

117TH CONGRESS
1ST SESSION

S. 278

To require the Secretary of Agriculture to provide assistance for socially disadvantaged farmers and ranchers and socially disadvantaged groups, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2021

Mr. WARNOCK (for himself, Mr. BOOKER, Mr. LUJÁN, Ms. STABENOW, Mr. LEAHY, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To require the Secretary of Agriculture to provide assistance for socially disadvantaged farmers and ranchers and socially disadvantaged groups, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Relief for
5 Farmers of Color Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) various factors have contributed to the loss
2 of Black farmers, Indigenous farmers, and farmers
3 of color in the United States, including—

4 (A) mass and systemic loss of farmland
5 owned and operated by minority farmers;

6 (B) institutional civil rights violations by
7 the Federal Government;

8 (C) difficulties accessing debt and credit
9 capital; and

10 (D) other legal challenges that make it dif-
11 ficult for minority farmers and farmworkers to
12 participate in the United States farm economy;

13 (2) a 2019 Government Accountability Office
14 report found that socially disadvantaged farmers and
15 ranchers have more difficulty getting loans and cred-
16 it from the Department of Agriculture, which can
17 help beginning farmers break into the business and
18 help existing farmers continue running their oper-
19 ations;

20 (3) the finding described in paragraph (2) high-
21 lights the systemic racism that has hindered farmers
22 of color for generations and continues as of the date
23 of enactment of this Act;

24 (4) beginning in 1830, Native American re-
25 moval was a federally sanctioned practice, the im-

1 pact of which still detrimentally impacts Native
2 American farmers today, including—

3 (A) the moving of tens of thousands of
4 original inhabitants from traditional land;

5 (B) the disruption of land ownership and
6 tenure; and

7 (C) the reorientation of traditional farm
8 production techniques;

9 (5) according to the Census of Agriculture—

10 (A) approximately 80 percent of land was
11 lost by Black farmers from 1910 to 2007;

12 (B) in 1910, 14 percent of United States
13 farmers were Black; and

14 (C) in 2012, less than 2 percent of United
15 States farmers were Black;

16 (6) heirs' property refers to land that is infor-
17 mally passed down from generation to generation
18 without a legally designated owner;

19 (7) due to lack of access to the legal system
20 during Reconstruction and distrust of the legal sys-
21 tem during the Jim Crow era, many Black families
22 have relied on heirs' property to keep land in their
23 families, which has resulted in title issues now hin-
24 dering many Black families from obtaining credit;

1 (8) Hispanic farmers were unlawfully discrimi-
2 nated against by the Department of Agriculture with
3 respect to credit and loan transaction and farm dis-
4 aster benefits;

5 (9) there are various laws, regulations, and
6 questionable practices that have led to and are asso-
7 ciated with land owned by Black farmers, Indige-
8 nous farmers, and farmers of color being acquired
9 by developers, contrary to the will of the farmers
10 and land workers;

11 (10) numerous reports over 60 years have
12 shown a consistent pattern of discrimination at the
13 Department of Agriculture against Black farmers,
14 Indigenous farmers, and farmers of color;

15 (11) in 1965, the United States Commission on
16 Civil Rights found evidence of discrimination in pro-
17 gram delivery and the treatment of employees of
18 color at the Department of Agriculture;

19 (12) in the 1970s, the Department of Agri-
20 culture deliberately forced Black farmers, Indigenous
21 farmers, and farmers of color off their land through
22 corrupt loan and financing practices;

23 (13) a 1982 report of the United States Com-
24 mission on Civil Rights concluded that racial dis-
25 crimination was continuing within the Department

of Agriculture, and, despite lawsuits and court orders, the discrimination continued in carrying out the farm loan programs in the headquarters and the network of field offices of the Department of Agriculture; and

(14) a 2008 Government Accountability Office report stated there were “significant deficiencies” in addressing civil rights issues by the Department of Agriculture and recommended new measures to address the backlog of civil rights issues at the Department of Agriculture.

