforts in the public sector, like Challenge.gov in order to stimulate innovative ideas and solutions.

Additional opportunities USDA should consider:

- a. Small Business Innovation Research (SBIR) – USDA, as a large Research & Development sponsor, posts hundreds of opportunities annually for small business participation. Thousands of companies across the U.S. have been created through SBIR, often in partnership with higher education. The Commission suggests a portion of SBIR funding be directed towards projects that impact the equity recommendations.

### **Recommendation 18: Procurement**

*The Equity Commission recognizes USDA’s supplier and procurement contracting programs are vital for small agriculture businesses to build on generational wealth and experience that could sustain and expand their businesses. Systemic racism and historical discrimination have excluded Native, BIPOC, and women owned agricultural businesses from accessing and qualifying for USDA programs. By focusing on procurement and supplier diversity, USDA can rectify the generational exclusionary practices that have effectively precluded disadvantaged businesses. Procurement systems and culture need to change simultaneously to ensure there is greater opportunity for funding organizations who are not historically funded each year.*

### **18. Establish a team focused on procurement and supplier diversity specifically to work with the underserved and underrepresented agriculture communities to build the capacity and experience necessary to gain equitable access to USDA’s supplier, contracting, and procurement programs.**

- a. Create set aside programs for minority, tribal, and women owned small businesses.
- b. Create a special 8(a) category for minority, tribal and women farm/ agricultural businesses by lowering the threshold for entry into the program.
- c. Establish limited competition programs within each of these categories.
- d. Include incentives for major contractors to form partnerships with underserved and disadvantaged small agriculture businesses as subcontractors.
- e. Create a pilot project within the Food and Nutrition Service under which at least 50% of purchases by school meal and pantry programs would be supplied by local small agriculture businesses from the underserved communities.
  - i. FNS to provide technical assistance, reimbursement flexibilities and enhanced funding to cover additional costs.
- f. Distribute an annual report or host a live database that is available to the public that shows which organizations or farms receive USDA dollars. This information should be accessible, easy to navigate, and should include data on

not just contract awards but various financial types (subsidies, grants, etc.). Furthermore, the data should contain information on the subcontractors in addition to the prime contractors.

## USDA's Commitment to Farmworkers and Their Families

The Commission and Subcommittees recognize that among the most vulnerable populations within the agricultural sector are farmworkers and their families. Farmworkers are often not directly served, protected, nor eligible for programs, services or benefits provided to the larger agricultural community due to immigration and labor laws, inequitable structural incentives and barriers, and lack of inclusion. New vulnerabilities of agricultural jobs due to the increasing impacts of climate change are also remain a significant challenge for farmworkers and their families. The Commission commends USDA for their recent initiatives that provide support and financial relief to farmworkers such the [Farm and Food Workers Relief Grant Program](#). The Commission and Subcommittees propose the following recommendations to enhance support to farmworkers and their families.

### Recommendation 19: Staffing Farmworkers' Work

*The Equity Commission recognizes that USDA has not treated farmworkers consistently as a specific constituency over time. By funding and elevating roles for professional staff dedicated to farmworkers, USDA can drive coordination, compliance, and culture change at a systems level to protect farmworkers from inequities. Although there is currently a billet for Farmworker Coordinators, it has not been adequately funded and sustained.*

- 19. Institutionalize equity compliance and culture change across all of USDA by appointing a senior official with dedicated staff (career or political) with decision-making authority and access to senior level officials and the resources needed to serve farmworkers, their families, and the organizations that serve them. The senior official would serve as the USDA representative to interagency workgroups regarding farmworkers and associated issues.**

### Recommendation 20: Interagency Farmworker Service Council

*The Equity Commission recognizes the value and need for farmworkers to be consistently recognized as a specific constituency within intergovernmental processes, programs, services, and policies. Establishing an Interagency Farmworker Service Council will help USDA drive accountability, coordination, compliance, and culture change at a systems level to protect farmworkers from continued inequities.*

