

117TH CONGRESS
1ST SESSION

S. _____

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

Mr. WARNOCK (for himself, Mr. BOOKER, Ms. STABENOW, and Mr. LUJAN) introduced the following bill; which was read twice and referred to the Committee on _____

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 that—

1 (A) moved tens of thousands of original in-
2 habitants from traditional land;

3 (B) disrupted land ownership and tenure;
4 and

5 (C) reoriented traditional farm production
6 techniques;

7 (5) according to the Census of Agriculture—

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

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

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

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

17 (7) due to lack of access to the legal system
18 during Reconstruction and distrust of the legal sys-
19 tem during the Jim Crow era, many Black families
20 have relied on heirs' property to keep land in their
21 families;

22 (8) Hispanic farmers were unlawfully discrimi-
23 nated against by the Department of Agriculture with
24 respect to credit and loan transaction and farm dis-
25 aster benefits;

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

7 (10) numerous reports over 60 years have
8 shown a consistent pattern of discrimination at the
9 Department of Agriculture against Black farmers,
10 Indigenous farmers, and farmers of color;

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

15 (12) in the 1970s, the Department of Agri-
16 culture deliberately forced Black farmers, Indigenous
17 farmers, and farmers of color off their land through
18 corrupt loan and financing practices;

19 (13) a 1982 report of the United States Com-
20 mission on Civil Rights concluded that racial dis-
21 crimination was continuing within the Department
22 of Agriculture, and, despite lawsuits and court or-
23 ders, the discrimination continued in carrying out
24 the farm loan programs in the headquarters and the

1 network of field offices of the Department of Agri-
2 culture;

3 (14) in 1994, a study was commissioned to ana-
4 lyze the treatment of Black farmers, Indigenous
5 farmers, and farmers of color under farm loan pro-
6 grams, commodity support programs, and disaster
7 assistance programs, and the study found that Black
8 farmers, Indigenous farmers, and farmers of color
9 received less than their fair share of funding from
10 the Department of Agriculture; and

11 (15) a 2008 Government Accountability Office
12 report stated there were “significant deficiencies” in
13 addressing civil rights issues by the Department of
14 Agriculture and recommended new measures to ad-
15 dress the backlog of civil rights issues at the Depart-
16 ment of Agriculture.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

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

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

1 (A)(i) described in section 501(c)(3) of the
2 Internal Revenue Code of 1986 and exempt
3 from taxation under 501(a) of that Code; or

4 (ii) that has a fiscal sponsor that is an or-
5 ganization described in clause (i);

6 (B) that has not less than 3 years of expe-
7 rience providing meaningful agricultural, busi-
8 ness assistance, legal assistance, or advocacy
9 services to socially disadvantaged farmers or
10 ranchers; and

11 (C) at least 50 percent of the members of
12 the board of directors of which are members of
13 a socially disadvantaged group.

14 (3) SECRETARY.—The term “Secretary” means
15 the Secretary of Agriculture.

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

21 (5) SOCIALLY DISADVANTAGED GROUP.—The
22 term “socially disadvantaged group” has the mean-
23 ing given the term in section 2501(a) of the Food,
24 Agriculture, Conservation, and Trade Act of 1990 (7
25 U.S.C. 2279(a)).

1 **SEC. 4. DEBT FORGIVENESS ON FARM SERVICE AGENCY**
2 **LOANS.**

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

7 (1) in farm loan programs; and

8 (2) across the Department of Agriculture.

9 (b) DEBT FORGIVENESS.—

10 (1) DIRECT LOANS.—The Secretary shall for-
11 give the obligation of each socially disadvantaged
12 farmer or rancher who is a borrower of a farm loan
13 made by the Secretary to repay the principal and in-
14 terest outstanding as of the date of enactment of
15 this Act on the farm loan.

16 (2) GUARANTEED LOANS.—The Secretary shall
17 pay to each lender of farm loans guaranteed by the
18 Secretary an amount equal to the principal and in-
19 terest outstanding as of the date of enactment of
20 this Act on all farm loans held by the lender, the
21 borrowers of which are socially disadvantaged farm-
22 ers and ranchers, such that the borrowers shall be
23 relieved of the obligation to repay the principal and
24 interest due on those guaranteed farm loans.

