

**NOMINATIONS OF LUKE LINDBERG TO BE UNDER
SECRETARY OF AGRICULTURE FOR TRADE AND
FOREIGN AGRICULTURAL AFFAIRS AND DEVON
WESTHILL TO BE ASSISTANT SECRETARY OF
AGRICULTURE FOR CIVIL RIGHTS**

HEARING

BEFORE THE

**COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY**

UNITED STATES SENATE

ONE HUNDRED NINETEENTH CONGRESS

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UNDER SECRETARY OF AGRICULTURE FOR
TRADE AND FOREIGN AGRICULTURAL AF-
FAIRS AND DEVON WESTHILL TO BE AS-
SISTANT SECRETARY OF AGRICULTURE
FOR CIVIL RIGHTS**

TUESDAY, APRIL 29, 2025

U.S. SENATE
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY
Washington, DC.

The Committee met, pursuant to notice, at 3 p.m., in Room 216, Hart Senate Office Building, Hon. John Boozman, Chairman of the Committee, presiding.

Present: Senators Boozman [presiding], Hoeven, Hyde-Smith, Marshall, Tuberville, Justice, Fischer, Klobuchar, Bennet, Smith, Warnock, Welch, Schiff, and Slotkin.

**STATEMENT OF HON. BOOZMAN, U.S. SENATOR FROM THE
STATE OF ARKANSAS, CHAIRMAN, U.S. COMMITTEE ON AGRI-
CULTURE, NUTRITION, AND FORESTRY**

Chairman BOOZMAN. Good afternoon and welcome. It is my privilege to call this hearing to order. Today we will consider the nominations of Mr. Luke Lindberg to be Under Secretary for Trade and Foreign Agricultural Affairs, and Mr. Devon Westhill to be Assistant Secretary of the United States Department of Agriculture for Civil Rights.

We welcome both of you to the Committee and congratulate you on your nominations. Thank you so much for your willingness to serve.

The challenges that farmers continue to face, which have been consistently communicated to this Committee in the farm bill hearings we have held so far this Congress, show why it is so important that Secretary Rollins have her team in place.

The costs for fuel, seed, and fertilizer remain high, as do interest rates, and farmers everywhere are losing money on every acre they cultivate, all the while in desperate need of an updated farm bill safety net and risk management tools.

Secretary Rollins has done a great job supporting our farmers through these challenges and the two nominees before us today will be important members of her team.

Starting with Mr. Lindberg, the Under Secretary for Trade and Foreign Agricultural Affairs is tasked with expanding access for

U.S. agricultural products into foreign markets and promoting U.S. food and agricultural exports. Considering that the U.S. agricultural trade deficit is projected to reach a record \$49 billion this year, and both tariff and non-tariff trade barriers continue to inhibit U.S. agriculture from reaching key markets and opening new markets, this position is truly critical.

Mr. Lindberg will be tasked with representing USDA in trade negotiations, including collaborating with USTR (U.S. Trade Representative), the Department of Commerce, the Department of State, and the White House.

Farmers and ranchers rely on this position to elevate the significance of agricultural trade issues in broader trade discussions, and that will be especially true given the current uncertain trade environment.

The Under Secretary for Trade and Foreign Agricultural Affairs also plays an important role in administering USDA's international food assistance programs.

Mr. Lindberg will be responsible for coordinating commodity procurement among various agencies within USDA. This work helps expand markets for U.S. producers, and Mr. Lindberg will be responsible for working with the White House to ensure the good work of the longstanding programs such as Food for Peace can continue.

I am confident that Mr. Lindberg's prior government service, private sector expertise, and his deep trade background will serve him well in this role.

While Mr. Lindberg will have important work to lead, so too will Mr. Westhill. As I have said before, I believe producers want an improved relationship with USDA. They want to know USDA is a partner and will provide them the tools they need.

Mr. Westhill will be in charge of enforcing civil rights law within USDA, as well as processing unemployment opportunity complaints. While this role is not often in the spotlight, it truly is essential.

Mr. Westhill will be tasked with ensuring all USDA employees are treated with respect, that their civil rights are protected, and they are not fearful of retaliation.

He will also work with the 29 agencies and eight mission areas within USDA to ensure that the programs meant to serve our farmers, ranchers, and rural communities are carried out in a way that is consistent with civil rights law and department protocol, and address complaints in a timely and thoughtful manner.

Having previously served as Deputy Assistant Secretary for Civil Rights, he knows the office inside and out and will be able to hit the ground running, and I am confident he is the right man for the job.

I am confident both Mr. Lindberg and Mr. Westhill have the necessary expertise and experience and will thrive in these roles. I look forward to hearing their testimonies and answers to our questions.

Senator Klobuchar.

**STATEMENT OF HON. KLOBUCHAR, U.S. SENATOR FROM THE
STATE OF MINNESOTA**

Senator KLOBUCHAR. Thank you. Thank you very much, Mr. Chair. Happy to be the warm up act for Senator Rounds.

I want to thank you for holding a hearing for these important nominations for these USDA positions. I want thank Mr. Lindberg and Mr. Westhill for being with us today. I am pleased to see your families are here today, including Mr. Lindberg's wife Brittany, and his children, John Mark and Lucy. I see that Lucy already is matching the political smarts of her family by dressing to match her grandma, as well as Mr. Westhill's wife Michelle, his children, Madeline and Benjamin. I have to say, Madeline, you may be the most stylish looking child that has ever come before this Committee. Thank you.

Mr. Lindberg, you have been nominated to serve as the Under Secretary for Trade and Foreign Agriculture Affairs, which as we know, oversees USDA trade policy. Based on our meeting, I believe you are well qualified for this role, given the work you have done in state, and have a real understanding of the importance of trade for American farmers.

You are coming to this position at a critical time. If confirmed, you will need to be a strong advocate for farmers and ranchers and for expanding markets in the face of what I consider—not speaking for everyone up here—but chaotic trade policy. Farming is the riskiest business there is. As we meet today, farmers in my state and across the country are eager to get into the fields to plant this year's crop. I saw this firsthand when I met with the Johnsons in Faribault County recently. They have to make business decisions right now to try to provide certainty. Can they break even? They have got input costs. They have got weather events. They have got an international market that is now completely uncertain because of these tariffs.

They need markets to sell their product. Twenty percent of what American farmers and ranchers produce goes outside of our country. There are so many customers now and potential customers. We have had three out of the last four years were record years for agriculture exports. My state is fourth in the Nation for agriculture exports, so I know a little bit about this. This reckless tariff policy right now is putting farmers' livelihoods in jeopardy, and we continue, I know we all do, to hear about the negative impacts.

What really bothers me about this is some of the big guys, the big companies—you know, Tim Cook can get into the White House, great, save the phones—but the soybean farmer in a little county in Minnesota does not have that phone number. He cannot get into that meeting on Wall Street with the Treasury Secretary. I am just afraid that these smaller farmers and ranchers are going to be roadkill if this is not resolved as soon as possible.

The top three countries targeted for tariffs—Mexico, Canada, and China—are also our top three agriculture export markets, and account for half of all U.S. agriculture exports. We are already seeing retaliation, and our farmers have said they want aid, not trade. I do appreciate, again, you, Mr. Lindberg, in our discussions about the need to make sure that we have export markets, because there

are so many opportunities out there, and we need to get this settled as soon as possible.

We are also considering your nomination, Mr. Westhill. This is a critically important position where you will be tasked with ensuring that every farmer and every USDA employee is treated with the respect and fairness that they deserve. Historically, the USDA has not always done so, both for the farmers it serves and the federal workers dedicating their careers to public service. Despite progress made in recent years, we know there is more work to be done, and this is particularly important as we have seen some of the actions from this Administration.

I appreciated our conversation very much, and as you know I expressed concerns, some of which you will hear today, about some of the ongoing issues with civil rights. I do look forward to hearing from you today. I welcome you and your family to this Committee room.

Thank you very much, Mr. Chair.

Chairman BOOZMAN. Thank you, Senator Klobuchar.

Today we are joined by our colleague from South Dakota, Senator Rounds, who will introduce our nominee, Mr. Luke Lindberg. Thank you for being here, Senator Rounds. It is always great to have you around the Committee. You are certainly a tireless advocate for the farm community and for rural America. With that, go ahead and proceed.

Senator ROUNDS. Mr. Chairman, first of all thank you, Chairman Boozman, Ranking Member Klobuchar, and distinguished Members of the Senate Committee on Agriculture, Nutrition, and Forestry. It is my honor to introduce Mr. Luke Lindberg as the nominee for Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs.

Luke is imminently qualified for this role after dedicating his career to expanding markets for producers. He is joined by his wife Brittany, and several other family members. South Dakota Governor Larry Rhoden is also in attendance to support his nomination.

Luke originally hails from Vermont. He later earned a Master of Business Administration, a Master of Public Policy, and a Bachelor of Arts in Government and Politics from the University of Maryland.

After meeting his wife Brittany while working in Washington, DC, Luke made the wise decision to make South Dakota his home. As a proud South Dakotan, Luke enjoys participating in all of the activities that make our state great, including hunting and outdoor recreation. I can attest to the fact that he is enjoying shooting an occasional rooster in the fields, as well.

