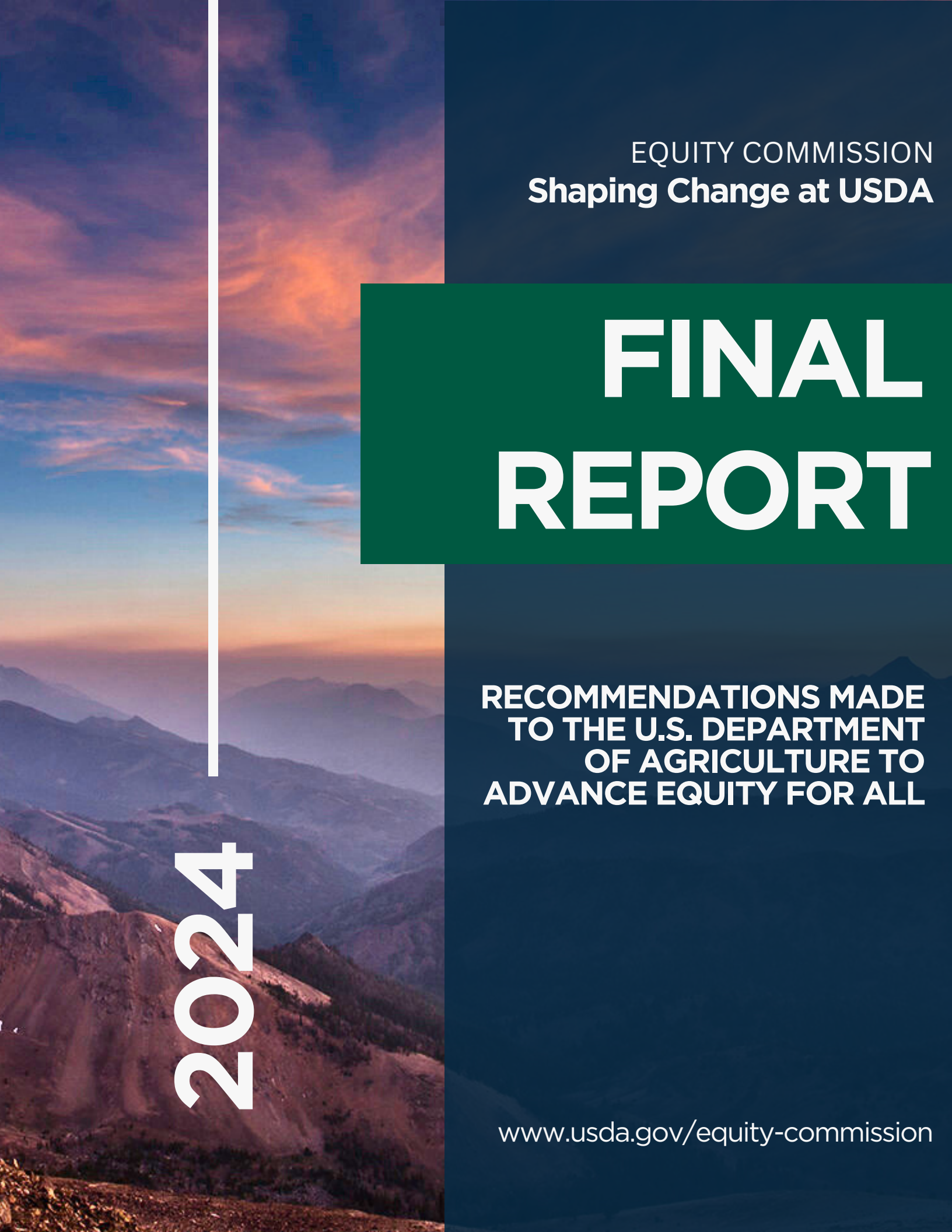




EQUITY COMMISSION
Shaping Change at USDA

FINAL REPORT

**RECOMMENDATIONS MADE
TO THE U.S. DEPARTMENT
OF AGRICULTURE TO
ADVANCE EQUITY FOR ALL**

2024

www.usda.gov/equity-commission

Letter to the Secretary

February 22, 2024

Thomas J. Vilsack
Secretary, U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, D.C. 20250

Dear Secretary Vilsack:

The USDA Equity Commission recognizes the progress the Department has made in its commitment to equity since January 2021, when President Biden signed [Executive Order 13985](#) On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. In acknowledgement of this commitment, we appreciate the opportunity to make the enclosed recommendations to further advance equity at USDA. At the outset we must also acknowledge and express our gratitude for your personal commitment and actions to address equity issues at USDA.

In preparation for this final report, the Equity Commission held six public meetings:

- February 28, 2022
- May 10-11, 2022
- September 21-22, 2022
- January 31 – February 2, 2023
- June 27-29, 2023
- October 24-26, 2023

At each of the public meetings, input was gathered from the public through written and oral comments. The comments were shared with members of the Equity Commission for their consideration and are posted on the public [Equity Commission website](#).

Appendix A includes a list of USDA Staff from whom the Equity Commission members received briefings from during their tenure.

Additionally, USDA provided a [library of resources](#) to the Equity Commission including relevant Executive Orders, American Rescue Plan documents, Government Accountability Office (GAO) Reports and Findings, USDA internal reports and findings, USDA advisory committee reports and findings, and USDA strategic plans and Equity Action Plans. Appendix B is a list of these resources.

The attached final report includes our set of 66 recommendations, 32 of which were included in our interim report, and all of which were approved unanimously at the sixth public meeting.

Our goal was not to duplicate the significant efforts already underway at USDA, but to identify additional steps for embedding equity into USDA's policies, practices, and

processes. Many of the issues and recommendations we identified are not new. However, they will require renewed commitment from USDA to improve its customer-facing business processes and address historical inequities whose impacts continue to the present moment. Our recommendations are rightfully focused on underserved farmers, ranchers, rural communities, and other eligible USDA program recipients. We also strongly emphasize that our work is ultimately aimed at making USDA a better institution for every American. The Commission was unified in its view that the needs and concerns of farmworkers, immigrants, and their families are of vital importance to the highly productive and successful U.S. farm economy and rural development in general. Agricultural policy makers must begin to make consideration of these critical issues a regular part of their discussions going forward.

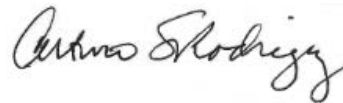
Since the interim report, we have spent time researching and further refining recommendations while also working with the Rural Community Economic Development Subcommittee to develop an additional set of recommendations. It is an honor to be a part of this important work.

On behalf of our fellow Commission members, we want to thank you again for the opportunity to help advance equity at USDA.

Sincerely,



Ertharin Cousin
Co-Chair,
USDA Equity Commission



Arturo S. Rodríguez
Co-Chair,
USDA Equity Commission

Equity Commission Members

Asterisks (*) indicate Special Government Employees (SGE). SGEs provide temporary service to the Government, not to exceed 130 days during any period of 365 consecutive days with or without compensation.

- **Shorlette Ammons***, *Farm Aid*
- **Dr. Jewel Bronaugh**, *Former USDA Deputy Secretary (Co-Chair 2021-2023)*
- **Todd Corley***, *Carhartt*
- **Ertharin Cousin**, *Food Systems for the Future*
- **Derrick Johnson***, *NAACP*
- **Yvonne Lee***, *U.S. Commission on Civil Rights (Retired)*
- **Elizabeth Lower-Basch***, *Center for Law and Social Policy*
- **Dr. Mireya Loza***, *Georgetown University*
- **Dr. Ronald Rainey***, *University of Arkansas*
- **Charles Rawls***, *USDA (Retired)*
- **Dr. Hazell Reed**, *National Black Growers Council (Retired)*
- **Arturo S. Rodríguez***, *United Farm Workers*
- **Shirley Sherrod**, *Southwest Georgia Project for Community Education*
- **Poppy Sias Hernandez***, *State of Michigan*
- **Rick Smith**, *Dairy Farmers of America (Retired)*
- **Toni Stanger-McLaughlin**, *Native American Agriculture Fund*

Agriculture Subcommittee Members

- **Erica Lomeli Corcoran**, *United Farm Workers Foundation*
- **Dr. Gina Eubanks***, *Louisiana State University AgCenter*
- **Janssen Hang**, *Hmong America Farmers Association*
- **Phillip Johnson (P.J.) Haynie, III**, *Haynie Farms LLC*
- **Savonala “Savi” Horne***, *North Carolina Association of Black Lawyers Land Loss Prevention Project*
- **Michelle A.T. Hughes**, *National Young Farmers Coalition*
- **Kari Jo Lawrence**, *Intertribal Agriculture Council*
- **Gary Matteson**, *Farm Credit Council*
- **Dr. Alexis Racelis***, *University of Texas Rio Grande Valley*
- **Russell Redding**, *State of Pennsylvania*
- **Shari Rogge-Fidler**, *Farm Foundation*
- **Dr. Jennie Stephens**, *Center for Heirs’ Property Preservation*
- **Sarah Vogel**, *Sarah Vogel Law Office*

Rural Community Economic Development Subcommittee Members

- **Calvin Allen**, *MDC Rural Forward Initiatives*
- **Valerie Beel**, *Valerie Enterprises LLC*
- **David Carrasquillo-Medrano**, *¡Planifiquemos!*
- **Shonterria Charleston**, *Housing Assistance Council*
- **Nils Christoffersen**, *Wallowa Resources*

- **Cheryal Hills**, *Region Five Development Commission & North Central Economic Development Association*
- **Larry Holland**, *Holland Hills Farm*
- **LaTonya Keaton**, *CoBank*
- **Doug O'Brien**, *National Cooperative Business Association*
- **Terry Rambler**, *San Carlos Apache Tribe*
- **Lakota Vogel**, *Four Bands Community Fund*
- **Curtis Wynn**, *SECO Energy*

Staff

The Commission would like to express appreciation and gratitude to the Designated Federal Officer Cecilia Hernandez and the supporting staff.

Federal Staff

- Catherine Doyle-Captiman (2023-2024)
- Dallas Selle (2023-2024)
- Tanika Whittington (2023-2024)
- Jessica Medina (2023)
- Karen Patyk (2023)
- Laura Crowell (2022)
- Courtney Niegocki (2021-2022)

Contract Support Team – Star Cypress Partners

- Amanda Dell
- Brittany Doucette
- Heidi Jackson Everett
- Nisha Galione
- Margaret Graves
- Zach Huebschman
- Madison Loura
- Elizabeth McDonald
- Marisa Rudolph
- Linus Savage
- Duane Tolson
- George Logan Vega
- Beth Williams
- Lucy Williams

Table of Contents

I.	Executive Summary.....	8
II.	Support of the Federal Government’s Focus on Equity	10
III.	Historical Context.....	11
IV.	About the Commission and its Subcommittees	16
V.	Goals of the Commission and its Subcommittees	17
VI.	Commission Workplan.....	19
VII.	Promoting Accountability and Transparency: Compilation of Historical Recommendations	20
VIII.	Advancing Department-wide Equity	21
	Recommendation 1: Institutionalize Equity	21
	Recommendation 2: Legislation to Ensure Accountability for Equity.....	21
	Recommendation 3: Elevate the Office of Tribal Relations.....	23
	Recommendation 4: Language Access.....	23
	Recommendation 5: Customer Experience	24
	Recommendation 6: Annual Compliance Reviews	24
	Recommendation 7: Equity Audits	25
	Recommendation 8: Office of the Assistant Secretary for Civil Rights.....	25
	Recommendation 9: Private-Public Partnerships	26
	Recommendation 10: Procurement	27
	Recommendation 11: Biennial Research Report.....	29
	Recommendation 12: Strategic Outreach.....	29
IX.	Working with Farmers and Ranchers Day-to-Day	30
	Recommendation 13: Heirs’ Property and Fractionated Land	30
	Recommendation 14: Land Access	31
	Recommendation 15: Conservation	32
	Recommendation 16: Technical Assistance and Outreach.....	33
	Recommendation 17: Subsistence Farmers.....	35
	Recommendation 18: Farm Service Agency Loan Programs.....	35
	Recommendation 19: Base Acres Modernization	36
	Recommendation 20: County Committees.....	37
	Recommendation 21: Office of Small Farms.....	40
X.	Supporting Farmworkers and Their Families.....	41
	Recommendation 22: Staffing Farmworkers’ Work	41
	Recommendation 23: Interagency Farmworker Service Council.....	41
	Recommendation 24: Farmworker Nutrition	42

Recommendation 25: Farmworkers’ Access to USDA Programs	42
Recommendation 26: Funding for Farmworkers	42
XI. Strengthening Research and Extension Programs.....	44
Recommendation 27: The Federally Recognized Tribal Extension Program.....	44
Recommendation 28: 1890s Institutions Matching Requirements	45
Recommendation 29: Cooperative Extension Service Programming.....	45
Recommendation 30: Cooperative Agreements and Competitive Grants	45
Recommendation 31: Distinctions that Allow Access to Endowments and Appropriations.....	46
XII. Ensuring Equitable Nutrition Assistance for Those in Need	47
Recommendation 32: Supplemental Nutrition Assistance Program (SNAP)	47
Recommendation 33: Thrifty Food Plan (TFP)	48
Recommendation 34: Customer-Centered Service of the Supplemental Nutrition Assistance Program (SNAP).....	48
Recommendation 35: Review of Vendor Access in Nutrition Programs.....	48
XIII. Recognizing Immigrants and Their Families.....	50
Recommendation 36: A Pathway to Citizenship	51
Recommendation 37: Right to Access Agricultural Land	52
Recommendation 38: Equitable Compensation and Protection for Agricultural and Food System Workers.....	53
Recommendation 39: Equitable Access to Rural Housing Service (RHS) Programs.....	53
XIV. Revitalizing Rural America: A Path to Equitable Growth.....	54
XV. Enhancing Rural Development Operations.....	57
Recommendation 40: Staffing	57
Recommendation 41: Staff Skillset.....	57
Recommendation 42: Partnership Models	58
Recommendation 43: RD State Advisory Committee	59
Recommendation 44: Demographics of Funding/Lending Recipients	59
Recommendation 45: Measures of Success	60
Recommendation 46: Environmental Justice.....	61
Recommendation 47: Using Technology to Increase Access to Rural Development Programs	62
Recommendation 48: Office of Coordinated Community Response.....	63
XVI. Supporting Rural Communities	65
Recommendation 49: Housing as Infrastructure.....	65
Recommendation 50: Program Standards for Single Family Housing	66
Recommendation 51: Equitable and High-Quality Affordable Multi-Family Housing	66

Recommendation 52: 502 Loan Product	67
Recommendation 53: 504 Grant Program	68
Recommendation 54: Broadband	68
Recommendation 55: Improve Support for Underserved Communities Through Rural Utilities....	69
Recommendation 56: Edge-of-Grid Lending.....	70
Recommendation 57: Prevent Displacement through Equitable Land Zoning and Community Participation.....	71
Recommendation 58: Expanded Financing Options for Community Facilities Projects	72
Recommendation 59: Community Facilities Direct and Guaranteed Loan and Grant Program	72
Recommendation 60: Removing Barriers for Community Facilities Direct and Guaranteed Loan and Grant Programs.....	73
XVII. Strengthening Rural Economies.....	76
Recommendation 61: Matching Waivers for RD Programs and Grants	76
Recommendation 62: Rural Business Loans - Financing for Native Agricultural Producers by Microenterprise Development Organizations (MDOs)	76
Recommendation 63: Loan Loss Reserve Requirement.....	77
Recommendation 64: Equitable Lending Frameworks	77
Recommendation 65: Investing in Cooperatives	78
Recommendation 66: Rural Energy for America Program	78
XVIII. Conclusion	80
Appendix A	81
Appendix B.....	82
Appendix C.....	87

I. Executive Summary

In the pursuit of a more equitable food, agricultural, and rural landscape, the USDA Equity Commission presents its final recommendations – a comprehensive guide for long-lasting change within USDA programs, policies, and procedures. Mandated by [Section 1006 of the American Rescue Plan Act](#) (ARP), as amended by Section 22007 of the [Inflation Reduction Act](#) (IRA), the Commission has systematically researched a plethora of documents, including historical reports and audits, analyzed hundreds of public comments, and engaged with numerous USDA leadership and program staff to develop a total of 66 recommendations. This final report marks the culmination of these efforts and builds on the [Interim Report](#) findings submitted to Secretary Vilsack in February 2023. These recommendations, each approved unanimously by the Commission, outline actionable steps the Commission suggests both USDA and Congress take to address documented historic discrimination, eliminate any and all barriers to accessing Department programs, and ensure equity for all Americans touched by USDA.

Informed by Executive Orders on racial equity and diversity (EO 13985, EO 14035), the Commission remains steadfast in guiding USDA’s efforts to address historic and current discrimination and promote equity. This final report serves as a roadmap for meaningful and lasting change, setting the stage for a more inclusive, just, and responsive USDA. The subsequent sections of this report provide detailed insights into the Commission’s mission and structure, historical context, and the 66 specific recommendations to the Secretary with justifications.

The recommendations focus on the following areas for near and long-term action:

1. Advancing Department-wide Equity
2. Working with Farmers and Ranchers Day-to-Day
3. Supporting Farmworkers and their Families
4. Strengthening Research and Extension Programs
5. Ensuring Equitable Nutrition Assistance to those in Need
6. Recognizing Immigrants and their Families
7. Enhancing Rural Development Operations
8. Supporting Rural Communities
9. Strengthening Rural Economies

These recommendations represent the Commission’s interpretation of the priority issues affecting the equitable access and availability of USDA services and programs. The reexamination of past actions as well as briefings on the USDA present and ongoing Department-wide equity related changes informed the Commission’s critical and exhaustive review of existing USDA structures, programs, and services. The Commission recognizes the USDA is about the people – the tens of thousands of decent hardworking people serving within the Department and the millions served by the Department. The Commission was privileged to hear from many of those dedicated public servants throughout our work process. While acknowledging the positive ongoing efforts of this Administration, the recommendations reflect the Commission’s shared recognition that for too many Americans, the collective impact and compounding harm of inequitable past practices endure today.

Moreover, it is critical that the Department build the infrastructure for an equitable future, across leadership and administrations.

This Commission committed to and now proudly recommends sweeping and generational change. The recommended changes seek to interrupt the perpetuation of any and all USDA discriminatory and unfair systems, operations, policies and actions. Equity is not about one versus another; it is about ensuring ALL receive equitable treatment. The operational changes thoughtfully recommended by the Commission reflect our shared vision of “the People’s Department” – a just and equitable USDA at every level, across every agency now and for the future. The Commission hopes that Congress and the Department embrace the recommendations as a roadmap to that future.

II. Support of the Federal Government's Focus on Equity

In January 2021, President Biden signed [Executive Order 13985 On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) and committed to creating an Equity Commission as part of his rural agenda and commitment to closing the racial wealth gap by addressing longstanding inequities in agriculture.

In March 2021, [Section 1006 of the American Rescue Plan](#) (ARP) (as amended by Section 22007 of the [Inflation Reduction Act of 2022](#)) directed USDA to establish the Equity Commission and provided funds sufficient to ensure the Commission is well staffed and positioned to deliver on its charge. A [report](#) on the implementation of the ARP provides details on how each Federal Agency, including USDA, has taken steps to ensure that equity was part of the fabric of the program. Additionally, each Federal Agency was required to submit an Equity Action Plan to the White House.

To inform USDA's Equity Action Plan, the Department issued a [request for information](#) (RFI) on June 16, 2021, which sought information from the public to help identify opportunities in current USDA policies, regulations, and guidance that would be useful in addressing systemic inequities. USDA received more than 400 public comments from individuals, advocacy organizations, Tribal entities, state, and local governments, and more. These [submissions](#) informed [USDA's Equity Action Plan](#), published February 10, 2022, which states a clear and strong commitment to equity in the programs and operations of the Department, and provides a roadmap, in broad terms, for the equity work of the Department and each of its Agencies for the future.

The Commission supports and applauds ongoing USDA Equity initiatives including, but not limited to:

- USDA Equity Action Plans
- Mission Area and Program Initiatives
- Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plans
- Creation of a USDA DEIA Office and hiring of a Chief Diversity and Inclusion Officer
- ARP and IRA Funding and Implementation

III. Historical Context

The Commission applauds the recent Administration's actions on equity to address historical and systemic discrimination. It is clear that Secretary Vilsack is striving to make USDA a leader in this challenging work. The Commission considers its primary equity charge to be forward looking: What data is useful to detect and document disparities in USDA programs and personnel so that it can move forward in a more equitable way? What barriers can we identify and eliminate to improve access and availability of USDA programs and services for all eligible Americans moving forward?

Across America and many parts of the world, dedicated individual employees of USDA do important work to accomplish the Department's many missions. A report on these various programs and activities and their successes would fill many volumes. USDA feeds millions of food insecure Americans every day, ensures a safe and wholesome food supply, provides clean water to thousands of rural communities, conducts vital research, provides critical solutions for plant and animal diseases, provides quantifiable soil and water conservation and forest management for a better environment, promotes markets for U.S. agricultural products, and provides stability and an economic safety net for America's farmers and ranchers.

USDA serves the American public every day in hundreds of ways. Therefore, it is vital that its programs are delivered equitably, efficiently, and fairly. Studies, listening sessions, and personal testimony informed the Commission, confirming that discrimination and unfair treatment has existed in numerous USDA programs—loans, grants, and services—as well as internally within hiring and promotion practices. Unfortunately, many inequities continue still today.

Historic injustices have created barriers to access to USDA programs which have caused present day challenges regarding wealth disparity, heirs' property issues, lack of awareness and use of innovative technology, and relatively smaller farm sizes. Unfortunately, some individuals who have interacted with USDA have come away with the belief that discrimination, bias, or unfairness played a role in limiting their access to services and benefits. Such issues have been the subject of USDA Commission reports and class action lawsuits.

