

April 8, 2021

U.S. Secretary of Agriculture Thomas Vilsack
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Dear Secretary Vilsack:

We, the undersigned organizations, farmers, and advocates urge for a swift implementation of the \$5B debt relief and related services provisions in Sections 1005 and 1006 of the American Rescue Plan Act of 2021 to alleviate the economic suffering caused by the COVID pandemic and exacerbated by decades of systemic racial discrimination of the United States Department of Agriculture (USDA) against Black farmers and other farmers of color. **The USDA should immediately payoff all direct, guaranteed, and storage facility loans of all socially disadvantaged farmers, and remove all liens on real and personal properties, without delay.**

We understand that for some farmers there could be tax liabilities that are in excess of the 120% grants authorized by the American Rescue Plan Act associated with the debt forgiveness. Those tax liabilities, however, will not immediately become due and should not be used as a reason for USDA to delay the implementation of debt forgiveness. In recent years, USDA has provided tens of billions of dollars of taxable assistance to white farmers, and USDA did not delay in providing that assistance. USDA should not now, once again, treat farmers of color differently.

For over 22 years, Black farmers and advocates have worked to undo the disastrous implementation of the *Pigford v. Glickman* class action racial discrimination lawsuit that left the vast majority of Black farmers with crushing debts, threat of foreclosures, and no legal recourse to save their family farms. Only 4.8% of the \$1B settlement went to debt relief.¹ Over the years, aging Black farmers have delayed foreclosures by filing pro se complaints in federal court. The USDA continues to offset Black farmers' tax refunds, social security, disability, and subsidy payments to cover outstanding debts.

The tireless efforts of Black farmers and advocates laid the groundwork for the passage of the American Rescue Plan Act, a necessary first step to dismantle long-standing institutional discrimination within USDA. We are deeply concerned that last week several media sources reported that USDA was considering adopting a tiered approach to implement the debt relief provisions. You also referred to this tiered approach during your remarks at the historic House Agriculture Committee Hearing to Review the State of Black Farming in the US on March 25, 2021.

¹ During the 1997 Congressional Black Caucus hearing on USDA Loan Discrimination, Gladys Todd, legacy farmer from Zebulon, NC, testified that \$20,000 of the \$25,000 annual debt was interest. Another legacy farmer from Northumberland County, Virginia, Phillip Haynie, testified that his loan had been growing interest at a rate of \$352 a day for ten years.

Fortunately, it is not too late for USDA to create an inclusive implementation process rooted in transparency, oversight, accountability, and the guidance of our Black farmers and advocates. Given USDA's troubled track record on civil rights, the implementation process must center Black farmers. We urge you to prioritize the following:

- (1) **Immediately pay off all USDA direct, guaranteed, and storage facility loans of socially disadvantaged farmers.** After paying off this debt, USDA should also provide funding authorized by Section 1006 for tax advisors to assist farmers at no cost with issues related to their taxes and the debt forgiveness.
- (2) **Develop an inclusive implementation process rooted in a community-based participatory framework that values racial equity, respect, humility, shared decision making, and knowledge democracy.** USDA should provide numerous opportunities to obtain meaningful input directly from Black farmers and other farmers of color regarding the implementation process for the \$1B authorized by Section 1006 and for addressing the tax consequences of the debt forgiveness.
- (3) **Prioritize the restoration of Black farmers through financial compensation, land acquisition, and grantmaking for regenerative food and fiber re-entry and innovation.** Priority for funds not included in the set-asides for items 1 through 4 of Section 1006 should be given to item 5 of the section which will provide financial assistance to former farm loan borrowers that suffered related adverse actions or past discrimination or bias in the Department of Agriculture programs. Over the last two decades, thousands of Black farmers have passed away, robbed of the opportunity to pass generational wealth to their descendants. In compliance with the authorized use of the \$1B fund for related services, USDA should provide financial assistance to Black farmers and other farmers of color who lost their land as a result of USDA discrimination, collusion, and criminality.

Respectfully,

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Alacwin-P Farmers' Cooperative Food Bank
Berkeley Food Institute
Black Belt Justice Center
Black Family Land Trust
Black Farmer Documentary Group
Black Farmers and Agriculturalists Association (Florida Chapter)
Black Farmers and Agriculturalists Association (Memphis, TN)
Black Farmers and Agriculturalists Association (Tillery, NC)
Black Farmers' Appeal: Cancel Pigford Debt Campaign
Black Men in America
Black in Green
Black Oaks Sustainability Center
Bombilla
Center for Community Progress
Community Services Unlimited, Inc.
Cooperative Agriculture for Minorities
Cowntown Foundation
Deep Structure Productions LLC
Donnelly & Donnelly Alternative Dispute Resolutions
Earthjustice
EcoWomanist Institute
Environmental Working Group
Farmers Market Pro
Farms to Grow, Inc.
Fresh Future Farm, Inc.
Future Harvest, the Chesapeake Alliance for Sustainable Agriculture
Georgia Advancing Communities Together, Inc.
Georgia Stand-Up
Green Party of New Jersey
Grow Where You Are
Independent Black Farmers Group
Justice for Black Farmers Group
Kansas Black Farmers Association
Kids In Trouble, Inc.
Marshview Community Organic Farm
Mississippi Minority Farmers Alliance
National Women In Agriculture Association
Neighborhood Resource Center of Greater Fulton
Northeast Louisiana Black Farmers and Landowners Association

Oklahoma Black Historical Research Project, Inc.
Oregon Farmers Market Association
Pasa Sustainable Agriculture
Rainbow PUSH Coalition
Resolutions Addressing Systemic and Structural Racism, Inc.
Rise & Root Farm
Seven Harvest, Inc.
Soul Fire Farm
Southeastern African American Farmers Organic Network
Southern Economic Advancement Project
Texas Agriforestry Small Farmers and Ranchers
The Coalition for Change, Inc.
The 100 Ranchers
United Farmers USA
Urban Farm and Garden Alliance
USDA Coalition of Minority Employees
Winston County Self Help Cooperative
Workers Center of Central New York

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United States Senator Rev. Raphael Warnock
United States Senator Debbie Stabenow
United States Senator Elizabeth Warren
United States Congressman David Scott