Luke previously served as the Chief of Staff and Chief Strategy Officer at the Export-Import Bank of the United States. As a top EXIM official, he was responsible for overseeing daily agency functions and executing key initiatives. This includes efforts to expand new markets for American liquified natural gas, or LNG, and securing America's supply of critical minerals and rare earths. In recognition of his leadership at EXIM, Luke earned the Distinguished Service Award.

Shortly after settling into his home, Luke realized South Dakota was one of the few states without a trade association. He quickly moved to establish South Dakota Trade. This organization works to expand markets through trade missions and export education. As President and CEO of South Dakota Trade, Luke conducted five trade missions in a two-year period. During this time, he traveled to several nations to promote South Dakota agricultural products. These trips helped foster important relationships between our producers and foreign buyers. As American producers contend with trade deficits, it is clear we need leaders who understand complex agricultural markets.

Throughout his career, Luke has consistently stood up for farmers and ranchers. He was a strong pick by President Trump and will do an outstanding job as Under Secretary for Trade and Foreign Agricultural Affairs. I urge you to support this very highly qualified nominee.

Thank you, Mr. Chairman and Ranking Member.

Senator KLOBUCHAR. I also see, peeking behind you there, Senator Rounds, is the Governor of South Dakota. Is that correct?

Senator ROUNDS. Governor Larry Rhoden. Yes.

Senator KLOBUCHAR. Very good.

Senator ROUNDS. We are very, very pleased to have him here.

Senator KLOBUCHAR. We welcome him, as well. Thank you for being here. I know my Midwest Governors.

Chairman BOOZMAN. We are on a roll, Senator Klobuchar. You know, last Committee hearing we had Babydog. Now we have got the Governor of South Dakota. It is great.

Thank you, Mike, so much.

Devon Westhill is nominated to be Assistant Secretary of Agriculture for Civil Rights. He is currently President and General Counsel for the Center for Equal Opportunity, and led the Civil Rights Office at the Department of Agriculture during the first Trump Administration. He worked at the Department of Labor as Deputy Secretary of the Office of Public Liaison. Mr. Westhill is a Navy veteran and a graduate of the University of North Carolina at Chapel Hill and the University of Florida.

With that let's go ahead and take the oath. Thank you all again for being here. Thank you for your willingness to serve. If you will come forward we will administer the oath, and then we will have the testimonies.

Please stand and raise your right hand.

Do you swear or affirm that the statements you are about to provide is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LINDBERG. I do.

Mr. WESTHILL. I do.

Chairman BOOZMAN. Do you agree that if confirmed you will respond to the request to appear and testify before any duly constituted Committee of the Senate?

Mr. LINDBERG. I do.

Mr. WESTHILL. I do.

Chairman BOOZMAN. Good. Thank you. You can be seated.

Mr. Lindberg, you are up.

**STATEMENT OF LUKE LINDBERG, OF SOUTH DAKOTA, TO BE
UNDER SECRETARY OF AGRICULTURE FOR TRADE AND
FOREIGN AGRICULTURAL AFFAIRS**

Mr. LINDBERG. Chairman Boozman, Ranking Member Klobuchar, and distinguished Members of this Committee, I am humbled to come before you today as President Donald J. Trump's nominee for Under Secretary of Trade and Foreign Agricultural Affairs at the U.S. Department of Agriculture. I would also like to thank Secretary Rollins and the great team at USDA, including hopefully my future colleague, Mr. Devon Westhill, my wife and children, John and Lucy, who are here, as well, with me today.

My wife Brittany, has served this great country as a supportive family member for most of her life, and her willingness to embark upon this next phase of civic engagement, alongside me, is inspiring and really epitomizes the Godly woman she has become. Thank you, Brittany, for being here.

Should you confirm me for this position, this will not be the first time I have served as an American Diplomat. In President Trump's first administration, I served as Chief of Staff at the Export-Import Bank of the United States where I led key initiatives on the great power competition with China, liquified natural gas exports, and securing America's supply of critical minerals and rare earths. I also led EXIM's involvement in the execution of the historic and ground-breaking Abraham Accords, a series of bilateral agreements normalizing relations between countries in the Middle East.

Over the past several years, I have served as President and CEO of South Dakota Trade, the top diplomatic posting in my home state, which is second in the Nation in per capita agricultural exports. In this position, I led trade missions to Mexico, Japan, Taiwan, and Israel, generating millions in sales for South Dakota farmers and ranchers, and in so doing held bilateral meetings with President Benjamin Netanyahu of Israel, Vice President Hsiao Bi-khim of Taiwan, and Mexico's then-Minister of Agriculture and Rural Development Victor Villalobos.

Throughout my career, I have conducted business on six continents and led teams of hundreds of staff overseas.

My journey, which has taken me across the world and back again, several times over, started like many of you, in a small town far from Washington, DC. I have a very distinct memory of standing in front of our brick, town hall in Norwich, Vermont—which I believe Senator Welch has been to—waving a campaign sign for my mother, who was running for Town Treasurer and who is here with us today. That was a special day for me, first because Mom won her election, and second in that it was the day I realized that democratic, freedom-loving nations are only sustainable if people are willing to serve.

My college pastor, Matt Nichols, who is also here with us today, and who prayed over my family before this hearing, helped me to identify a "life verse" that aligned with this calling to public service. Proverbs 31, verse 8 says "Speak up for those who cannot speak for themselves, for the rights of all who are destitute." I can think of no greater calling than to speak up on behalf of rural Americans at this moment in time.

Many of my friends and neighbors, many of whom are here today, have asked what I hope to accomplish should I be confirmed to this role. My answer is quite simple. President Trump said it best when he nominated me: "Luke will make sure American farmers and ranchers get the smart trade deals that they deserve."

America's agricultural trade deficit, which is the worst in American history, is driven by a number of factors, but principally by the lack of an America First Trade Agenda that prioritizes market access for our farmers and ranchers. For too long, we have let other countries access our market and have not negotiated reciprocal access to theirs.

Recently, the office of the U.S. Trade Representative solicited public comment on unfair trade practices forced upon our great American producers by other nations. I took the time to read every single submission that comments on agriculture.

In so doing, I was reminded that 75 percent of the seafood, over half of the fruit, and 35 percent of the vegetables we consume in America are imported. Our ethanol producers are no longer competitive in Brazil because of Brazilian import tariffs. Our hog farmers cannot export pork to Brazil, India, Nigeria, Jamaica, Namibia, or Thailand. Mexico has enjoyed a 557 percent increase in specialty crop imports into the United States in just the last decade. Canada has rigged the USMCA agreement terms against our dairy and wheat farmers. The European Union is responsible for roughly half of our overall trade deficit, \$23.6 billion, and yet it routinely shuts out our products at the altar of non-scientific based claims.

There is really too much to say about China in this set of opening remarks, but a stark comment that stuck out to me came from representatives of American corn farmers who said that "U.S. corn growers cannot rely on China as an export market."

However, in the midst of all of the feedback, one story that lives in my memory is that of a family from Georgia, who captain a shrimp boat. The husband and wife commented that they have noticed a 70 percent reduction in shrimp trawlers due to a flood of imports from foreign nations that process their shrimp in unsanitary conditions we would never allow in the U.S.

The Honorable Henry Kissinger once said, "America has no permanent enemies or friends, only interests."

America's agricultural trade deficit is not impacting just one region, one political constituency, or one segment of the agricultural economy. We all are impacted, and we all must work together to fix it together.

In addition to helping farmers and ranchers navigate short-term changes aimed at more fair trade deals, I stand ready to explore new export markets and also hold our existing export markets accountable to the deals they made with our family farms.

America has not lost our competitive edge in producing food, fuel and fiber. We have merely abdicated our leadership role in feeding the world by allowing others to rig the system against us.

I humbly ask for your support for my nomination and for your ongoing partnership should you confirm me for this role.

Thank you, and I look forward to your questions.

[The prepared statement of Mr. Lindberg can be found on page 32 in the appendix.]

Chairman BOOZMAN. Thank you, Mr. Lindberg.
Mr. Westhill, you are recognized.

**STATEMENT OF DEVON WESTHILL, OF FLORIDA, TO BE
ASSISTANT SECRETARY OF AGRICULTURE FOR CIVIL RIGHTS**

Mr. WESTHILL. Chairman Boozman, Ranking Member Klobuchar, and distinguished Members of the Committee, it is the honor of my life to get the opportunity to testify before you here today, and I want to thank President Trump for that. This is the second time he has entrusted me with the honor and duty to head the Office of the Assistant Secretary for Civil Rights (OASCR) at USDA—call it OASCR. If I am fortunate enough to be confirmed, I would cherish the opportunity to work alongside Secretary Rollins and the numerous wonderful people with whom I served in President Trump's first term, including career officials, and many tremendous new colleagues like Luke here.

That would not be possible without the support of my little family who have stuck beside me all these years, and who are here with me today. Allow me to introduce them please. First is sweet baby girl, Madeline Sophia, who as it turns out is one of the most fashionable, if not the most fashionable ever to appear before this Committee. I have said since her day one she is super smart, super funny, and very advanced for her age. I have been proven right on that many times in her eight years.

Next is my son, Benjamin. He is our scholar athlete, number seven, Big Ben, quarterback and linebacker on the Jax Beach Sharks, and the most amazing person in the whole wide world. That is objectively speaking, is my wife here with me, the beautiful, wonderful, lovely Michelle Westhill. Thank you all for being here.