SEC. 3. DEFINITIONS.

In this Act:

(1) FARM LOAN.—The term “farm loan” means a loan administered by the Farm Service Agency under subtitle A, B, or C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et seq.).

(2) QUALIFIED NONPROFIT ORGANIZATION.—The term “qualified nonprofit organization” means an organization—

(A) that is a nonprofit;

(B) that has not less than 3 years of experience providing meaningful agricultural, business assistance, legal assistance, or advocacy

1 services to socially disadvantaged farmers or
 2 ranchers; and

3 (C) at least 50 percent of the members of
 4 the board of directors of which are members of
 5 a socially disadvantaged group.

6 (3) SECRETARY.—The term “Secretary” means
 7 the Secretary of Agriculture.

8 (4) SOCIALLY DISADVANTAGED FARMER OR
 9 RANCHER.—The term “socially disadvantaged farm-
 10 er or rancher” has the meaning given the term in
 11 section 2501(a) of the Food, Agriculture, Conserva-
 12 tion, and Trade Act of 1990 (7 U.S.C. 2279(a)).

13 (5) SOCIALLY DISADVANTAGED GROUP.—The
 14 term “socially disadvantaged group” has the mean-
 15 ing given the term in section 2501(a) of the Food,
 16 Agriculture, Conservation, and Trade Act of 1990 (7
 17 U.S.C. 2279(a)).

18 **SEC. 4. DEBT FORGIVENESS ON FARM SERVICE AGENCY**
 19 **LOANS.**

20 (a) PURPOSE.—The purpose of this section is to ad-
 21 dress the historical discrimination against socially dis-
 22 advantaged farmers and ranchers and address issues re-
 23 lating to the Coronavirus Disease 2019 (COVID–19)—

24 (1) in farm loan programs; and

25 (2) across the Department of Agriculture.

1 (b) DEBT FORGIVENESS.—

2 (1) DIRECT LOANS.—The Secretary shall for-
3 give the obligation of each socially disadvantaged
4 farmer or rancher who is a borrower of a farm loan
5 made by the Secretary to repay the principal and in-
6 terest outstanding as of the date of enactment of
7 this Act on the farm loan.

8 (2) GUARANTEED LOANS.—The Secretary shall
9 pay to each lender of farm loans guaranteed by the
10 Secretary an amount equal to the principal and in-
11 terest outstanding as of the date of enactment of
12 this Act on all farm loans held by the lender, the
13 borrowers of which are socially disadvantaged farm-
14 ers and ranchers, such that the borrowers shall be
15 relieved of the obligation to repay the principal and
16 interest due on those guaranteed farm loans.

17 (3) APPLICATIONS.—

18 (A) CIRCUMSTANCES WHEN NOT RE-
19 QUIRED.—The Secretary shall not require a
20 borrower of a farm loan for which debt forgive-
21 ness may be provided under paragraph (1) or
22 (2) who has self-identified as a socially dis-
23 advantaged farmer or rancher under a farm
24 loan existing as of the date of enactment of this

Act to submit an application for debt forgiveness under paragraph (1) or (2).

(B) OPPORTUNITY TO SUBMIT.—The Secretary shall provide to each socially disadvantaged farmer or rancher who is a borrower of a farm loan for which debt forgiveness may be provided under paragraph (1) or (2) and who has not self-identified as a socially disadvantaged farmer or rancher under a farm loan existing as of the date of enactment of this Act an opportunity to submit to the Secretary an application for debt forgiveness under paragraph (1) or (2).

(4) PROHIBITION ON FUTURE ELIGIBILITY RESTRICTION.—The Secretary shall not restrict the eligibility of a borrower for a future farm loan based on the receipt of loan forgiveness under this section.

(c) FUNDING.—There is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, to carry out this section \$4,000,000,000 for the period of fiscal years 2021 through 2025.

SEC. 5. ADDITIONAL ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND SOCIALLY DISADVANTAGED GROUPS.

