



Farm and Food Policy Diversity Initiative  
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February 8, 2008

Letter will be sent individually to the following:

The Honorable Nancy Pelosi  
Speaker of the House  
235 Cannon House Office Building  
Washington, DC 20515

The Honorable John Boehner  
House Minority Leader  
1011 Longworth House Office Building  
Washington, DC 20515

The Honorable Harry Reid  
Senate Majority Leader  
528 Hart Senate Office Building  
Washington, DC 20510

The Honorable Mitch McConnell  
Senate Minority Leader  
361-A Russell Senate Office Building  
Washington, DC 20510

The Honorable Collin Peterson  
Chairman  
House Agriculture Committee  
2211 Rayburn House Office Building  
Washington, DC 20515

The Honorable Robert Goodlatte  
Ranking Member  
House Agriculture Committee  
2240 Rayburn House Office Building  
Washington, DC 20515

The Honorable Tom Harkin  
Chairman  
Senate Agriculture Committee  
328 Russell Senate Office Building  
Washington, DC 20510-6200

The Honorable Saxby Chambliss  
Ranking Member  
Senate Agriculture Committee  
416 Russell Senate Office Building  
Washington, DC 20510-6200

Dear :

As the Congress considers the conference agreement for H.R. 2419, the Farm, Nutrition, and Bioenergy Act, you will contend with how to best balance the needs of the food and farm sectors. We respectfully request that you consider items in the farm bill that help to provide a permanent place for socially disadvantaged farmers and ranchers in this nation's production agriculture system. We further urge that this important bill, which also provides for critical nutrition, conservation and other programs, be passed immediately and fully implemented in time for the 2008 crop year.

As the conference committee considers how to fund these key provisions, we express our support for measures to better balance spending by implementing measures such as payment limits. We support such limits when language is included to provide exemptions to these limits for Indian Tribal governments.

Our Farm and Food Policy Diversity Initiative has worked together to ensure fairness and equity were included in the policy debate, and our policy agenda has the support of more than 120 organizations. Not since the 1990 farm bill has there been a grouping that includes African American, Latino, American Indian and Asian American producers and farmworkers who have labored in unity to build a policy proposal across the titles of the farm bill. Our nation's agricultural producers are becoming increasingly ethnically diverse, yet USDA programs and services have historically underserved socially disadvantaged farmers and ranchers, and have failed to recognize farmworkers as a part of agriculture. Provisions included in the current House and Senate versions of the farm bill would not only help counteract lasting patterns of past discrimination, but also assure investment in these present and future producers.

As a whole, the House and Senate bills made numerous improvements in how USDA serves minority farmers. The bills include mandatory funds specifically set aside to assist socially disadvantaged farmers and ranchers in conservation, marketing, outreach, technical assistance, and other services. The bills also include specific measures that direct more benefits to socially disadvantaged farmers and ranchers (SDFR) and take steps to hold the USDA accountable for monitoring and removing gaps in service. Never before have so many measures been taken toward ensuring equality and access to USDA programs; the passage of this farm bill will be a truly historic event for socially disadvantaged producers.

We would like to specifically highlight the House and Senate passed farm bill (H.R. 2419) provisions that pertain to socially disadvantaged farmers and ranchers, and farmworkers and request that these issues receive consideration as you proceed with drafting this critical legislation. Please find below a list of modifications that remain the highest priority of the Diversity Initiative. We request that you review and implement the following recommendations in the final farm bill.

**Critical differences in the final House and Senate bills to be addressed in conference:**

- Eliminate the Senate-added requirement that socially disadvantaged and beginning producers have at least \$15,000 in sales from farming to qualify for the set aside in any conservation program, and that all producers in EQIP meet this threshold.  
*Recommendation: DI strongly opposes this \$15,000 in sales criteria and sees it as a back door effort to redefine what constitutes a farm. Any limitations on access to EQIP or other conservation funds should come with payment limits at the upper end of the sales scale. This provision should be eliminated.*
- Provide mandatory funding of at least \$15 million per year for the 2501 Outreach and Technical Assistance Program for socially disadvantaged farmers and ranchers. (The House bill has \$15 million in mandatory funding; the Senate bill has \$50 million discretionary.) *Recommendation: Combine provisions that strengthen the program and*

expand contracting authority; retain mandatory funding mechanism in House bill and increase annual funds from \$15 million annually in the House closer to the \$50 million level in the Senate. This program is critical if socially disadvantaged farmers are to be able to access new specialty crop and other funds; use mandatory or discretionary funds to expand total funding to \$50 million unless real set-asides are included in new specialty crop programs.