It is such an honor for me to be here because I have spent my entire career dedicated to the public interest via nonprofit leadership and government service. This is the fourth time I have volunteered to serve my country. The first was as a teenager in the United States Navy, the second was at the U.S. Department of Labor, and the third was within the very office to which I am nominated to lead again. My principal aim in all these endeavors was to be a small part of our shared project to form a more perfect union. Specific to the role for which I am interviewing today, that means ensuring civil rights protection, equal opportunity, and equal justice under the law for everyone.

That mission is very personal to me. I was born a poor black child and raised in the South alongside my two siblings by our single mother. It was hardscrabble. Being born into tough circumstances is not at all unusual, of course. In fact, it is, for the vast majority of mankind, what we have experienced. For my siblings and me, we had two things that made all the difference in our lives compared to untold numbers of others. We had an extraordinary mother who loved us, who wanted the best for us, and who set an outstanding example for us, and we were Americans.

Like my heroes Frederick Douglass and Booker T. Washington who went before me, I have observed that in America the mere connection with race, color, or ethnicity, or one's starting point in life will not permanently carry an individual forward unless he has in-

dividual worth, nor finally hold an individual back if he possesses intrinsic, individual merit. So long as we do not allow our grievances to overshadow our opportunities, the sky is the limit in this country. I am living proof of that. That is the true history of America and the crux of the American Dream. We must keep it that way. I have been a voice for this perspective for a long time, and hope to continue to be.

If I am confirmed, I want to pick up where I left off in focusing OASCR on its core duties: communicating from the top to the bottom that civil rights will be vigorously enforced at USDA; being laser focused on improving our core complaint processing work; and ensuring the development and deployment of effective proactive prevention measures.

We were very successful in the first term in this regard. For example, we improved the timeliness of EEO complaint investigations from 61 percent to 100 percent within three months of my arrival. We grew a model EEO Program pursuant to EEOC requirements from 61 percent to 85 percent within six months of my arrival. Prior to my departure, we developed and implemented new department-wide civil rights, anti-harassment, and reasonable accommodation policies.

Should the Senate confirm me as Assistant Secretary for Civil Rights at USDA, you may be surprised to learn, it will be only the first time since the Obama Administration that a Senate-confirmed leader will have headed that office. That, of course, is no way to maintain a statutorily mandated Federal Government office, nor is it fair to the 100,000 employees and millions of customers who want to do business with USDA on equal footing. I mention this merely to point out the gravity of the moment for civil rights at USDA. If that long span of vacancy in Senate-confirmed leadership is broken by my confirmation, I commit to you to carry out the responsibilities of the Assistant Secretary for Civil Rights at USDA with the utmost integrity.

Once again, I am beyond honored to get the opportunity to testify before you today. I look forward to your questions.

[The prepared statement of Mr. Westhill can be found on page 35 in the appendix.]

Chairman BOOZMAN. Well, thank you both for your testimony. We will begin now a round of questions. Each Member will have five minutes. Before I ask my questions I would like to add letters of support from various farm groups for Mr. Lindberg and Mr. Westhill's nominations into the record. Without objection, so ordered.

[The letters can be found on pages 38–49 in the appendix.]

Chairman BOOZMAN. Mr. Lindberg, this year the U.S. agriculture trade deficit, as you mentioned, is projected to reach a record – \$49 billion. If confirmed, how will you work to ensure that the broader tariff negotiations being driven by USTR prioritize greater market access for U.S. agriculture exports?

Mr. LINDBERG. Thank you, Mr. Chairman, and I appreciate the time we spent together discussing these various issues.

If you ask many of my colleagues at South Dakota Trade or other people I have worked with in the past, you will often hear them

say that I believe exporting is a team sport, and we must work together to accomplish the exact tasks that you are discussing today.

For me, getting back to surplus would be my number one priority in this capacity. I believe that on day one I would walk into my office, draw the number —\$49 billion on the white board, and begin to invite farm groups in from all across the farm economy to figure out where the countries, where the markets, what are the products, and what are those dollar values that get us back to surplus.

Then I want to be an advocate in the interagency process to make sure that the folks at USTR, the folks at Commerce, the folks at Treasury all know and understand what those priority markets are, what those priority products are for our agriculture community members and then we go out and start to win the day, go on the offense.

Chairman BOOZMAN. Really, in follow up to that, if confirmed, you will oversee the premier trade programs, the Market Access Program and Foreign Market Development Program, which again are so vital to our producers. Can you describe your experience with MAP and FMD and how you view their role in helping build, expand, and maintain markets for the U.S.?

Mr. LINDBERG. Happy to do so. Yes, sir. In my role as President and CEO of South Dakota Trade we have, as mentioned previously, led a number of trade missions overseas, in partnership with a group, the Food Export Midwest Program, which uses those funding programs, MAP and FMD, to support our agricultural producers overseas. On every one of those trade missions, also engaged the Foreign Agricultural Service staff in-country to set up meetings for us, to help guide our agendas, to get Governor Rhoden and other folks in the room with the right counterparts for bilateral discussions to help advance our agriculture community's needs in those specific markets.

I would look forward to working with many of the staff in those programs that I have worked with in the past to execute on their mission.

Chairman BOOZMAN. Very good. Mr. Westhill, based on your insights gleaned from previous experience in this role at USDA, what recommendations do you have to ensure that all USDA employees are treated with respect, that their civil rights are protected, and if violations occur, that individuals are not fearful of retaliation?

Mr. WESTHILL. Senator, thank you for the question, and first of all I refer back to my opening statement. What we have to do is ensure, at OASCR, the Office of the Assistant Secretary for Civil Rights, that its core complaint processing work is going well.

Unfortunately, when I arrived at that office in the last term we inherited quite a backlog of EEO complaints. What I want to make sure—and we rectified that, as I mentioned—what I want to make sure is that if I encountered that sort of backlog again that it is dispensed with very quickly, once again, within three months or faster. We have a history of being successful with that. We would want to do that again.

I think the proof is in the pudding when it comes to that. Individuals at USDA will understand that their civil rights are going to be enforced, that the leadership is committed to that. I think at the end of the day what we want to do is ensure that folks under-

stand their rights and responsibilities, as well. Those proactive prevention techniques that I mentioned—training and so forth—ensure that those are in place, as well.

Chairman BOOZMAN. Very good. Senator Klobuchar.

Senator KLOBUCHAR. Thank you very much, Mr. Chair. I guess I will start with you, Mr. Westhill, just to finish up here. At its founding, President Lincoln referred to USDA as “the people’s department.” As Assistant Secretary for Civil Rights, if confirmed, you would be responsible for ensuring USDA and its agencies comply with all civil rights laws. If confirmed, what is your plan to ensure compliance with civil rights laws, especially with respect to farm programs, and will you work to rebuild the relationship with farmers who have been involved with civil rights issues and have long distrusted the Department?

Mr. WESTHILL. Senator, thank you for the question. I will start with sort of the latter part of the question. I am absolutely committed to building relationships with all customers and employees at USDA. Any who want to do business with USDA should be able to do that on equal footing, and you have my commitment there.

When it comes to enforcing civil rights and ensuring folks understand their rights and responsibilities around those things, I do not think it is rocket science. It is a pretty clear playbook. One, communicate from the top to the bottom that civil rights will be vigorously enforced, that it is a priority. Second, ensure that folks understand their rights and responsibilities. You know, it is important to have a robust, proactive prevention technique plan. Then finally, to hold folks accountable, to really show that you are enforcing those civil rights. When opportunities come to investigate very deeply any issues that come to light, that you are doing those things and that everyone at USDA, the employees and the customers, understand that you are taking those things seriously.

Senator KLOBUCHAR. The 2018 Farm Bill requires the USDA, in law, to conduct civil rights impact analysis with respect to USDA employment, programs, activities. If confirmed, will you commit to analyzing adverse or disproportionate impact with respect to proposed program changes or reorganizations at USDA, including conducting a civil rights impact analysis?

Mr. WESTHILL. I think it is critical to ensure that any major programs at USDA are evaluated for civil rights issues, and I am committed to ensuring that we do that at USDA, as I did in this role in the first term.

Senator KLOBUCHAR. Thank you. Mr. Lindberg, what opportunities do you see for market expansion in other countries for American agriculture products?

Mr. LINDBERG. Senator, thanks again for the question, and thank you for spending some time with me prior to this. I appreciated our conversation leading up to this hearing today.

I believe there is a number of markets that American agriculture producers should be taking advantage of, that are currently not at full capacity. India would be my top priority for a market that we should be doing better in—1.4 billion consumers in India. I am excited to hear this morning that Secretary Bessent is making progress on a trade deal with India.

One of the markets that concerns me the most is the \$23.6 billion trade deficit we have with the European Union, and the basket of goods that we produce and the basket of goods they produce is too eerily similar, and the trade deficit is too wide, that we should have more market access for our producers in the European Union. Two examples.

Senator KLOBUCHAR. Thank you, and hopefully we can do trade agreements with other countries. I think you all know I was a fan of the USMCA. There is still work that has to be done on dairy and other improvements. To me that is the way we should be going instead of where we are.

By the way, I was also pleased with the change in India on frozen turkey during the last administration. I understand that is still in place.

I recently led 18 of our colleagues in pressing the U.S. Trade Representative on the impacts that the President's tariff agenda will have on farmers, seeking clarity, and I would like to ask that the letter be entered in the record.