- 20. Issue a recommendation from the Secretary that the White House pursue the establishment of an Interagency Farmworker Service Council for infrastructure coordination on intergovernmental work processes. The Council should be convened by USDA and include the Department of Health and Human Services, the Department of Labor, the Department of Education, the Environmental Protection Agency, the Department of Homeland Security, the Department of Justice, the Department of Treasury, and private sector partners.**

### Recommendation 21: Farmworker Nutrition

*The Equity Commission recognizes that many farmworkers and their families live near or on the federal poverty line and experience food insecurity. By improving language access, developing targeted outreach, and making distribution programs and application*

*sites more accessible, USDA can ensure farmworkers and their families are able to access nutrition programs available to them.*

**21. Ensure farmworkers and their families have access to all USDA food and nutrition programs.**

- a. Improve language access.
- b. Mandate creation and distribution of targeted outreach materials with a required annual cadence for updating and distributing.
- c. Develop inclusive and accessible distribution programs and application sites.
- d. Ensure farmworkers and their families are encouraged to apply for and receive nutritional supports by not requiring a social security number.

**Recommendation 22: Farmworkers' Access to USDA Programs**

*The Equity Commission recognizes that minority farmers and farmworkers have been underrepresented and underserved by USDA. By requesting, supporting, and analyzing data and reports, USDA can better understand the needs of farmworkers to improve working conditions and create potential pathways for them to transition from farmworkers to farmers.*

**22. Direct the USDA Office of the Inspector General (OIG) to conduct a report or a joint report from USDA and Department of Labor (DOL) on farmworker living and working conditions that are essential to understanding the needs of farmworker populations. The report shall also look at farmworker access to USDA programs. OIG and DOL should consult with farmworker organizations and farmworkers themselves and they must use innovative research methods to ensure anonymity, accurate data, and protection against retaliation.**

- a. The report should be funded, conducted, and published bi-annually to ensure compliance and systems level changes for farmworkers, their families, and organizations.

**Recommendation 23: Funding for Farmworkers**

*The Equity Commission recognizes farmworkers face widespread violations of the few rights they possess, high injury and fatality rates, and poverty, including food insecurity. By prioritizing farmworkers in USDA's programs, policies, and resources, USDA would help not only farmworkers but also provide broader societal benefits, including improved food safety, healthier and stronger rural communities, and a level playing field for law-abiding employers.*

**23. Pursue legislation and utilize existing authority to ensure funding that benefits farmworkers and their families.**

- a. Support an initial minimum funding of \$5 billion for farmworker organizations to improve farm labor working conditions, labor protections, healthcare, wages, access to justice, supply and stability, services, and safety and training.

- b. Leverage existing and ongoing funding and resources to promote improved farmworker living and working conditions, workplace safety compliance and farmworker economic opportunities through funding opportunities, funding requirements, penalties, and incentives.
- c. Ensure that spending for employer grants and procurement promotes improved farmworker living and working conditions by requiring that employers throughout the supply chain demonstrate labor law compliance and meet “high road” workplace standards, such as collective bargaining and other metrics for improved workplace protections, to qualify for such funding or procurement.
- d. Take action to ensure that additional funding opportunities such as existing and ongoing grants or other programs include requirements and incentives regarding farmworker living and working conditions.
- e. Take executive action to ensure funding for farmworker organizations to help ensure improved farmworker working and living conditions and to ensure farmworker access to economic opportunities.
- f. Ensure that farmworkers, their families, and their organizations are equally included in any funding intended to address the impact of pandemics, natural disasters and climate change, including extreme weather, wildfires, droughts, etc.
- g. This recommendation is intended to support farmworkers and their organizations and not farm labor contractors.

## Re-evaluating Other USDA Programs

The Equity Commission and Subcommittees have the monumental task of identifying persistent and pervasive inequities across USDA, many of which are made operational through the policies that inform USDA on how programs were designed, operated, and continue to be managed today. The Commission and Subcommittees have identified several programs, structures, or tools that require evaluation, revision, restructuring, or a new system. The following recommendations address interrupting patterns of systemic inequities across other USDA programs not already discussed.