The United States has long recognized Tribes as sovereigns, negotiating numerous treaties and agreements in exchange for land and peace. Nearly 200 treaties have agriculture related provisions and include such things requiring the U.S. government to provide agricultural products and other assistance on farming. Throughout history, however, Federal laws and policies did not consistently foster a nation-to-nation relationship with Tribes. Tribal land loss is a staggering historical reality; it encompasses the reduction of lands originally possessed by American Indians and Alaska Natives from millions of square miles to roughly 56 million acres—or about 220,000 square kilometers—managed in trust by the United States for various tribes and individuals by the dawn of the 21st century.¹ This dramatic contraction signifies a loss exceeding 98 percent of their ancestral territories. Moreover, contemporary conditions reveal that a significant portion of Tribal agricultural land, totaling 26.44 percent, is currently leased to non-native producers.²

Up until 1990, USDA informed Tribal communities that they should pursue Department of the Interior programs for conservation resources. In 1990, there was a Congressional directive for USDA to provide these funds and services across Indian Country. Historically, USDA policies and eligibility requirements often supported western models of agriculture and did not reflect Indigenous Knowledge or practices. For example, most Tribal lands are held by the federal government in trust for the benefit of a Tribe or Tribal members. USDA historically categorized these lands as “federal lands” and, therefore, were deemed ineligible for certain agriculture resources and grazing permits. Additionally, although Tribal and Native people were America’s first producers, their traditional practices and agricultural education was typically excluded from the national network of agricultural extension, as their academic institutions were not viewed as being included as land-grants until 1994.

Since the founding of USDA, historical exclusionary practices and policies have disproportionately impacted minority groups. As a result, generations of these groups have been placed at a disadvantage. Several months after President Abraham Lincoln signed the legislation that created the USDA, he would issue the Emancipation Proclamation. And from the onset, USDA neglected to support aspiring African American farmers and rarely addressed the additional challenges they faced. From enslaved labor toiling on plantations to Black farmers who pushed for the unfulfilled promise of “40 acres and a mule,” African Americans have faced additional hurdles to participate in agriculture.

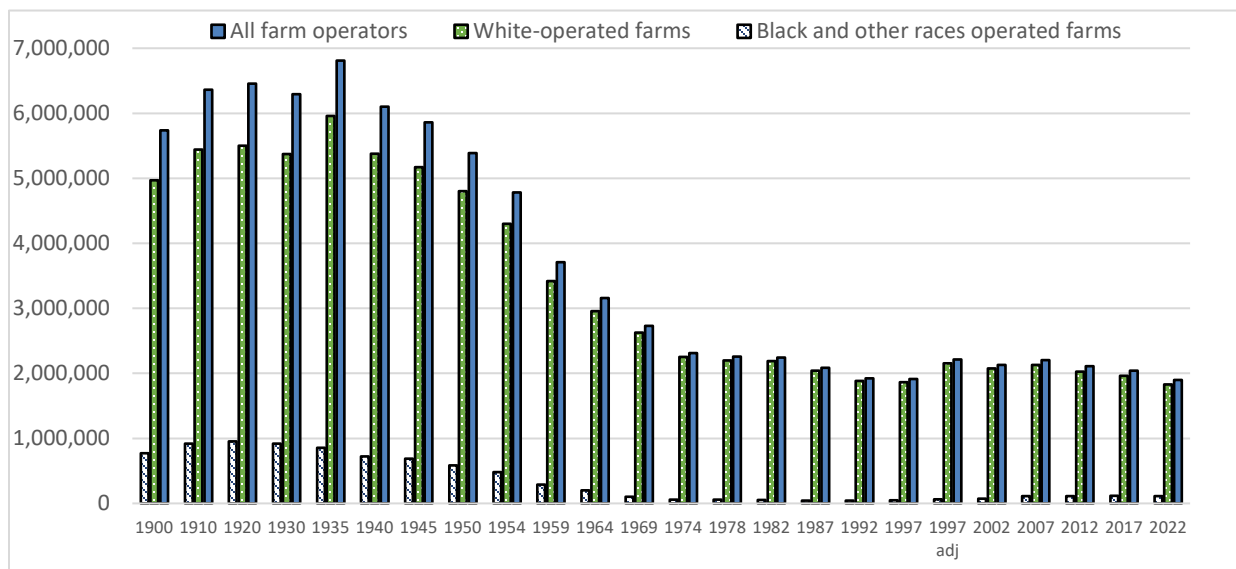
¹ U.S. Department of the Interior, Bureau of Indian Affairs. “Land Area of American Indian Reservations.” BIA Annual Report, U.S. Department of the Interior, 2021.

² Village Earth. “Lost Agriculture Revenue Database: Quantifying Disparities in Agricultural Revenue on Native Lands.” Native Land Information System, July 16, 2022, <https://nativeland.info/explore-topics/lost-agriculture-revenue-database/>

Beyond the creation of the USDA, President Lincoln deepened the nation’s commitment to agriculture by signing the Morrill Act in 1862 which would create the land grant college system focused on teaching agriculture through a three-pronged approach: teaching, research, and extension. And while the USDA supported research and teaching of agriculture at historically white land grant universities, they provided very little support to African American universities. It was not until 1890 that the Second Morrill Act selected and funded historically black colleges and universities to become land-grant institutions. Racially excluded from many farmer organizations, Black farmers created their own organizations during the late 19th century including Colored Farmers’ National Alliance and New Farmers of America (NFA) to keep young African American students invested and learn about agriculture.

While the size of Black farmland grew from the 1860s-1920s, during the remainder of the 20th century there was a rapid decline in both the number of Black farmers and their land. Public data provides irrefutable evidence that between 1910 and 1997 Black farmers lost nearly 90 percent of their valuable farmland (See Figure 1).³ The declining number of Black farmers and the loss of farmland is often erroneously framed as solely a result of the great migration and a declining interest within the Black community to farm. While Black farmers have lost their farms at a disproportionately higher rate than white farmers, it is also clear that farms across the nation have declined rapidly since the turn of the century. This decline is in no small part due to policies that have made it increasingly difficult for all small and mid-sized producers to compete.

Figure 1. Farms by Race of Principal Operator, 1900 to 2022⁴



³ The issue of black land loss is pervasive, encompassing a broad range of factors and consequences throughout the United States (see generally Francis et al.). Francis, Dania V., et al. “Black Land Loss: 1920–1997.” AEA Papers and Proceedings, vol. 112, 2022, pp. 38-42. DOI:10.1257/pandp.20221015.

⁴ United States Department of Agriculture. 1840-2021. “USDA Census of Agriculture Historical Archive.” USDA Census of Agriculture Historical Archive. Washington, DC: United States Department of Agriculture. <https://agcensus.library.cornell.edu/>.

Policies such as the Agricultural Adjustment Act (AAA) of 1933 led to the displacement of many Black tenant farmers and sharecroppers. AAA also gave local committees (also known as county committees) the power to implement policies, and these local committees, by and large, were composed of white farmers who had little to no interest in supporting Black farmers. Equitable representation of minorities on these influential committees that control access/eligibility to a number of USDA programs is a struggle that continues in 2024. AAA policies also favored large scale commercial farmers over smaller more diverse agricultural operations. Programs initiated by the AAA often failed to address the needs of Black farmers and exacerbated the disparities within the agricultural sector. Black farmers who participated in the civil rights movement often faced violence and intimidation tactics which also played out within county committees who withheld resources from Black farmers who called for social justice, civil rights, and political change. And many Black farmers documented their experience with discriminatory county committee practices by writing to USDA officials who too often ignored their requests and continued with the status quo.

Additionally, well-documented data confirms the long-lasting impact of the Chinese Exclusion Act of 1882,⁵ Alien Land Laws and the internment of Japanese Americans during World War II which resulted in a loss of Asian agriculture ownership from the late 19th to mid-20th century. While difficult to quantify, the data also substantiates that inequitable practices have harmed the success and contributed to the loss of farms for Hispanic and Indigenous farmers. Anecdotal and recorded evidence substantiates the fact that limited access to credit and unreasonable bureaucratic requirements are persistent barriers to economic development and success for Native American and Native Hawaiian producers. Recorded data also verifies that the lack of access to language services, outreach, and nutrition programs negatively impact Asian American and Hispanic farmers and other immigrant farmworkers and their families.

When nearly all other American workers won the right to organize into unions, and to be paid a minimum wage and overtime under the New Deal in the 1930s, farmworkers were—and remain—excluded. Economic benefits accrue to landowners as a result of exclusionary policies on health and workplace safety available to all other workers in the U.S. Undeniably there is a strong element of racial discrimination involved. While Hispanic farmworkers have dominated in the West and are now nationally disbursed, African American farmworkers were largely concentrated in the South.

⁵ United States. Congress. “An Act to Execute Certain Treaty Stipulations Relating to the Chinese.” Enrolled Acts and Resolutions of Congress, 1789-1996, 6 May 1882, General Records of the United States Government; Record Group 11, National Archives. National Archives, www.archives.gov/milestone-documents/chinese-exclusion-act.

During the 1950s- '60s civil rights movement, Filipino workers joined the Agricultural Workers Organizing Committee founded by Phillip Vera Cruz, Larry Itliong, and other leaders. In 1965, they began the historic Delano grape strike and asked the Latino National Farm Workers Association, led by Cesar Chavez, Dolores Huerta, and Gilbert Padilla, to join them. The two unions merged in 1966 to form the United Farm Workers. The five-year grape strike and a three-year international boycott of California table grapes—backed by millions of consumers—convinced grape growers to sign their first union contracts in 1970, creating the first enduring farm worker union in U.S. history. Solidarity between the races was a key factor with little support from USDA on behalf of workers.

This long history of systemic discrimination has left an indelible mark on many communities across the country. The “Get Big or Get Out” USDA mantra has pushed many programs and policies that have further strained marginalized communities and influenced our existing agricultural structure. In fact, since January 1981, 536,000 farms and 165 million acres of farmland have been lost.⁶ This trend cannot continue. To shape a better tomorrow, we must recognize the past and acknowledge the numerous practices and policies that have, intentionally or inadvertently, left many farmers, producers, and their communities at a disadvantage in the current American landscape.

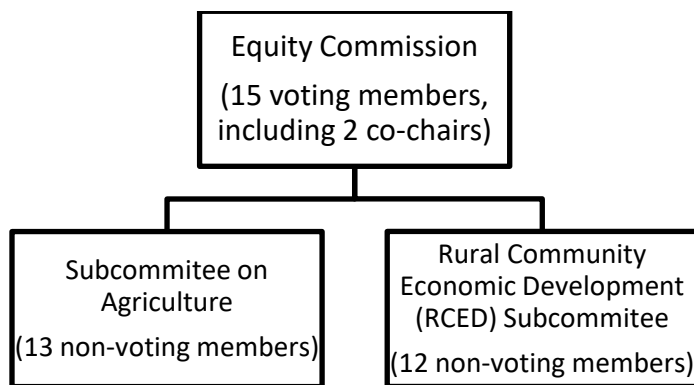
⁶ United States Department of Agriculture. *2022 Census of Agriculture: United States Summary and State Data, Volume 1, Chapter 1*. National Agricultural Statistics Service, 2022. U.S. Department of Agriculture, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.nass.usda.gov/Publications/AgCensus/2022/Full_Report/Volume_1,_Chapter_1_US/usv1.pdf Accessed 19, February 2024.

IV. About the Commission and its Subcommittees

The purpose of the Equity Commission is to advise the Secretary of Agriculture by (1) providing USDA with an analysis of how its programs, policies, systems, structures, and practices contribute to systemic discrimination, construct barriers to inclusion or access, and exacerbate or perpetuate racial, economic, health and social disparities, and (2) recommending corrective actions. The Equity Commission is subject to the requirements of the Federal Advisory Committee Act (FACA) and its membership and charge are established under a [charter](#), as required by FACA.

The Equity Commission includes a Subcommittee on Agriculture, and a Rural Community Economic Development (RCED) Subcommittee (See Figure 2 below). The recommendations of the Agriculture Subcommittee in this report address issues and concerns specifically related to agriculture and conservation. The recommendations of the RCED Subcommittee address issues and concerns related to rural housing, rural utilities, and rural business and community development, persistent poverty, and underserved communities.

Figure 2. Structure of the Commission and its Subcommittees



In September 2021, the [Federal Register Notice](#) called for nominations for the Equity Commission and its Subcommittee on Agriculture. [Members](#) were appointed by the Secretary in accordance with the membership balance plan in February 2022. Nominations for the RCED Subcommittee were solicited in the [Federal Register](#) in April 2022, with members named in August 2022.

Under its charter, the duties of the Commission are solely advisory. Commission recommendations will aid USDA in achieving its goals by helping the Department improve access to programs and services for all Americans and serve all its diverse stakeholders with greater fairness and equity.

V. Goals of the Commission and its Subcommittees

Based on stakeholder engagement and former recommendations, the following goals for the Equity Commission and its Subcommittees were established by USDA.

Equity Commission Goals:

- Identify and recommend actions to remove barriers to equitable access and use of USDA programs, policies, systems, structures, and practices, including impediments that are internal, external, discretionary, or statutory.
- Recommend actions and solutions that address racial equity issues, expand assistance, and provide support for historically underserved customers and communities needed for equitable access to USDA programs and services.
- Recommend actions and solutions that address broader and more systemic equity issues at USDA.
- Recommend actions that will ensure USDA is a modern, competitive workplace with an organizational culture that prioritizes diversity, equity, inclusion, and access for its staff and customers alike.

Subcommittee on Agriculture Goals:

- Improve technical assistance necessary for navigating USDA programs and services.
- Improve access to capital.
- Improve access to programs and services related to agriculture and land use.
- Implement programs and services to mitigate effects of climate change, including improvements in risk management, conservation, and forestry programs.
- Address access to land, including financing programs and addressing unique issues related to heirs' property, fractionated land, and other land access/retention issues.
- Increase market access to facilitate expanded access for value added opportunities (e.g., processing, trade, and marketing).
- Enhance customer service via improved USDA staffing, training, and transformation of the organizational culture within USDA.
- Review supporting functions such as county committees, conservation districts, and advisory boards.
- Improve use of data and technology both to ensure access and to increase accountability.
- Improve USDA performance measurement and program evaluation so that implemented recommendations can be monitored, tracked, and reported with real outcomes.
- Make recommendations for ways to hold USDA accountable by requesting an implementation strategy and an action plan on recommendations.

Rural Community Economic Development Subcommittee Goals:

- Improve technical assistance, capacity building, and place-based economic development strategies necessary for navigating and accessing USDA programs and services.
- Improve access to capital for business growth and development in rural and Tribal communities.
- Improve USDA's program delivery strategy to ensure investments are equitable now and into the future, including data-driven outreach and program design.
- Reduce climate pollution, implement environmental justice standards, and ensure better management of natural resources.
- Minimize disproportionate effects of climate change by increasing infrastructure resilience and economic support to rural and Tribal communities.
- Improve access to high-speed internet for all rural and Tribal residents.
- Ensure equitable access to safe, affordable housing.
- Ensure equitable access to safe, affordable, and resilient water and wastewater infrastructure.
- Improve equitable and sustainable access to natural resources, including recreational facilities.
- Enhance customer service via improved USDA staffing, training, IT modernization, and transformation of the organizational culture within USDA.
- Improve use of data and technology both to ensure access to programs and services and to increase accountability.
- Improve USDA performance measures and program evaluation so that the implementation of recommendations can be monitored, tracked, and reported with real outcomes.
- Make USDA accountable by requesting an implementation strategy and an action plan on recommendations.

VI. Commission Workplan

The Equity Commission and Agriculture Subcommittee members were appointed and the [first public meeting](#) was held in February 2022. In accordance with FACA guidelines, the public was given the opportunity to provide comments for consideration to committee members in written and oral form. All public meetings were streamed virtually to allow maximum participation.

During the [first public meeting](#) the members were given their goals as stated above and subsequently grouped into three focus areas: Access, Service, and Performance. Following that meeting, members expressed the need to know where USDA implementation or consideration stood on the many equity-related recommendations that other committees and reports made over the years. In response, the Department started a Compilation of Historical Recommendations initiative based on relevant reports identified by the Commission. Further discussion of the initiative is included in Part VII of this report.

During the [second public meeting](#) held in May 2022, members received historical perspectives from USDA leadership and updates about current equity work being done at the Department. Members brainstormed a list of potential recommendations to explore further and collaborated on next steps for developing the Interim Report. Following the meeting, Farmworker, Nutrition, and Department-wide focus areas were added and subsequent workgroups were formed to align to the themes. Additionally, an Interim Report writing team was formed leveraging the varied expertise and stakeholder representation from the members.

During the [third public meeting](#) held in September 2022, members presented draft recommendations from the workgroups to ensure collective clarity and understanding of each recommendation. The Equity Commission members deliberated and voted on each recommendation to be included in the Interim Report. Other recommendations were deferred for further review and possible action during future meetings.

During the [fourth public meeting](#) held in February 2023, members revisited the interim recommendations as some changes were made since the previous public meeting vote. Members presented, deliberated, and voted to include the 32 recommendations within the Interim Report. One recommendation was tabled for further research and deliberation.

During the [fifth public meeting](#) held in June 2023, members heard from USDA leadership on the implementation status of Interim Report recommendations. The RCED subcommittee members presented recommendations related to rural development, persistent poverty, and underserved communities. The Commission deliberated and voted to include an additional 22 recommendations from the RCED in the final report. They tabled an additional three for further refinement and consideration.

During the [sixth public meeting](#) held in October 2023, members heard from USDA leadership on the implementation status of interim recommendations. Members presented on new recommendations and refinements to previously passed recommendations. The Commission deliberated and voted on 66 recommendations to include in the Final Report.

VII. Promoting Accountability and Transparency: Compilation of Historical Recommendations

The recommendations of the Commission are forward looking. However, at the beginning of the Commission’s formation, members recognized the benefits of knowing the status of the various recommendations that have been made in the past on—or closely related to—equity issues at USDA. Reports dating back to 1965, beginning with the [Equal Opportunity in Farm Programs Report](#), demonstrate concerns with inequality at USDA. In response, USDA staff supporting the Commission conducted a department-wide review process documented as a “compilation of historical recommendations” (CHR).

The Commission received a preliminary briefing on the summary of findings of the CHR at its third public meeting in September 2022. As part of this effort, 748 historical recommendations from 11 reports were compiled by the staff into a single inventory and assigned to the relevant mission areas and agencies for review and comments related to implementation status.

Recurring issues identified for the Commission included lack of workforce diversity, cumbersome program processes, lack of technical assistance, county committee adverse impacts, and civil rights accountability and program complaints. Common challenges or obstacles to implementing past recommendations included lack of clear USDA ownership and authority to act, budgetary resources needed for implementation, and the need for metrics to measure and track progress. The briefing also noted the lack of standardized practices that would enable USDA to systematically incorporate stakeholder input, historical reports, and the outcomes of program evaluations into strategic planning, policy design, and regulatory development in a cohesive way.

While not final, the Commission is grateful for the significant work produced by USDA, and for the cooperation demonstrated by the various offices and agencies that participated in the review. This effort will be an important legacy of the Commission.

VIII. Advancing Department-wide Equity

The structure of the Department and how it serves the Nation has changed significantly over time; however, some structures, policies and cultural norms have persisted that no longer serve the American people and in fact have perpetuated inequity or widened the gaps that existed among Americans over time. USDA is currently made up of 29 agencies spread across the United States and overseas, serving more than 4,500 locations. The Equity Commission recognizes and applauds USDA for restoring a standalone Office of Tribal Relations and appointing a Senior Advisor for Racial Equity in the Office of the Secretary. The following recommendations outline proposals for department-wide change that affects the Department's structure, leadership responsibilities, and overarching accountability and data collection.

Recommendation 1: Institutionalize Equity

Lasting and long-term organizational change requires consistent leadership attention, adequate resources, and accountability. The Equity Commission understands that USDA has experienced uneven levels of commitment and success related to equity over the years, especially across changes in administration. We are making this recommendation to establish leadership responsibility and organizational accountability within the Office of the Deputy Secretary to ensure that equity efforts are institutionalized throughout the Department.

1. Institutionalize equity within the Department to drive compliance, accountability, and culture change across all of USDA.

- a) Utilize existing leadership structures with line authority to provide consistent leadership attention for institutional change and organizational accountability.
- b) Task the Deputy Secretary, through a Departmental regulation, to review Agency equity plans and ensure, through the annual budget process, that those plans are faithfully carried out and senior executives are accountable for making measurable improvements in equity in programs and services.
- c) The Deputy Secretary should use any staff and resources under its control beyond the Mission Areas, including operational, budgetary, administrative, financial, and economic analysis functions to carry out these responsibilities.
- d) Support workforce diversity and cultural competency by enhancing and improving job descriptions and hiring requirements. This should include utilizing specialized experience and selective placement in recruitment actions to prioritize demonstrated experience with target populations, where applicable.
- e) Conduct an Annual Convening on Equity to have data available to inform the ongoing work of the Equity Commission.

Recommendation 2: Legislation to Ensure Accountability for Equity

There have been many studies, reports, and recommendations over time across several groups outlining the need for change within USDA; however, the Equity Commission recognizes the need for a sustainable and consistent framework within USDA that is transparent to the public, USDA staff, USDA customers, and partners.

For all equity efforts outlined in this report and those currently taking place across USDA to be successful, there is a need to enact legislation and policy to ensure that continued work towards equity in programs and services is a priority of USDA leadership over time. More importantly, USDA should be measured and held accountable for its progress against impacting populations most affected by unfair or inequitable programs, services, or practices.

2. Support legislation to provide standing authority and accountability for the Secretary and senior leadership to carry out a continuous program to improve the equitable availability and distribution of services and program benefits to all eligible American residents.

Key elements of the legislation would include the following:

- a. The Secretary shall be responsible for directing and carrying out a continuous program to ensure all applicants and participants have equitable access to services and program benefits at USDA.
- b. The Secretary shall collect data, information, and conduct studies and analysis to understand and document the extent to which underserved communities are not participating equitably in the programs and benefits provided or administered by the Department, including those administered through state or local agencies, County Commissions, or nonprofit organizations. This shall include research and information sharing on the best ways to collect demographic information that do not rely on third-party visual observations, including both best practices for encouraging voluntary provision of demographic information and statistical methods to incorporate missing data.
- c. Use data to evaluate programs and policies to identify and understand communities in need, where the funding is distributed, and who benefits. Participants benefitting from funding distributions should align with communities in need so that the investing efforts effectively reduce disparities.
- d. The Secretary shall provide a publicly available annual report to Congress and the American public that provides details on the data collection and studies conducted, and the results thereof. The report shall also include discussion of efforts to implement necessary improvements to equity so identified, including metrics and timelines.
- e. Performance evaluations of Agency heads and senior executives shall reflect an individual's appropriate and direct efforts to improve equity in the programs and services within their span of control or authority.
- f. If the Secretary identifies an opportunity to improve equity in a particular program or service but lacks authority to make the necessary changes, Congress shall be notified and provided a recommendation for a legislative change. If the Secretary identifies the need for additional resources to improve equity, Congress shall be notified and provided an explanation of the needed resources.
- g. Revise definitions as needed: Such as "Equity," "Equitable," and "Underserved Communities" as defined from the Executive Order.
- h. Funds and staff required to implement these provisions shall be from within existing budgets and appropriations.