- Provide mandatory funding of \$8 million to cover the cost of at least 85 Extension Indian Reservation Programs to fund extension agents for tribes whose land base is larger than the average US county and whose economic base is agriculture. Recommendation: Add language to the conference report to provide mandatory funding for the program of not less than \$8 million annually to reach at least 85 reservations.
- Provide a set-aside of the conservation funds for all programs in the conservation title. (The House bill sets aside 5% of the Environmental Quality Incentives Program to benefit socially disadvantaged farmers and ranchers and 5% for Beginning Farmers and Ranchers. The Senate bill sets aside 10% of all conservation funding for beginning and socially disadvantaged farmers and ranchers together, limited to individuals who derive at least \$15,000 from agricultural sales). Recommendation: Set aside 10% for socially disadvantaged and 10% for beginning farmers in all conservation programs with no limitation on the value of sales from agriculture, and drop the additional eligibility limitations that would affect these producers.
- Provide a cost share of 90% for socially disadvantaged and beginning farmers in the EQIP program. (The House Bill provides a cost share of 90% for socially disadvantaged and beginning farmers and ranchers in all conservation programs. The Senate bill provides 15% above the State level, not to exceed 90%). Recommendation: Accept the House version at 90% for all conservation programs.
- Provide a new avenue for court consideration of late filed or unresolved claims in the Pigford v. Glickman Consent Decree with adequate funding for resolution of these claims of African American producers. (The House bill provides \$100 million of mandatory funds, and the Senate bill provides \$100 million in mandatory funding plus authorization to seek additional funds.) Recommendation: Accept Senate version of funding and language.
- Restore priority to socially disadvantaged farmers and ranchers for inventory property in the first 135 days the Secretary is able to sell the property. Recommendation: Maintain House language that restores first priority for socially disadvantaged farmers, followed by priority for beginning farmers.
- Stronger requirements for transparency and accountability for socially disadvantaged farmers and ranchers and for reporting data on their participation in USDA programs to the County level. Recommendation: Combine and retain the language in both bills. The House bill contains a public reporting requirement that should be retained.
- Establish a receipt for service. The House bill contains more comprehensive language that makes the receipt a requirement for all programs. Recommendation: The House language should be maintained.
- Remove barrier to funding by USDA of offices on Indian reservations. House language also removes additional criteria requiring demonstration of need. Recommendation: Retain House version of language removing the barrier to funded offices.
- Provide a 10% set aside of funds for socially disadvantaged and beginning farmers in the

Rural Value Added Grants Program and of 20% for socially disadvantaged producers in the Rural Value added program. Recommendation: Maintain the House language for both programs.

**The Conference should also accept the following provisions included only in the Senate bill:**

- Advance cost-share payments for socially disadvantaged farmers and ranchers. (*The Senate bill includes an EQIP allowance for advance payments up to 30% for socially disadvantaged farmers and ranchers; the House has no such provision.*)  
Recommendation: Accept the language added in the Senate bill.
- Assure access to specialty crops block grants and purchase programs for the at least 12% of specialty crop producers who are socially disadvantaged farmers and ranchers.  
Recommendation: Maintain language in the Senate bill requiring states to take the expertise and opinions of socially disadvantaged and beginning farmers as a minimum step toward open access, and consider more substantive increases in the 2501 Program if specialty crop programs lack policies and resources to assure inclusion of socially disadvantaged producers.
- Provide legislative authority for Small and Beginning Farmers and Ranchers Coordination function at USDA as a departmental wide coordinating authority for programs and services for small, beginning and socially disadvantaged producers.  
Recommendation: Maintain language in the Senate bill, make technical corrections to include socially disadvantaged producers in each section where small and beginning farmers are mentioned. Make this office a programmatic entity separate from civil rights accountability functions to focus on building a future in USDA programs for socially disadvantaged and other small and beginning producers.
- Enact a moratorium on accelerations and adverse actions against socially disadvantaged farmers and ranchers with a current or newly filed discrimination claim until the Secretary reviews the case or a court action is filed, and waives interest and offsets during the period of the moratorium. (*If the farmer or rancher does not prevail in the claim, interest and offsets must be repaid.*) Recommendation: Accept the Senate language, but eliminate or change language holding claimants who do not prevail liable for accrued interest and offsets to specifically waive accrued costs for the period of consideration of the claim.
- Establish a standing disaster fund within the emergency grants for farmworkers program with \$2 million in discretionary funding. Recommendation: Accept the Senate language establishing this fund; maintain existing language that also allows appropriations as need for the emergency program.
- Support the Sense of the Senate on resolution of all civil rights claims that calls upon the Secretary to resolve all claims and class actions—including the Keepseagle (Indian producers, filed 11/24/1999), Garcia (Latino producers, filed 10/13/2000), Love (Women producers, filed 10/19/2000) class action suits—brought against the department by socially disadvantaged producers in a fair and expeditious manner. Recommendation: Maintain the Senate language.
- Improve forestry programs to respect cultural uses of land and to include landowners of diverse cultures in decision-making. Recommendation: Maintain the Senate language.
- Civil Rights Oversight and Compliance and Reports to Congress – (*The Senate bill*