### Research and Extension

USDA coordinates and conducts research, education, and extension with scientists and researchers across sectors including the Federal Government, universities, and private partners. Historically, 1890 and 1994 minority-serving land-grant institutions have not received USDA funding comparable to 1862 land-grant colleges and universities. The Commission applauds the recent investment of over [\\$21.8 million](#) to build the capacity of 1890 Historically Black Colleges and Universities (HBCUs) in the land-grant network to deliver innovative solutions that address emerging agricultural challenges impacting diverse communities. The following recommendations aim to strengthen research, extension, and teaching in the food and agricultural sciences at all minority-serving institutions across the country.

#### **Recommendation 24: The Federally Recognized Tribal Extension Program**

*The Equity Commission understands that one of the most significant inequities faced by Tribal producers is a lack of access to technical assistance when compared to other producers. The land grant extension system, meant to serve all producers, has historically left Tribal producers behind. The Federally Recognized Tribal Extension Program (FRTEP) was created to solve that issue; however, the program has not had an influx of funding since 1990, and although the 2018 Farm Bill did add 1994 Tribal Colleges and Universities as eligible sites for FRTEP, no new funding came with this. Currently, 38 FRTEP agents across the country are intended to serve as many as 2,000 producers per person, while their counterparts in the land grant extension system each serve approximately 200. This results in inequitable service to Tribal producers. The Commission recommends USDA allocate a set aside, using a similar formula method used in County Extension, for the FRTEP to bring equity between the extension programs.*

#### **24. Seek increased funding for the Federally Recognized Tribal Extension Program (FRTEP) and remove the competitive nature of the current application process to allow for more collaboration across Tribal extensions.**

- a. Increase funding for the FRTEP program to \$50 million. The current funding requires FRTEP agents to serve as many as 2,000 producers per person, while their counterparts in the land extension program only need to serve 200. The competitive funding is static for FRTEP and the 1994s. As new programs compete and are added, all existing programs in Tribal Nations suffer from further reduced funding. This type of competitive funding is not found in County Extension programs. County Extension is based on a formula, and we recommend Tribal extension be based on this formula.

### **Recommendation 25: 1890s Institutions Matching Requirements**

*The Equity Commission recommends USDA address the historical inequities in funding provided by the 1862 and 1890 Morrill Acts to make agricultural research, outreach, and technical assistance more equitable. The Commission recognizes the need to make the matching requirements consistent across institutions and address the fact the 1890 institutions never received their equitable allocation of land, the primary funding mechanism for the institutions.*

#### **25. Address disparities and difficulties with 1:1 matching requirement for 1890s land grant universities.**

- a. The Governor of the State for the eligible institution must submit any request for a waiver for matching requirements.
- b. Allow for a variety of non-federal funding matches (i.e., private donations, endowments, etc.).

### **Recommendation 26: Cooperative Extension Service Programming**

*Given their experience serving small and specialty crop producers and non-traditional farmers, the Commission recognizes that 1890 Land Grant colleges, 2008 Hispanic Serving Agricultural Colleges and Universities (HSACUs), and 1994 Tribal Land Grant College and Universities (TCUs) are the best equipped to conduct agricultural research, outreach, and provide technical assistance to the diversity of constituencies.*

#### **26. Increase funding and support to expand Cooperative Extension Service programming to marginalized communities through cooperative agreements and more descriptive language within Requests for Applications (RFAs) for competitive funding to facilitate collaboration with minority serving agricultural colleges and universities.**

### **Recommendation 27: Cooperative Agreements and Competitive Grants**

*Given their experience and relationships with their constituencies, the Equity Commission recognizes that 1890 Land Grant colleges, 2008 Hispanic Serving Agricultural Colleges and Universities (HSACUs), and 1994 Tribal Land Grant College and Universities (TCUs) are best positioned to reach marginalized communities.*