Recommendation 3: Elevate the Office of Tribal Relations

The Equity Commission agrees with a repeated recommendation from the 2021 RFI (Request for Information) Listening Sessions about the need for USDA to respect Tribal nations' sovereignty. By elevating the Office of Tribal Relations to the Assistant Secretary level and providing dedicated resources, USDA can strengthen the Nation-to-Nation relationship with Indian Tribes and help improve support for Tribal ownership, protection, and conservation of land. In addition, the Tribal Liaison positions throughout USDA should have direct access to senior decision-makers in their agencies and mission areas or offices and, moreover, be a combination of both career and appointed positions to ensure appropriate oversight and continuity over time.⁷

3. Elevate the Office of Tribal Relations from its current office to become The Office of the Assistant Secretary of Tribal Affairs.

- a. Establish the Assistant and Deputy Assistant Secretary of Tribal Affairs positions.
- b. Align or create Tribal Liaison positions within each Agency, Mission Area, and Offices that have access to the highest ranking official within those areas; some of these positions already exist, some may need to be created, some should be elevated within their area to serve as the highest ranking official or career leader (example: Senior Executive Service [SES], Assistant Secretary, Administrator or Chief). These positions should also have the authority to coordinate and work with the Office of Tribal Relations or newly elevated Office of the Assistant Secretary of Tribal Affairs.
- c. Dedicate a Tribal Affairs attorney (GS-15 or SES) within the Office of General Counsel (OGC) to act as a support for the office and Agency-level Tribal Relations staff.

Recommendation 4: Language Access

The Equity Commission recognizes language as a barrier for linguistically and culturally diverse communities trying to access USDA programs and services. It also recognizes language access as a key element of the U.S. Department of Justice Policy Guidance "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency" (LEP Guidance). The Commission appreciates USDA's release of an updated [Language Access Plan](#) on November 15, 2023. By adhering to these policies and improving language accessibility, USDA can become a more equitable, inclusive, and culturally competent Department.

4. Ensure equitable language and culturally competent access to USDA services.

- a. Designate an executive level career staff member to be responsible for Language Access guidance, compliance, and oversight.

⁷ Native Farm Bill Coalition. "Legislative Proposal for Exempting the USDA Assistant Secretary of Tribal Affairs from Senate Confirmation." *Native Farm Bill Coalition's Recommendations for the Upcoming Farm Bill*. Native Farm Bill Coalition, 2023. The Native Farm Bill Coalition intends to propose legislative amendments in the upcoming Farm Bill, advocating that the position of Assistant Secretary of Tribal Affairs within the USDA should not require Senate confirmation. This move aligns with changes to other federal positions, simplifying the appointment process and potentially allowing for a more efficient response to the needs of Tribal nations. The Coalition's goal is to streamline the integration of Tribal insights into agricultural policy-making and reinforce the government-to-government relationship between the United States and Tribal nations. Currently, the following Presidential Nominations that no longer require Senate Confirmation within USDA are Assistant Secretary for Administration, Department of Agriculture, Rural Utilities Service Administrator, Department of Agriculture and The Directors (7) of the Commodity Credit Corporation.

- b. Cultivate a sustainable department-wide culture of equity and inclusion by investing in long term financial partnerships with women and Black, indigenous, and people of color (BIPOC) servicing educational institutions and Tribal, territorial and community service organizations to build Language Access capacity for current and next generation of agricultural partners, farmworkers, agricultural workers, stakeholders, and department workforce.
- c. Increase funding for technical assistance to be linguistically and culturally appropriate and invest in local community serving organizations and communities through cooperative agreements with tribes, acequias, and organizations.

Recommendation 5: Customer Experience

The Equity Commission has identified the need for USDA to improve its customers' experience and establish consistent and high-quality service across all agencies. By institutionalizing a routine, robust, and coordinated customer feedback loop into USDA's programs and services, USDA can improve its efforts to provide more equitable and consistent services to all individuals that seek service from and engage with USDA.

5. Improve Customer Experience through institutionalizing customer feedback, service delivery, and program design.

- a. Establish an enterprise-wide feedback loop for all USDA agencies and offices to hear from stakeholders through multiple mechanisms such as evaluations, surveys, dial-in calls, QR Codes, newspaper advertising, radio, etc.
- b. Ensure feedback opportunities and responses are provided in multiple languages.
- c. Provide specific feedback opportunities for individuals with lived experience and compensate them for their time and expertise.
- d. Train USDA staff to be culturally sensitive, understand their constituents and include community-based organizations in USDA language contracts to interpret and translate with more accuracy and cultural competence.
- e. Increase staff knowledge of farmer and rancher customer profiles to adequately match relevant services and programs with USDA's customers.

Recommendation 6: Annual Compliance Reviews

The Equity Commission supports the USDA's adherence and execution of Section 14006 of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) that mandates USDA prepare an annual report on each of its agencies' civil rights complaints, resolutions, and actions. By designating a responsible party for administering reports, providing the related data to inform compliance and customer service, and authorizing funding to conduct audits, USDA can increase trust, transparency, and accountability to its stakeholders.

6. Fund, establish, and maintain accountability for the execution or conduct of annual civil rights compliance reviews across all USDA agencies.

- a. Complete and execute annual civil rights compliance reviews across all USDA agencies as mandated by the 2008 Farm Bill (section 14006), starting FY 2023.
- b. Ensure reports and related data are accessible to the public and shared with Congress.

- c. Designate a responsible party for administering reports by the end of each fiscal year.
- d. Annually collect and publicly report program application and participation data for socially disadvantaged farmers or ranchers.

Recommendation 7: Equity Audits

The Equity Commission reviewed reports and stakeholder input that detailed problems with the program complaint system such as the timeliness, complexity, and lack of transparency of the results of audits and reports. The Commission agrees with the 2021 Office of the Inspector General (OIG) determination that USDA needs to develop a stronger internal control environment over its civil rights program complaints processing to ensure that complaints and findings are timely, appropriately handled, and made publicly available. By complying with the existing statutory audit requirements, USDA can leverage targeted research and analysis of existing publicly available data to identify and address patterns of complaints, discrimination, and systemic issues.

- 7. Under existing authorities, conduct periodic system-wide audits to look at equity across USDA's services. Publish results on the USDA website and release underlying data to independent researchers. Analyze program complaints and make use of findings.**
 - a. Hire a third party to conduct an analysis of all program complaints received over the past five years and identify patterns for complaints, looking for programs, specific offices, and types of discrimination that have been alleged. These patterns should be used as a basis for identifying immediate fixes that can be made (e.g., making buildings and websites accessible, translating materials into additional required languages), prioritizing audits and statistical analysis of disparities in services received.
 - b. Conduct periodic audits across USDA system-wide to look at service of underserved customers. Publish results on USDA website. Release underlying data (with personally identifiable information removed) for independent researchers to replicate and build on official audits.

Recommendation 8: Office of the Assistant Secretary for Civil Rights

The Office of the Assistant Secretary for Civil Rights (OASCR) has received much attention through testimony and reports from organizations such as the U.S. Commission on Civil Rights, U.S. Equal Employment Opportunity Commission, USDA's Office of Inspector General, and the Government Accountability Office. The Equity Commission notes that oftentimes relief is found through class-action lawsuits versus working through the OASCR process due to backlog, capacity issues, and lack of expediency. Concerns persist around addressing backlogged complaints, processing times of incoming complaints, and capacity and staffing within OASCR. Ensuring program participants can effectively navigate the complaint process and receive timely resolutions will be instrumental in USDA's ability to achieve its equity goals.

*Customers of USDA must have immediate access to a fair and workable solution for addressing perceived discrimination and filing civil rights issues within USDA. We applaud the recent advancements and innovations advancing customer service within the OASCR such as successfully eliminating the backlog of program complaints and establishing a new processing timeframe to ensure complaints are addressed in a timely manner. In order to continue building trust among customers across USDA, those advancements must be continued. We hope that continued efforts will seek to expand options for farmers/ranchers to seek clear and efficient resolutions to their grievances.*⁸

8. Transform and adequately fund the Office of the Assistant Secretary for Civil Rights (OASCR).

- a. Allocate necessary funding to ensure OASCR capacity to deal with ALL civil rights violations in a timely manner.
- b. Provide adequate funding and resources to OASCR so they can process customer cases within 180 days.
- c. Explore alternative program complaints models, including changing rules and regulations (consider using parts of the National Appeals Division as a model).

Recommendation 9: Private-Public Partnerships

The Equity Commission supports increasing the role of the private sector in advancing farming and agriculture programs. By piloting “private-public” partnerships, with organizations that have strong DEIA plans on file, both USDA and the partners can benefit from mutual learning and expanded access to capital with the intention of building out programs that garner longevity and sustainability for communities served.

9. Enhance private-public partnership authorities that empower program leaders across thousands of offices and in headquarters to pursue innovation independently and rapidly, but with a central mechanism to manage funding, monitor results, and disseminate and scale best practices to create a shared responsibility. Such an authority can be established as a new program through Congress and Secretarial authority, and/or by leveraging existing authorities.

The Secretary shall explore opportunities to:

- a. Pilot a “private-public” partnership whereby the private sector partner (with more than 1,000 full-time employees) matches at a minimum of \$20,000 per award from USDA to a nonprofit or community-based organization that is serving members of a distressed community and has a diversity, equity, and inclusion plan on file with USDA’s office of equity. Prior to the partnership, private sector partners will be evaluated for credibility by way of interviews and any other necessary avenues. Nonprofit or community-based organizations may also be evaluated on credibility and commitment to serving distressed communities.
- b. Pilot a “private-public” partnership whereby the private sector partner (with more than 1,000 full-time employees) matches each \$20,000 award from USDA to a nonprofit, community-based organization or college/university that is helping

⁸ Discussed at length during USDA Equity Commission public meetings was the proposal for an integrated dispute resolution process. This streamlined approach would combine NAD, OASCR, and mediation methods to enhance efficiency and fairness in handling civil rights claims, although a conclusive vote was deferred.

farmers and ranchers create farm management plans that generate more output while conserving water resources and rebuilding soil health.

- c. Pilot a “private-public” partnership whereby the private sector partner provides financial assistance (e.g., renewable tuition-scholarship) to a scholarship fund to assist an admitted student attending a land grant university; federally designated Minority Serving Institution (MSI); or a Hispanic Serving Agriculture College and University (HSACU). USDA and said private sector partner will select the student recipients.
- d. Pilot a “private-public” partnership whereby the private sector partner is strongly encouraged to leverage its social media platforms to highlight their support of USDA programs and opportunities that advance equity; create brand activations/cause-related campaigns (e.g., “Giving Tuesday”) that increase public support and engagement for USDA programs and opportunities that advance equity; and promote existing and recognized efforts in the public sector, like Challenge.gov in order to stimulate innovative ideas and solutions.

Additional opportunities USDA should consider:

- e. Small Business Innovation Research (SBIR) – USDA, as a large Research & Development sponsor, posts hundreds of opportunities annually for small business participation. Thousands of companies across the U.S. have been created through SBIR, often in partnership with higher education. The Commission suggests a portion of SBIR funding be directed towards projects that impact the equity recommendations.

Recommendation 10: Procurement

The Equity Commission recognizes USDA’s supplier and procurement contracting programs are vital for small agriculture businesses to build on generational wealth and experience that could sustain and expand their businesses. Systemic racism and historical discrimination have excluded Native, BIPOC, and women owned agricultural businesses from accessing and qualifying for USDA programs. By focusing on procurement and supplier diversity, USDA can rectify the generational exclusionary practices that have effectively precluded disadvantaged businesses. Procurement systems and culture need to change simultaneously to ensure there is greater opportunity for funding organizations who are not historically funded each year.

10. Establish a dedicated team within the USDA Office of Procurement and Contracting focused on procurement and supplier diversity, specifically collaborating with the socially and economically disadvantaged agricultural businesses from underserved and underrepresented agricultural communities. To build the requisite capacity and experience for equitable access to the USDA’s supplier and procurement programs:

- a. Create set-aside programs for minority, Tribal, and women-owned small agricultural businesses.
- b. Create a special 8(a) category for minority, Tribal and women farm, agricultural and food businesses by lowering the threshold for entry to the program.

- i. Provide technical and financial assistance to support socially disadvantaged small agricultural and food businesses to meet necessary standards toward successful participation to the 8(a) program.
 - ii. Increase 8(a) set aside programs for qualified small agricultural businesses; partner with the SBA to explore ways to ease the entry criteria into the program for minority, Tribal and women owned farm/agricultural businesses.
 - iii. Partner with nonprofit, community service organizations to provide technical assistance to support socially disadvantaged small agricultural and food businesses to qualify for the 8(a) program.
 - iv. Collaborate with external stakeholder organizations to formulate a resource guide and host workshops to help them document their individual social disadvantage narratives.
- c. Establish limited competition programs within each of these categories.
- d. Incentivize major contractors to form partnerships with underserved and disadvantaged small agricultural businesses as subcontractors.
- e. Partner with the SBA to establish a database of minority, Tribal and women-owned small agricultural businesses who are eligible for subcontractor opportunities.
- f. USDA should enter a Memorandum of Understanding (MOU) with professional community organizations such as the National Minority Supplier Development Council to build up the base of Minority Business Enterprises (MBEs) in agriculture for government procurement.
- g. Create a federal advisory council specializing in small business and the agricultural industry.
- h. Update the Agriculture Acquisition Regulation (AGAR) to disqualify vendors with serious labor violations.
 - i. Coordinate with the SBA to maintain an updated list of firms known to have breached workplace health and safety regulations, committed unfair wage practices, provided inadequate housing, and engaged in other unethical behaviors like child labor. Until these issues are addressed, these firms should be ineligible for government contracts.
 - ii. Engage with the Interagency Task Force to Combat Child Labor Exploitation regardless of the child's place of birth.
- i. Release and update a roster of eligible prime and secondary contractors from the USDA, detailing past awards.
- j. The USDA Office of Inspector General should implement a tracking system ensuring prime contractors collaborate with listed subcontractors post contract awards.
- k. The USDA Office of Ombudsman should curate a resource guide focusing on the confidential reporting of potential government contract abuses. This guide should accompany all published procurement and contracting opportunities.
- l. Initiate a 3-year pilot project within the Food and Nutrition Service (FNS).
 - i. This project should select five municipalities based on their consumer and agricultural business diversities. These municipalities should

commit that at least 25 percent of school meal and pantry program purchases come from local underserved agricultural businesses familiar with the cultural practices and dietary needs of their communities. By the project's conclusion, the aim is for 50 percent of contract funds to benefit underserved and socially disadvantaged agricultural businesses.

- a. FNS should offer technical assistance, reimbursement flexibilities, and additional funding to address extra costs.
- b. FNS should collaborate with local or regional stakeholders, including agricultural businesses and community organizations, to pinpoint and assist qualified vendors.
- m. Annually release a report and maintain a publicly accessible live database that shows recipients of USDA funds. This database should be transparent, user-friendly, and should detail contract awards and financial distributions (subsidies, grants, etc.). Additionally, it should incorporate award information about both prime contractors and subcontractors.

Recommendation 11: Biennial Research Report

The Equity Commission believes that the creation of a biennial research process assessing the state of BIPOC producers would offer tremendous insights into the impacts various policies, fundings and programs have on the viability of BIPOC producers. The intensity of focus would be on greater inclusion within agriculture and significant resources targeting BIPOC communities. This study would be undertaken by key organizations providing financing and capacity-building support, sharing field-based observations and quantitative assessments that could correlate to the efficacy of policies focused on creating an enabling environment for farmers of color, and providing an assessment of the progress as it pertains to financial and ecological outcomes, resulting from capital and resource allocations across public and private sector players.

11. Create and publish a biennial research report assessing the state of BIPOC producers focused on identifying insights into the impacts that USDA policies, funding and programs have on the viability of BIPOC producers.

Recommendation 12: Strategic Outreach

The Equity Commission has appreciated the transparency and frequency of the updates that USDA has provided regarding its efforts to advance equity. To ensure information about the initiatives, programs, and services have the greatest level of impact, the American public must know about the advancements being made. Dedicated outreach grounded in transparency and inclusion helps the USDA equip diverse constituencies to advance the mission of equity. Communication is not an afterthought, but an integral strategy to gain backing, expertise, and accountability as recommendations shift from words into civil rights in action. Intentional and continual public engagement will accelerate an arc towards justice.

12. Increase visibility of USDA's equity-focused initiatives, programs, and services, designed to impact stakeholders, through coordinated marketing and strategic outreach activities.

IX. Working with Farmers and Ranchers Day-to-Day

The work of the Equity Commission is to address broad-reaching and systemic issues that prevent equitable access and use of USDA programs and services. The Equity Commission and Subcommittees focused several recommendations on supporting the farmers, ranchers, and producers that make up today's agricultural industry. The Commission and Subcommittee on Agriculture were informed by the current USDA structures, policies, laws, lived experiences, and public comments submitted to the Commission or shared during public meetings to form the body of recommendations. Furthermore, the Commission was given preparatory briefings on the current ongoing USDA activities that promote equity in agriculture which include relending programs and other support for underserved farmers. The Commission applauds these efforts and offers the following recommendations to further advance equity for farmers, ranchers, and producers.

Recommendation 13: Heirs' Property and Fractionated Land

The Equity Commission recognizes that heirs' property, as defined in the Uniform Partition Heirs Property Act, and fractionated land are barriers that prevent historically underserved⁹ producers, farmers, ranchers, and other landowners from accessing USDA programs, such as loans offered by Farm Service Agency (FSA) and Rural Development (RD), and cost-share programs offered by Natural Resources Conservation Service (NRCS) and the Forest Service (FS). Currently, the only USDA option for heirs' property owners/producers to resolve their title issues to access USDA programs is the use of the loans through the FSA Heirs' Property Relending Program (HPRP). The HPRP provides loans through third-party intermediaries such as community development financial institutions (CDFIs) that in turn makes loans to individuals to cover estate and/or succession plans and the cost to acquire legal counsel to resolve their title issues. Historically underserved/limited resource heirs' property producers have difficulty receiving cost-share program funds from programs such as Environmental Quality Incentive Program (EQIP) and Conservation Stewardship Program (CSP), because they must compete with more experienced producers who have higher rankings.

- 13. Provide non-loan options for producers to prevent the creation of heirs' property and fractionated land that would reduce the barriers this type of land ownership encounters when accessing USDA programs.**
 - a. Appropriate funds for grants and cooperative agreements for community-based nonprofit organizations to address and resolve heirs' property and fractionated land issues for underserved producers through the delivery of legal technical assistance, education, and drafting of estate plans.
 - b. Provide multi-year grants and/or cooperative agreements to 501c3 organizations to deliver legal technical assistance and education that will prevent the creation of heirs' property and remedy title issues which caused heirs' property and

⁹ The Agriculture Improvement Act of 2018 (2018 Farm Bill) outlines four groups defined by USDA as "Historically Underserved," including farmers or ranchers who are: Beginning; Socially Disadvantaged; Veterans; and Limited Resource, socially disadvantaged, beginning, limited resource, and veteran farmers and ranchers. The Equity Commission acknowledges that the definitions as currently written in the Farm Bill and other USDA policy may add to existing barriers to access programs and funding and continues to assess this and other definitions related to requirements to access funds, programs, or services.

- fractionated land. These 501c3 organizations must have at least five years of experience delivering legal services to indigent persons.
- c. Require all state Natural Resources Conservationists establish separate allocated funding of 10-15 percent of Environmental Quality Incentives Program (EQIP) cost-share funds for heirs' property owners and socially disadvantaged producers (i.e., historically underserved minority producers). Currently, the requirement is 5 percent, but these landowners must compete with the more experienced producers who will receive a higher-ranking score. Creating a designated funding pool allows for more equitable competition and increases chances that disadvantaged producers will receive funding. Currently, the state conservationists in Alabama and South Carolina have used their discretion to establish such a pool for these producers.

Recommendation 14: Land Access

The Equity Commission recognizes that USDA land-related programs have not been accessible to all, including farmers who are young, new and beginning; women; and BIPOC, and farmworkers. By funding community-led land access and transition projects, USDA will increase access to all farmers and ranchers, and increase engagement in programs and initiatives that can improve their land security, which is their greatest need to ensure a viable future for the agriculture industry.

14. Ensure equitable funding to community-led land access and transition projects.

- a. Continue to direct funding to community-led land access projects designed to create land security for farmers. This USDA funding should be available to a wide variety of entities, such as tribes, municipalities, nonprofits, and cooperatives, with priority for projects led by and benefitting underserved farmers and ranchers. This funding should be available as a line of credit or grant prior to purchase, enabling eligible entities to act quickly in the real estate market.
- b. Amend and fund the Land Access and Farmland Ownership Data Collection Land Tenure data collection as authorized in the 2018 Farm Bill to require the National Ag Statistics Service to include in the Tenure, Ownership and Transition of Agricultural Land (TOTAL Survey) survey questions relating to which land is held in absentee ownership; and in heirs property land held in undivided interests and no administrative authority; and the impact of these farmland ownership trends on the successful entry and viability of beginning farmers and ranchers and the impact of land tenure patterns, categorized by race, gender, and ethnicity; and state, county and region.
- c. Amend and fund the Commission on Farm Transition established in the 2018 Farm Bill to study land access and transition to inform policy setting that facilitates equitable access to land.
- d. Provide the Office of Tribal Relations (OTR) with the authority to immediately appoint a Designated Federal Officer from OTR to help facilitate the nomination process for seating the Tribal Advisory Committee authorized in the 2018 Farm Bill. This committee will provide advice to USDA on Tribal-related issues and policies throughout the Department.

