

The Food, Conservation and Energy Act of 2008

Socially Disadvantaged and Minority Farmers and Ranchers

CONSERVATION TITLE PROVISIONS

- **ENVIRONMENTAL QUALITY INCENTIVES PROGRAM (EQIP):** Cost-share is increased up to 90 percent of cost or 25 percent above prevailing rates for beginning and socially disadvantaged farmers.
- **INDIAN TRIBES:** A new provision has been added to the Wetland Reserve Program which will allow tribes to participate in 30-year contracts that will be paid at the same rate as 30-year easements. Most of the tribes with reservation land will not place easements on tribal lands and consequently have not participated in WRP.
- **CONSERVATION ACCESS:** This provision sets aside five percent of EQIP, CSP, and WHIP for first use by socially disadvantaged producers and the same percentage for beginning farmers. If the funds are not used by a certain time, they are rolled back into the program to be available for general enrollment. The provision also adds three purposes to the conservation innovation grants section specific to minority producers, increases the amount of technical assistance available, and provides USDA with clear authority to enter into cooperative agreements with minority-serving entities.
- **HEALTHY FORESTS RESERVE PROGRAM:** A new provision has been added to the program which will allow tribes to participate through 30-year contracts that will be paid at the same rate as 30-year easements. Most of the tribes with reservation land will not place easements on tribal lands and consequently have not participated in this program.

ENERGY TITLE PROVISIONS

- **BIOENERGY CROP PROGRAM:** The bill provides cost-sharing for the development and demonstration of harvesting, transportation, preprocessing, and storage technologies for biomass feedstocks. The establishment cost-share provides 50 percent of establishment costs, with 75 percent of costs covered for beginning or socially-disadvantaged farmers.

CREDIT TITLE PROVISIONS

- **LOAN ELIGIBILITY:** When determining eligibility for farm ownership and operating loans the Secretary is provided the flexibility to consider all farming experience of an applicant. This flexibility is to address farmers or ranchers who have taken time away from farming to pursue education or because of discrimination.
- **CONSERVATION LOAN PROGRAM:** The Conservation Loan program established in the credit title gives socially disadvantaged farmers and ranchers priority within the program.

- **DOWN PAYMENT LOAN:** Socially disadvantaged farmers and ranchers are added as eligible participants for the down payment loan program.
- **INVENTORY SALES PREFERENCES:** In purchasing land from USDA, for the first 135 days that land is held in inventory for sale by USDA, socially disadvantaged farmers or ranchers are given priority equal to that of beginning farmers.

MISCELLANEOUS TITLE PROVISIONS

- **PROVIDES BLACK FARMERS WHO WERE SHUT OUT FROM HISTORIC RACE DISCRIMINATION CASE THE OPPORTUNITY TO HAVE THEIR CLAIMS HEARD IN COURT:** In the historic civil rights case, *Pigford v Glickman*, many otherwise eligible black farmers were unable to obtain relief or even a hearing on their race discrimination claims. The conference agreement provides to black farmers, who were late filers and denied access to the original *Pigford* class, the opportunity to be heard on the merits of their claims. The bill provides \$100 million in mandatory funding for this provision along with an authorization for additional appropriation of funds as necessary.
- **SENSE OF CONGRESS:** Includes a Sense of Congress urging expeditious resolution of discrimination claims brought by socially disadvantaged farmers or ranchers.
- **OUTREACH AND TECHNICAL ASSISTANCE:** Outreach and technical assistance for socially disadvantaged farmers or ranchers is supported with \$75 million over five years.
- **MORATORIUM ON LOAN FORECLOSURES:** Provides for a suspension on loan foreclosure and acceleration proceedings against farmers and ranchers who have pending claims of discrimination against the Department of Agriculture.
- **OFFICE OF FARMWORKER COORDINATOR:** An Office of Farmworker Coordinator is created at USDA to assist in addressing the needs and concerns of America's farmworkers.
- **CIVIL RIGHTS REPORTING REQUIREMENT:** The Secretary of Agriculture is required to issue an annual report regarding civil rights complaints.
- **MINORITY FARMER ADVISORY COMMITTEE:** The bill establishes a Minority Farmer Advisory Committee at the Department of Agriculture.
- **CENSUS OF AGRICULTURE:** The Secretary of Agriculture must ensure that socially disadvantaged farmers or ranchers are accurately reflected in the Census of Agriculture
- **GRANTS TO AGRICULTURAL EMPLOYERS:** A new program is established at USDA to help maintain a skilled farm labor force by making grants to agricultural employers and other eligible entities to provide job training, workplace literacy, and health and safety instruction to farmworkers.