

United States Senate
WASHINGTON, DC 20510

May 3, 2021

The Honorable Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

Dear Secretary Vilsack,

Congratulations on your confirmation as Secretary of Agriculture. As you begin your second term at the U.S. Department of Agriculture (USDA), it is our goal to work with you to address years of racial discrimination by USDA and its employees that have harmed countless socially disadvantaged farmers. We request the opportunity to discuss implementation of provisions from the American Rescue Plan targeted at these farmers to ensure the concerns of our constituents are being addressed, as well as frequent updates on actions by USDA related to these provisions. We additionally request more information concerning when our farmers will receive detailed guidance, when they can expect relief, and what process USDA will use to ensure these farmers can provide input and recommendations on implementation of these provisions.

In written testimony ahead of your confirmation hearing, you noted, “If confirmed, I will take bold action and work with this Committee to address discrimination in all its forms across USDA agencies, offices and programs.” We appreciate your stated commitment to equity and the actions you have already taken, such as hiring Dr. Dewayne Goldman to be your Senior Advisor for Racial Equity. However, more must be done to fully address USDA’s long history of racial discrimination and the consequences of such actions on socially disadvantaged farmers.

While there were over 925,000 Black farmers in 1920, discriminatory practices and land tenure issues have resulted in fewer than 50,000 current Black farmers according to USDA’s most recent Census of Agriculture.¹ Similar trends exist for other socially disadvantaged producers. In New Mexico, for example, researchers who have studied land ownership among Hispanics in the State have estimated that 1 million acres or more of land that Hispanics owned at the conclusion of the Mexican American War were forcibly sold in often dubious partition actions for prices that represented a small fraction of the value of the properties.² Through the Dawes Act and Homesteading Acts from 1887 to 1934, Tribes lost over 90 million acres, a substantial amount of which was productive agricultural land.³

¹ United States Department of Agriculture Rural Business Cooperative Service, *Black Farmers in America, 1865-2000 – The Pursuit of Independent Farming and the Role of Cooperatives*, p. 24.

² United States Department of Agriculture Forest Service, Southern Research Station, *Heirs’ property and land fractionation: fostering stable ownership to prevent land loss and abandonment*, p. 71.

³ National Congress of American Indians, *Tribal Nations & the United States: An Introduction*, p. 14.

We can quantify the loss of land and generational wealth for these farmers, but we cannot quantify the pain and suffering these actions have caused farmers and their families. Unfortunately, these discriminatory practices are not isolated to the past. In recent comments, you noted that USDA distributed only 0.1 percent of COVID-19 relief funds administered by the agency in 2020 to Black farmers.⁴ Despite over \$6.7 billion being distributed through the original Coronavirus Food Assistance Program (CFAP) by October 2020, Black farmers received just \$15 million, Latino farmers received \$100 million, Native American farmers received \$76 million, and Asian American farmers received \$17.6 million.⁵ Actions such as this only further exacerbate disparities faced by socially disadvantaged farmers, and USDA must take corrective action immediately.

Recognizing the need to address these issues, Congress included targeted COVID-19 relief for socially disadvantaged farmers within the American Rescue Plan Act, which President Biden signed into law on March 11, 2021. These provisions, pulled from the Emergency Relief for Farmers of Color Act, will provide USDA with the tools and resources necessary to address the immediate COVID-19 damages faced by socially disadvantaged farmers while also jumpstarting the process of addressing decades of racial discrimination at USDA. Section 1005 of the American Rescue Plan Act gives USDA the authority to provide necessary debt relief for socially disadvantaged farmers, ranchers, and forest landowners, while Section 1006 of the legislation provides an additional \$1.01 billion in critical investments.

It is our goal to see these provisions implemented expeditiously, in a way that is equitable, transparent, and includes input from socially disadvantaged farmers who have all too often been shut out of the decision making process and distrust USDA. Concerning Section 1005, we urge USDA to move quickly to provide meaningful debt relief for eligible outstanding USDA direct and guaranteed farm loans. We have heard from farmers who are facing financial distress due to previous and ongoing discrimination, particularly farmers who did not receive justice in the previous Pigford and other USDA settlements, and we hope to see their concerns addressed without delay. In many cases, the ballooning interest on their debts causes their financial distress to worsen by the day, and many are confused and unsure whether they should continue to struggle to make payments while USDA establishes this debt relief program.

We also hope their voices, and the voices of other socially disadvantaged farmers including previous borrowers who continue to need assistance, will play a significant role as USDA develops plans to administer funds provided by Section 1006. Our intent with this legislation is to expand access to legal resources, credit, technical and financial assistance, and cooperative development for socially disadvantaged farmers. These funds represent so much promise, particularly the opportunity to invest in scholarships and opportunities for students of minority serving institutions, but that will only be true if stakeholders have the opportunity to provide significant input.

⁴ Laura Reiley, "Agriculture Secretary Tom Vilsack says only 0.1 percent of Trump administration's covid farm relief went to Black farmers," *The Washington Post*, <https://www.washingtonpost.com/business/2021/03/25/vilsack-interview-usda-rescue-plan/>

⁵ Jared Hayes, "USDA Data: Nearly All Pandemic Bailout Funds Went to White Farmers" *The Environmental Working Group*, <https://www.ewg.org/news-insights/news/usda-data-nearly-all-pandemic-bailout-funds-went-white-farmers>

We hope that these provision, as well as recommendations ultimately provided by the establishment of an equity commission, will lead to a more equitable USDA. Moving forward, we request the opportunity to discuss implementation of these provisions with you to ensure the concerns of our constituents are being addressed, as well as frequent updates on actions by USDA related to these provisions. Specifically, we request additional information concerning when our farmers can expect to receive detailed guidance on these provisions and what process will be available for these individuals to provide recommendations on implementation. Thank you again for your commitment to addressing these issues, and we look forward to working with you to best serve our socially disadvantaged farmers.

Sincerely,



Reverend Raphael Warnock
United States Senator



Cory Booker
United States Senator



Ben Ray Luján
United States Senator



Patrick Leahy
United States Senator



Tina Smith
United States Senator



Kirsten Gillibrand
United States Senator



Michael Bennet
United States Senator