(a) EQUITY COMMISSION.—

1 (1) IN GENERAL.—The Secretary shall establish
2 an equity commission composed of—

3 (A) officers of the Department of Agri-
4 culture;

5 (B) individuals with an interest in the ac-
6 tivities of the Department of Agriculture;

7 (C) socially disadvantaged farmers or
8 ranchers with not less than 10 years of experi-
9 ence in farming or ranching;

10 (D) individuals with expertise in civil
11 rights; and

12 (E) employees or board members of quali-
13 fied nonprofit organizations.

14 (2) DUTIES.—The equity commission estab-
15 lished under paragraph (1) shall—

16 (A) examine past discrimination by the De-
17 partment of Agriculture;

18 (B) examine and evaluate discrimination
19 occurring in programs administered by the De-
20 partment of Agriculture; and

21 (C) provide recommendations to the Sec-
22 retary to address and mitigate future discrimi-
23 nation by the Department of Agriculture, in-
24 cluding—

25 (i) budgetary recommendations; and

1 (ii) recommendations for improving
 2 the structure of Farm Service Agency
 3 county committees to better serve socially
 4 disadvantaged farmers and ranchers.

5 (b) NATIONAL CENTER FOR MINORITY FARMER AG-
 6 RICULTURAL LAW RESEARCH AND INFORMATION.—

7 (1) ESTABLISHMENT.—The Secretary shall
 8 make a competitive grant to a school of law, or a
 9 legal research entity, in the United States to estab-
 10 lish the National Center for Minority Farmer Agri-
 11 cultural Law Research and Information (referred to
 12 in this subsection as the “Center”).

13 (2) ACTIVITIES.—The Center shall—

14 (A) conduct international, Federal, State,
 15 and local legal research on the legal issues of
 16 minority farmers and farmworkers relating to
 17 farmland, credit, land ownership, and related
 18 food and agricultural issues;

19 (B) provide information, community legal
 20 education, policy research, and guidance on
 21 legal issues relating to minority farmers and
 22 farmworkers to—

23 (i) practicing attorneys, including at-
 24 torneys providing pro bono assistance, rep-
 25 resenting minority farmers and farm-

workers, including advice and brief services;

(ii) minority farmers and individuals assisting minority farmers on legal issues;

(iii) food, agriculture, farmworker, and farm organizations;

(iv) local, State, and Federal agencies;

(v) members of Congress; and

(vi) other persons who are assisting minority farmers and farmworkers in addressing the legal issues described in subparagraph (A); and

(C) coordinate a national network of attorneys—

(i) providing legal assistance to minority farmers and farmworkers; or

(ii) working on issues relevant to minority farmers and farmworkers.

(3) AVAILABILITY.—

(A) CENTER.—The Center shall make available to the National Agricultural Library the research, community legal education, policy research, guidance, advice, and information of the Center.

1 (B) NATIONAL AGRICULTURAL LIBRARY.—

2 The National Agricultural Library shall make
3 available to the public the research, community
4 legal education, policy research, guidance, ad-
5 vice, and information provided by the Center
6 under subparagraph (A).

7 (4) COLLABORATION.—The Center shall col-
8 laborate with—

9 (A) the National Agricultural Library; and

10 (B) the National Center for Agricultural
11 Law Research and Information.

12 (c) GRANTS AND LOANS TO RESOLVE OWNERSHIP
13 AND SUCCESSION ON FARMLAND.—The Secretary shall
14 make—

15 (1) grants to resolve property issues relating to
16 ownership and succession on farmland; and

17 (2) loans under section 310I of the Consoli-
18 dated Farm and Rural Development Act (7 U.S.C.
19 1936c).

20 (d) COOPERATIVES SERVING SOCIALLY DISADVAN-
21 TAGED GROUPS.—The Secretary shall provide financial
22 assistance to cooperative development centers, individual
23 cooperatives, or groups of cooperatives—

24 (1) that serve socially disadvantaged groups;
25 and

1 (2) a majority of the boards of directors or
2 other governing boards of which are composed of in-
3 dividuals who are members of socially disadvantaged
4 groups.