25 (3) APPLICATIONS.—

1 (A) CIRCUMSTANCES WHEN NOT RE-
2 QUIRED.—The Secretary shall not require a
3 borrower of a farm loan for which debt forgive-
4 ness may be provided under paragraph (1) or
5 (2) who has self-identified as a socially dis-
6 advantaged farmer or rancher under a farm
7 loan existing as of the date of enactment of this
8 Act to submit an application for debt forgive-
9 ness under paragraph (1) or (2).

10 (B) OPPORTUNITY TO SUBMIT.—The Sec-
11 retary shall provide to each socially disadvan-
12 taged farmer or rancher who is a borrower of
13 a farm loan for which debt forgiveness may be
14 provided under paragraph (1) or (2) and who
15 has not self-identified as a socially disadvan-
16 taged farmer or rancher under a farm loan ex-
17 isting as of the date of enactment of this Act
18 an opportunity to submit to the Secretary an
19 application for debt forgiveness under para-
20 graph (1) or (2).

21 (4) PROHIBITION ON FUTURE ELIGIBILITY RE-
22 STRICTION.—The Secretary shall not restrict the eli-
23 gibility of a borrower for a future farm loan based
24 on the receipt of loan forgiveness under this section.

1 (c) FUNDING.—There is appropriated to the Sec-
2 retary, out of amounts in the Treasury not otherwise ap-
3 propriated, to carry out this section \$4,000,000,000 for
4 the period of fiscal years 2021 through 2025.

5 **SEC. 5. ADDITIONAL ASSISTANCE FOR SOCIALLY DIS-**
6 **ADVANTAGED FARMERS AND RANCHERS AND**
7 **SOCIALLY DISADVANTAGED GROUPS.**

8 (a) EQUITY COMMISSION.—

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

11 (A) officers of the Department of Agri-
12 culture;

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

15 (C) socially disadvantaged farmers or
16 ranchers with not less than 10 years of experi-
17 ence in farming or ranching;

18 (D) individuals with expertise in civil
19 rights; and

20 (E) employees or board members of quali-
21 fied nonprofit organizations.

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

24 (A) examine past discrimination by the De-
25 partment of Agriculture;

1 (B) examine and evaluate discrimination
2 occurring in programs administered by the De-
3 partment of Agriculture; and

4 (C) provide recommendations to the Sec-
5 retary to address and mitigate future discrimi-
6 nation by the Department of Agriculture, in-
7 cluding—

8 (i) budgetary recommendations; and

9 (ii) recommendations for improving
10 the structure of Farm Service Agency
11 county committees to better serve socially
12 disadvantaged farmers and ranchers.

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

15 (1) ESTABLISHMENT.—The Secretary shall
16 make a competitive grant to a school of law, or a
17 legal research entity, in the United States to estab-
18 lish the National Center for Minority Farmer Agri-
19 cultural Law Research and Information (referred to
20 in this subsection as the “Center”).

21 (2) ACTIVITIES.—The Center shall—

22 (A) conduct international, Federal, State,
23 and local legal research on the legal issues of
24 minority farmers and farmworkers relating to

1 farmland, credit, land ownership, and related
2 food and agricultural issues;

3 (B) provide information, community legal
4 education, policy research, and guidance on
5 legal issues relating to minority farmers and
6 farmworkers to—

7 (i) practicing attorneys, including at-
8 torneys providing pro bono assistance, rep-
9 resenting minority farmers and farm-
10 workers, including advice and brief serv-
11 ices;

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

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

16 (iv) local, State, and Federal agencies;

17 (v) members of Congress; and

18 (vi) other persons who are assisting
19 minority farmers and farmworkers in ad-
20 dressing the legal issues described in sub-
21 paragraph (A); and

22 (C) coordinate a national network of attor-
23 neys—

24 (i) providing legal assistance to minor-
25 ity farmers and farmworkers; or

1 (ii) working on issues relevant to mi-
2 nority farmers and farmworkers.