- e. Increase investments in the Heirs' Property Relending Program as the program grows and expand funding eligibility to include administration of program funds by relending entities.
- f. Provide direct family loans to close heirs' property estates and be inclusive of legal costs.
- g. Maintain and expand the level of funding and technical assistance related to the Highly Fractionated Indian Land Loan Program, created by the 2014 Farm Bill.
- h. Engage with Indigenous¹⁰ and community-based organizations and other interested entities in ensuring that heirship issues also address "fractionization" issues that Tribal communities face.
- i. Ensure USDA land-related programs are accessible to all young, new and beginning, women, and BIPOC farmers specifically, and next generation farmers as a whole, by accommodating eligibility for collective, cooperative, and communal non-family entities, and tracking and publicly reporting demographics data on program participants.
- j. Provide continued funding for cooperative agreements with community-based organizations, such as the Natural Resources Conservation Service Cooperative Agreements for Racial Justice and Equity.
- k. Implement thorough racial equity informed evaluation and reporting requirements to not only measure who is benefitting, but also to measure program effectiveness in facilitating secure land tenure for young, new and beginning, women, and BIPOC farmers.

Recommendation 15: Conservation

The Equity Commission recognizes that USDA climate programs have historically targeted large-scale producers and have not supported traditional sustainable practices. By including equitable climate justice actions, USDA can ensure Indigenous practices are integrated into the Natural Resources Conservation Services' (NRCS) sustainable agriculture programs and support smaller, non-traditional farmers in accessing Environmental Quality Incentives Program (EQIP) funding and other environmental programs.

15. Include equitable climate actions in USDA conservation programs to address environmental justice.

- a. Increase incentive payments for implementation of climate-resilient practices to ensure limited-resource farmers can participate in cost-share programs. Automatically provide EQIP advance payments for historically underserved producers. The Commission recommends that NRCS reduce the required number of years a producer must be in production on a particular parcel of land to qualify for EQIP.
- b. Adjust EQIP and Conservation Reserve Program (CRP) practice standards to better integrate, and to equitably compensate for, the use of Indigenous knowledge and land management practices. Federal conservation programs should streamline support for producers embodying these practices, not create a

¹⁰ Please note that within the United States, the terms "Indigenous" and "Tribal" carry distinct definitions and implications. When the term "Indigenous community" appears in this report, it should be interpreted in the context of the specific Tribal community it denotes. Each Tribal community operates as a sovereign nation with its own unique governance structures. The intent of this report is to bolster these Tribal governments, which hold the authority to represent their citizens.

barrier to accessing NRCS. The Commission recommends that USDA take into consideration non-traditional methods of agriculture (i.e., subsistence farming, aquaculture/fishing) for disaster relief purposes and other assistance programs offered by the Agency.

- c. Prioritize research that helps small-scale, diversified farmers implement climate-smart conservation practices and measure their climate mitigation impacts through methods with a proven track record of success, which should include traditional or historical agricultural practices.
- d. Increase funding for technical assistance to be linguistically and culturally appropriate and invest in local experts and communities through cooperative agreements with tribes, acequias, and other experts.
- e. Support climate justice solutions that target resources to women and BIPOC farmers and protect farmworkers from hazardous working conditions due to climate change.
- f. Require an analysis of the voluntary producer demographic data on an annual basis to identify any trends in the utilization of conservation programs by young, new and beginning, women, and BIPOC producers.
- g. Develop science-based climate-smart agriculture definitions that include Tribal Ecological Knowledge and further prioritize practices that afford the greatest climate benefit, such as incorporating cover crops, perennial crops, managed grazing of perennial pasture, and other investments in soil health.
- h. Codify the new Micro Farm program through the Risk Management Agency to improve access to crop insurance for operations that are diversified, organic, and/or selling in local, regional, and specialty markets.
- i. Expand direct marketing prices within the Noninsured Crop Disaster Assistance Program (NAP) or allow all farmers to use their own yields and historic pricing data to more equitably serve farmers who sell direct-to-consumer or receive a premium on their crops.
- j. Administer NAP as an on-ramp to more holistic risk management programs such as the Whole Farm Revenue Protection program and the Micro Farm program.
- k. Increase the maximum allowable farm revenue for historically underserved applicants to the Micro Farm program.
- l. Mandate NRCS provides the public with an impact report on how EQIP funding has been used, and the impact those dollars have had on the environment.

Recommendation 16: Technical Assistance and Outreach

The Equity Commission has heard from multiple stakeholders that navigating USDA programs and services can be an impediment and, in some instances, impossible for certain stakeholders. By allocating funding for third-party organizations to provide technical assistance, mediation services, and/or legal services, USDA can ultimately help applicants get the tools and resources they need to submit competitive applications for programs.

Furthermore, the existing outreach and engagement structures in USDA across mission areas, offices, and programs need to have a centralized hub to better identify, reach, and align USDA programs and services with those stakeholders requiring technical assistance. In doing so, USDA will be better equipped to respond, cross-coordinate, and plan for ongoing stakeholder needs across mission areas, offices, and programs and provide stakeholders and customers a more seamless experience across USDA's technical assistance portfolio of support.

16. Establish and/or ensure USDA's external engagement office has the necessary capacity, resources, and skillsets to operate in a robust and centralized manner that will enhance the Department's role and financial investment in organizations (nonprofit, non-governmental, community-based) to provide technical assistance.

- a. Increase the Department's institutional bandwidth, both technically and financially, to increase support for young, new and beginning, small-scale, underserved, and specialty crop farmers.
- b. Invest in early mediation and technical services for farmers transitioning and accessing land, in particular Heirship and Trust or Restricted property.
- c. Develop and implement innovative, culturally responsive communication platforms and outreach strategies, including mobile technologies to engage young, new and beginning, small-scale, underserved, and specialty crop farmers on starting and maintaining a successful agricultural enterprise while facilitating strong, consistent connections with USDA personnel.
- d. Provide cooperative agreements to organizations offering effective agricultural business management tools, such as the Center for Farm Financial Management, to strategically engage in expanded, targeted outreach and offer technical assistance tools to young, new and beginning, small-scale, underserved, and specialty crop farmers.
- e. Develop a dashboard of nonprofit organizations and institutions of higher education that provide technical assistance to young, new and beginning, small-scale, underserved, and specialty crop farmers so USDA can provide information and updates to these entities as well as request for feedback on programs and potential opportunities to partner with USDA.
- f. Provide targeted technical assistance trainings and coaching to nonprofit organizations that serve underserved producer communities by focusing on understanding USDA grant programs, funding technical assistance efforts, and enhancing capacity to submit quality, competitive grant proposals.
- g. Provide technical assistance to USDA-funded, nonprofit organizations serving young, new and beginning, small-scale, underserved, and specialty crop farmers to increase their internal capacity for effective nonprofit organizational management.

Recommendation 17: Subsistence Farmers

The Equity Commission is concerned that the Census of Agriculture does not fully account for subsistence farmers who rely on trading and/or sharing resources. The current farmers/ranchers included in the census—whether rural or urban—count if \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the census year. The Native farming community believes that the Census of Agriculture data on Native farmers is incomplete, making policymakers and USDA staff believe the community is smaller than it is and therefore ineligible to receive program benefits.

- 17. Direct the National Agricultural Statistics Service (NASS) to include the varying types of farmers and ranchers in the next Census of Agriculture to account for the nature of many traditional forms of how agriculture products are produced, sold, or exchanged. In addition, NASS should evaluate the threshold used to quantify a qualifying farmer and provide education on alternative forms of documentation that can be used for eligibility. The Secretary should also direct NASS to research and consider changing the definition of a farm.¹¹**

Recommendation 18: Farm Service Agency Loan Programs

Existing Farm Service Agency (FSA) loan programs and processes challenge the ability of underserved individuals to access credit. Because FSA is seen as an entry point for those seeking assistance from USDA, the Equity Commission believes that transforming FSA's culture to a customer service centered approach will lead to increased access to capital for programs and services in a more equitable way. Responding to the borrowing needs of underserved individuals with clarity of eligibility, simplicity of process, flexibility in administration—all delivered in a timely manner—will further equitable engagement more than any other effort.

- 18. Transform FSA into a customer service organization that provides equitable treatment for all.**
- a. Examine FSA loan processes and use plain language and clearly describe eligibility criteria regarding loan programs and processes to improve equitable access to underserved populations of both new and experienced farmers and ranchers.
 - b. Provide additional flexibility regarding the timing and processing of loans, including the ability to offer an initial statement of eligibility or accept preliminary paperwork before an application is submitted. Additional flexibility regarding loan terms and conditions should be available when structuring financial packages for underserved farmers and ranchers.
 - c. Identify gaps between FSA loans and USDA grant programs intended for underserved populations to assure that Inflation Reduction Act (IRA) and USDA initiatives can be effectively combined to meet the needs of underserved individuals.

¹¹ The Council for Native American Farming and Ranching made this recommendation to the Secretary in February of 2013. "Recommendations from the USDA Council for Native American Farmers and Ranchers." *U.S. Department of Agriculture*, updated June 2018, <https://www.usda.gov/sites/default/files/documents/cnafr-recommendations.pdf>.

- d. Define “distressed borrower” to include those that have not yet entered delinquency yet are under financial stress that may prevent them from continuing farm operations.
- e. Develop cooperative agreements with community-based organizations who work as agents of and advocates for individual borrowers with their permission to allow examination of individual borrower applications and loan decisions.

Recommendation 19: Base Acres Modernization

Through the course of its work the Equity Commission was made aware of instances where the implementation of agricultural programs was not done in a fair and careful manner to avoid discriminatory outcomes. For example, the Commission devoted significant energy to understanding how payments for “crop acreage bases” (CABs) or base acres has locked in historical inequities and discrimination, in ways that cause significant lasting economic harm to underserved producers. It is important to modernize base acres policies in ways that address disparities.

Starting with the Agricultural Adjustment Act of 1933 (New Deal), USDA has deployed various strategies to subsidize farmers producing covered commodities. From the 1930s to the early 1990s, these payments were closely tied to the farmer’s production, a process which was largely monitored and regulated by the Farm Service Agency through county committees. In the 1996 Farm Bill (the Food, Agriculture Improvement and Reform Act), farm program payments were decoupled from actual plantings, instead based on the historical production. This system of paying farmers via crop acreage bases (CABs), which is the established acreage and yields of eligible commodities, has become an important part of an operation’s cash flow, especially in times of low crop prices or challenging production environments. CABs are used to calculate annual subsidies paid to producers and landowners (with crop share leases).

The critical years for establishing these CAB components were 1981-1985, when farmers were allowed to report annual planted acreage and average yields, excluding the years with the highest and lowest yield. During this period, covered crops included wheat, corn, sorghum, barley, oats, upland cotton, and rice, and subsequent farm bills utilized these CABs as the foundation for making future payment modifications. The 2002 Farm Bill (Farm Security and Rural Investment Act) continued decoupled payments, but allowed soybeans, peanuts, and other oilseeds (sunflower, canola, rapeseed, mustard, flaxseed, Crambe, and sesame) to be added to uncommitted acreage. In nearly all cases, growers elected to add these oilseeds to eligible uncommitted acreage, a process which strengthened the safety net but did little to address disparities among producers. Subsequent opportunities to modify CABs provided some assistance, but still did not properly address large discrepancies, according to recent data.

USDA reports and congressional testimony have provided evidence of huge discrepancies in subsidies paid to underserved producers in comparison to their neighbors, with some reports showing them receiving only 20-25 percent of the per acre subsidies received by their neighbors. Admitted discrimination during the critical period (1981-1985) for establishing CABs likely played a role in certain farmers only being able to secure funding to produce lower yields of lower value crops. Farmers who were privy to loans were able to install irrigation, improve drainage, adopt technology, and make other infrastructure improvements that allowed them to increase yields, diversify crops, and expand acreage. Contrarily, many underserved farmers still operate acres that need improvements as they can only produce lower yields of lower value crops (e.g., winter wheat or oats and non-irrigated summer crops). The disparate annual subsidies, currently Agriculture Risk Coverage and Price Loss Coverage (ARC/PLC) payments, distributed annually only exacerbate these longstanding problems.

19. Modernize base acre policies to address the concern of producers' inability to receive necessary program payments that help stabilize on-farm revenue during economic downturns with commodity markets.

- a. Review base acre farm program payment calculations and consider redistribution of base acreage to address disparities among farmers. Determine commodity specific base acres on lands historically not included in the initial base acre establishment.
- b. Allow cost-shared improvements such as land leveling, installing irrigation systems, and providing resources to improve overall acre production to inferior base acres based on their base calculation and acreage discrepancies in comparison to neighboring farms to significantly inferior base acres in a prioritized format.
- c. Allow re-establishment of crop acreage bases (CABs) after improvements are completed. As an alternative, allow significantly inferior base acres to qualify for an annual revenue adjustment based on county or regional discrepancies.

Recommendation 20: County Committees

The Equity Commission heard powerful testimony that County Committees in many states have not fairly represented their minority farmers and ranchers. In addition, the Commission heard that the powers afforded to County Committees have in some cases resulted in decisions that have crippled the economic livelihood of minority farmers and ranchers. While County Committees have less authority than in the past, as an extension of the FSA, County Committees continue to advise and make policy decisions regarding income safety-net loans and deficiency payments, conservation payments, emergency programs, and incentive, indemnity, and disaster payments for certain commodities. The County Committee's purpose, impact, and general efficacy has continued to be a point of research and reflection since its enactment via the Agricultural Adjustment Act of 1933 and throughout the series of congressional and legal adjustments made to their scope and operations via the Soil Conservation and Domestic Allotment Act of 1936 and subsequent Farm Bills (2002 and 2008). Continued study and recommendations for reform have been documented in reports such as the 1996 D.J. Miller Report, the 1997 Civil Rights Action Team Report, and the 2011 Jackson Lewis Report.

Despite the many past recommendations and attempts to alleviate the documented inequities associated with the County Committee's election process and power, addressing County Committees continues to be a critical step in advancing equity in USDA's programs and services.

By elevating the voice of minority advisors, bolstering the training of new County Committee members, and improving the appeals process, the Equity Commission aims to strengthen the accountability and transparency of County Committees. More broadly, the role of County Committees in today's agricultural system should be reassessed and, if required, redesigned to ensure more equitable outcomes.

20. Address historical and present-day inequitable services by making County Committees more equitable.

Training:

- a. Require diversity training related to African American, Asian, Hispanic, American Indian, Alaska Natives, Native Hawaiian, and Pacific Islander issues where a high number of diverse communities exist.
- b. Include the appeals process and role of the minority advisor in training for new committee members.
- c. Train County Committees to exercise their voting powers and use the tools at their disposal to ensure members can vote without retribution or sense of retribution for voting actions.

Representation:

- a. Give current minority advisors the same voting rights and terms as elected members; where a minority advisor does not currently exist, the Secretary should appoint a minority VOTING member.
- b. Consider a minimum percentage of representation required that is reflective of population for County Committee member vote. For example, if 10 percent of the county population consists of minority farmers and ranchers, approximately at a minimum, 10 percent of the County Committee representation should consist of voting minority farmers and ranchers reflective of that population.
- c. Ensure equitable opportunities for individuals interested in serving on County Committees are available by reducing the complexities of the nomination and election process and increasing awareness about opportunities to serve on County Committees through multiple mechanisms, including but not limited to online outlets. Use the NASS Census outreach process as a way to notify all farmers of County Committee election and voting process and eligibility.
- d. Given the nature of Tribal Governments and their membership/citizenship, specific outreach should be created and implemented to provide awareness of the opportunity to serve through focused outreach.
- e. The Secretary should explore the feasibility to change the eligibility of County Committee elections to expand efforts and allow nominations from the following categories:

- i. Community-Based Organizations with relevant expertise
- ii. 1890 and 1994 Land Grant Institutions
- iii. Hispanic Serving Agricultural Colleges and Universities

Accountability:

- a. Establish a USDA County Committee Liaison responsible for identifying and instituting diverse representation on County Committees.
- b. Increase transparency and accountability for County Committee staff by establishing performance metrics with controls and mechanisms to ensure they adhere to equitable standards and have access to USDA resources. The County Executive Director (CED) and County Committee staff should be subject to oversight and evaluation by FSA with civil rights, equity, and demographic indicators included as metrics.
- c. Immediately implement a process to ensure that County Committee minority advisors have access to the FSA Administrator to bring in real time issues or concerns within the county and an annual report or accounting to the Administrator on how that committee is operating.
- d. Provide more transparency on FSA elections by making reports and contact information available to the public in a timelier manner. Reports should include demographic information of the members.
- e. Conduct a biannual assessment on performance measures that indicate equitable outcomes for County Committees. Should the above recommendations not yield the desired equitable outcomes, conduct an external analysis and study on the equity disparities of the County Committees and a potential reform of the County Committee system to a more equitable alternative for ALL farmers. The analysis should include the current role of the County Committee creating disparities for women and BIPOC farmers, both the historical role of the County Committee system and the current displacement of women and BIPOC farmers.
- f. The Secretary shall establish at the federal level an advisory or support group composed of internal and external individuals to serve as advocates for producers to understand their complaint and appeals options. The group should establish standard operating procedures (SOPs) for County Committees including the preclusion of access to customer financial and sensitive information. The SOPs shall be made publicly available and updated annually. Performance metrics should be established and reviewed during the quarterly strategic reviews held by the Deputy Secretary.
 - i. In order to enhance accountability, the County Executive Director should be hired by and report directly to the District Director.
 - ii. The County Executive Director shall be prohibited from providing customer financial and sensitive information to the Committee members.
 - iii. The role of the County Committee must focus on advisory activities particularly communicating local needs. The County Committee shall serve as the representative body for all farmers and ranchers.

Recommendation 21: Office of Small Farms

Through the course of its work, the Equity Commission came to identify the disparity of USDA program benefits, research, conservation, and other support provided to small farms as a significant equity concern. By program design and implementation, large operations receive the vast majority of USDA resources. In January 1998, the USDA A TIME TO ACT: A Report to the USDA National Commission (1998 Commission) on Small Farms made eight recommendations to protect small farms. Yet there is little evidence that the 1998 Commission's recommendations have been implemented.

Small acreage farms are defined as those with fewer than 180 acres. The office would be tasked with: (1) Assessing the needs of small operations, evaluating the Department's current ability to serve them, and recommending improvements to USDA program policies, design, and delivery. (2) Providing, or coordinating through cooperative agreements, direct technical assistance and/or grants of up to \$25,000 to small farms for equipment, uninsured losses, business planning assistance, conservation practice adoption, down payments for land, and more.

This focus would be a win-win-win: it would help the Department better accomplish its mission of serving farmers of all types and scales, ensure that small-scale farmers can benefit from the full suite of USDA programs, and help secure a more resilient food system for all Americans.

- 21. Create an Office of Small Farms focused on small farms with gross sales under \$250,000. The office would be located within the Farm Production and Conservation (FPAC) Mission Area to include liaisons from other relevant Mission Areas/Agencies. The Office of Small Farms should help ensure that small farms, ranches, and forest operations have full access to USDA programs.**

X. Supporting Farmworkers and Their Families

The Commission and Subcommittees recognize that among the most vulnerable populations within the agricultural sector are farmworkers and their families. Farmworkers are often not directly served, protected, nor eligible for programs, services or benefits provided to the larger agricultural community. This is due to factors including immigration and labor laws, inequitable structural incentives and barriers, and lack of focus on improving inclusion. New vulnerabilities of agricultural jobs due to the increasing impacts of climate change are also a significant challenge for farmworkers and their families. Farmworkers are disproportionately people of color. The Commission commends USDA for their recent initiatives that provide support and financial relief to farmworkers such as the Farm and Food Workers Relief Grant Program. The Commission and Subcommittees propose the following recommendations to enhance support to farmworkers and their families.

Recommendation 22: Staffing Farmworkers' Work

The Equity Commission recognizes that USDA has not treated farmworkers consistently as a specific constituency over time. By funding and elevating roles for professional staff dedicated to farmworkers, USDA can drive coordination, compliance, and culture change at a systems level to protect farmworkers from inequities. Although there is currently a position for a Farmworker Coordinator, it has not been adequately funded and sustained.

- 22. Institutionalize equity compliance and culture change across all of USDA by appointing a senior official with dedicated staff (career or political) with decision-making authority and access to senior level officials and the resources needed to serve farmworkers, their families, and the organizations that serve them. The senior official would serve as the USDA representative to interagency workgroups regarding farmworkers and associated issues.**

Recommendation 23: Interagency Farmworker Service Council

The Equity Commission recognizes the value and need for farmworkers to be consistently recognized as a specific constituency within intergovernmental processes, programs, services, and policies. Establishing an Interagency Farmworker Service Council will help USDA drive accountability, coordination, compliance, and culture change at a systems level to protect farmworkers from continued inequities.

- 23. Issue a recommendation from the Secretary that the White House pursue the establishment of an Interagency Farmworker Service Council for infrastructure coordination on intergovernmental work processes. The Council should be convened by USDA and include the Department of Health and Human Services, the Department of Labor, the Department of Education, the Environmental Protection Agency, the Department of Homeland Security, the Department of Justice, the Department of Treasury, and private sector partners.**

Recommendation 24: Farmworker Nutrition

The Equity Commission recognizes that many farmworkers and their families have incomes under or near the federal poverty line and experience food insecurity. By improving language access, developing targeted outreach, and making distribution programs and application sites more accessible, USDA can ensure farmworkers and their families are able to access nutrition programs available to them.

24. Ensure farmworkers and their families have access to all USDA food and nutrition programs.

- a. Improve language access.
- b. Mandate creation and distribution of targeted outreach materials with a required annual cadence for updating and distributing.
- c. Develop inclusive and accessible distribution programs and application sites.
- d. Ensure farmworkers and their families are encouraged to apply for and receive nutritional supports by not requiring a social security number.

Recommendation 25: Farmworkers' Access to USDA Programs

The Equity Commission recognizes that farmworkers have been underrepresented and underserved by USDA. By requesting, supporting, and analyzing data and reports, USDA can better understand the needs of farmworkers to improve working conditions and create potential pathways for them to transition from farmworkers to farmers.