*requires the Assistant Secretary for Civil Right to use the data collected on socially disadvantaged farm participation in programs in compliance reviews, and also to report to Congress on discrimination claims, resolution and actions by USDA agency.)*  
*Recommendation: Maintain the Senate language.*

**The Conference should also accept the following provisions included only in the House bill**

- Extend the Right of First Refusal to reacquire a homestead property to members for the immediate family member of borrower-owners who are socially disadvantaged farmers or ranchers. *Recommendation: Maintain the House language.*
- Provide incentives to facilitate the transition of land subject to a Conservation Reserve Program contract to a beginning farmer or rancher or socially disadvantaged farmer or rancher. Language in the House bill allows the Secretary to allow the beginning or socially disadvantaged farmer or rancher to make conservation and land improvements and begin the organic certification process beginning one year before the termination of the contract and gives the Secretary authority to provide priority enrollment in the comprehensive stewardship incentives program for the beginning or socially disadvantaged farmer or rancher. *Recommendation: Maintain the House language.*
- Set aside 25% of Beginning Farmer and Rancher Development Program for socially disadvantaged farmers and ranchers, and provide mandatory funding of \$15 million per year. *Recommendation: Maintain the House language.*
- Establish Minority Farmer and Rancher Advisory Committee in the USDA Office of Outreach that can also review complaints and recommend action to the Secretary. *Recommendation: Maintain the House language.*

**The following critical provisions in both bills should be maintained in Conference:**

- More accurate tracking of socially disadvantaged farmers and ranchers in the Census of Agriculture.
- Establishment of a Farmworker Coordinator with the authority to operate the Emergency Grants to Farmworkers program.
- Priority for socially disadvantaged and beginning farmers and ranchers in credit programs.
- Increase funding and support for minority-serving educational institutions.
- Preferences in the Value-Added Marketing Program and the Rural Cooperative Development program to benefit socially disadvantaged farmers and ranchers.
- Discretionary authority for the Secretary of Agriculture to make and insure loans to individual Native American Indian farmers or ranchers for the purpose of consolidating highly fractionated lands.

In addition, we the undersigned organizations strongly support full funding of the food stamp program with the strongest eligibility standards possible, making Indian Tribes eligible to manage food distribution programs, and to purchase and include traditional and local foods in food packages, and mandating a review of the nutritional value of food packages.

We further support mandatory funding for the Community Food Security Program of \$10 million

and of the Beginning Farmer and Rancher Development Program at \$15 million, as well as the House version language supporting geographic preference for the procurement of locally produced foods. We also recommend that the Urban Agriculture Provision in the House bill be retained. We also support adequate funding of conservation programs.

As you move to Conference, we urge you to speedily pass a farm bill that includes these specific legislative recommendations that would assure that socially disadvantaged producers have the access they deserve to these new programs. The results of our efforts to foster and sustain diversity in the farming sector, to protect our rural communities, and to provide healthy and nutritious food for all our citizens are now in your hands. We thank you for your support of socially disadvantaged producers.

Sincerely,

Farm and Food Policy Diversity Initiative

Rural Coalition/Coalición Rural, Washington, DC

Intertribal Agriculture Council, Billings, MT

National Latino Farmer and Rancher Trade Association, Washington, DC

Indian Nations Conservation Alliance, Twin Bridges, MT

Empire State Family Farm Alliance, Johnstown, NY

Winston County Self Help Cooperative, Louisville, MS

Agricultural Missions, Inc., New York, NY

Ladies of Charity, Chemung County, NY

Church Women United, Chemung County, NY

New York State Church Women United

Court St Joseph #139, Catholic Daughters of the Americas, Chemung County, NY

Past Regents Club CDA of the Diocese of Rochester, NY

Horseheads Grange #1118, Chemung County, NY