

House Resolution 1818

By: Representatives James of the 114th, Williams of the 128th, Williams of the 61st, Post 2, Heckstall of the 48th, Post 3, Lucas of the 105th, and others

A RESOLUTION

- 1 Urging the Congress of the United States to support the Black Farmers and Agriculturists
- 2 Association, Incorporated, in their efforts to obtain remedies for past discriminatory practices
- 3 against black farmers; and for other purposes.

- 4 WHEREAS, in 1920, there were 925,000 African American farms in the United States; and

- 5 WHEREAS, today there are fewer than 18,000 African American farms in the United States
- 6 and that number is steadily decreasing; and

- 7 WHEREAS, the United States Congress created the United States Department of Agriculture
- 8 (USDA) in 1862 and charged it with a variety of duties concerning the agricultural industry,
- 9 including the administration of farm loans and credit extensions; and

- 10 WHEREAS, many farmers rely on the timely administration of USDA loan and benefit
- 11 programs in order to compensate for lean production periods and to assist with operations
- 12 improvements; and

- 13 WHEREAS, decisions as to whether a credit application will be approved are made on the
- 14 local county level by a county committee headed by a county executive who is responsible
- 15 for assisting farmers with credit and benefit applications, and for making recommendations
- 16 to the committee as to which applications should be approved; and

- 17 WHEREAS, the county committees are not racially diverse and do not represent the racial
- 18 diversity of the communities they serve; and

- 19 WHEREAS, in 1998, across the United States, only 37 of 8,147, or .45 percent of all the
- 20 USDA county committee members were African American; and

1 WHEREAS, in the southeastern region of the country, where most African American farmers
2 are based, about 1 percent of USDA county committee members are African American; and

3 WHEREAS, in the southeastern region, the county committees take about three times longer
4 to process credit and benefit applications from African American farmers as they do to
5 process applications from white farmers; and

6 WHEREAS, in many instances when moneys are made available to African American
7 farmers, the funds are placed in a supervised bank account that requires a county supervisor's
8 signature before the farmer can withdraw money; and white farmers are not usually bound
9 to this requirement; and

10 WHEREAS, the USDA and the county committees discriminated against African American
11 farmers when they denied, delayed, or otherwise frustrated the applications of those farmers
12 for farm loans and other credit and benefit programs; and

13 WHEREAS, the USDA Office of Civil Rights Enforcement and Adjudication (OCREA) was
14 created to provide a system through which African American farmers could formally lodge
15 complaints and seek redress of racial discrimination claims; and

16 WHEREAS, according to the USDA Inspector General report issued in 1997, many
17 discrimination complaints were never processed, investigated, or otherwise resolved and the
18 discrimination complaint process at the Farm Services Agency lacked "integrity, direction,
19 and accountability"; and

20 WHEREAS, the delays in processing African American farmers discrimination claims often
21 resulted in the farmer's loss to the right to the claim, as the statute of limitations had run out
22 on many of the claims; and

23 WHEREAS, in 1997, three African American farmers consolidated their racial
24 discrimination claims into one class action lawsuit which included as the certified class all
25 African American farmers operating between 1981 and 1996 who applied for credit or
26 benefits with the USDA and were discriminated against in the USDA's response to the
27 application, and who filed a discrimination complaint before July, 1997, regarding the
28 USDA's response to the application; and

1 WHEREAS, in January, 1999, the African American farmers and the USDA entered into a
2 five-year Consent Decree, and in April, 1999, the court approved the settlement and assigned
3 four neutral entities to facilitate implementation of the Consent Decree; and

4 WHEREAS, Judge Paul Friedman of the United States District Court for the District of
5 Columbia wrote in the Consent Decree, that,

6 "For decades, despite its promise that 'no person in the United States shall, on the ground
7 of race, color, or national origin, be excluded from participation in, be denied the benefits
8 of, or be otherwise subjected to discrimination under any program or activity of an
9 applicant or recipient receiving federal financial assistance from the Department of
10 Agriculture,' the Department of Agriculture and the county committees discriminated
11 against African American farmers when they denied, delayed, or otherwise frustrated the
12 applications of those farmers for farm loans and other credit and benefit programs. Further
13 compounding the problem, in 1983 the Department of Agriculture disbanded the OCREA
14 and stopped responding to discrimination claims. These events were the culmination of a
15 string of broken promises that had been made to African American farmers for well over
16 a century"; and

17 WHEREAS, despite the provisions of the Consent Decree, African American farmers
18 continue to experience discrimination in the resolution of their racial discrimination claims;
19 and

20 WHEREAS, in 2003, the USDA Secretary created a civil rights office to expedite handling
21 of African American farmers' claims, yet that office has not been successful in addressing
22 the claims as the volume of claims far outweighs the resources available to handle the claims;
23 and

24 WHEREAS, the Black Farmers and Agriculturists Association, Incorporated, intends to file
25 separate lawsuits in federal court to challenge the implementation of the Consent Decree and
26 to raise awareness of the extent to which African American farmers continue to experience
27 discrimination.

28 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
29 we urge the members of the United States House of Representatives and the United States
30 Senate to conduct congressional hearings on the plight of the African American farmer and
31 on the USDA loan and credit policies towards African American farmers.

1 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
2 and directed to transmit appropriate copies of this resolution to the United States
3 Congressional Black Caucus, the United States Senate, and the United States House of
4 Representatives and we ask the Congressional Black Caucus to stand in solidarity with us in
5 our support of the Black Farmers and Agriculturists Association, Incorporated.