25. Direct the USDA Office of the Inspector General (OIG) to conduct a report or a joint report from USDA and Department of Labor (DOL) on farmworker living and working conditions that are essential to understanding the needs of farmworker populations. The report shall also look at farmworker access to USDA programs. OIG and DOL should consult with farmworker organizations and farmworkers themselves, and they must use innovative research methods to ensure anonymity, accurate data, and protection against retaliation.

- a. The report should be funded, conducted, and published bi-annually to ensure compliance and systems level changes for farmworkers, their families, and organizations.

Recommendation 26: Funding for Farmworkers

The Equity Commission recognizes farmworkers face widespread violations of the few rights they possess, high injury and fatality rates, and poverty, including food insecurity. By prioritizing farmworkers in USDA's programs, policies, and resources, USDA would help not only farmworkers but also provide broader societal benefits, including improved food safety, healthier and stronger rural communities, and a level playing field for law-abiding employers.

26. Pursue legislation and utilize existing authority to ensure funding that benefits farmworkers and their families.

- a. Support an initial minimum funding of \$5 billion for farmworker organizations to improve farm labor working conditions, labor protections, healthcare, wages, access to justice, supply and stability, services, and safety and training.

- b. Leverage existing and ongoing funding and resources to promote improved farmworker living and working conditions, workplace safety compliance and farmworker economic opportunities through funding opportunities, funding requirements, penalties, and incentives.
- c. Ensure that spending for employer grants and procurement promotes improved farmworker living and working conditions by requiring that employers throughout the supply chain demonstrate labor law compliance and meet “high road” workplace standards, such as collective bargaining and other metrics for improved workplace protections, to qualify for such funding or procurement.
- d. Take action to ensure that additional funding opportunities such as existing and ongoing grants or other programs include requirements and incentives regarding farmworker living and working conditions.
- e. Take executive action to ensure funding for farmworker organizations to help ensure improved farmworker working and living conditions and to ensure farmworker access to economic opportunities.
- f. Ensure that farmworkers, their families, and their organizations are equally included in any funding intended to address the impact of pandemics, natural disasters, and climate change, including extreme weather, wildfires, droughts, etc.
- g. This recommendation is intended to support farmworkers and their organizations and not farm labor contractors.

XI. Strengthening Research and Extension Programs

Research and Extension USDA coordinates and conducts research, education, and extension with scientists and researchers across sectors including the Federal Government, universities, and private partners. The 1862 Morrill Act created the original land-grant colleges and universities with a mission to provide agricultural education for the working class. While this legislation did not explicitly discriminate by race, many of the institutions in practice were white only, and it is undeniable that the benefits of land-grant institutions excluded people of color for generations. In 1890, a second round of land grant institutions—Historically Black Colleges and Universities—were funded. Tribally controlled colleges did not receive land grant funding until 1994. However, historically, 1890 and 1994 minority-serving land-grant institutions have not received USDA funding comparable to 1862 land-grant colleges and universities. The Commission applauds the recent investment of over \$21.8 million to build the capacity of 1890 Historically Black Colleges and Universities (HBCUs) in the land-grant network to deliver innovative solutions that address emerging agricultural challenges impacting diverse communities. The following recommendations aim to strengthen research, extension, and teaching in the food and agricultural sciences at all minority-serving institutions across the country.

Recommendation 27: The Federally Recognized Tribal Extension Program

The Equity Commission understands that one of the most significant inequities faced by Tribal producers is a lack of access to technical assistance when compared to other producers. The land grant extension system, meant to serve all producers, has historically left Tribal producers behind. The Federally Recognized Tribal Extension Program (FRTEP) was created to solve that issue; however, the program has not had an influx of funding since 1990, and although the 2018 Farm Bill did add 1994 Tribal Colleges and Universities as eligible sites for FRTEP, no new funding came with this. Currently, 38 FRTEP agents across the country are intended to serve as many as 2,000 producers per person, while their counterparts in the land grant extension system each serve approximately 200.¹² This results in inequitable service to Tribal producers. The Commission recommends USDA allocate a set aside, using a similar formula method used in County Extension, for the FRTEP to bring equity between the extension programs.

27. Seek increased funding for the Federally Recognized Tribal Extension Program (FRTEP) and remove the competitive nature of the current application process to allow for more collaboration across Tribal extensions.

- a. Increase funding for the FRTEP program to \$50 million. The current funding requires FRTEP agents to serve as many as 2,000 producers per person, while their counterparts in the land extension program only need to serve 200. The competitive funding is static for FRTEP and the 1994s. As new programs compete and are added, all existing programs in Tribal Nations suffer from further reduced funding. This type of competitive funding is not found in County

¹² Holden, Lexie. “Advocating for the Federally Recognized Tribes Extension Program.” National Hunger Clearinghouse, National Anti-Hunger & Opportunity Corps, 2021, www.hungercenter.org/wp-content/uploads/2021/03/Advocating-for-the-Federally-Recognized-Tribes-Extension-Program_Lexie-Holden_NAAF.pdf.

Extension programs. County Extension is based on a formula, and we recommend Tribal extension be based on this formula.

Recommendation 28: 1890s Institutions Matching Requirements

The Equity Commission recommends USDA address the historical inequities in funding provided by the 1862 and 1890 Morrill Acts to make agricultural research, outreach, and technical assistance more equitable. The Commission recognizes the need to make the matching requirements consistent across institutions and address the fact that the 1890 institutions never received their equitable allocation of land, the primary funding mechanism for the institutions. The Commission appreciates the letters sent from Secretary of Agriculture and Secretary of Education to 16 state governors that emphasized the disparity in funding between land-grant Historically Black Colleges and Universities (HBCUs) and their non-HBCU land-grant peers in their states.

28. Address disparities and difficulties with 1:1 matching requirement for 1890s land grant universities.

- a. The Governor of the State for the eligible institution must submit any request for a waiver for matching requirements.
- b. Allow for a variety of non-federal funding matches (i.e., private donations, endowments, etc.).

Recommendation 29: Cooperative Extension Service Programming

Given their experience serving small and specialty crop producers and non-traditional farmers, the Commission recognizes that 1890 Land Grant colleges, 2008 Hispanic Serving Agricultural Colleges and Universities (HSACUs), and 1994 Tribal Land Grant College and Universities (TCUs) are the best equipped to conduct agricultural research, outreach, and provide technical assistance to the diversity of constituencies.

29. Increase funding and support to expand Cooperative Extension Service programming to marginalized communities through cooperative agreements and more descriptive language within Requests for Applications (RFAs) for competitive funding to facilitate collaboration with minority serving agricultural colleges and universities.

Recommendation 30: Cooperative Agreements and Competitive Grants

Given their experience and relationships with their constituencies, the Equity Commission recognizes that 1890 Land Grant colleges, 2008 Hispanic Serving Agricultural Colleges and Universities (HSACUs), and 1994 Tribal Land Grant College and Universities (TCUs) are best positioned to reach marginalized communities.

30. Increase financial support (in the form of cooperative agreements and competitive grants) and allocate equitable funding to federally designated minority serving institutions (including 1890 Land Grant colleges, 1994 TCUs, HSACUs, and community-based organizations).

- a. Mandate program managers to be specific, intentional, and equitable in how funding is dispersed to research and extension by adding detailed language that

- targets diverse clientele and encourages collaborations across types of institutions and community-based organizations.
- b. Encourage collaboration and cooperation with minority serving institutions/organizations through evaluation criteria. The Request for Application (RFA) language should be transparently linked to proposal evaluation rubrics to promote service to marginalized communities.
- c. Appropriate funding that equals an increase of at least 20 percent over the next five years.

Recommendation 31: Distinctions that Allow Access to Endowments and Appropriations

The Equity Commission recognizes there is a growing gap among different constituencies across the U.S. in degree attainment and access to research, education, and outreach related to food, agriculture, and natural resources. In an effort to reach a broader constituency of underserved publics and to build a workforce required to enhance and strengthen American agriculture, investments must be made in institutions recognized for this work.

31. Recognize minority serving agricultural institutions who are making important contributions towards equitable access to information, education, and capacity to underserved (minority) students, farmers, ranchers, etc. The distinction should allow access to endowments and annual appropriations available to other land grant universities—resources intended to support and enhance regionally relevant research, access to education and other capacity building, and community engagement (extension).

- a. Enhance the legislative authority given in The Food, Conservation, and Energy Act of 2008 (PL 110-246) that included a federal designation for Hispanic Serving Institutions (HSIs) offering associate, bachelors, or other accredited degree programs in agriculture and related fields that became the Hispanic Serving Agricultural Colleges and Universities (HSACUs). An enhanced distinction should name a select few HSACUs that are strategically and most effectively meeting the mission of USDA and that have a demonstrated record of contributing to research, education, and extension/community engagement related to food, agriculture, and natural resources related sciences. This distinction should allow for **appropriated funding** that allows investment in these institutions through access to appropriated funding or through collaborations with USDA Agencies (NRCS, ARS, APHIS, etc.) that allows for cooperative agreements or partnerships akin to those at land grant colleges.
- b. Create a new distinction for Minority-serving Agricultural College or Universities that meet specific, clear benchmarks for (a) access to education: offering underserved (minority) students associate, bachelors, or other accredited degree programs in agriculture and related fields (higher than existing 25 percent benchmark), (b) access to research: are conducting regionally relevant research supported by the USDA or other competitive funding mechanisms; (c) capacity building: have a clear and demonstrated track record of outreach, extension, or community engagement. These Minority Serving Agricultural Colleges and Universities (MSACUs) will benefit investments in research, education, extensions through USDA competitive grants eligibilities, a MSACU Fund in U.S. Treasury with appropriated funding.

XII. Ensuring Equitable Nutrition Assistance for Those in Need

The Equity Commission recognizes the opportunity to not only address inequitable access to farm programs among underserved communities, but also access to nutrition programs and services that have historically left some in America unable to receive assistance. Addressing these barriers to access and inclusion directly impacts families and fosters healthier communities. Increasing participation in nutrition assistance programs also benefits producers through increased demand for their products. Producers in turn can better serve consumers and positively impact the food system by participating in nutrition assistance programs with greater reach and impact. The Commission is aware of and applauds the many initiatives USDA is already addressing related to systemic disparities in food security and nutrition assistance such as Summer Electronic Benefit Transfers (EBT) and investments and modernization in the Supplemental Nutrition Assistance Program (SNAP). However, the Commission continues to recommend updates to several programs that would allow for even greater access for underserved individuals and families.

Recommendation 32: Supplemental Nutrition Assistance Program (SNAP)

The Equity Commission has identified several policies that explicitly limit nutrition program access based on residency and immigration status as well as other policies that have a disparate impact on BIPOC access to nutrition programs because of the ways that BIPOC people have been marginalized through the labor market and other forces. Many of the restrictions have been in place since 1996. By supporting legislative actions to remove select eligibility restrictions on Supplemental Nutrition Assistance Program (SNAP), USDA can ensure all communities have access to healthy and nutritious foods.

32. Support legislative action to remove eligibility restrictions on the Supplemental Nutrition Assistance Program (SNAP) that disproportionately limit access to nutrition supports by BIPOC, including:

- a. The restrictions on receipt based on immigration status.
- b. The denial of standard SNAP benefits to residents of Puerto Rico and other insular territories (they receive limited nutritional support from the Nutrition Assistance Program).
- c. The prohibition on receiving SNAP benefits and food from the Food Distribution Program on Indian Reservations (FDPIR) in the same month.¹³
- d. The time limit on benefit receipt for unemployed people who are not living with dependent children and the option to deny benefits for failure to participate in SNAP Employment and Training programs (mandatory SNAP E&T).
- e. The ban on SNAP assistance for people with previous drug felony convictions.

¹³ United States. *Food & Nutrition Act of 2008*. Pub. L. 110-246, 7 USC § 2013(b)(c). 2008. Government Information Office, Jan. 2024, <https://www.govinfo.gov/content/pkg/COMPS-10331/pdf/COMPS-10331.pdf>.

Recommendation 33: Thrifty Food Plan (TFP)

The Equity Commission notes that there have long been concerns that the Thrifty Food Plan (TFP) is unrealistic in its expectations and does not provide recipients with enough benefits to purchase an adequate and healthy food supply. The Commission acknowledges the significant improvements made by the re-evaluated benefits that went into effect in 2021, as a result of the 2018 Farm Bill direction for USDA to reevaluate the TFP by 2022 and every five years thereafter. The Commission supports the continuing reevaluation of the TFP and urges that additional adjustments be made to the SNAP benefit levels and calculations to assist recipients in better meeting their nutritional needs. The Commission also urges Congress to continue funding these improvements to the TFP and to allow USDA the authority to make necessary revisions.

- 33. Continue to review and update the Thrifty Food Plan (TFP) to reflect the needs of today's consumers. Support research on whether SNAP enables participants to actually purchase a healthy diet and encourage Congress to consider options including boosting the minimum benefit, increasing benefits more than annually during periods of high inflation, and basing SNAP benefit levels on the Low-Cost Food Plan.**

Recommendation 34: Customer-Centered Service of the Supplemental Nutrition Assistance Program (SNAP)

The Equity Commission recognizes there is too often a lack of customer-centered service which fails to treat people seeking nutrition assistance with respect and results in reduced receipt of benefits. Barriers to access frequently have disproportionate impact on BIPOC and other socially marginalized populations. By removing barriers to access for applicants and participants, USDA can ensure eligible people have access to available nutrition programs.

- 34. Continue to encourage state SNAP agencies to administer SNAP in a way that treats applicants and participants with dignity and respect and to consult with those with lived experience of poverty as they administer the programs and provide technical assistance on how to do so. USDA should seek legislative authority to hold states accountable for barriers to access and require states to develop processes for beneficiaries to be involved in program and systems design and evaluation. USDA should explore methodologies to report SNAP participation data among eligible individuals disaggregated by race and ethnicity.**

Recommendation 35: Review of Vendor Access in Nutrition Programs

The Equity Commission recognizes that vendor access to USDA nutrition programs has been restrictive and inequitable. By reviewing program access and procurement requirements, USDA can address policies that may create barriers to entry for small vendors and local farmers. Removing barriers would also make it easier for childcare providers to access and procure culturally specific and nutritious foods. The Commission recognizes that there may be additional opportunities throughout USDA programs to use procurement to promote equity.

- 35. Review the nutrition programs at the federal, state, and local levels to identify barriers to vendor and procurement opportunities for disadvantaged and underrepresented communities; remove barriers within federal control and provide technical assistance to states and localities on best practices.**
- a. Conduct outreach and support small businesses, especially those owned by underrepresented communities in becoming approved SNAP vendors and maintaining eligibility. Support innovative approaches to improving access in food/SNAP access deserts and promoting local food systems.
 - b. Review data-mining algorithms used to identify SNAP retailers as possible sites for fraud for bias and disproportionate impact. Provide remediation options to avoid creating SNAP access deserts.
 - c. Review meal pattern requirements under Child and Adult Care Feeding Program (CACFP) to ensure inclusion of culturally appropriate foods, the ability of underrepresented community providers to participate as sites, and access by small home childcare providers (many of whom come from disadvantaged communities). Review and update meal pattern and nutrition standards for school meals to reflect the Dietary Guidelines for Americans and in consideration of cultural and traditional foods preferred by program participants.
 - d. Implement proposed changes to the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) food packages to better support access to culturally appropriate foods, in consideration of comments received; and continue supporting the participation of underrepresented community providers as WIC vendors. Remove barriers to WIC access, including by supporting Congressional full funding of WIC and extending waivers of physical presence requirements.

XIII. Recognizing Immigrants and Their Families

Throughout America's agricultural history, immigration has been vital to turning this nation into a global agricultural leader. Since the mid-1800's, immigrants have had a major role in developing America's agricultural landscape as succeeding waves of immigrants were imported to work in the fields. California and other major farm states saw the Chinese, Japanese, Mexicans, Filipinos, African Americans, the Depression-era Oakies and Arkies, Mexicans again, and later Arab and Punjabi workers. These highly skilled laborers worked hard under mostly harsh conditions to make U.S. farms productive and profitable, including building irrigation systems, harvesting production, and tilling fields for maximum yields primarily benefiting farm owners. Immigrant workforces blasted mountain ridges and built the transcontinental railroad, which transformed the movement of American-grown goods. By 1880, Asian immigrant farmers and workers were responsible for 70 percent of California's agricultural production. Today, immigrants continue to contribute to agricultural advancements and food diversity. For example, Hmong farmers and workers have become major players in California's strawberry industry.

Historically, during periods of economic downturn, immigrants were no longer welcome. The Chinese Exclusion Act of 1882 was the first U.S. immigration law specifically targeting a racial group. Subsequent laws expanded restrictions to keep people from most Asian countries out while immigrants from European countries remained welcome.

By the early 1900s, "alien land laws" were enacted specifically to ban non-U.S. citizens from owning property including farmland. Many Japanese farmers had arrived as laborers and eventually bought their own farms. They were forced to sell their businesses at huge losses or transfer the titles to their U.S. born children. Additional restrictions would pass later to prohibit American born children of Japanese and other Asian races from holding property. Some tried to make private arrangements with business partners or neighbors to manage their farms. During World War II, 110,000 Japanese and Japanese Americans were unconstitutionally forced into internment camps. When they returned, they found that their homes, farms, and businesses were no longer theirs.

Growers imported more than 100,000 young Filipino immigrants to toil in the fields across the western states during the 1920s and '30s. Called Manongs, meant as an endearing term of respect, they were nevertheless prevented from marrying outside their race by California's anti-miscegenation law and were scapegoated and subjected to racist attacks. Denied the right to have families, many men were lifelong bachelors.

While some progress is being achieved, institutional discrimination has effectively created an enduring underclass of Americans in the food and agriculture industry based on their ethnicity, language, immigration status and country of origin. Only white immigrants could become naturalized citizens until 1954. Without the full rights bestowed on U.S. citizens, non-white immigrants who remained in the U.S. had limited rights and opportunities. They could not vote or testify against whites, effectively rendering them perpetual foreigners subject to legal discrimination and exclusions.

To address alleged labor shortages during World War II, the U.S. and Mexico governments created the “Bracero” Program where Mexican workers were contracted to work in U.S. fields. The laborers were exploited with meager wages and substandard working and living conditions. Meantime, domestic U.S. workers suffered depressed pay and conditions as their jobs were illegally handed over to the more compliant and easy-to-exploit braceros. Nonetheless, the program lasted until 1964, when it was ended by Congress. Furthermore, Mexican nationals as well as Mexican Americans endure constant intimidation and threats from racist and anti-immigrant groups telling them to “go back to Mexico.” Like their Asian immigrant counterparts, they are treated as perpetual foreigners.

Systemic racism and discrimination have created a two-tier system of farmers and workers. Perpetual exclusion and restrictive policies and practices have forced many immigrants of color to work and live in substandard, unsafe conditions with low wages. They have also lacked access to more profitable management and ownership opportunities. Yet, while most other American workers avoid the hard work of farming, immigrants continue to do the backbreaking labor in hopes of better futures for their families. Some have succeeded. For example, in California’s world-renowned wine industry, a new generation of Latinos, many of them children of migrant workers, now own or manage award-winning vineyards and wineries. Yet despite their hard work and perseverance, there are too few examples of inspirational successes for the immigrants.

As immigration and immigrants remain critical to America’s innovative agricultural leadership, the USDA Equity Commission calls for necessary immigration reforms to remove unjust inequalities and advance equity for all immigrants regardless of their status or country of origin.

Recommendation 36: A Pathway to Citizenship

Throughout America’s agricultural history, immigration has been vital to turning this nation into a global agricultural leader. As immigrants have been and remain critical to America’s global leadership in the agriculture sector, the USDA Equity Commission recommends a clear and accessible pathway to citizenship for those so essential to American agriculture. Recognizing the significant impact of immigration policies on individuals and families, the Equity Commission also strongly supports initiatives such as Deferred Action for Childhood Arrivals (DACA), Development, Relief, and Education for Alien Minors (DREAM) and Promise Act, and Family Reunification. By supporting policies that clearly articulate an accessible pathway to citizenship, the USDA can help immigrants integrate more effectively across various aspects of society, including education, housing, health, and community engagement, so that they can more immediately add to the resilience and prosperity of American agriculture.

A person's immigration status determines their path to equitable education, employment, and entrepreneurship opportunities. The existence of artificial and formal barriers perpetuates a system where immigrants often lack equitable access to opportunities essential for building generational wealth. By supporting a clear and accessible pathway to citizenship, USDA can break down these barriers and increase stability for undocumented immigrants and their families.

36. USDA should support policies that lead to pathways to access citizenship and family reunification.

Recommendation 37: Right to Access Agricultural Land

Historical racism and discrimination have led to exclusionary laws that restrict immigrants from owning U.S. properties. The 1879 Oregon constitution specified that “no Chinaman may own property.” In 1913, in response to anti-immigrant forces, California passed the Alien Land Law to ban Asian immigrants from purchasing properties including farmlands. Subsequent laws extended the ban to include U.S. born children of immigrants and restrict land leases. Fifteen more states followed with similar alien land laws. It wasn't until after World War II that the U.S. Supreme Court struck down these laws as unconstitutional.

Today, fueled by anti-immigration sentiments, several states are considering alien land legislation to prohibit foreign nationals from certain Asian, Central American, and Middle Eastern countries from purchasing agricultural lands, under the guise of national security protection. Thirteen states have already passed legislations to prohibit Chinese foreign nationals from owning agricultural land or lands within certain distance of a U.S. military instillation. Since their arrival, immigrants of color have been perceived as perpetual foreigners. These state proposals would put specifically some communities, specifically Chinese, under unfair, discriminatory scrutiny and suspicion again.

According to [USDA data](#) as of 2021, Chinese entities and individuals owned about 384,000 acres of U.S. agricultural land, less than 1 percent of all U.S. agricultural land held by foreign persons. Thus, the attention and reaction to Chinese ownership of agricultural land is not a reaction to a real problem but can be better viewed as actions based on Xenophobic stereotypes.