3 (3) AVAILABILITY.—

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

9 (B) NATIONAL AGRICULTURAL LIBRARY.—

10 The National Agricultural Library shall make
11 available to the public the research, community
12 legal education, policy research, guidance, ad-
13 vice, and information provided by the Center
14 under subparagraph (A).

15 (4) COLLABORATION.—The Center shall col-
16 laborate with—

17 (A) the National Agricultural Library; and

18 (B) the National Center for Agricultural
19 Law Research and Information.

20 (c) GRANTS AND LOANS TO RESOLVE OWNERSHIP
21 AND SUCCESSION ON FARMLAND.—The Secretary shall
22 make—

23 (1) grants to resolve property issues relating to
24 ownership and succession on farmland; and

1 (2) loans under section 310I of the Consoli-
2 dated Farm and Rural Development Act (7 U.S.C.
3 1936e).

4 (d) COOPERATIVES SERVING SOCIALLY DISADVAN-
5 TAGED GROUPS.—The Secretary shall provide financial
6 assistance to cooperative development centers, individual
7 cooperatives, or groups of cooperatives—

8 (1) that serve socially disadvantaged groups;
9 and

10 (2) a majority of the boards of directors or
11 other governing boards of which are composed of in-
12 dividuals who are members of socially disadvantaged
13 groups.

14 (e) PILOT PROJECTS.—The Secretary may establish
15 pilot projects to provide technical and financial assistance
16 to socially disadvantaged farmers and ranchers, including
17 projects that focus on land acquisition, financial planning,
18 technical assistance, and credit.

19 (f) HISTORICAL DISCRIMINATION.—The Secretary
20 may provide financial assistance to socially disadvantaged
21 farmers or ranchers that—

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

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

4 (g) FINANCIAL INSTITUTIONS.—The Secretary may
5 support the development of financial institutions that are
6 designed to serve and finance socially disadvantaged
7 groups, including Farm Credit System institutions char-
8 tered under the Farm Credit Act of 1971 (12 U.S.C. 2001
9 et seq.).

10 (h) FINANCIAL AND TECHNICAL ASSISTANCE.—The
11 Secretary shall provide financial assistance, outreach, me-
12 diation, financial training, capacity building training, co-
13 operative development training and support, and other
14 technical assistance to qualified nonprofit organizations
15 that provide services to socially disadvantaged farmers and
16 ranchers.

17 (i) 1890 LAND-GRANT INSTITUTIONS AND CERTAIN
18 OTHER INSTITUTIONS.—The Secretary shall support and
19 supplement research, education, and extension activities
20 at—

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

1 (2) 1994 Institutions (as defined in section 532
2 of the Equity in Education Land-Grant Status Act
3 of 1994 (7 U.S.C. 301 note; Public Law 103–382));

4 (3) Alaska Native serving institutions and Na-
5 tive Hawaiian serving institutions eligible to receive
6 grants under subsections (a) and (b), respectively, of
7 section 1419B of the National Agricultural Re-
8 search, Extension, and Teaching Policy Act of 1977
9 (7 U.S.C. 3156);

10 (4) Hispanic-serving institutions eligible to re-
11 ceive grants under section 1455 of the National Ag-
12 ricultural Research, Extension, and Teaching Policy
13 Act of 1977 (7 U.S.C. 3241); and

14 (5) eligible institutions (as defined in section
15 1489 of the National Agricultural Research, Exten-
16 sion, and Teaching Policy Act of 1977 (7 U.S.C.
17 3361)).

18 (j) GRANTS FOR SCHOLARSHIPS.—The Secretary
19 shall provide grants to—

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

1 (2) land-grant colleges and universities (as de-
2 fined in section 1404 of the National Agricultural
3 Research, Extension, and Teaching Policy Act of
4 1977 (7 U.S.C. 3103)) for scholarships for students
5 or prospective students who are—

6 (A) members of Indian Tribes; and

7 (B) pursuing an agricultural field of study.

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