Chairman BOOZMAN. Without objection.

[The letter can be found on page 50 in the appendix.]

Senator KLOBUCHAR. I think you know, Mr. Lindberg, there are many—this is a Minnesota euphemism—strong personalities surrounding the President and giving advice on trade. How will you advocate for American farmers and be a voice for preserving and expanding new export markets?

Mr. LINDBERG. Thank you, Senator, and I did read the letter you submitted to Ambassador Greer, and I look forward to working with the Ambassador. When I was Chief of Staff at the Export-Import Bank, Ambassador Greer was Chief of Staff at USTR in the first Trump Administration. I have similarly several colleagues in the Commerce Department incoming, as well as in the Treasury Department, which are the three lead organizations right now on trade negotiations. I look forward to working closely with each of them to ensure that our farmers' voices are well represented in those discussions.

Senator KLOBUCHAR. I appreciated our discussion on export promotion programs, and I know you talked to the Chairman about that. Will you also commit to ensuring that RAP, the Regional Agriculture Promotion Program, remains in place for export market development?

Mr. LINDBERG. I will absolutely commit to the fact that we need to have programs that help reduce our trade deficit, and the export promotion programs help us do that.

Senator KLOBUCHAR. Thank you. How can USDA work to make domestic specialty crop growers more competitive when facing cheaper imports? I think we all know, maybe these should not even be called specialty crops, it is like potatoes, tomatoes, things we eat might be a better way to describe it. Could you just answer about the cheaper imports, what is going on, on that front?

Mr. LINDBERG. Sure. Our specialty crop producers absolutely should be exporting more in their own way. Secretary Rollins recently announced that the technical expertise that the Foreign Agriculture Service offers to our specialty crop producers and the foreign markets they sell into, making sure that there are no non-tar-

iff barriers on those exports markets is something that I look forward to working on.

Senator KLOBUCHAR. Thank you.

Mr. LINDBERG. Thank you.

Chairman BOOZMAN. Senator Hyde-Smith.

Senator HYDE-SMITH. Thank you, Mr. Chairman, and thank you to both of you for being here today with your families. It is certainly an exciting day for everyone, and I am excited about your leadership and look forward to that.

Mr. Lindberg, Mississippi leads the Nation in catfish production, yet our producers face a lot of unfair competition, unfair subsidized low-cost and sometimes unsafe imported catfish, particularly from Vietnam. Growers in Mississippi and across the South raise high-quality, sustainably-grown, farm-raised catfish, and they follow very strict environmental, labor, and health standards.

How will you work with the U.S. Trade Representative and the USDA Food Safety and Inspection Service to ensure strict enforcement of inspection standards to prevent unsafe imports from harming consumers and domestic catfish producers?

Mr. LINDBERG. Thank you, Senator. I appreciate this, and we discussed this in your office, and I very much look forward to working with you and your staff to ensure that our domestic catfish producers do get the market here in America that they deserve.

Certainly somebody will have to explain to me someday how the United States of America, with two oceans on each side of us, and the mighty Mississippi, and the Great Lakes and all of these things, and yet we are importing 75 percent of our seafood that we consume. I will absolutely work across my agency, at USDA, should I be confirmed for this role, to ensure that exactly what you are saying, as well as with our interagency partners, to make sure our catfish producers have the ability to sell here domestically.

Senator HYDE-SMITH. Thank you. Mr. Westhill, Congress, in 2023, provided \$3.7 billion in relief to support producers who had experienced economic losses due to natural disasters. Unfortunately, the Biden Administration changed the Emergency Relief Program without input from Congress and with disregard for congressional intent. As a result, some of the hardest-hit producers were left behind while they also wrestled with historically high inflation, input costs, and also the low commodity prices.

Will you commit to ensuring fair and equal access to USDA programs for all farmers, regardless of operation size and background?

Mr. WESTHILL. Thank you, Senator, for the question. I think it is important for me to say that I have to ensure that I skate within my lane. My job, if I am fortunate enough to be confirmed, is to ensure that everyone who wants to do business with USDA, any of the customers, in any of the areas across a very big department, are able to do that without any arbitrary barriers on any basis that is covered under civil rights laws. I commit to ensuring that individuals will be free from discrimination in participating in any USDA programs.

Senator HYDE-SMITH. Thank you. Back to Mr. Lindberg, the livestock and poultry producers in Mississippi and around the country have taken huge financial hits from animal diseases, like high-path avian influenza. Some countries, like China, use these disease out-

breaks as an excuse for unjustified trade barriers that are not science based. We saw this in BSE in early 2000, when it took 13 years for China to buy our beef again. It is something that I worked on as the Mississippi Commissioner of Agriculture and Commerce during that time; that was just their excuse—you had an outbreak.

What steps will you take to ensure that international trade restrictions imposed on U.S. products are science-based and lifted promptly when conditions warrant?

Mr. LINDBERG. Thank you, Senator, for the question. I 100 percent believe that tariff barriers are one aspect of trade policy that countries use against our farmers and ranchers. There are a lot of non-tariff barriers, and one of the ones you are discussing today is vitally important to them, to have that market access and be able to get beyond that.

As the Under Secretary for Trade and Foreign Agricultural Affairs I will lead the Codex Office, which is our effort to work with the agencies around the world, or different countries around the world, to make sure we have a set of agricultural standards that meet the needs of our farmers and ranchers. That would be one avenue that I would work through to make sure that exactly the case you are listing here today was fixed, and through that avenue make sure that we set the appropriate standards that benefit our farmers and ranchers.

I am also a fierce advocate. I want to show up in those countries and knock the door down and say to them, it is time to open up, and it is time to move forward, and this is no longer acceptable under President Trump and the America First Trade Agenda. I look forward to doing that and getting on an airplane and being there to actually make sure that those get implemented in a timely manner.

Senator HYDE-SMITH. I look forward to that, as well. Thank you, Mr. Chairman.

Chairman BOOZMAN. Senator Welch.

Senator WELCH. Thank you very much, Mr. Chairman. Delighted to be here.

Mr. Lindberg, I really enjoyed our visit in the office, and, of course, quite proud of you and your family connection to Vermont, and Norwich, Vermont, where I live, welcome.

I want to acknowledge your experience is really quite perfect for the job for which you are being considered, so I want to acknowledge my respect for the work you have done and what you bring to this.

This is where it gets really tough for me. My view on these tariffs is that they are catastrophic for the farmers, and that is based on roundtable discussions I have had with many Vermont farmers. We import a lot of our fertilizer from Canada, in many cases our grain. The dilemma I have is the dilemma you will face. You can be the best negotiator possible, but if there are administration policies that make an uphill climb, an up-mountain climb, how are you going to deal with that? You have no control over the tariff policies, but those are hammering our farmers in Vermont right now, and I suspect all across the country.

How do you deal with that?

Mr. LINDBERG. Yes, thank you, Senator, and I appreciated again our time together.

I believe that President Trump has demonstrated an ability to sign and execute new trade agreements. In his first time he signed significant bipartisan trade agreements, including USMCA, and 50 total agreements that supported over one million jobs.

My faith is in the fact that we are going to get better deals for farmers, and that is what he has tasked me to do. I think through those deals there will be a boon to our farming economy.

Senator WELCH. All right. I understand you do not have any say or influence over the tariff policy. You just have to deal with the hand you are given. I do, as I expressed to you privately, and say publicly, I think these tariffs are going to make your job much more difficult, and the day-to-day economics of our farmers much more difficult.

Second, the USDA, Vermont farmers love it. It really has a great reputation. It is a lean-and-mean machine, and we are seeing cuts in the number of staff. I object to that, and they do not seem to have any rhyme or reason. The foreign assistance folks are also getting cut.

How are you going to contend with doing a very demanding job, a very important job, with these significant staff cuts that appear to be taking place within USDA?

Mr. LINDBERG. Yes. Senator, since I have not been in the building yet I cannot comment on administration policy related to staff plans, and I have not seen anything public about cuts at this time to the Foreign Agricultural Service or the organizations I will oversee in this capacity.

What I will say is that my experience working with the Foreign Agricultural Service staff and the Codex staff in my past capacities is that they do provide a very valuable service and have done, generally speaking, a very excellent job globally to represent our farmers and ranchers, and I look forward to working with them in this capacity.

Senator WELCH. Well, you have a very hard job, assuming you are confirmed for it, and it appears that some of these forces are going to make it more difficult. I wish you the best of luck.

Mr. Westhill, equal opportunity, you are totally committed to it. You are an incredible example of what can be done, where you work hard and overcome whatever obstacles face you. Also, obviously, you have some sensitivity that the deck is stacked, in some ways, much more significantly for some people than others. Correct?

Mr. WESTHILL. Senator, certainly people are disadvantaged. There is no doubt about that.

Senator WELCH. Right. There is a real administration opposition to DEI, and from a distance it appears, oftentimes, that means if the white person did not get the job there is suspect about whether there has been preferential treatment. That has been an action that has been taken by this Administration.

What is your observation about the Administration action so far about DEI, on university campuses, going after law firms, going after private entities, that really, in my view, should not be subject to the willful action of the Executive.

Mr. WESTHILL. Senator, thank you very much for the question. I am not familiar with the specific example that you cited in terms of the white person getting the job.

Senator WELCH. Skadden, Arps. Paul, Weiss. I mean, these are law firms where the Administration is saying that they do not like their hiring practices.

