



April 4, 2021

House Agriculture Committee  
Chair, The Honorable Representative David Scott  
Ranking Member, The Honorable Representative Glenn Thompson

**RE: A Hearing to Review the State of Black Farmers in the U.S.**

Family Farm Action would like to thank Chair Scott and Ranking Member Thompson for convening this hearing to review the state of Black farmers in the U.S. Discrimination against Black farmers is sewn into the fabric of U.S. agriculture. In 1910, Black farmers owned 16 to 19 million acres of land and made up 14% of America's farmers, while in 2017 Black farmers operated on just 4.7 million acres of farmland and accounted for 1.4% of farmers in the U.S. Much of this land loss can be attributed to discriminatory lending, particularly by the hands of USDA. We are grateful that Congressional hearings on the issues faced by Black farmers were held, as increasing awareness and dialogue is key to the proper courses of action.

By calling for this historic hearing, it is clear the members of this committee recognize the need to address systemic racism in agriculture, and to work together to begin rectifying it. We are also encouraged by Secretary Vilsack testifying and confronting the discriminative actions toward Black farmers by the hands of USDA. The Secretary's commitment to rooting out this behavior in the agency, and affirming that racism and discrimination have no place in the agricultural sector on the whole. While encouraged by these commitments, we know that racism is pervasive and is experienced by Black farmers across this nation. We hope the testimony we hear today will bring about action and justice for Black farmers.

The provisions in the American Rescue Plan Act of 2021 set a well-rounded approach and build the solid foundation needed to address the ongoing legacy of systemic racism Black farmers experience in the United States. We applaud the passage of the American Rescue Plan which included full debt forgiveness, the creation of an Independent Civil Rights Oversight Board, and the creation of an Equity Commission. However, the work of this committee and the Biden-Harris administration has just started.

Historic discrimination and exploitation of Black farmers, ranchers, and workers must be actively addressed and remedied. Policy must intentionally create equitable access for BIPOC folks to land and credit, market opportunities, safe working conditions, a seat at the policy

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development table, access to culturally relevant training and technical assistance, and just treatment by all Federal agencies. Family Farm Action Alliance issued key policy recommendations to the 117th Congress,<sup>1</sup> and has continued to request anti-racist development and implementation of programs authorized by Executive Order and the 117th Congress. Those recommendations that specifically call for anti-racist food and farm policy and that we recommend for your consideration are included below.

### **Ensure full implementation and outreach of USDA COVID Stimulus Grants and Food Purchasing Programs authorized in the Consolidated Appropriations Act of 2021 and the American Rescue Plan Act of 2021.**

- Use every resource necessary to reach all socially disadvantaged farmers and provide technical assistance to forgive all currently held loans
- Ensure all farmers receive USDA Consumer Data Form AD-2047 and technical assistance to complete it, which allows them to identify as a socially disadvantaged producer, and thus be eligible for designated programs, funding, and support
- Ensure all farmers receive USDA Program Discrimination Complaint Form AD-3027 and technical assistance to complete it, which allows them to file a complaint to USDA in cases of discrimination
- In the development of the USDA AMS COVID-19 stimulus grant, we recommend at least 10% of funds be set aside for applicants in persistent poverty counties as outlined in the Clyburn 10/20/30 formula,<sup>2</sup> and a 10% set aside for BIPOC and women-owned and operated food chain businesses
- USDA should hold state and regional meetings inviting state leaders to determine the best roll out plan for particular regions and states to help insure an equitable distribution of funds.

### **Pass the Justice for Black Farmers Act<sup>3</sup>**

- Forms a Black Farmer Land Grant through a new line agency at USDA where land of up to 160 acres would be available to Black individuals at no cost.<sup>4</sup>
- Increases credit access and land retention for marginalized farmers.

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<sup>1</sup> Family Farm Action Alliance. Toolkit for Congress. January 2021. Available at <https://farmactionalliance.org/toolkitforcongress/>

<sup>2</sup> Congressman James. E Clyburn. “10/20/30 Formula to Fight Persistent Poverty.” Available at <https://clyburn.house.gov/10-20-30-amendment>

<sup>3</sup> 117th Congress: Justice for Black Farmers Act (S.300)

<sup>4</sup> Homestead Acts passed between 1862-1916 granted land in the amount of 160-640 acres, and prioritized people of European descent while excluding Black people. “Forty acres and mule,” a land grant program that passed during the Civil War, granted land to formerly enslaved men. The program was poorly administered, and was revoked upon transition from the Abraham Lincoln to Andrew Jackson administrations. As other ethnic and racial groups have historically been prioritized in land grant programs and continue to benefit from their legacy, it is appropriate to prioritize Black individuals in a future land grant program.