#### **27. Increase financial support (in the form of cooperative agreements and competitive grants) and allocate equitable funding to federally designated minority serving institutions (including 1890 Land Grant colleges, 1994 TCUs, HSACUs, and community-based organizations).**

- a. Mandate program managers to be specific, intentional, and equitable in how funding is dispersed to research and extension by adding detailed language that targets diverse clientele and encourages collaborations across types of institutions and community-based organizations.
- b. Encourage collaboration and cooperation with minority serving institutions/organizations through evaluation criteria. The Request for Application (RFA) language should be transparently linked to proposal

- evaluation rubrics to promote service to marginalized communities.
- c. Appropriate funding that equals an increase of at least 20% over the next five years.

### **Recommendation 28: Distinctions that Allow Access to Endowments and Appropriations**

*The Equity Commission recognizes there is a growing gap among different constituencies across the U.S. in degree attainment and access to research, education, and outreach related to food, agriculture, and natural resources. In an effort to reach a broader constituency of underserved publics and to build a workforce required to enhance and strengthen American agriculture, investments must be made in institutions recognized for this work.*

#### **28. Recognize minority serving agricultural institutions who are making important contributions towards equitable access to information, education, and capacity to underserved (minority) students, farmers, ranchers, etc. The distinction should allow access to endowments and annual appropriations available to other land grant universities—resources intended to support and enhance regionally relevant research, access to education and other capacity building, and community engagement (extension).**

- a. Enhance the legislative authority given in The Food, Conservation, and Energy Act of 2008 (PL 110-246) that included a federal designation for Hispanic Serving Institutions (HSIs) offering associate, bachelors, or other accredited degree programs in agriculture and related fields that became the Hispanic Serving Agricultural Colleges and Universities (HSACUs). An enhanced distinction should name a select few HSACUs that are strategically and most effectively meeting the mission of USDA and that have a demonstrated record of contributing to research, education, and extension/community engagement related to food, agriculture, and natural resources related sciences. This distinction should allow for **appropriated funding** that allows investment in these institutions through access to appropriated funding or through collaborations with USDA Agencies (NRCS, ARS, APHIS, etc.) that allows for cooperative agreements or partnerships akin to those at land grant colleges.
- b. Create a new distinction for Minority-serving Agricultural College or Universities that meet specific, clear benchmarks for (a) access to education: offering underserved (minority) students associate, bachelors, or other accredited degree programs in agriculture and related fields (higher than existing 25 percent benchmark), (b) access to research: are conducting regionally relevant research supported by the USDA or other competitive funding mechanisms; (c) capacity building: have a clear and demonstrated track record of outreach, extension, or community engagement. These Minority Serving Agricultural Colleges and Universities (MSACUs) will benefit investments in research, education, extensions through USDA competitive grants eligibilities, a MSACU Fund in U.S. Treasury with appropriated funding.

### **Ensuring Equitable Nutrition Assistance for Those in Need**

The Equity Commission recognizes the opportunity to not only address inequitable access to farm programs among underserved communities, but also access to nutrition programs and services that have historically left some in America unable to receive assistance. Addressing these barriers to access and inclusion directly impacts families by fostering healthier communities. Increasing participation in nutrition assistance programs also benefits producers through increased demand for their products. Producers in turn can better serve consumers and positively impact the food system by participating in nutrition assistance programs with greater reach and impact.

Although there are many initiatives the Commission is aware of and applauds that are already addressing the systemic disparities related to food security and nutrition assistance, the Commission recommends updates to several programs that would allow for greater access for underserved individuals and families.