The Committee on Foreign Investment in the United States (CFIUS), an interagency committee chaired by the Secretary of Treasury, has the authority to review, approve, or deny any proposed foreign transactions that might raise national concerns, including in the food and agricultural sector. Currently, USDA is not a CFIUS member, however, the U.S. Treasury may designate USDA as a co-lead in a CFIUS investigation on a case-by-case basis. The Equity Commission recommends that USDA serve as a permanent member of the committee and request the necessary Congressional appropriations to carry out this role.

- 37. The USDA Secretary should serve as a permanent member of the Committee on Foreign Investment in the United States (CFIUS).**
- a. If the proposed transaction is specifically related to agriculture, the USDA shall convene an interagency task force with its federal partners in Treasury, Homeland Security, and Defense to ensure that governmental reviews would not cause harm to certain Americans because of national origin.

Recommendation 38: Equitable Compensation and Protection for Agricultural and Food System Workers

Data from investigations show that agricultural and food system workers are frequently subjected to exploitative labor practices. Many endure conditions where employers violate minimum wage laws, employ child labor, engage in wage theft, subject them to unsafe working conditions, and/or force them to live in grossly substandard housing. As immigrants remain critical to America's innovative agricultural leadership, the Equity Commission calls for necessary immigration reforms as well as policies and practices to ensure agricultural and food system workers receive equitable compensation and critical protections.

- 38. USDA should support a pathway to citizenship, equitable compensation, and adequate protections and rights for all agricultural and food system workers.**

Recommendation 39: Equitable Access to Rural Housing Service (RHS) Programs

Housing is foundational to health and well-being. There are certain statutory limits on accessing housing subsidies based on immigration status. This is damaging to both immigrants themselves and their families, and to communities, given that nearly $\frac{3}{4}$ of farmworkers in the U.S. are immigrants.

- 39. Ensure equitable access to Rural Housing Service programs regardless of household immigration status.**

- a. USDA should support Congressional action to remove legislative restrictions that limit access to rural housing based on immigration status.
- b. RHS should review its regulations and sub-regulatory guidance to ensure that they are not imposing any restrictions on access to rural housing based on immigration status that exceed statutory requirements.
- c. RHS should conduct an education campaign to ensure equitable access to rural housing programs, including outreach to immigrant communities and informing landlords of their responsibilities under fair housing laws.

XIV. Revitalizing Rural America: A Path to Equitable Growth

Rural communities stand as pillars of the U.S. economy and culture. Yet despite substantial contributions, rural families have too often been denied the tools for economic mobility and prosperity. As the Equity Commission concludes its transformational work, the Rural Community Economic Development (RCED) Subcommittee highlights how facts clearly demonstrate the need for a transformed federal approach to rural policy centered on inclusion. Robust investments guided by rural people themselves can unlock abundant potential in America's countryside.

The Value of Rural America

The diverse communities in rural America contribute intrinsic value as stewards of cherished virtues, often stretching back generations. Their importance also stems from tangible, indispensable contributions fueling the broader economy. When rural communities thrive, America thrives as a result. Rural communities are home to 46 million Americans – 14 percent of the U.S. population – with increasing diversity. By income, culture, age and other measures, rural America encapsulates the nation's plurality. Rural communities drive the agriculture sector, providing food, fiber and other agricultural products critical for national security. And they also have an important role in emerging sectors like clean energy production, with about 11 percent of clean energy jobs in rural areas in 2021. While agriculture and energy are key to many rural economies (accounting for 7 percent of nonmetro employment in 2019), other sectors employ more people across rural parts of the country: government services (16 percent of nonmetro employment in 2019), manufacturing (11 percent), health care and social assistance (10 percent), and retail (10 percent). Transporting commodities and products depend upon maintenance of rural transportation systems. Effective communications infrastructure is dependent upon rural companies and landscapes. Meanwhile, rural landscapes promote environmental conservation while protecting essential water, forest, and mineral resources benefiting communities nationwide. As the country seeks solutions to the multiple crises caused by climate change, it must first look to rural areas where renewable energy can be produced, and carbon can be sequestered. Additionally, unparalleled natural assets support vibrant outdoor recreation that generates economic activity.

Systemic Inequality Restricting Potential

Rural communities in the United States are terrifically diverse, with the 2020 Census indicating that 24 percent of people in the rural U.S. are people of color; and that number is growing, with the median rural county seeing its population of color increase by 3.5 percent between 2010 and 2020. But for too long, systemic inequality has stifled rural success. Barriers spanning generations have obstructed prosperity for marginalized groups while growth opportunities lifted other regions. Discrimination continues to yield this unacceptable reality. Persistent poverty plagues rural areas, with 85 percent of continually impoverished U.S. counties being rural, with concentrations in Black communities in the Southeast, Hispanic communities in the Southwest, Tribal communities throughout the country and white communities in Central Appalachia. Distress grips nearly 50 percent of rural Black residents and 45 percent of rural Native communities. Since 2005, rural communities have seen more than 190 hospitals close, with a concentration in counties with significant minority populations. Rural minorities face steeper hurdles accessing capital, technical assistance, and disaster relief programs despite being as deserving as any American. Housing insecurity in rural areas is a particular concern for American Indian and Hispanic households. Discrimination endures as an unacceptable reality. Infrastructure gaps create hardship for rural groups nationwide. Deficient broadband access restricts market opportunities. Crumbling main streets signal economic despair. Such factors fuel youth outward migration – a vicious cycle stripping rural communities of their greatest resource – its young people.

The Pursuit of Rural Equity

Facts clearly demonstrate how an antiquated federal approach has failed rural communities resulting in inequality across groups and regions – especially within minority populations such as black farmers, Tribal groups, Latinos, and people in territories. With challenges crystallized, the pursuit of rural equity surfaces as an economic and moral imperative.

Within the Equity Commission, the RCED Subcommittee provided a ground level view of the barriers holding back rural families. Personal testimonials from rural community leaders, farmers, and community economic development professionals exposed how policies fail to address the most critical challenges facing marginalized rural groups nationwide.

Black farmers highlighted discrimination severely restricting land ownership and credit access for generations. Rural Black leaders described how their marginalization in community institutions is exacerbated by federal policy. Tribal representatives shared how federal policies have chronically obstructed prosperity on Indigenous lands. Members from territories described lacking access to aid and insurance tools that mainland state residents readily obtain – despite all being U.S. citizens.

These voices spotlight nuances within systemic inequality that aggregate statistics alone fail to capture. They revealed how seemingly universal programs, when designed for the “average” marginal community, can perpetuate inequality by missing the mark for those facing the greatest structural barriers.

Our diversity drove more inclusive, tailored recommendations. We gained support for translation assistance, technical assistance, and other targeted interventions alongside broader efforts. Territory farmers secured an agreement for assessing expanded programming, with a focus on parity.

Centering Equity for a Thriving Rural America

The path forward is now clear: substantial investments guided by those living in rural realities. Coordinated efforts centered on equity will unleash the potential of rural communities. This will occur across sectors, from agriculture to clean energy to manufacturing and beyond. This must happen because national prosperity depends on rural success. The Commission's extensive engagement with people in rural communities produced four pillars for a transformed approach:

1. **Locally Designed Solutions:** Bottom-up strategies channeling grassroots insights will succeed where bureaucratic one-size-fits all directives falter. Rural Equity Advisory Councils can spur continued idea sharing. The solutions should focus on people in rural communities owning and controlling the drivers of the local economy that build on the foundation of farmer and utility cooperatives.
2. **Inclusive Program Design:** Barriers to eligibility must be removed to make existing programs genuinely accessible for minority, socially disadvantaged and persistently marginalized producers.
3. **Assessing Effectiveness:** Transparent tracking of outcomes across geographies and demographics will reveal where approaches succeed – and where transformation is still required. Continual reassessment is essential.
4. **Recognizing and Tackling System Discrimination:** Territory residents lack access to critical aid and programs compared to mainland states. The U.S. Government has reached agreement with the Territories to comprehensively assess and address some of these gaps.

Rural communities have been viewed too long as merely agrarian – instead of as diverse economic epicenters powering the economy. With purposeful investments guided by those living rural realities, the paths to prosperity through equity have been cleared. The diverse voices of the Commission have outlined the course. Action must now follow to secure rural America's future as a national asset.

XV. Enhancing Rural Development Operations

The number of staff at the Rural Development Mission Area (RD) has been in consistent decline for decades to the point that it is now deeply challenged in meeting its mission of serving rural people, and especially those people in historically underserved communities. In 1994, the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act transformed the way RD programs were delivered. This reorganization resulted in the closure of 1,200 USDA field offices, a significant portion of which were RD field offices, and the loss of about 13 percent of all field staff in just three years. The federal government needs to transform its approach to rural community economic development and invest in rural capacity building. This will require more federal staff, strategically located investments in rural intermediaries, and more strategic use of technology. USDA's programs should also be more transparent and continually assessed for effectiveness.

Recommendation 40: Staffing

Across all programs and services provided by Rural Development, direct connections with RD staff are necessary to ensure the equitable distribution of resources. Over time, RD's footprint in rural communities has significantly declined. The Equity Commission agrees with the comments received from the public in concluding that the location of RD regional or local offices strongly correlates with the distribution of RD investments as opposed to where there is greatest need. In turn, USDA must identify the capacity of local staff and re-align its resources to ensure underserved communities are receiving RD resources.

40. Ensure the communities with greatest need have access to critical staff resources. Specifically, USDA should:

- a. Conduct a full assessment—to include a demographic analysis—of the current location of staff and resources available to them.
- b. Following the assessment, quickly act to re-align staff and allocate new resources to socially and economically disadvantaged communities as defined by rural data and communities with environmental justice concerns as defined by Justice40.
- c. When recruiting, ensure new staff are reflective of the local community they serve with an intentional focus on underserved populations within the demographics of the community.
- d. Use technology and remote work strategies to improve staff interaction with communities.

Recommendation 41: Staff Skillset

As a result of USDA RD field staff cuts in regional offices across the nation and centralization of services within the DC offices, the field staff have increasingly assumed the role of compliance officers. They often lack capacity, skills, or time to engage and build trusted relationships as community developers who assist communities with design of a project/program or funding proposals. This approach leaves service gaps within rural communities at a time when additional technical assistance many times determines which communities successfully access and utilize USDA programs.

41. Increase the skillset of staff (central and field) on community economic development, as opposed to only grant management, underwriting, and compliance driven tasks. There should be a core of community economic development specialists to assist other staff in providing rural communities more comprehensive solutions.

- a. Staff work plans and performance metrics should include proactive outreach and engagement with underserved communities to build relationships and identify needs and opportunities. This will facilitate timely, quality, responses to new funding opportunities.
- b. Bolster the skillset of central and field staff to maximize opportunities for underserved communities.

Recommendation 42: Partnership Models

The reduction in RD staff has limited the capacity of RD to provide culturally sensitive and tailored assistance to rural communities. Partnerships with local organizations assist RD in understanding the needs of the communities they serve. The staff in these programs are skilled in building relationships, constructive collaboration, and identifying ways to achieve win-win for all involved. Due to systemic under-investment, however, often community partners in rural areas themselves also do not have the capacity that larger Community Based Organizations (CBO) have, which in turn makes it difficult to reach those in greatest need. These organizations need support and funding to advance their goals and targets, while building the capacity to sustain the value of the investment and the potential for durable improvement in program delivery over time. The following recommendation will bolster USDA's capacity to support community partners and raise cultural awareness of the needs of diverse rural communities.

42. Significantly expand and fund partnerships for historically underserved, low-income, and remote, sparsely populated communities. In collaboration with community organizations and leaders, identify priorities, design solutions and secure funds for community priorities. Develop and fund partnerships/agreements with local organizations to ensure program readiness.

- a. Cultivate better partnerships within the federal government - both within USDA agencies and with other federal departments such as the Department of Commerce, Small Business Administration (SBA), Department of Housing and Urban Development (HUD), Bureau of Indian Affairs, and Department of Labor (DOL) to better understand the needs of the communities they serve.
- b. Leverage high-capacity community-based organizations, particularly local organizations serving historically underserved and economically disadvantaged communities, to extend USDA's reach into communities fostering measurable outcomes, including deeper connections, equitable distribution of resources, and capacity building to ensure more effective support. This should include:
 - c. Investing in existing high-capacity CBO partnerships
 - d. Establishing new partnerships to serve underserved regions/counties/communities.
 - e. Fully fund, expand, and institutionalize the Rural Partners Network (navigators and implementation practitioners) with a focus on equitable strategic design to improve service delivery. To ensure underserved and sparsely populated

communities receive the support, expand the network to include at least one coordinator per state. Congress should authorize RPN in the next Farm Bill and ensure robust funding to support the program.

- f. Engage new partners particularly local organizations serving economically disadvantaged households and communities for the equitable distribution of resources and to build capacity.
- g. Develop a communication channel to serve as an avenue of shared learning between the CBO partnership model with the RPN for complementary, coordinated, and mutually reinforcing strategies.

Recommendation 43: RD State Advisory Committee

The reduction in RD field offices resulted in a lack of staff's capacity to build connections with and serve rural communities. This created the need for USDA to support State-led solutions. Congress and USDA, however, have not effectively enabled States to fill the gaps created by the 1994 Federal Crop Insurance Reform and Department of Agriculture Reorganization Act. This recommendation aims to address this gap by connecting State RD Directors directly to local stakeholders from underserved communities to ensure effective implementation of RD programs.

43. Strengthen or establish a state and Tribal advisory committee and to support and advise the State RD Director on equitable systems thinking in identifying priorities, building partnerships, and monitoring effectiveness.

- a. Ensure strong representation of under-resourced communities by including diverse representation within each state. Model after the NRCS State Advisory Committees.
- b. Provide the tools and as necessary training that will increase the capacity of committee members to provide advice and support to ensure all customers particularly those from historically underserved and economically disadvantaged communities have equitable access to all USDA RD services.
- c. Delegate authority to USDA RD Directors to utilize these advisory committees in translating national program goals and targets into state-specific outcomes.

Recommendation 44: Demographics of Funding/Lending Recipients

The American Community Survey of the Census Bureau, a major data source for rural and Tribal development practitioners, has limited utility in measuring changes in rural places. The “left out” rural areas, organizations, and businesses that do not compete successfully for funding, or that do not apply at all because of the complexity, often tend to be poorer, have a greater number of people of color, and are smaller and more remote. They can easily fall off the radar screen of program designers. Additionally, local philanthropic partners and States are not aware of direct correlation of USDA RD staffing deficiencies to underutilization of USDA programs and investments. USDA needs to address the inherent limitations of federal data for communities and Native nations across the rural United States so local partners and states can assist in providing outreach and assistance to the “left out” rural areas.

44. Improve transparency of data gathering and analysis of the distribution of grants and investments currently managed by USDA RD. Regularly analyze and compare the economic, place, and race demographics of where USDA funding or lending is going – and not going. If there is an uneven distribution to some rural areas or populations, evaluate reasons why and identify ways USDA RD could better serve those communities.

- a. Fund improvements to the Rural Data Gateway by drawing on lessons and usage of other National Data tools. At a bare minimum the Rural Data Gateway should layer ALL the following inputs on one user friendly map:
 - i. Socially vulnerable counties – per the Rural Data Gateway inputs.
 - ii. USDA investments made - Ten-year history of USDA investments – either by quantity/number or dollar amount of investments in geographic area.
 - iii. Type of USDA investments - grants or loans and whether or not the investments were for capacity building (planning) or implementation.
 - iv. USDA RD Staff - # of USDA RD staff overlaid by those who report to DC and those that report to a State Director.
 - v. Disaggregation of data by demographics.
- b. As these assessments uncover disparities in the distribution of programs, USDA should take immediate actions to prioritize investments to areas of high-need and low utilization of RD resources, including reassessment of the application process for programs that are not equitably benefiting communities.

Recommendation 45: Measures of Success

For decades, rural community and economic practitioners have maintained that many indicators or measures of “success” that government, philanthropic, and private programs and investors ask them to report are not well-suited or relevant to rural places. In some cases, investors are looking for raw aggregate numbers to show scale of impact, which always places rural places at a disadvantage to urban places; in others, investors focus too narrowly on immediate job creation, dollars leveraged, or financial return-on-investment rather than the critical human, organizational, civic, and environmental factors that are fundamental to producing jobs and financial return over a longer term. What is achievable in any effort is dependent to a great extent on conditions, resources, and capacity at the start of any initiative.

Communities should have the opportunity to define their own starting points across critical dimensions. A distorted view of people and place happens when expectations result in bias that recognizes only needs or deficiencies, while fully recognizing community assets leads to a more accurate picture of rural and Tribal conditions. This recognition is a precondition for establishing a respectful and productive partnership. This approach will allow for fairer comparisons with urban efforts. It will also help surface and learn from innovative rural efforts that are often overlooked or ignored because of low raw-number-results potential.

Effective planning to reduce inequity requires representation from not just the movers and shakers but also for the moved and shaken. A process that includes broad rural geography, class, race, and cultural representation in designing a funding or lending program is itself a key process indicator – and one that requires attention and commitment. Likewise, all rural initiatives should be asked to value and measure that same inclusion in the design of their efforts.

45. Revise definitions and measures of success that build upon multiple forms of community-based assets including quality of life, social capital, and the characteristics of the people they are serving, not just the quantity. USDA should:

- a. Ask for, accept, and learn from any (optional) supplemental community-driven metrics and encourage rural initiatives to report other measures or indicators that they think – or discover – are important.
- b. Conduct a joint analysis across the portfolio to spark new thinking about measuring progress and to add to the menu of potential progress indicators.
- c. Measure progress from community starting points, not predetermined program or agency ideals of success. Measure assets and opportunities *as well as* needs.
- d. Gauge rural progress as ratios in relation to the starting point to determine true impact. Ask for equity *process* indicators and measures¹⁴.

Recommendation 46: Environmental Justice

The Federal Government, through Executive Order 14096 defines environmental justice as “the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment.”

The Justice40 Initiative is highlighted as part of the Biden-Harris Administration’s “whole-of-government approach to advancing Environmental Justice.” Justice40 reflects the commitment by the Administration “to deliver 40 percent of the overall benefits of certain Federal investments [to] disadvantaged communities that are marginalized, underserved, and overburdened by pollution.” USDA has identified 65 programs from ten agencies and one USDA office as covered under the Justice40 Initiative: Agricultural Research Service, Climate Hubs, Farm Service Agency, Forest Service, National Institute of Food and Agriculture, Natural Resources Conservation Service, Risk Management Agency, Rural Business-Cooperative Service, Rural Housing Service, Rural Utilities Service. The White House description of Justice40 notes that “all Justice40 covered programs are required to engage in stakeholder consultation and ensure that community stakeholders are meaningfully involved in determining program benefits.” This is consistent with the requirement for promotion of inclusive regulatory policy and public participation as outlined in the July 2023 Memorandum Broadening Public Participation and Community Engagement in the Regulatory Process.

¹⁴ See Appendix C for Potential Measurement Questions

46. USDA should ensure environmental justice considerations are woven into the project lifecycle of all USDA programs to ensure benefits and burdens associated with USDA-funded activities are equitably shared among communities.

- a. When designing programs, USDA should include environmental justice considerations throughout the design process. USDA should support intermediaries such as community-based and direct service organizations, to work with communities with environmental justice concerns to promote access to USDA programs and services. To ensure USDA programs have a positive impact on local communities, USDA should identify and consider the potential impacts of the program on communities, inform communities about the program and make them aware of notice and comment opportunities, and support impacted communities in participating in decision making and funding processes.
- b. To ensure communities with environmental justice concerns are not disproportionately impacted by USDA-funded activities, programs that provide extra points for the citing of competitive grant funded activities should justify how projects would positively impact environmental conditions for local communities where the project is placed. For larger projects, more evidence of community support is needed.
- c. To ensure that environmental justice analysis is consistently and adequately performed during National Environmental Policy Act (NEPA) processes, all NEPA practitioners should receive training on environmental justice analysis in NEPA.

Recommendation 47: Using Technology to Increase Access to Rural Development Programs

Rural communities, businesses, non-profits, cooperatives, and individuals often miss program and funding opportunities offered by USDA due to not receiving adequate information or technical assistance. Additionally, customers are not accessing federal programs intended to support Rural America due to the complexity of these programs. Customers may not know about the wide range of programs that extend beyond single agencies.

In turn, this recommendation calls on USDA to lead government-wide efforts to create online tools that reduce barriers and consolidate information for Rural America. Through Technical Modernization Funding authorized in the American Rescue Plan, the federal government can more effectively support rural communities.

47. Rural Development should take full advantage of the Technology Modernization Fund to support the development of new Customer Experience tools for all federal rural programs.

- a. Rural Development should coordinate with other rural-serving agencies across the federal government to submit a proposal for Technology Modernization Funds.
- b. These funds should be used to revamp Rural.gov to include a Customer Experience dashboard that allows customers to access details about programs based on the type of customer (Business, Cooperative, Community Development Financial Institution, Individual) and contact information for both relevant staff and technical assistance organizations in their regions.

- c. Following the implementation of sub-recommendation's 'a' and 'b', all agencies with programs targeting rural communities should conduct outreach campaigns to increase awareness of this tool.
- d. Continuously evaluate the effectiveness of new and existing Customer Experience tools to make improvements based on stakeholder feedback and data on program applications/site usage.

Recommendation 48: Office of Coordinated Community Response

Smaller, lower-income, and underserved rural communities can experience significant problems that emerge from a crisis, such as flooding or other natural disasters, or alternatively are the result of longer-term problems, such as sanitation issues due to the lack of a functioning water and sewer system. Some of these issues and concerns are properly regarded as issues of environmental justice. Executive Order 14008 calls attention to the needs of disadvantaged communities that are marginalized, underserved, and overburdened by pollution. Regardless of how one categorizes the issue, these communities need help, and the USDA often has programs or ways to assist once the problem is identified and can work its way through the Department. Unfortunately, many times these problems are not identified promptly, and no single agency has the resources or programs to provide a comprehensive solution. Larger, more affluent towns and communities can either deal with a problem directly on their own, or they have the skills and resources to approach local, state, or federal agencies to ask for assistance.