Mr. WESTHILL. Sir, what I have noticed, from the outside, what I have observed is that the President has put together what I think is a very bold agenda for civil right advancement. Anything that goes against the advancement of civil rights as it exists and in the law will not be tolerated. The executive orders, for example, that I have read—once again, not seeing what the implementation is like inside the Administration yet—if I am fortunate enough to be confirmed I will be able to evaluate that. It looks to me like anything that is discriminatory, the President said that is going to be prohibited. That is exactly what civil rights laws are meant to do.

Senator WELCH. Thank you very much. I yield back.

Chairman BOOZMAN. Senator Hoeven.

Senator HOEVEN. Thank you, Mr. Chair. I want to welcome both of you, and Mr. Lindberg, I understand you have ties, based on the esteemed Senator from Vermont making references to your ties in the New England area of the country. Really, now we consider you a Dakotan. We are very pleased to not only see you here and your wonderful family—and I want to welcome all of your families—and also the Governor and First Lady. Thank you for being here. Great to see all of you. Mr. Westhill, as well, your family. Great to see them here, as well.

My first question is for you, Mr. Lindberg. Undoubtedly, you are a South Dakota State Jackrabbits fan, and, of course, that is a very big rival to the North Dakota State Bison. If you are confirmed for this position, are you going to be able to set that rivalry aside and be fair to the North Dakota farmers and ranchers, as well as all of our other great ranchers and farmers across this country?

Mr. LINDBERG. I will.

Senator HOEVEN. Very good. All right. The other questions are going to be easier. No doubt about it.

Mr. LINDBERG. Go Yotes.

Senator HOEVEN. Oh, really? The Coyotes?

Mr. LINDBERG. All my Jacks fans at home, Go Jacks. Go Yotes.

Senator HOEVEN. All right. I gotcha. Well, we have got a good school too at both the University and North Dakota State. We are great rivals, and, of course, if the South Dakota teams win, I always root for them as they go on to the national playoffs.

Okay. First question is the CCC. The Commodity Credit Corporation is an incredibly important tool that we need and we use for our farmers and ranchers, in a lot of different instances, one of which was the MFP back during the first Trump Administration, when we were taking on China in regard to tariffs and other trade issues.

Do you feel it is an important tool and that we continue to keep it as an important tool for agriculture?

Mr. LINDBERG. I do.

Senator HOEVEN. The next one is Sugar Program is a huge industry in our state. Our Ranking Member just left, but also Sen-

ator Smith is on this Committee. That is probably north of a \$3 billion industry, family based farms in North Dakota, Minnesota, probably not as much in South Dakota. Incredibly important businesses in agriculture sector for our state.

The Sugar Program is incredibly important, and it is absolutely aligned with what President Trump is trying to do, and make sure that we do not have unfair trade practices, we do not have dumping into this country that wipe out our domestic industry.

Do you support the Sugar Program, and that it is enforced strictly?

Mr. LINDBERG. I do.

Senator HOEVEN. Okay. As far as trade, and you may have said some of these in your opening remarks. I apologize I was not able to be here. We all want a level playing field, right? We share the goals and objectives of the Trump Administration in terms of getting better terms for our producers, for our exporters, as well as helping our economy here at home.

Talk about how you are going to help us work through the short-term disruption to get to the long-term goals that we all share.

Mr. LINDBERG. Yes. Thank you, Senator. I appreciate that. What I believe is that as Secretary Bessent mentioned this morning, there are trade deals on the horizon in the short run here, and that we will see new market access generated through President Trump's negotiations. I look forward to the boon that will come to our family farms when we get those trade deals signed in the not too distant future.

The President has also made very clear, through a post he put out on social media, that he will have the farmers' and ranchers' backs should there be a need for that, at that time. I believe that that will not be necessary at this moment, but certainly I will follow the President's direction, and should that be needed in the future we will be there to support them.

Senator HOEVEN. Okay. Have you had substantial dialog with the USTR already, and talked to Jamieson Greer about how you can work to effectuate better terms for our producers?

Mr. LINDBERG. I do not think that would be appropriate for me at this stage to have those substantive discussions. Ambassador Greer and I served as Chief of Staff. He was at USTR and I was at EXIM in the first Trump Administration. We built a relationship through that. I look forward to having regular communications with Ambassador Greer and his team.

Senator HOEVEN. Yes. He is a very impressive guy. His approach is spot-on, absolutely solid. He has got a great staff. I think working together you guys can do a great deal.

My final question is in regard to the farm bill. In the opinion of myself, and I think others on this Committee, we have to have affordable crop insurance, and we have to update ARC and PLC reference prices and have a viable counter cyclical safety net. Though I know you are going to be discussing trade agreements, along with MAP and the FMD program, do you share agreement with that approach on behalf of our farmers and ranchers?

Mr. LINDBERG. I certainly would love to utilize the MAP and FMD program to open up vast new market opportunities for our farmers and ranchers.

Senator HOEVEN. All right. Out of respect for my time, Mr. Westhill, I will save my questions.

Chairman BOOZMAN. Senator Slotkin.

Senator SLOTKIN. Thank you, Mr. Chairman. Welcome to both of you. I want to pick up on something that Senator Hoeven was talking about, and that is acknowledging that there is real short-term pain that will be directed at our farmers due to the tariff policy. I think what is happening now is we are saying the quiet part out loud. You are repeating what President Trump said and what Secretary Rollins alluded to, which is we will help pay for farmers to get them through this short-term pain.

Just to review the bidding, as someone who lives on our family soybean farm, it now grows soybeans and corn, under the first Trump Administration the President did what seemed, I think, like a normal activity. He put 15 percent tariffs on Chinese goods, a bunch of Chinese batteries, pork, a bunch of things.

That we can control. It is the retaliation we cannot control. China retaliated. They put huge retaliatory tariffs, particularly aimed at soybean farmers. We had \$27 billion of agricultural losses, and our soybean farmers lost 15 percent market share. We never got it back. China buys their soybeans from Brazil and from Argentina. We never got it back. How did the Trump Administration cover down on those losses, because the farmers, as you can imagine, were losing their minds? We paid them, with taxpayer dollars, paid for by this Committee, to the tune of \$23 billion in what people would call government checks, welfare checks. Farmers hate taking welfare. They just want to compete.

I do not think there is a question on the desire, particularly against China, to go after them and their unfair trading practices. It is that we cannot control where the trade war goes.

Can you acknowledge that that is the accurate description of what happened for soybean farmers in the last administration from that trade war?

Mr. LINDBERG. Senator, thank you for the question, and I appreciate the fact that you are a family farmer. That is wonderful. Thank you for giving me a chance to comment on it. If you look at the trade data from our Phase One trade negotiations with China in the first Trump Administration, the agricultural exports when tariffs were implemented by President Trump did have a drop in the subsequent year after the tariffs were implemented.

If you look at the trade data the year after the China Phase One deal was signed between the U.S. and China, agricultural exports went up to 39 percent higher than pre-tariff levels. Before the tariffs started, after the tariffs went into place, we saw a dip. We saw market facilitation payments happen. Then the year after that occurred, a 39 percent increase on what was pre-tariff levels for agricultural exports to China.

Senator SLOTKIN. Then why were we cutting checks to farmers from this Committee, literally, taxpayer dollars. Not something to sneeze at. Why were we having to subsidize our farmers who just wanted to compete in this field? Honestly. The stats sound great, and I would be thrilled, right. I am a CIA officer. No one wants to push back on China more than me. The truth is we paid, from

this Committee, checks to farmers to get them through, and then completely lost that market share.

I think we need to acknowledge. I had a big farm kind of town hall in Frankenmuth, Michigan, on Friday. These are folks who are not Democrats. That is for sure. They are stressed out about the potential retaliation. You combine that with the immigration issues, right. They have legal, vetted immigrants who are not showing up to work because they are scared. Our farmers have just a high level of uncertainty right now, and I just ask you to again—we do not want to subsidize with basically welfare checks, our farmers, because of trade policy. Please, please, stand in the breach on that.

Another topic, I want to add to the chorus on the unfair trade practices that lots of countries use with us. I want to put it on your radar that I want you to go into battle with the country of Turkey on tart cherries. We would love you to do blueberries, asparagus, potatoes. Go to battle. Go launch. I want to know what you will specifically do, particularly for the specialty crop folks on this end of the dais, to make sure that even some of the smaller countries that we do trade with are going to get some hammers.

Mr. LINDBERG. Yes. I believe in an all-of-the-above trade approach. The America First Trade Agenda, I believe, calls for that. We need to do big deals, little deals, medium deals, and all kinds of deals to make sure that we get that market access.

Not only will I again be working with my interagency colleagues to make sure that we are advocating for our farmers and ranchers in these trade discussions we are having today. The Foreign Agricultural Service does an excellent job of maintaining a list of non-tariff barriers that our farmers are facing around the world, and I will absolutely address those every time I get the chance overseas, to meet with my counterparts in other countries and break those down.

Senator SLOTKIN. Great. Please go to Turkey. Thank you. I yield back.

Chairman BOOZMAN. Senator Tuberville.