#### **Recommendation 29: Supplemental Nutrition Assistance Program (SNAP)**

*The Equity Commission has identified several policies that explicitly limit nutrition program access based on residency and immigration status as well as other policies that have a disparate impact on BIPOC access to nutrition programs because of the ways that BIPOC people have been marginalized through the labor market and carceral systems. Many of the restrictions have been in place since 1996. By supporting legislative actions to remove select eligibility restrictions on Supplemental Nutrition Assistance Program (SNAP), USDA can ensure all communities have access to healthy and nutritious foods.*

#### **29. Support legislative action to remove eligibility restrictions on the Supplemental Nutrition Assistance Program (SNAP) that disproportionately limit access to nutrition supports by BIPOC, including:**

- a. The restrictions on receipt based on immigration status.
- b. The denial of standard SNAP benefits to residents of Puerto Rico and other insular territories (they receive limited nutritional support from the Nutrition Assistance Program).
- c. The prohibition on receiving SNAP benefits and food from the Food Distribution Program on Indian Reservations (FDPIR) in the same month.
- d. The time limit on benefit receipt for unemployed people who are not living with dependent children.
- e. The ban on SNAP assistance for people with previous drug felony convictions.

#### **Recommendation 30: Thrifty Food Plan (TFP)**

*The Equity Commission notes that there have long been concerns that the Thrifty Food Plan (TFP) is unrealistic in its expectations and does not provide recipients with enough benefits to purchase an adequate and healthy food supply. The Commission acknowledges that the re-evaluated benefits that went into effect in 2021, as a result of the 2018 Farm Bill direction for USDA to reevaluate the TFP by 2022 and every five years thereafter, made significant improvements. The Commission supports the continuing reevaluation of the TFP and urges that additional adjustments be made to the*

*SNAP benefit levels and calculations to assist recipients in better meeting their nutritional needs.*

- 30. Continue to revise the Thrifty Food Plan (TFP) to reflect the needs of today’s consumers, explore options for boosting the minimum benefit and increasing benefits more than annually during periods of high inflation, and consider basing SNAP benefit levels on the Low-Cost Food Plan.**

**Recommendation 31: Customer-Centered Service of the Supplemental Nutrition Assistance Program (SNAP)**

*The Equity Commission recognizes there is too often a lack of customer-centered service which fails to treat people seeking nutrition assistance with respect and results in reduced receipt of benefits. Barriers to access frequently have disproportionate impact on BIPOC and other socially marginalized populations. By removing barriers to access for applicants and participants, USDA can ensure eligible people have access to available nutrition programs.*

- 31. Monitor state SNAP agencies to ensure that SNAP is administered in a way that treats applicants and participants with dignity and respect. USDA should seek legislative authority to hold states accountable for barriers to access and require states to develop processes for beneficiaries to be involved in program and systems design and evaluation. USDA should report SNAP participation data among eligible individuals disaggregated by race and ethnicity.**

**Recommendation 32: Review of Nutrition Programs**

*The Equity Commission recognizes that vendor access to USDA nutrition programs has been restrictive and inequitable. By reviewing program access and procurement requirements, USDA can address policies that may create barriers to entry for small vendors and local farmers. Removing barriers would also make it easier for childcare providers to access and procure culturally specific and nutritious foods. The Commission recognizes that there may be additional opportunities throughout USDA programs to use procurement to promote equity.*

- 32. Review the nutrition programs at the federal, state, and local levels to identify barriers to vendor and procurement opportunities for disadvantaged and underrepresented communities; remove barriers within federal control and provide technical assistance to states and localities on best practices.**
- a. Conduct outreach and support small businesses, especially those owned by underrepresented communities in becoming approved SNAP vendors and maintaining eligibility. Support innovative approaches to improving access in food/SNAP access deserts and promoting local food systems.
  - b. Review data-mining algorithms used to identify SNAP retailers as possible sites for fraud for bias and disproportionate impact. Provide remediation options to avoid creating SNAP access deserts.
  - c. Assess meal pattern requirements under Child Care and Adult Feeding Program (CACFP) and school meals for inclusion of culturally appropriate