Too often at USDA a single agency does not have the comprehensive programs or authority to provide solutions for complex problems. Other federal agencies may also have programs that would be of assistance. On occasion, such issues rise to the highest levels of the Department, even to the Secretary, where an ad hoc Departmental group can be convened to coordinate a response. The Commission believes that there is a better way. All Americans, regardless of income or status, have a right to fairly access the programs and benefits of citizenship and the federal government.

48. Establish an Office of Coordinated Rural Community Response for improved coordination of USDA and other Federal resources for timely and comprehensive outreach and response to the urgent needs of underserved rural communities.

- a. The Secretary should establish an office, reporting to the Chief of Staff, that will be responsible for providing immediate and integrated solutions to selected high priority problems of underserved rural communities. This Office of Coordinated Rural Community Response would maintain a small but critical mass of trained program professionals familiar with and access to programs across the Department that would be available to conduct analysis and recommend a coordinated, integrated relief and long-term investment. The Office would also interface, in coordination with the Office of Intergovernmental Affairs, at a program level with other Federal Departments and Agencies that have programs or assistance that should or could be part of the solution. Finally, this Office should conduct analysis of data across the Department and the Federal government to identify areas that USDA could conduct proactive work to find communities with high levels of need that lack the resources to ask for help.

- b. Consideration should be given to providing the office, if necessary, by legislation, with the authority to utilize, through transfer authority, some small percentage of program funding such that immediate, on-the-ground, solutions could be implemented quickly and efficiently.

XVI. Supporting Rural Communities

USDA must transform its approach to supporting rural community development by adopting a “whole-of-household” approach. Households require access to affordable and safe living conditions, basic needs like electricity, broadband and water, and robust community facilities, including healthcare, emergency services, education, and food systems. Through reprioritizing the development of a community’s needs through the “whole-of-household” perspective, USDA can improve the quality of life for all Americans, with a focus on historically underserved communities.

Rural Housing

Recommendation 49: Housing as Infrastructure

It is crucial to acknowledge that the right to housing is a human right. The right to housing is the economic, social, and cultural right to adequate housing and shelter. Housing is not merely a subcategory of focus but an essential aspect of rural and Tribal infrastructure. Failure to recognize this critical distinction perpetuates the systemic neglect of housing in these communities and undermines USDA’s goal of improving the quality of life. To effectively implement the inclusion and adaptation of housing as infrastructure, USDA must take a holistic and comprehensive approach that recognizes the significance of safe, affordable, and adequate housing for rural and Tribal communities and invest and prioritize accordingly.

49. Amend USDA policies, programs, and funding mechanisms to prioritize investment in housing. To do this, USDA should:

- a. Align Strategic Goal 5 of its 2022-2026 Strategic Plan and further permanently amend all agency priorities, programs, and funding priorities to include rural housing as a priority of USDA infrastructure programs, particularly in historically underserved and economically disadvantaged communities.
- b. Prioritize development and repair of rural single family and multifamily housing among USDA funded activities and programs, particularly for economically disadvantaged households, intentionally raising and signaling the importance and necessity of housing as part of the ecosystem of infrastructure.
- c. Holistically amend all language to reflect housing as infrastructure and not subdivide it out into a subcategory of focus.
- d. Support legislation to redefine housing as infrastructure following the precedent of the *Housing as Infrastructure Act of 2021* that authorized the Department of Housing and Urban Development (HUD) to provide grants, programs, and other support related to public housing, affordable housing preservation and construction, and mortgage access.

Recommendation 50: Program Standards for Single Family Housing

The Equity Commission has identified redundancies in requirements for Single Family Housing programs that most traditional banks do not request of borrowers and that create a barrier for underserved communities. Restrictive program qualification standards restrict the access of smaller capacity grantees. If program applications are not adjusted to support the most marginalized, they will inherently present a barrier to equity in rural housing. For more experienced or higher capacity grantees, complex applications and requirements are usually not an issue. The Commission believes the single-family housing model needs to be responsive to the communities they were created to assist. These communities will also benefit from a “whole of government” approach. For example, the Department of Defense has developed innovative housing solutions through 3D printed barracks for National Guard soldiers in Texas. Rural Housing programs should be more flexible to allow for similar, innovative solutions.

50. Simplify the application process for single family housing. Specifically, USDA should:

- a. Provide States¹⁵ with the authority to convert or provide waivers on housing program qualifications when responding to natural disasters or allow States to allocate funding for rural housing as a set-aside for disaster mitigation.
- b. Amend Rural Housing program policies to be more open to alternative and innovative forms of housing construction (for example, 3D printed, modular).
- c. In order to target consistently poor households, whether or not within a persistent poverty area, provide a waiver for housing programs to ensure receipt of specific access and support.
- d. Revise the Self-Help Model to remove stipulation that requires new 523 grantees to have buyers in the pipeline. This requirement results in fewer resources directed to communities most in need.

Recommendation 51: Equitable and High-Quality Affordable Multi-Family Housing

Affordable housing is critical to the prosperity of rural communities. Rising housing costs and changes to the rural economy have contributed to a need for affordable housing that is not currently being met. USDA should prioritize developing new multi-family housing units in the rural communities most in need. The Equity Commission commends current rural housing staff for their dedication in overseeing USDA’s current multi-family housing portfolio. Yet additional resources, capacity, and staff are required to ensure multi-family housing projects are developed and managed properly. Through stakeholder engagement, the Commission has concluded that affordable multi-family housing units in rural communities often fall short of acceptable quality standards.

Through improved physical site inspections, increased accountability and capacity, and further investment in maintenance and preservation, the quality of affordable housing in rural communities can be improved. Underserved communities are most in need of mechanisms to ensure high-quality housing. USDA must prioritize addressing the quality of subsidized multifamily housing units to preserve the health of vulnerable communities.

¹⁵ For purposes of this recommendation, the term “States” refers to USDA Rural Development State Offices

51. Invest in and ensure equitable and high-quality standards for new construction and existing affordable multi-family housing in rural communities particularly in historically underserved and economically disadvantaged communities.

- a. USDA should provide adequate incentives to rural developers and ensure outreach to and opportunity for historically underrepresented developers to successfully participate in new construction projects, including set asides as appropriate.
- b. USDA should ensure all new applications for housing projects include requirements to maintain quality housing throughout the operations and existence of that housing project, not just until mortgages are paid off.
- c. USDA should use existing annual financial audits to assess whether requirements for reinvestment into maintaining the quality of housing are being met. This expansion should include physical site visits and interviews with tenants.
- d. Invest in existing and new pilot programs to ensure all subsidized units are physically inspected once every three years.
- e. USDA should ensure landlords and property managers are held accountable to maintain high-quality housing standards by adding financial punishments for not complying with quality standards.
- f. Property managers of multi-family housing units receive market rate rents for their properties through subsidies from USDA. A portion of these funds should be required to be reinvested into maintenance.
- g. Prioritize appropriating funds to ensure the Rural Housing Service's multi-family preservation programs effectively incentivize property managers to maintain quality housing.¹⁶
- h. Increase and invest in building the capacity of multi-family housing staff to support adequate oversight and management including equitable access to services by all residents and relevant community members.
- i. Establish a working group between HUD and USDA that meets regularly to share best practices for affordable multi-family housing programs and maintaining quality standards.

Recommendation 52: 502 Loan Product

USDA's investments in the Tribal Communities through the 502 Single Family Housing Relending Program have successfully brought additional safe and quality affordable housing to Tribal Communities. The extension of the 502 Relending Program to Tribes, however, is not permanent. The Equity Commission recommends USDA pursue the authority to permanently allow Native Community Development Financial Institutions to access funds from the 502 Relending Program.

52. Support Congressional efforts to permanently authorize the Native Community Development Financial Institution (CDFI) Relending Program for the 502 Direct Home Loan as cited in Title III of S.1369 - the Rural Housing Service Reform Act of 2023.

¹⁶ <https://www.congress.gov/bill/118th-congress/senate-bill/1490/text>

- a. Continue to administer and evaluate the 502-relending demonstration in South Dakota and other locations in preparation for developing program guidance for a permanent national program.¹⁷
- b. Provide training and technical assistance opportunities for Native CDFIs to learn about the 502-relending program.
- c. Create an administrative or operating grant program to support Native CDFI intermediary lenders operating the relending program.
- d. Institute best practices based on lessons learned from the CDFIs.

Recommendation 53: 504 Grant Program

USDA's 504 grant program is currently only available to those in areas with populations of 20,000 or less. Although this program is necessary for smaller rural communities, the current population restrictions result in many underserved rural communities being unable to access this program. To address this problem, the program's requirements should be expanded to serve all low-income, rural communities (as defined by the Census of Agriculture).

53. Expand the 504 Grant Program. Specifically, USDA should:

- a. Remove the age restriction and expand beyond those that are 62+ and those that are “very” low-income.
- b. Align the grant limit with the Congressional limit of 10 percent of the national median home price.
- c. Revise the population requirements to be available to populations of greater than 20,000 but less than 50,000. Priority should still be given to smaller, underserved communities; however, all rural communities should be able to access the 504 Grant Program.
- d. Reconsider (or allow for waiver of) lifetime limits to address situations that are responsive to natural disasters.
- e. To ensure sufficient funding, allocate annually a minimum of \$50,000,000.

Rural Utilities

Recommendation 54: Broadband

*To effectively address the needs of underserved areas, it is essential to examine and refine the methodology and rules used to determine the availability of broadband services. Currently, the “one-and-done” funding stipulation prohibits some previously funded areas to receive additional USDA support for evolving needs. By supporting efforts to improve the accuracy of broadband mapping, USDA can identify and serve areas with unmet **evolving and ongoing** needs more equitably and effectively.*

54. Enhance broadband mapping and funding to address rural economically distressed and underserved census tracts.

- a. Reassess the broadband census tract methodology and rules that determine where USDA's programs believe broadband currently exists to understand if it is effectively capturing the needs of underserved areas.

¹⁷ “USDA Expands Local Partnerships to Increase Homeownership Opportunities for Native Americans.” *U.S. Department of Agriculture Press Release*, U.S. Department of Agriculture, 16 Oct. 2023, www.rd.usda.gov/newsroom/news-release/usda-expands-local-partnerships-increase-homeownership-opportunities-native-americans.

- b. Eliminate the current “one-and-done” funding stipulation that disqualifies rural economically distressed and underserved communities from receiving access to more inclusive grants and low interest loans to support broadband. Allow additional USDA funding for communities where broadband does not currently meet the federally established standard.

Recommendation 55: Improve Support for Underserved Communities Through Rural Utilities

In the context of the Inflation Reduction Act (IRA), Bipartisan Infrastructure Law, and other grant and loan programs administered by USDA, the Department must incentivize utilities and eligible entities to invest a portion of their funding to support underserved communities. Costs related to energy and other utilities more heavily burden low income and underserved communities while exacerbating already existing inequities. Energy and utility programs must consider the specific communities benefiting from loans and grants to ensure resources are equitably distributed. To promote this goal, the application process should award bonus points to applicants who demonstrate a commitment to community benefit plans and efforts to ensure that funds will benefit underserved communities.

Additionally, USDA should insist on consistent accountability and the transparent reporting of program investments and outcomes, including information on the communities and individuals benefiting from the initiatives. USDA should incorporate implementation guidelines of the Justice40 Initiative to enhance the focus on equity in new sustainability programs. Mechanisms to enforce transparency and accountability must be in place for all rural utility programs, especially water and electric programs.

Furthermore, USDA should consider replicating requirements from other federal agencies, such as the Department of Energy (DOE), to ensure that USDA’s efforts are in line with the best practices across the Federal Government for promoting equitable resource distribution and support for underserved communities across various sectors.

Finally, for cooperatives to work most effectively and to serve the interests of their members, they should be democratically controlled - that is, the board is elected in fair and transparent elections by the members of the cooperative. Over the years, observers have indicated that certain utility cooperatives, especially in geographic areas with a large minority population, have not conducted fair and transparent elections, which has resulted in boards that are not reflective of the members.

55. Incentivize utility cooperatives and companies to support rural economically distressed and underserved communities through USDA-administered grants and loans, increase the transparency of the utility programs, and encourage fair and transparent election of utility boards.

- a. Contractually require utilities and other eligible entities applying for Rural Utility Grants and Loans to demonstrate a commitment to use a portion of these funds to support rural economically distressed and underserved communities.
- b. Award bonus points in the application process for community benefit plans that ensure funds support underserved communities, consistent accountability, and

- transparent reporting of the location of the investments and the results of a program with a focus on historically underserved communities. The distribution of funds should be contingent on the implementation of community benefit plans.
- c. Incorporate Justice40 Initiative implementation guidelines.
 - d. Monitor and evaluate how rural utilities spend funds allocated to them through USDA programs, with a specific focus on assessing the impact on underserved communities.
 - e. Take steps to amplify the voices of underrepresented groups within rural water associations, electric cooperative boards, and other utility managing entities. This effort should focus on fostering a more inclusive decision-making process that better reflects the needs and priorities of the entire community.
 - f. USDA should support communities in ensuring fair and transparent board elections for rural utility cooperatives by collecting data and proactively providing information to historically underserved communities on how to conduct and participate in fair and transparent elections including by working with community-based organizations such as Minority Serving Institutions (colleges and universities) and other organizations rooted in historically underserved communities.

Recommendation 56: Edge-of-Grid Lending

To transform the electric production in America to clean energy, edge-of-grid¹⁸ power generation will play a critical role. USDA must adapt rural electric programs to incentivize edge-of-grid projects and ensure that this funding is distributed equally. Investing in the edge-of-grid will encourage utilities to pursue energy efficiency, solar power, battery storage, microgrids, and smart energy devices. This recommendation aims to guarantee that underserved communities receive a fair share of the benefits from these investments and contribute to a more equitable distribution of resources.

56. Expand Edge-of-Grid lending and investments for rural economically disadvantaged and underserved communities.

- a. Reassess the criteria for qualifying for loans to ensure rural economically disadvantaged and underserved communities have access to edge-of-grid technology and promote the growth of edge-of-grid programs, such as the Energy Efficiency Conservation Loan Program (EECLP).
- b. Offer incentives for broadband deployment in remote rural areas to support electric cooperatives' efforts in implementing edge-of-grid technologies for all member-consumers.
- c. Ensure that the implementation of the Justice40 Initiative is integrated into edge-of-grid lending and investment programs.

¹⁸ Edge-of-grid lending refers to a new power-generation phenomenon where individual consumers not only produce electricity at home, but also contribute energy to the broader power grid. Solar, wind, and other renewable power generation technologies allow for individual consumers to produce the energy they consume. For more information, visit <https://www.greentechmedia.com/articles/read/what-is-the-grid-edge>.

Recommendation 57: Prevent Displacement through Equitable Land Zoning and Community Participation

Infrastructure projects in rural communities can drive economic development and create opportunities for residents. However, these projects may also displace underserved and minority members of the community as rent and property values rise. The Equity Commission has identified the need to tie equitable land zoning policies and affordable housing to infrastructure and utility projects. Additionally, the Equity Commission believes engaging communities in the decision-making processes will ensure that future development aligns with local needs and values and is critical to ensuring equitable outcomes of infrastructure and utility projects.

57. Ensure future infrastructure projects account for impacts to local communities particularly rural economically distressed and historically underserved communities. Specifically, USDA should:

- a. Assess the impacts of potential infrastructure projects on the displacement of local communities by developing criteria to evaluate the potential community displacement based on factors like number of households displaced, loss of cultural sites, disruption of local economies, etc. Review impact assessments to quantify predicted effects.
- b. As part of the decision-making process in infrastructure projects, increase funding for further engagements with local stakeholders through public consultations to ensure the project aligns with the community's interests. This engagement should include inter-agency collaboration through programs like the Rural Partners Network. Measure stakeholder satisfaction through surveys and impact on decision-making through analysis of how feedback was incorporated.
- c. Strengthen its collaboration with local and regional governments to better understand the needs of rural communities by encouraging and incentivizing local policies and plans through qualitative review.

Community Facilities

Recommendation 58: Expanded Financing Options for Community Facilities Projects

The Equity Commission finds that the funding for investments in community facilities falls far short of the need for new and improved community facilities across rural America. We also find that community facilities are underfunded relative to other programs made available to rural communities by USDA RD. The community facilities program, if funded adequately, has the potential to solve the most basic needs of rural communities. With its significant rural footprint, strong capital position, and commitment to farmers and rural communities, the Farm Credit System (FCS) is well positioned to do more in rural communities. At present, FCS financing for community facilities for healthcare, food systems, and community support is limited and involves an inefficient and cumbersome investment process. Nevertheless, over the past decade the FCS has demonstrated its ability and interest in financing a number of successful community facilities projects. Allowing rural municipalities and community-based organizations greater access to financing for community facilities through the FCS would greatly improve rural healthcare, emergency services, and food systems in rural communities. Community facilities and infrastructure services must be considered as important as other RD programs to ensure the health and prosperity of rural communities. Healthcare, emergency services, and even housing could be addressed by just allowing communities to determine what is the most essential piece of infrastructure their community needs.

58. Partner with the Farm Credit System to ensure that the Community Facilities Direct and Guaranteed Loan and Grant Programs are eligible for additional financing through the Farm Credit System. Specifically, USDA should:

- a. Pursue changes to the current authorities and practices and partner with FCS to allow rural municipalities and community-based organizations to access financing through the FCS to fund community facilities projects.
- b. Continue to assess and prioritize removing barriers to accessing financing for community facilities.
- c. Allow rural communities to determine which facilities projects are most needed for their communities.

Recommendation 59: Community Facilities Direct and Guaranteed Loan and Grant Program

The Equity Commission has recognized the need to expand and invest in USDA Community Facilities Programs to create a prosperous Rural America. Other RD programs, such as Broadband and Rural Electric programs, are less restrictive and better funded relative to Community Facilities programs. The Commission believes that the Community Facilities Direct Loans and Grants programs should be made more accessible to smaller, rural communities [populations with less than 5,500]¹⁹. A significant portion of Community Facility funding is currently directed to communities in higher population counties; 75 percent of project funding went to communities with populations over 20,000. Priority points should be awarded to lower population counties.

¹⁹ Small counties can be defined as counties less than 5,500 as distinguished from census tracts that fall below 5,500.

Note, socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias within American society because of their identities as members of groups and without regard to their individual qualities. The social disadvantage must stem from circumstances beyond their control²⁰.

59. Expand access to USDA's Rural Community Facilities Direct Loan and Grant Programs.

- a. Increase participation and funding for Socially Disadvantaged and underserved communities, specifically, USDA should focus on communities in counties with smaller populations (under 5,500).
- b. USDA should clearly differentiate between counties below 5,500 and communities in census tracts below 5,500 and how priority points are awarded for Community Facilities Programs. USDA should emphasize funding for counties below 5,500.
- c. Appropriate funds for counties with a population below 5,500 to automatically receive funding and increase their access to the Community Facilities Programs.

Recommendation 60: Removing Barriers for Community Facilities Direct and Guaranteed Loan and Grant Programs

The Equity Commission has recognized the need to expand and invest in USDA Community Facilities Programs to create a prosperous rural America. Previously, these programs have not been funded or accessible to many rural communities. A significant portion of Community Facility funding is currently directed to communities in higher population counties. Although Community Facility funding has increased, participation by small counties under 5,500 people has not increased. USDA should ensure that the current structure is not disenfranchising counties below 5,500 and underweighting towards the county population.

60. Remove barriers to participation in Community Facility Loan and Grant Programs for small and underserved communities in counties with less than 5,500 people.

- a. Conduct an annual assessment on the distribution of Community Facility Loan and Grant funds to determine socially disadvantaged and underserved communities in counties with less than 5,500 people are fully accessing the program. This assessment should aim to increase participation and expand levels of sustained funding for such communities in more sparsely populated counties. Review the assessment quarterly.
- b. Based on the results of the assessment outlined in sub recommendation 'a', refine program requirements, application processes, priority points, and outreach efforts targeted towards socially disadvantaged and underserved communities in counties with less than 5,500 people.
- c. Seek additional appropriations to increase funding for the Community Facility Grant Programs. For socially disadvantaged and underserved communities in

²⁰ United States, Small Business Administration. "§124.103 Who is socially disadvantaged?" *Electronic Code of Federal Regulations (eCFR)*, Title 13, Part 124, 27 Apr. 2023, <https://www.ecfr.gov/current/title-13/chapter-I/part-124/subpart-A/subject-group-ECFR4ef1291a4a984ab/section-124.103>.

- counties with less than 5,500 people, adjust the maximum percentage of cost of projects that grants can cover:
- i. From 75 percent to 100 percent for communities with a population of 5,000 or less;
 - ii. 55 percent to 75 percent for communities under 12,000;
 - iii. 35 percent to 55 percent for communities under 20,000, without changing other eligibility requirements.
- d. Prioritize increasing funding for community facilities that bolster healthcare, food system, and community support (i.e., education, EMS/Fire first responders, housing, and childcare).

Additional opportunities USDA should consider:

- a. Grant Approval:
 - i. Applicant must be eligible for grant assistance, which is provided on a graduated scale with smaller communities with the lowest median household income being eligible for projects with a higher proportion of grant funds. Grant assistance is limited to the following percentages of eligible project costs:
 - a. Maximum of 75 to 100 percent when the proposed project is:
 - i. Located in a rural community having a population of 5,000 or fewer; and
 - ii. The median household income of the proposed service area is below the higher of the poverty line or 60 percent of the State nonmetropolitan median household income.
 - b. Maximum of 55 to 75 percent when the proposed project is:
 - i. Located in a rural community having a population of 12,000 or fewer; and
 - ii. The median household income of the proposed service area is below the higher of the poverty line or 70 percent of the State nonmetropolitan median household income.
 - c. Maximum of 35 to 50 percent when the proposed project is:
 - i. Located in a rural community having a population of 20,000 or fewer; and
 - ii. The median household income of the proposed service area is below the higher of the poverty line or 80 percent of the State nonmetropolitan median household income.
 - d. Maximum of 15 percent when the proposed project is:
 - i. Located in a rural community having a population of 20,000 or fewer; and
 - ii. The median household income of the proposed service area is below the higher of the poverty line or 90 percent of the State nonmetropolitan median household income. The proposed project must meet both percentage criteria. Grants are further limited.

- iii. Grant funds must be available.