Senator TUBERVILLE. Thank you, Mr. Chairman. Gentlemen, thanks for being here. Five-alarm fire. We are in trouble. Agriculture Department and us, we have a big, big chore in front of us. We are losing farmers every day. We lost 150,000 farms in the last four years. Our trade deficit has gotten awful. It is not acceptable. The Biden Administration sat on their hands for four years and did not do one trade deal, and it looked like they tried to put our farmers out of business on purpose. My God, I could not believe it. I sat here watching it.

We have got to do something. I get calls every week, “We are going out of business.” Worse the farmers have ever been. We cannot do business as usual. Something has got to be done. If we do not do that, we are going to lose them. It is going to be over. We are going to be buying every bit of the food that we eat out of this country. We saw what happened during COVID. It was a disaster when we could not get drugs because China was the only one making drugs.

I will get off my soapbox here and thank both of you for what you are going to try to do.

Mr. Lindberg, cotton has weakened due to the surge of low-value textile imports of synthetic fibers, all from Southeast Asia. They come through an \$800 *de minimis* loophole, and it is killing us. President Trump has been working to close this loophole.

Can you talk a little bit about that?

Mr. LINDBERG. Senator, thank you, again, and I appreciate you spending some time with me in your office to discuss these issues prior to this. I enjoyed our conversation.

Absolutely, President Trump is taken seriously, based on the news reports I have seen, the *de minimis* exemption, which has been a tragedy for not only our cotton farmers but also for manufacturers and a lot of other industries across America. I will absolutely work alongside, and look forward to working alongside our interagency colleagues to make sure that those *de minimis* exemptions and things are held accountable and are following the law of the land.

Our former Governor is now at the Department of Homeland Security, and I am looking forward to working with her team at Customs and Border Protection, as well, is one agency I had not mentioned yet. Thank you.

Senator TUBERVILLE. Well, you know, it sounds like a little thing, but all those little things add up for our farmers.

Mr. LINDBERG. They do.

Senator TUBERVILLE. We have got to get better commodity prices. If we do not, I mean, it is going to be over with for United States farmers.

Mr. Westhill, how do you plan to approach and manage the USDA career staffers in the Civil Rights Department that do not support President Trump's agenda?

Mr. WESTHILL. Senator, I really appreciate the question, and I will say, look, I think the career staffers that I worked with in the first term were, many of them, consummate professionals. In fact, one of them is here today, supporting my nomination, as one of my guests. He served as the Chief of Staff the entire time that I served in the first term.

I think the important thing to do is to put out a clear vision for what your plan is. I think the vast majority of the individuals who are in that office want to actually enforce civil rights. That is why they went into that office. At the end of the day, it is a civil rights office, not a DEI office. I think that the vast majority of those individuals will get behind President Trump's agenda, which is to advance civil rights.

Senator TUBERVILLE. Team USA. I mean, the only way we can make it. We cannot do it by pulling each other apart.

Mr. Lindberg, the Biden Administration put U.S. cattle producers at a competitive disadvantage and endangered the American public by allowing imports of beef from Paraguay. It is ridiculous. Paraguay cattle producers do not have the same food safety standards as the U.S. Can you speak to USDA's plans to ensure sufficient due diligence is done in these inspections?

Mr. LINDBERG. Sir, thank you for the question. For me, in my role at USDA, as the Under Secretary for Foreign Agricultural Affairs and Trade, that will be an effort by my colleagues. I look forward to working with my colleagues and making sure that they

have timely market analysis and market intelligence on those exact issues.

Senator TUBERVILLE. Thank you. Also, our peanut growers in my state, which is huge, and across the country have been at a competitive disadvantage in the marketplace due to non-tariff trade barriers on peanuts from aflatoxin in the European Union. I asked Mr. Vaden this when he came through a few weeks ago, and I will ask you too. Would you commit to ensuring USDA and USTR work together on Trump's agenda to reduce trade barriers and prioritize market access for all of our farmers?

Mr. LINDBERG. I look forward to doing exactly that.

Senator TUBERVILLE. Thank you. Thank you, Mr. Chairman.

Chairman BOOZMAN. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman, and I appreciate this hearing. I want to just start actually by making a couple of comments about nutrition programs and food programs, SNAP and WIC, and school meals, and especially food banks, because I know we are awaiting to see what the Republican budgets will look like coming out of the House, and I am quite concerned about what I am hearing about this.

I just want to draw my colleagues' attention to a couple of things I had an opportunity to do in Minnesota last week, which is to visit food shelves in Fairmont, Minnesota, Heaven's Table, and also Pequot Lakes, Minnesota, the Lakes Area Food Shelf. These are places where the community really comes together to make sure that people can put food on the table. What we, of course, see when we go to see these food banks are working families, seniors, often people who are working but their incomes are not high enough to be able to afford groceries all month long, people living with disabilities. These are the folks that are relying on these food banks.

We have seen, interestingly, in Minnesota, and I bet, colleagues, it is the same around the country, since January, food shelves have seen a significant increase in new families, often people coming through the door for the very first time. Of course, this is a problem in all different kinds of communities, colleagues, and it is particularly a problem in rural communities. In this country, 9 out of 10 counties with the highest food insecurity rates are rural. In Minnesota, the counties that are seeing the biggest increase in visits to food shelves are also rural. For example, Nobles County—my colleagues from South Dakota will recognize Nobles County, as will Senator Klobuchar—in the far southwestern corner of Minnesota, has seen an increase in food shelf visits of nearly 195 percent over the last year.

I draw attention to this, colleagues, because right now what is happening is USDA is cutting the funds that are helping food shelves meet their needs. The Emergency Food Assistance Program has been frozen and cut, and this has had a dire impact on the ability of food shelves in Minnesota and around the country to help people. I really want to put a point on this as we think about the big issues before us in the upcoming budget, and the reconciliation budget, in particular.

Now, Mr. Lindberg, thank you for being here. Mr. Westhill, thank you for being here. Mr. Lindberg, I want use the time I have left to ask you about what we can do to create and preserve export

markets. I really appreciated my colleague, Senator Klobuchar's, opening statements about how Minnesota farmers and producers are kind of whip-sawed, really struggling with a lot of the chaos around trade and tariffs. There is no doubt in Minnesota farm country that the first Trump Administration—you know, Minnesotans were hit hard with these retaliatory tariffs, and in fact, in many places farmers have yet to recover the lost market share from what happened in those years.

I appreciated, in your testimony, you said that you were ready to work with your counterparts across the Administration to explore new markets, and I want to understand what that might look like.

Here is an example. I have been strongly supportive of reopening the Colombian market to American poultry products, including turkeys produced in Minnesota. We are the number one turkey producer. This is a long and arduous process to get these new agreements put into place. Then, of course, President Trump comes in. He announces a 25 percent tariff on Colombia, and then he pulls that back, and then this month it was maybe all items from Colombia would receive a 10 percent tariff. This is the environment that we come into as we try to figure out how to go forward.

My question for you is, how will you plan to work, how will you go about this, as you are trying to build relationships and new potential trading partners while, at the same time, existing trade agreements are getting torn up, sometimes over issues that have nothing related to trade itself? Like how do you do the hard work of making agreements in that kind of environment?

Mr. LINDBERG. Thank you, Senator, for the opportunity to comment on that. Certainly I appreciate what is going on in southwestern Minnesota. I can see that corner of your state from my house, actually, not far down the road.

My objective is absolutely to work with the interagency partners that I will engage with across the Treasury, Commerce, USTR functions. I think the Foreign Agricultural Service plays a vital role in those discussions. We have market intelligence that we provide back to feed into those discussions, and I would look forward to providing that.

Again, I think one of the strengths I bring to the table for this role specifically is not only have I worked with Secretary Rollins at the America First Policy Institute for the last three years, I have also engaged with many of my counterparts who are already confirmed for senior-level roles at those other organizations and agencies that I will be working with.

To me it is a bringing together of like-minded folks to make sure that our farmers and ranchers opinions are well represented at those tables.

Senator SMITH. Thank you for that. I know I am out of time, Mr. Chair. I just want to make a point that it is difficult to reach agreements when there is so much inconsistency in the policy. Those agreements are reached because there is a sense of trust and a sense of continuity in whether those agreements are going to be abided by or not. I think that makes it particularly difficult for anybody to try to reach new trade deals in this environment.

Thank you, Mr. Chair.

Chairman BOOZMAN. Thank you. Senator Justice.

Senator JUSTICE. Thank you, Mr. Chairman, Ranking Member. I guess if I could just talk to all of you, you know, I would say to Mr. Lindberg, to Mr. Westhill, to your families, thank you so much for being here in every way. Governor, it is a real honor to have you, because you have come a long way, and you have come a long way in support. All of you—all of you that are sitting out here are basically wondering, well really, what is going to happen? What is going to happen? These two individuals, I mean, it could not be more diverse if you really think about it, from civil rights to trade. It is a long, long ways apart, isn't it?

Really, what it really boils down to it, you are Team Agriculture today. Because Tuberville, you know, is a great friend and a great coach, and I have been a coach a long time too, and I can tell you, without any doubt, it is all about team.

Now, the bottom line of the whole thing is just this, and just this alone. Today, especially in our fields today, farmers are out there. They are busting their butts. The most productive engine in all the land could ever be. They are worried. They are worried to death because from the standpoint of our trade deals, I mean, we would all be just frivolous if we were to sit back and say, "Yes, it's going pretty good." Well, it is not going pretty good. That is all there is to it.

