

March 16, 2021

The Honorable Tom Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250

Dear Secretary Vilsack,

On March 10, 2021, the House passed the American Rescue Plan of 2021 (H.R. 1319), as amended by the U.S. Senate, with President Joe Biden signing the legislation into law on March 11, 2021.

While we have several concerns with the \$1.9 trillion bill, we write today to call your attention to Section 1005 which authorizes the Secretary of the United States Department of Agriculture (USDA or the Department) to make payments up to 120% of the outstanding indebtedness of all but one group of socially disadvantaged (SDA) farmers utilizing USDA loan programs, including direct farm loans made by USDA and USDA-guaranteed farm loans.

Proponents of this provision assert that forgiveness is necessary to address discrimination claims not adequately settled in *Pigford* and other court cases, which focused on USDA discrimination in farm lending in the 1980's and 1990's. Contrary to these settlements, there is no requirement in Section 1005 to prove discrimination to receive a claim. If the intent is to provide additional federal assistance to satisfy discrimination claims under the cases from the 1980's and 1990's, then Section 1005 should be tailored in the rulemaking process to only apply to these recipients and their heirs. If the intent of Section 1005 is to provide loan forgiveness to SDA farmers not associated with these cases who assert they have been discriminated against, then the Department should require evidence of discrimination in USDA's lending for a farmer to receive this payment.

Furthermore in the rulemaking process, USDA should apply the current Farm Service Agency (FSA) SDA Farmers and Ranchers Loan program eligibility definition which includes the following groups: American Indians or Alaskan Natives, Asians, Blacks or African-Americans, Native Hawaiians or other Pacific Islanders, Hispanics, and women.<sup>[1]</sup> Section 1005 currently uses a definition from the Food, Agriculture, Conservation, and Trade Act of 1990 that includes all of these groups – but excludes women. We would appreciate an explanation from the Biden Administration of how they intend to remedy this blatant discrimination against women.

Additionally, any Section 1005 loan forgiveness payments should not be made to non-U.S. citizens. While Section 1005 does not specify that non-U.S. citizens would be ineligible for the debt relief, the provision references 7 U.S.C. 1922 which has a requirement for a recipient of a loan to be a U.S. citizen.<sup>[2]</sup> This loan forgiveness should be limited to citizens of the United States

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<sup>[1]</sup> "Loans for Socially Disadvantaged Farmers and Ranchers," United States Department of Agriculture Farm Service Agency, 2019, [https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/2019/sda\\_loans-fact\\_sheet-aug\\_2019.pdf](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/2019/sda_loans-fact_sheet-aug_2019.pdf).

<sup>[2]</sup> Library of Congress, "United States Code: Agricultural Credit, 7 U.S.C. §§ 1922-1991 (Suppl. 5 1964)," <https://www.loc.gov/item/uscode1964-023007050/>.

that qualify as SDA farmers and ranchers rather than allowing broad language that would pay foreign nationals as much as 120% of their outstanding USDA loan balances.

As USDA begins to implement Section 1005, we hope that you promulgate rules that apply eligibility standards and provide loan payments only to American farmers and ranchers without discrimination against women. USDA and the Administration have a duty to responsibly and fairly administer the tax dollars of hardworking Americans. Thank you for your time and consideration of our concerns, and we look forward to a prompt response as to how the Administration intends to remedy Section 1005's discrimination against women and if the Administration intends to make payments to foreign nationals under this program.

Sincerely,



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Austin Scott  
Member of Congress



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Liz Cheney  
Member of Congress



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Jim Hagedorn  
Member of Congress



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Eric A. "Rick" Crawford  
Member of Congress



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Mike Bost  
Member of Congress



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Doug LaMalfa  
Member of Congress



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Trent Kelly  
Member of Congress



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Jody Hice  
Member of Congress



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Vicky Hartzler  
Member of Congress



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David Rouzer  
Member of Congress



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Kelly Armstrong  
Member of Congress



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W. Gregory Steube  
Member of Congress



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Earl L. "Buddy" Carter  
Member of Congress



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A. Drew Ferguson, IV D.M.D.  
Member of Congress



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Scott Perry  
Member of Congress



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Scott DesJarlais  
Member of Congress



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Ralph Norman  
Member of Congress



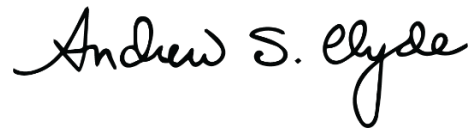
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John Joyce, M.D.  
Member of Congress



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Barry Moore  
Member of Congress



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Andrew S. Clyde  
Member of Congress



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Jason Smith  
Member of Congress



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Jeff Duncan  
Member of Congress