XVII. Strengthening Rural Economies

USDA's investments in rural economies are crucial to the prosperity of rural communities. USDA's rural business loans, grants, and other programs play an important role in the economic development of rural communities. USDA's support for rural cooperatives provides critical services to rural communities so rural citizens can participate in the local, regional and national economy. To advance equity and opportunity in rural communities, USDA must evolve its programs to support access and expand its investments in underserved communities.

Recommendation 61: Matching Waivers for RD Programs and Grants

Many of USDA's RD Programs and Grants require a matching contribution from a private or state entity. This requirement results in a barrier for small and underserved service providers that may not have access to capital. By following the precedent set by other federal agencies that have permanently waived match requirements as an equitable strategy, USDA can foster a more inclusive funding environment. While some matching waivers currently exist, many stakeholders are unaware of the process for requesting a waiver. Building on encouraging progress under the current Administration, this will ensure that more organizations can benefit from available resources.

61. Develop eligibility requirements and waivers of matching requirements that prioritize rural economically distressed communities and historically underserved communities, including Federally Recognized Tribes, and enhance access to USDA programs and services. Specifically, USDA should:

- a. Remove match requirements from the scoring rubric.
- b. Provide priority points for rural economically distressed communities and historically underserved communities.
- c. Clearly communicate the process to request waivers for matching funds to all service providers.
- d. While working to implement sub-recommendation 'a', establish a universal application to waive matching requirements for all programs.

Recommendation 62: Rural Business Loans - Financing for Native Agricultural Producers by Microenterprise Development Organizations (MDOs)

According to the Intertribal Agriculture Council as well as Indigenous Food and Agriculture Initiative surveys²¹ of community organizations working on food systems and health issues in Indian Country, lack of funding, be it access to credit or other financial support, is the biggest barrier for Native producers. Additionally, farmers and ranchers from disadvantaged communities still face barriers in accessing affordable capital through USDA's existing programs. USDA should open new forms of credit for producers by removing restrictions to the intermediary relending program that prevent IRP's low interest loans from benefiting agricultural producers. Agriculture is one of the primary arenas of entrepreneurship in Indian Country with the three primary categories of agricultural loans being made for equipment, land purchases, and herd development. RD/USDA should be leading and supporting the growth of agriculture on the individual level, not prohibiting it.

²¹ Akiptan. "2022 Market Study." Akiptan, 2023, www.akiptan.org/2022-market-study. Accessed 18, February 2024.

62. Allow all loans and grants administered by Microenterprise Development Organizations (MDOs) to serve agricultural operations and provide agricultural credit as defined in the Consolidated Farm and Rural Development Act, Con Act. Specifically, USDA should:

- a. Remove Agricultural production as an ineligible loan purpose S 4274.319 (f) in RD Instruction 4274-D for the Intermediary Relending Program.
- b. Remove agriculture producer as an ineligible ultimate recipient from Rural Business Development Grant Program.
- c. Pilot the program with 2-3 strong partner MDO's and provide \$5 million in direct financing for the MDO to provide agricultural credit to their target market, similar to the 502 Relending pilot done in South Dakota.

Recommendation 63: Loan Loss Reserve Requirement

Each USDA loan product requires a 6 percent cash reserve for loan loss regardless of the portfolio health of the intermediary. Each lending entity submits a relending plan to USDA in the application process and describes its strategy for defaulting loans. A required cash loan loss reserve locks up capital for 30 years that could be flowing to the community and ultimate recipients.

63. Permanently remove the loan loss reserve (LLR) requirement for intermediary lenders that submit an acceptable strategy for handling defaulting loans.

- a. Require and include in the scoring that the Microenterprise Development Organizations (MDO) submit an acceptable strategy and track record for handling defaulting loans within their Revolving Loan Funds (RLF) Plan, with proof of a loan loss reserve contra-asset account established.

Recommendation 64: Equitable Lending Frameworks

Rural and underserved communities do not have ready access to philanthropy, corporate or individual partners. Therefore, they lack operational funding to implement the intermediary responsibilities which are required by RD's lending programs. RD has a model program called Rural Microentrepreneur Program (RMAP) that offers administrative dollars alongside the loan, based off a formula. USDA could replicate this model across all its loan offerings to offer a more equitable lending framework.

64. Create and include administrative grants with every loan product to intermediary lenders.

- a. The 2018 Farm Bill amended Section 379E of the Con Act (Consolidated Farm and Rural Development Act) to require that grant amounts to Microenterprise Development Organizations (MDO) be in an amount equal to not less than 20 percent and not more than 25 percent of the total outstanding balance of microloans made by MDOs.

Recommendation 65: Investing in Cooperatives

People in rural communities, and especially those in historically underserved communities, have sometimes lacked the ability to own and control the businesses that most directly impact their livelihood and families. One strategy that people have used in rural communities is the establishment of cooperative businesses where the people who use the businesses are the ones who own, control, and benefit from the business. Rural people have used cooperatives at scale to access agricultural markets and to ensure that rural people have affordable and reliable electricity, water, and telecommunications services. While the model has been used in many different sectors, it is especially prominent in both agriculture and utilities. More than 50 percent of all farmers in the U.S., including farmers from historically underserved communities, are members of farmer cooperatives. More than 40 million people in the U.S. are members of rural electric cooperatives. This strategy could be used in emerging sectors such as grocery, care economy, and converting small businesses to worker or consumer-owned cooperatives.

65. Provide robust research, education, and technical assistance for rural people who seek to use cooperatives to access markets, services, and capture economic opportunities.

- a. Double the current investments in the Cooperative Services staff so that it can acquire, analyze, and share information about all types of cooperatives in rural areas—including emerging cooperative sectors such as those in the care economy and conversion of rural small businesses to worker or consumer owned cooperatives.
- b. Use the discretion provided in the Rural Cooperative Development Grant program to provide much larger, multi-year grants to cooperative development organizations, particularly in rural economically distressed and historically underserved communities. Congress and USDA should provide much greater financial resources for these grants, appropriating \$20 million in funds.
- c. Allocate new resources and provide \$300,000-\$500,000 to utilize the voluminous new data provided by the Census Bureau Business Census, which in recent years has collected statistically significant data on cooperatives from different sectors to help inform policy makers and other stakeholders on how people are and can use cooperatives to grow their local economies.

Recommendation 66: Rural Energy for America Program

The Rural Energy for American Program (REAP), established under the OneRD Guaranteed Loan Program in October 2020, provides financing and grants to agricultural producers and rural small businesses for renewable energy systems and for energy efficiency improvements. Producers can also apply for new energy efficient equipment and new system loans for Ag production and processing.

REAP helps increase American energy independence by increasing the private sector supply of renewable energy and decreasing the demand for energy through efficiency improvements. Over time, these investments can also help lower the cost of energy for small businesses and producers.

This program could significantly enhance underserved areas with less expensive and alternative sources of energy. The Equity Commission has not been able to identify whether underserved areas are taking advantage of the program. USDA should identify any barriers to accessing REAP in underserved communities and adjust program requirements to further increase equity.

66. Expand opportunities for rural economically distressed and underserved communities to benefit from REAP through assessing where funding is going and refining program requirements to allow for greater access.

- a. Remove requirement for UEI (Unique Entity Identify) number for applications under \$200,000. USDA has removed this requirement for Ag producers for the Farm Service Agency programs. The elimination of this requirement for smaller applications would encourage more applications and expedite the process.
- b. For smaller projects remove the requirements for a civil engineering report at time of application. Make the civil engineering report a condition of commitment for receiving the grant or loan. For rural areas and underserved communities, it is an access issue to entice and fund certain professional services during the application process. There are other USDA programs where certain professional services are a condition of funding.
- c. Provide grant/loan assistance in areas where it is expensive or difficult to access, whether through USDA State or National offices. This support will help bolster rural communities' capacity to participate in the REAP program and access critical funding for energy projects.

XVIII. Conclusion

The Equity Commission’s investigation and recommendations provide a comprehensive approach to addressing historical inequities within the USDA’s programs and services. The report highlights the need for targeted reforms that promote inclusivity and equal opportunity for all Americans, including those from historically marginalized communities. By considering the Commission’s guidance, the USDA can implement effective measures to eliminate systemic barriers and enhance fairness in agricultural support, rural development, and access to resources.

The Commission’s recommendations urge a transformative shift towards a “whole – of - household” approach, including the reinvestment in USDA staffing, the expansion of loan programs, the integration of housing as a critical infrastructure component, and the reevaluation of program criteria to support underserved communities better. Moreover, embracing technology to improve service delivery, forming partnerships that amplify local voices, and acknowledging the value of cooperatives are paramount for revitalizing rural economies and addressing the “left out” rural areas.

In conclusion, the Commission suggests that substantial investments, informed by rural and minority stakeholders, can bridge the gap between rural potential and achievement. A realignment of priorities, coupled with persistent evaluation, training, and policy adjustments, can fortify USDA’s role in facilitating equitable growth and affirm the right to fair access across its spectrum of influence. This commitment to equity can ensure that the USDA not only supports but also dignifies the diverse fabric of America's agricultural legacy and rural communities, that acknowledges historical injustice while also transforming challenges into a testament of national prosperity and resilience.

Appendix A

The Equity Commission members received briefings from the following USDA staff:

- Dr. Gbenga Ajilore, Senior Advisor, Rural Development
- Andrew Berke, Administrator, Rural Utility Service
- Steffanie Bezruki, Chief of Staff, Rural Development
- Robert Bonnie, Under Secretary, Farm Production and Conservation
- Dr. Penny Brown Reynolds, Acting Assistant Secretary, Office of the Assistant Secretary for Civil Rights
- L'Tonya Davis, Chief Diversity and Inclusion Officer, Office of the Secretary
- Zach Ducheneaux, Administrator, Farm Service Agency
- Katharine Ferguson, Chief of Staff, Office of the Secretary
- Claudette Fernandez, (Former) Senior Advisor Program Equity and Opportunity Strategy, Office of the Secretary
- Rick Gibson, Senior Counsel, Office of the General Counsel
- Dr. Dewayne Goldmon, Senior Advisor for Racial Equity, Office of the Secretary
- Gloria Montaña Greene, Deputy Under Secretary, Farm Production and Conservation
- Scott Marlow, Deputy Administrator, Farm Service Agency
- Chris Nelson, Associate Director, Office of Budget and Program Analysis
- Jennifer Nicholson, Deputy Director, National Appeals Division
- Carlos Ortiz, National Program Leader, National Institute of Food and Agriculture
- Kimberly Peyser, Deputy Assistant Secretary, Administration
- Monica Rainge, Deputy Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights
- Margo Schlanger, Senior Advisor, Office of the Secretary
- Heather Dawn Thompson, Director, Office of Tribal Relations
- Xochitl Torres Small, Deputy Secretary of Agriculture
- Leslie Weldon, Former Acting Chief Diversity and Inclusion Officer, Office of the Secretary
- Homer Wilkes, Under Secretary, Natural Resources and Environment
- Frank M. Wood, Director, National Appeals Division

Appendix B

The following list of resources was provided to Equity Commission. They are also available on the Equity Commission website <https://www.usda.gov/equity-commission/resources>

Executive Orders	
<u>Executive Order 13985 On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government</u>	(Published January 20, 2021)
<u>Memo to Agencies: Advancing Equity in Procurement</u>	(Published December 2, 2021)
<u>Executive Order 13988 Preventing and Combating Discrimination on the Basis of Gender Identity and Sexual Orientation</u>	(Published January 20, 2021)
<u>Memo to Agencies on Modernizing Regulatory Review</u>	(Published January 20, 2021)
<u>Executive Order on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government</u>	(Published December 13, 2021)
<u>Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce</u>	(Published November 2021)
<u>Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government</u>	(Published February 16, 2023)
American Rescue Plan	
<u>American Rescue Plan Website</u> and <u>Fact Sheet</u>	
<u>American Rescue Plan of 2021</u>	(Published February 22, 2021)
<u>Advancing Equity through The American Rescue Plan Report</u>	(Published May 2022)
Federal Government Resources	
<u>Agricultural Credit Needs and Barriers to Lending on Tribal Lands</u>	(Published May 2019)
<u>IT Modernization: USDA Needs to Improve Oversight of Farm Production and Conservation Mission Area</u>	(Published September 23, 2021)
<u>USDA Market Facilitation Program: Oversight of Future Supplemental Assistance to Farmers Could Be Improved</u>	(Published January 4, 2022)
<u>GAO-12-976R, U.S. Department of Agriculture: Progress toward Implementing GAO's Civil Rights Recommendations</u>	(Published August 29, 2012)

GAO-09-62 U.S. Department of Agriculture: Recommendations and Options to Address Management Deficiencies in the Office of the Assistant Secretary for Civil Rights (Published October 2008)
Information on Credit and Outreach to Socially Disadvantaged Farmers and Ranchers Is Limited (Published July 11, 2019)
Are Rights a Reality? Evaluating Federal Civil Rights Enforcement (Published November 2019)
Engaging People with Lived Experience to Improve Federal Research, Policy, and Practice U.S. Dept. of Health and Human Services (Visited April 2023)
A Whole-Family Approach to Serving Families in Rural America White House Domestic Policy Council (Published November 2016)
FACT SHEET: Biden-Harris Administration Announces New Measures to Promote Equitable Community Development (Published June 27, 2023)
FACT SHEET: President Biden Announces Actions to Promote Educational Opportunity and Diversity in Colleges and Universities (Published June 29, 2023)
Biden-Harris Administration Makes Historic, \$11 Billion Investment to Advance Clean Energy Across Rural America Through Investing in America Agenda (Published May 16, 2023)
Office of the Inspector General Assessments / Analyses
The Pigford Cases: USDA Settlement of Discrimination Suites by Black Farmers (Published May 29, 2013)
Garcia v. Vilsack: A Policy and Legal Analysis of a USDA Discrimination Case (Published February 22, 2013)
USDA Oversight of Civil Rights Complaints USDA (Published October 22, 2021)
Outreach and Assistance for Socially Disadvantaged Farmers and Ranchers and Veteran Farmers and Ranchers Program (2501 Program) in Fiscal Years 2018 and 2019 USDA (Published November 10, 2021)
Hispanic and Women Farmers and Ranchers Claim Resolution Process USDA (Published March 31, 2016)
Market Facilitation Program—Interim Report USDA (Published September 30, 2020)
Black Farmers Discrimination Litigation (BFDL) Audit Report (Published December 2013)
USDA Reports, Resources, and Tools
Heirs' Property and Land Fractionation: Fostering Stable Ownership to Prevent Land Loss and Abandonment (Published September 2019)
Civil Rights at the United States Department of Agriculture (Published February 1997)

USDA Oversight of Civil Rights Complaints (Published September 2021)
Implementation of the Civil Rights Action Team Report at USDA: An Interim Progress Report (Published September 1997)
Independent Assessment of the Delivery of Technical and Financial Assistance: Civil Rights Assessment, Executive Summary (Published March 31, 2011)
Independent Assessment of the Delivery of Technical and Financial Assistance: Civil Rights Assessment, Final Report (Also known as the “Jackson Lewis Report”) (Published March 31, 2011)
Jackson Lewis Equity Recommendations • USDA Exit Memo 2017 • The People’s Department – A New Era for Civil Rights
Equity at USDA Fact Sheet
2017 USDA Agriculture Census Map Tool on the Census Website
USDA Direct Farm Loans Journey by GSA and FSA (Published July 10, 2018)
USDA FY 2023 Budget Summary and 2023 USDA Budget Explanatory Notes
Tribal Consultations Website and Framing Papers (Published April 2022) • Framing Paper: Economic Development • Framing Paper: Food, Safety, and Trade • Framing Paper: Farming, Ranching, and Conservation • Framing Paper: Forests & Public Lands • Framing Paper: Education & Research
Your FSA Farm Loan Compass (Revised March 2021)
Office of the Ombudsperson at USDA • Fact Sheet • Introduction to the Office of the Ombudsperson Presentation • Frequently Asked Questions
Farm Service Agency Committees: In Brief (Updated January 29, 2021)
Racial and Ethnic Equity in U.S. Agriculture: Selected Current Issues (Published April 11, 2022)
FSA County Committee Resources • County Committee Federal Register Notice-33063, Page 8 (Published June 5, 2022) • 2019 Farm Service Agency County Committee Election Report (Published 2019) • County Committee Eligibility to Vote Factsheet (Published June 2022) • Code of Federal Regulations, Selection and Functions of Farm Service Agency State and County Committees (Published June 2012) • County Committee Frequently Asked Questions (Published June 2022)

Rural Data Gateway Website (Viewed April 2023)
USDA Procurement Forecast Tool (Viewed June 2023)
Discrimination Financial Assistance Program (Section 22007 of the Inflation Reduction Act) • Program Press Release (Published July 7, 2023) • Program Website (Viewed July 7, 2023) • Program Fact Sheet (Published April 2023)
USDA Language Access Plan • Plan Press Release (Published November 15, 2023) • Language Access Website (Viewed November 15, 2023)
USDA Advisory Committee Reports
Advisory Committee on Minority Farmers Website (ACMF) • ACMF Recommendations (Published 2012) • Letter to Secretary Vilsack (Published October 2015) • ACMF Recommendations (Published February 2021)
Advisory Committee on Beginning Farmers and Ranchers Website (ACBFR)
Council for Native American Farming and Ranching Website (CNAFR) • CNAFR Recommendations (Updated June 2018)
A Time to Act: A Report of the USDA National Commission on Small Farms (Published December 31, 1997)
Indian Country Extension Commission Report (Published April 2022)
USDA Strategic Plan & Equity Action Plans
USDA Strategic Plan Fiscal Years 2022-2026 (Published March 2022)
USDA Equity Action Plan (Published April 14, 2022)
Equity Action Plans for all Agencies (Published April 14, 2022)
White House Convening on Equity (Recording of meeting hosted on April 14, 2022)
Executive Order 13985 RFI Summary Findings (Published April 14, 2022)
Blog Post: USDA Mission Areas, Agencies, and Offices' Equity Action Plans Are Making Progress (Published August 1, 2023)
USDA Equity Action Plans (Viewed August 2023)
Other
Redefining Rural Towards a Better Understanding of Geography, Demography, and Economy in America's Rural Places Economic Innovation Group (Published March 2021)
Countering the Geography of Discontent: Strategies for Left-Behind Places Brookings Institution (Published November 2018)
Rural Development Hubs: Strengthening America's Rural Innovation Infrastructure Aspen Institute (Published June 2020)

<u>Measure Up: Principles for Measuring Rural and Native Nation Development Progress Aspen Institute</u> (Published June 2022)
<u>Targeted Universalism Policy and Practice Othering & Belonging Institute at UC Berkeley</u> (Published May 2019)
<u>Advocating for Family Success – A 2-Gen Approach in Rural Settings Highland County Community Action Partnership</u> (Viewed April 2023)
<u>Improving Business Processes for Delivering Work Supports for Low-Income Families Urban Institute</u> (Published March 2016)
<u>Why Government Technologists Love the Domino's Pizza Tracker Statescoop</u> (Published September 2021)
<u>Place-sensitive Distributed Development – A Strategy to Lift Up Rural Areas with Technology Blandin Foundation</u> (Published November 2018)
<u>Thrive Rural Framework Overview Aspen Institute</u> (Viewed May 30, 2023)
<u>CFPB Finalizes Rule to Create a New Data Set on Small Business Lending in America Consumer Financial Protection Bureau</u> (Published March 30, 2023)
<u>What Is Frontier? National Center for Frontier Communities</u> (Viewed June 2023)
<u>Rural Energy Program Draws Scrutiny over Biden Equity Plan Politico</u> (Published July 27, 2023)

Appendix C

Transformational Capacity Building - Measure of Success

Suggested measures:

- The stock of year-round, locally owned housing
- Change in school enrollments
- The number/ratio of disconnected youth
- Increases in post-secondary educational attainment
- Labor market participation rates per industry based on race, gender and disability status.
- Changes from an accurate baseline in the number and growth of locally owned enterprises and cooperative structure. Changes in race, ethnicity, and gender wage gaps.
- Affordable childcare slots compared to demand
- Community college alignment with local economy
- Aligned continuum of family services
- Entrepreneurial growth as voluntary or involuntary (Is self-employment only an *emergency* response?)
- Dollar leakage in or out of the community
- Change in air, water, housing quality
- Economic and social impact of job retention
- Living wage requirements – and living wage job availability – in a region
- Change in household savings rates
- Broadband coverage to homes rather than broadband “coverage” only on Main Street
- Benefactors of investments.
- Locally generated wages.
- Systems and policy changes that create equitable economic growth
- Require all measures create no environmental damage/degrade.

Built

Have there been improvements in infrastructure?

Financial

Has there been increased investment in the region?

- Amount of Leveraged funding for projects and programs
- Adequate Technical Assistance funded.
- Growth in operations

Individual

Have people acquired or improved skills, or improved their health and well- being?

- # locations of retail food businesses received TA
- # of people receive TA
- Improved working conditions.
- # of referrals made to partner organizations
- Amount of sales for affordable, nutritious, and culturally appropriate foods
- Improved access to markets.

Intellectual*Is there greater knowledge, creativity or innovation in the region?*

- # of new programs offered from access points (example: RX-CSA's or culturally diverse art integration)

Natural*Has the work benefitted natural resources or the environment in the region?*

- \$\$ of sales from local farmers/ranchers/producers allowing for farmland to stay in production
- # of effective agricultural or conservation practices.

Political*Has there been an increase in influence over decision-making and policies?*

- # of and type policies revised to support food access, affordability, and availability

Social*Have new relationships and networks been built?*

- # of minority-owned businesses that received technical assistance -
- # of new collaborations formed as result of TA and how they impacted leveraged resources
- Have low-income businesses or individuals, or minorities been involved in the design and implementation of strategies.

Cultural*Has the work supported/preserved valued assets-traditions or ways of doing things?*

- # Jobs created or retained for local and regional residents from low-income and moderate- income areas that reflect area demographics, including communities of color.
- # Stories told that show impacts
- Changes in ownership of or decision-making power over local resources.

Press Inquiries: press@usda.gov | Public Inquiries: EquityCommission@usda.gov

Equity Commission Website: <https://www.usda.gov/equity-commission>

EQUITY COMMISSION
Shaping Change at USDA

www.usda.gov/equity-commission