Absolutely, with all in me, I would just tell all of us, on both sides of the aisle, all of us on now Team Ag, without any question, we have got to do something. You have got to do something right now. Really, if you are coming to the table and it is going to be just beating today, and the same-old, same-old, and absolutely able to say, you know, "I am an Under Secretary," or "I am a—," you know, whatever it may be, and really what you have at your fingertips is just this.

We are losing this battle. Our farmers and our ranchers are in real trouble, real trouble. You see, my family has a family farm, and we grew it to a great big farm. With all that being said, I know what is going on. I really do know. I can positively tell you that our farm families, our ranch families are hurting, and they are really worried, because absolutely with all that in them, they see their products and they see, we have got to absolutely market our products. We do have to have our commodity prices higher, or we have got to have our input costs go way, way, way down.

You know, with all that being said, I have got just a couple of really quick questions. The question that I have more than anything is just this. You know, to you, Mr. Lindberg, you know, can you speak to what the first steps you might take to help President Trump's trade agenda to ensure that farmers and ranchers, as well, are not caught in the middle of the crossfire while he fights to some way, somehow, even out-trade? I mean, everybody is so hung up on, you know, are the tariffs good, are the tariffs bad, and everything. He is trying to right America to where we are absolutely building something in America, and absolutely right trade to where other countries are not taking advantage of us all the time.

Please answer.

Mr. LINDBERG. Senator, thank you for the question, and for our time together before this, that we spoke, and I look forward to working with you and exactly solving this problem.

From my perspective, President Trump has already begun the process of righting this wrong and righting this ship. You said you were a coach previously. I believe you cannot win the game unless you have a strategy to win the game. The way in which I think we win this game is by inviting our farm groups in, as I mentioned to the Chairman's initial question to me, and figuring out what are those markets where we are deficient? What are those opportunities where we can get more sales? What are the exact commodities, and what are the dollar values we can expect if we have a game plan in place? Then it is our job to go knock those trade barriers down and get those market access opportunities. Then it is the businesses' responsibilities, the farmers, the associations, all the groups that support our folks, to get out there and win the day alongside us.

For me it is taking a strategic and very targeted approach, getting a game plan together, and then executing on it. I commit to doing that with you.

Senator JUSTICE. The only other thing I have is, Mr. Westhill, I have got a great question here and everything. I am out of time. I can tell you just this. You know, I congratulate your son on his athletics. The only thing that we have to differ with and everything is you went to the University of North Carolina, and my daughter played basketball for Clemson for a little while. Other than that we are in great shape.

The only thing I would add is just that everybody here should know, and I think I am correct about this, years and years ago they said to farmers, what is the value in a box of corn flakes if corn were \$3 a bushel? What is the value of the corn in that box? I think it was a third of a penny. You know, our farmers and ranchers need us, and they need us all right now. We should not forget that.

Thank you so much.

Chairman BOOZMAN. Thank you. Senator Schiff.

Senator SCHIFF. Thank you, Mr. Chairman. Mr. Lindberg, as you know I come from California, and we are very much in the specialty crop business, really proud of the whole agricultural industry in California, and to be the number one agriculture producing state, as I remind my colleagues.

We traditionally, by virtue of having such a heavy concentration in specialty crops, have not participated as much in the work of the USDA in the sense of being a recipient of support from the Department. There are a number of programs that are hugely important to us—the Market Access Program, the Technical Assistance for Specialty Crop Program, the Regional Agricultural Promotional Program, and the Assisting Specialty Crop Exports.

I would like to get your thoughts on those programs, whether you see their value, whether we can count on you to be a champion for those efforts.

Mr. LINDBERG. Senator, thank you for the question, and my wife's uncle is actually a fruit farmer in the great State of California, a long-time specialty crop producer there. I have spoken

with him many times about the importance of these exact programs with respect to helping create those markets for our specialty crops overseas. I absolutely commit to working with our export promotion programs to make sure our fruit farmers and other specialty crop producers have those chances to export their products.

Senator SCHIFF. I would say also that a lot of the research that is done by USDA helps the specialty crop farms in dealing with different pests, diseases, et cetera, that really threaten the livelihood of what they produce. The layoff of some of these important personnel is of grave concern. We would also ask you to push back against the firing of these important scientists and researchers who are doing work that can save us billions in agricultural output.

Mr. Westhill, I wanted to ask you about the USDA's history and the present, and in terms of the history, obviously the Department has an incredible history, a very important institution in our society, going back to the days of Lincoln. Yet it also has a record of some pervasive discrimination.

What is your commitment to making sure that the USDA serves a diverse group of farmers. In California we not only have an extraordinarily diverse set of crops, we have an extraordinarily diverse set of farmers. I want to make sure that farm programs are accessible to all the farmers, and not only is there no discrimination but there are affirmative efforts made to make sure that farmers are aware of these programs and that there is the outreach so that all can participate. I would like to get your thoughts on combating the historic discrimination within the Department and also making sure that we are reaching a diverse group of farmers in the country.

Mr. WESTHILL. Senator, thank you for the question. I really appreciate it. I appreciate your interest in civil rights at USDA and its history. There is a long history of discrimination at USDA. I have read the book on it. I have talked to your colleagues about those issues.

I did not see those issues when I served in the role as Deputy Assistant Secretary in the first term. To the extent that they exist at all today, that there are barriers to accessing USDA programs, for participating as a rancher or a farmer, no matter what you are producing with USDA programs, we want to make sure that those barriers are knocked down. I am committed to that. I am committed to making sure that everyone can do business with USDA on equal footing, no matter their race or any other protected characteristic under civil rights law.

Senator SCHIFF. Thank you. Mr. Lindberg, I do not know whether this is going to become necessary. I guess it depends on how long the tariff fight goes on. Farmers in California, like I think around the country, would much rather farm and trade and sell than be reliant on government support. If there is a fund established to help farmers that are injured by retaliatory or other tariffs, in the past specialty crop farmers have really not participated very much, and those in California even less.

What can you do to make sure that there are resources available to help make those farmers whole, even as there has been traditionally been much more attention on the commodity growers?

Mr. LINDBERG. Senator, I believe that there are going to be a number of new trade deals signed in the not too distant future, that those programs will not be necessary. Should they become necessary, I will absolutely commit to make sure that the specialty crop producers in our country are represented and have the chance to apply, just like any other farm commodity groups.

Senator SCHIFF. That may require some adjustment of how those programs operate, since the trees have a much longer life, a much higher investment, and many of the farmers do not have the same long history of farming the same crops. There are some artificial barriers, I think, to participation, and I would like to work with you to overcome them.

Thank you, Mr. Chairman.

Chairman BOOZMAN. Thank you. Senator Fischer.

Senator FISCHER. Thank you, Mr. Chairman. Welcome, gentlemen. Thank you both for putting yourselves forward to serve this country. I appreciate that.

Mr. Lindberg, it is good to see you, and I appreciated our conversation about how trade is critical to the agriculture economy in my State of Nebraska.

The Biden Administration left us with a \$49 billion agricultural trade deficit. I know you and Secretary Rollins want to tackle this problem head-on. I am excited to see that Secretary Rollins announced she will be visiting six international markets in her first six months on the job.

Nebraska's agriculture producers have talked to me about the opportunities in a number of these markets, such as getting fair treatment for our pork in Vietnam, securing access for our biofuels in India and Brazil, and our beef in the U.K. I know Nebraska's agriculture producers are excited about the opportunity and focus on opening markets for our agriculture products.

A couple of weeks ago, I met with Nebraska's pork producers and discussed what opportunities for export market development they are hoping for from the Trump Administration, and they shared excitement about Vietnam, in particular. Other competitors such as the European Union, Russia, and Canada already have trade agreements in place with Vietnam that give them lower tariff rates. With Secretary Rollins planning to visit Vietnam, it sounds like there is a real opportunity to ensure that we can compete fairly in that market.

As the Secretary and yourself, if you are confirmed, work to open markets in new countries, how would you plan to get input and feedback from our farmers and ranchers about where they see opportunity or where they have challenges with exporting to other countries?

Mr. LINDBERG. Thank you, Senator. I also enjoyed our conversation, and want to make mention a friend of mine is here today, who owns a farm in Nebraska. Bonnie Glick is with us today. Welcome to Bonnie, and glad to have her, as a Nebraska farmer, here.

Yes, absolutely. I started my career in consulting so I think about things in a very straightforward and strategic manner. I plan to go into my office on day one, should I be confirmed to this role, and put the number — \$49 billion on the white board, and begin inviting your Nebraska pork producers, all of the different com-

modity groups from around the country to come in and have conversations with us. This is a conversation that drives the outcome.

I do not pretend to know all of the things. The actual USTR comment window that was recently opened on unfair trade practices was exceedingly helpful, and many groups began this process for us.

I say we have to get to the \$60 billion sales number so that we get back into surplus, because America has always fed the world, and right now we are not meeting our mandate there, and we could be doing better.

It will be a very iterative and consultive process to the program here.

Senator FISCHER. I guess, can you talk a little bit about how you would coordinate with organizations that receive trade promotion funding through the USDA?

Mr. LINDBERG. Absolutely, I can. In my current capacity as CEO of South Dakota Trade, our state's international trade office, we have worked extensively with Food Export Midwest, which receives USDA Foreign Agricultural Service funding to help promote our agricultural products overseas. We have co-worked on trade missions together in the past. I have engaged their staff in sending them referrals from South Dakota to help promote products overseas, as well.