5 (e) PILOT PROJECTS.—The Secretary may establish
6 pilot projects to provide technical and financial assistance
7 to socially disadvantaged farmers and ranchers, including
8 projects that focus on land acquisition, financial planning,
9 technical assistance, and credit.

10 (f) HISTORICAL DISCRIMINATION.—The Secretary
11 may provide financial assistance to socially disadvantaged
12 farmers or ranchers that—

13 (1) are former farm loan borrowers of the De-
14 partment of Agriculture; and

15 (2) have suffered adverse actions or past dis-
16 crimination or bias relating to the farm loan, as de-
17 termined by the Secretary.

18 (g) FINANCIAL INSTITUTIONS.—The Secretary may
19 support the development of agricultural credit financial in-
20 stitutions that are designed to serve and finance socially
21 disadvantaged groups, including Farm Credit System in-
22 stitutions chartered under the Farm Credit Act of 1971
23 (12 U.S.C. 2001 et seq.).

24 (h) FINANCIAL AND TECHNICAL ASSISTANCE.—The
25 Secretary shall provide financial assistance, outreach, me-

1 diation, financial training, capacity building training, co-
 2 operative development training and support, and other
 3 technical assistance to qualified nonprofit organizations
 4 that provide services to socially disadvantaged farmers and
 5 ranchers.

6 (i) 1890 LAND-GRANT INSTITUTIONS AND CERTAIN
 7 OTHER INSTITUTIONS.—The Secretary shall support and
 8 supplement research, education, and extension activities
 9 at—

10 (1) colleges or universities eligible to receive
 11 funds under the Act of August 30, 1890 (commonly
 12 known as the “Second Morrill Act”) (26 Stat. 417,
 13 chapter 841; 7 U.S.C. 321 et seq.), including
 14 Tuskegee University;

15 (2) 1994 Institutions (as defined in section 532
 16 of the Equity in Education Land-Grant Status Act
 17 of 1994 (7 U.S.C. 301 note; Public Law 103–382));

18 (3) Alaska Native serving institutions and Na-
 19 tive Hawaiian serving institutions eligible to receive
 20 grants under subsections (a) and (b), respectively, of
 21 section 1419B of the National Agricultural Re-
 22 search, Extension, and Teaching Policy Act of 1977
 23 (7 U.S.C. 3156);

24 (4) Hispanic-serving institutions eligible to re-
 25 ceive grants under section 1455 of the National Ag-

1 ricultural Research, Extension, and Teaching Policy
 2 Act of 1977 (7 U.S.C. 3241); and

3 (5) eligible institutions (as defined in section
 4 1489 of the National Agricultural Research, Extension,
 5 sion, and Teaching Policy Act of 1977 (7 U.S.C.
 6 3361)).

7 (j) GRANTS FOR SCHOLARSHIPS.—The Secretary
 8 shall provide grants to—

9 (1) colleges or universities eligible to receive
 10 funds under the Act of August 30, 1890 (commonly
 11 known as the “Second Morrill Act”) (26 Stat. 417,
 12 chapter 841; 7 U.S.C. 321 et seq.), including
 13 Tuskegee University, for student scholarships; and

14 (2) land-grant colleges and universities (as de-
 15 fined in section 1404 of the National Agricultural
 16 Research, Extension, and Teaching Policy Act of
 17 1977 (7 U.S.C. 3103)) for scholarships for students
 18 or prospective students who are—

19 (A) members of Indian Tribes; and

20 (B) pursuing an agricultural field of study.

21 (k) FUNDING.—There is appropriated to the Sec-
 22 retary, out of amounts in the Treasury not otherwise ap-
 23 propriated, to carry out this section \$1,000,000,000 for
 24 fiscal year 2021, to remain available until expended.

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