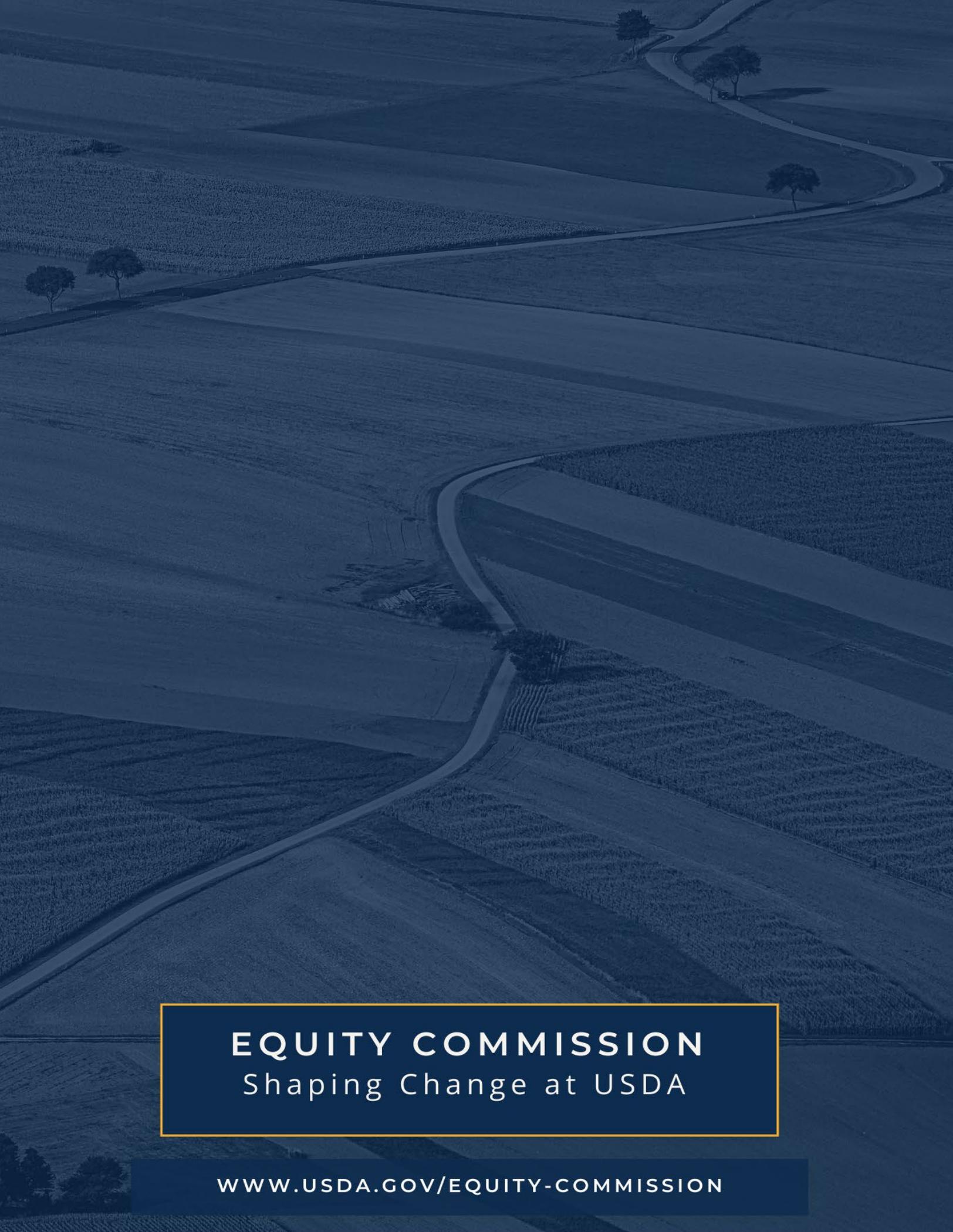
foods, ability of underrepresented community providers to participate as vendors, and access by small home childcare providers (many of whom come from disadvantaged communities).

- d. Assess Special Supplemental Nutrition Program for Women, Infants and Children (WIC) food packages for inclusion of culturally appropriate foods, ability of underrepresented community providers to participate as vendors.

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