- Funds historically Black colleges and universities at a level of \$500 million per year for 10 years to expand agricultural education.
- Provides additional funding and technical expertise to assist with resolving heirship issues for existing Black farmers.
- Strengthens existing antitrust enforcement through the Packers and Stockyards Act, with the knowledge that food chain workers of color are additionally vulnerable to economic and labor exploitation.

### **Fund 1890 Land Grant Universities**

- Appropriate 1890 college payments and 1890 cooperative extension funds to the same federal level as 1862 land grant college payments and cooperative extension funds, and require states to meet the federal match. Often, 1890 university appropriations fall short of 100% funding, while 1862 university appropriations often exceed “full” funding.
- Discontinue the use of funding waivers used by states to side-step appropriating 1890 universities to the same level as the respective state’s 1862 land grant college.
- Fully investigate claims of state underfunding of 1890 universities and cooperative extension programs.

### **Support New and Beginning Farmers**

- Forgive student loan debt so farmers and aspiring farmers may pursue agriculture without the massive burden of debt.
- Change USDA lending authority to prequalify beginning farmers for FSA loans, and provide no interest loans to beginning BIPOC farmers and BIPOC-led cooperatives.

### **Support All Ownership and Aggregation Structures**

- Provide oversight of the implementation of the order for USDA to examine the impacts of current land tenure disputes regarding Heirs’ property, fractured allotments, and colonias as directed in the 2018 Farm Bill.<sup>5</sup>
- Fully implement the program to allow operators on Heirs’ property to obtain a FSA farm number as directed in the 2018 Farm Bill.<sup>6</sup>
- Order ERS to study and make recommendations on federal cooperative ownership standards, to remedy the current state patchwork policies regarding cooperative establishment, ownership, public-private collaboration, and operation.

### **Acknowledge Past Discrimination by Protecting Workers and Championing New Programs**

- In the agrifood supply chain, immigrants and people of color are overrepresented in U.S. food chain worker demographics. In meatpacking, 44.4% of workers are Hispanic, and

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<sup>5</sup> Agricultural Improvement Act of 2018: Sec. 12607. 7 U.S.C. § 2204i

<sup>6</sup> Agricultural Improvement Act of 2018: Sec. 12615. 7 U.S.C. § 6622b

25.2% are Black.<sup>7</sup> Food chain workers are often talented agriculturalists that have not been able to secure land to farm or safe, secure employment due to monopolistic business practices. To begin addressing this, create a federal fund with mandatory contribution by mega-food chain employers to place food chain workers who have left due to exploitative conditions to gain employment in an independent, non-monopolized entity in the same sector, including payments to current and former food chain workers who experienced adverse health and exploitative working conditions.

- Enact the Safe Line Speeds in COVID-19 Act<sup>8</sup> to suspend and not issue any new line speed waivers, and permanently suspend the implementation of the New Swine Slaughter Inspection System.<sup>9</sup>
- Authorize funding to support the creation of racial equity, diversity, and inclusion priorities in 4-H and other federal agricultural discovery programs curriculum so young people are empowered to pursue a career in agriculture.
- Authorize the Consumer Financial Protection Bureau to investigate claims of discrimination by Farm Credit Service (FCS) institutions, and require FCS to meet SDFR lending goals.

Family Farm Action reaffirms our deep sense of thanks to Chair Scott for convening this hearing, those providing testimony, and the leadership shown thus far in the 117th Congress to address systemic racism and discrimination against Black farmers. We know there is much work yet to be done.

Thank you for the opportunity to provide our testimony and input for the record. We look forward to working with you as you consider our recommendations.

Sincerely,



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Senior Policy Advisor  
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<sup>7</sup> Shawn Fremstad, Hye Jin Rho, & Hayley Brown. April 29, 2020. “Meatpacking Workers are a Diverse Group Who Need Better Protections.” Center for Economic and Policy Research. Available at <https://cepr.net/meatpacking-workers-are-a-diverse-group-who-need-better-protections/>

<sup>8</sup> 116th Congress: Safe Line Speeds in COVID-19 Act (S. 4338)

<sup>9</sup> Federal Register. New Swine Slaughter Inspection System Final Rule. Vol. 84, No. 190. October 1, 2019. Available at <https://www.govinfo.gov/content/pkg/FR-2019-10-01/pdf/2019-20245.pdf>