It would be very much my pleasure and I think a continuation of the work I have already been doing to engage exactly in what you are referring in that question.

Senator FISCHER. You know, I know that our farmers and ranchers are excited about the prospect of opening up new markets. You know, when we look at the retaliatory tariffs that are out there, that makes people nervous. Our farmers and ranchers are also willing to give the President time on this to be able to expand those markets.

We look at China and what they are doing. They happen to be a significant market for soybeans, a major crop that we have in Nebraska. We are facing a duty there from the Chinese of 155 percent. That shuts our farmers out of that market.

Can you talk a little bit about your goals when you look at China, and what maybe you would see them doing to meet some of the needs that we have in this country, how we can come together, what you would tell a soybean farmer in Nebraska who is feeling anxious about those tariffs? What would you say?

Mr. LINDBERG. Sure. One thing I might mention, this morning Secretary Bessent spoke at the White House, and the quote I really enjoyed that he said was, "The aperture of uncertainty is narrowing." I mentioned earlier in this hearing, the data point that after we signed the China Phase One agreement in the last Trump Administration, we actually saw a net increase in exports to China on the agricultural front of 39 percent from pre-tariff levels.

We know the trade deals work. We are going to get hopefully trade deals done early in the process, and that is going to increase those export opportunities readily in the not too distant future.

I look forward to working with you and all of your producers to make sure that we can get that message across and that we are going to be here as a lifeline for them.

Senator FISCHER. Thank you. Thank you very much. Thanks, Mr. Chairman.

Chairman BOOZMAN. The Senator from Georgia, Senator Warnock.

Senator WARNOCK. Thank you, Chair Boozman. Congratulations to both of you for your nominations, and welcome to your families.

Over the last few months, President Trump has thrown the global economy and agricultural markets into a tailspin with uncertainty, caused by his sweeping and chaotic tariffs. I do not share the Secretary of the Treasury's positive view of where things are at this point. The President's actions have created uncertainty, and we see it on the ground. We see it with Georgia farmers who are worried about affording necessary inputs like fertilizer, and losing access to critical export markets.

Mr. Lindberg, if confirmed, you would be responsible for international agricultural trade at USDA, and I remain concerned that the President's manufactured trade war will hurt Georgia farmers, who I am hearing from regularly. I am concerned that it will push our allies in exactly the wrong direction, actually toward China. Do you share that concern?

Mr. LINDBERG. Senator, thank you for the question, and as a point of reference, I have been a longtime acquaintance of former Georgia Agriculture Secretary Gary Black, and we have discussed trade issues and actually have worked together in the past. He has spoken at a summit I hosted in South Dakota for several years.

The short answer is I believe that Georgia's pecan growers face unfair tariff barriers around the world and non-tariff barriers on their products. I also believe that Georgia's shrimping industry is getting decimated unfairly by foreign imports that are produced in unsanitary conditions. It is time that we take a stand and we provide better market access that gives your producers what they deserve, what they have been promised in many cases, around the world. Also protect our domestic producers, as well.

Senator WARNOCK. Are you concerned that these tariffs are pushing them toward China?

Mr. LINDBERG. I believe that—

Senator WARNOCK. Our allies.

Mr. LINDBERG. I believe that the President is going to sign a number of new trade agreements that will open up market access for our producers.

Senator WARNOCK. I have done a lot of work on this issue. I am well aware of the concerns that Georgia farmers have had with getting their products, pecans and other products. I have dealt with the aflatoxin issue with respect to peanuts in foreign markets. The tariffs is still another issue, and we have seen this movie before. When it happened during the first Trump Administration, they were basically subsidized. As I talk to Georgia farmers, I would submit to you that they want trade. They do not want aid.

If confirmed, what will you do to combat this isolationist strategy and open new export markets for Georgia farmers? We agree that we want to open export markets.

Mr. LINDBERG. Absolutely we do, yes. I believe that the trade agreements that were signed in the first Trump Administration are examples that we can live by. The USMCA, which was a bipartisan

agreement, provided new market access. We could replicate agreements like that, successfully, to increase those market access opportunities around the world for Georgia producers.

Senator WARNOCK. I am certainly concerned about the outcome of these practices. I have not seen much so far that heartens me. I look forward to working with you in the future to do everything we can to open international trade markets for Georgia farmers.

I have spoken many times in this Committee about USDA's terrible and well-documented record of discrimination against Black farmers and the importance of federal programs aimed at addressing past discrimination and uplifting underserved farmers. I am proud of my and Senator Booker's efforts in the previous administration to push USDA to break down the structural and financial barriers erected by the agency that many underserved farmers face. The work is not over.

Mr. Westhill, good to meet you the other day in my office. If confirmed, you would be over civil rights at USDA. Do you agree that USDA has historically engaged in discriminatory actions that have uniquely harmed Black farmers in their farm lending programs?

Mr. WESTHILL. Senator, thank you for the question, and it was a pleasure to meet with you in your office when we talked about this, as well. As I have suggested to your colleagues and to you then, I have read the book on that particular very sad—

Senator WARNOCK. It is a yes-or-no question.

Mr. WESTHILL. That is a yes.

Senator WARNOCK. A yes. Thank you. You are aware of the Pigford case, and are you aware that USDA has agreed to a consent decree settlement, which a court has blessed, in light of that history of discrimination?

Mr. WESTHILL. Yes, Senator, I am aware of Pigford.

Senator WARNOCK. Okay. Do you acknowledge that according to an NPR analysis of USDA data as recently as 2022, Black farmers were still denied USDA loans at higher rates than any other race?

Mr. WESTHILL. Senator, I am not aware of that.

Senator WARNOCK. I want you to become aware of it. I am going to submit this report. Chair Boozman, I would like to submit it, this analysis, for the record.

[The document can be found on pages 54–74 in the appendix.]

Senator WARNOCK. If confirmed, how would you continue the important work to dismantle these structural barriers and rebuild trust between the USDA and farmers who previously faced discrimination?

Mr. WESTHILL. Senator, I appreciate the question. I really do appreciate your strong interest in these types of issues. I think they are very, very important, and it is one of the reasons why I have dedicated my career to working on them.

What I can commit to is enforcing civil rights at USDA vigorously. The same thing that we did in the first term when I headed this office as Deputy Assistant Secretary, we would do it again. If there are official or arbitrary barriers that are preventing anyone from doing business with USDA—customers, employees, or otherwise—we are going to make sure that those are broken down, and I am committed to that.

Senator WARNOCK. I am also concerned about this Administration's attack on programs that fall under the broad umbrella of diversity, equity, inclusion, and accessibility. Following the President's DEI executive order, this Administration haphazardly and illegally, in my view, froze funding passed by Congress, on a bipartisan basis, for many critical programs, causing chaos for the students and organizations who depend on those funds, including USDA's 1890 National Scholars Program. While I was glad to see that program unfrozen, it did not happen until some folks made noise. There was a lot of public outcry, and the recognition that this should not have happened in the first place.

Mr. Westhill, do you believe that 1890 institutions like Georgia's Fort Valley State University, are DEI?

Mr. WESTHILL. Senator, no, I do not. I am very proud of the work that I did in the first term to support the White House's initiative on historically Black colleges and universities, and I look forward to helping with that initiative again if I am confirmed.

Senator WARNOCK. Glad to hear of your commitment to these institutions, recognition that they do critical work. If you are confirmed, will you commit to ensuring that USDA fully implements all 1890 programs as required by statute and intended by Congress?

Mr. WESTHILL. Senator, anything that is in the law, I would make sure that if it is under my authority that it would be enforced. Absolutely.

Senator WARNOCK. Thank you so very much.

Chairman BOOZMAN. Thank you. Thanks again to Mr. Lindberg and Mr. Westhill for appearing before the Committee and to our Committee Members for their participation in today's important hearing.

The record will remain open for two business days, and with that we are adjourned.

[Whereupon, at 4:50 p.m., the hearing was adjourned.]

A P P E N D I X

APRIL 29, 2025

**Opening Statement of Luke J. Lindberg,
Nominee for Under Secretary of Trade & Foreign Agricultural Affairs,
U.S. Department of Agriculture
April 29, 2025**

Chairman Boozman, Ranking Member Klobuchar, and distinguished members of this committee, I am humbled to come before you today as President Donald J. Trump's nominee for Under Secretary of Trade & Foreign Agricultural Affairs at the U.S. Department of Agriculture. I would also like to thank Secretary Rollins and my wife and kids, for supporting my nomination. My wife Brittany, has served this great country as a supportive family member most of her life. Her willingness to embark upon this next phase of civic engagement, alongside me, is inspiring and epitomizes the Godly woman she has become.

Should you confirm me for this position, this will not be my first time serving as an American diplomat. In President Trump's first administration, I served as Chief of Staff at the Export-Import Bank of the United States where I led key initiatives on the great power competition with China, liquified natural gas exports, and securing America's supply of critical minerals and rare earths. I also led EXIM's involvement in the execution of the historic and ground-breaking Abraham Accords, a series of bilateral agreements normalizing relations between countries in the Middle East.

Over the past several years, I have served as President & CEO of South Dakota Trade, the top diplomatic posting in my home state which is second in the nation in per capita agricultural exports. In this position, I led trade missions to Mexico, Japan, Taiwan, and Israel — generating millions in sales for South Dakota farmers and ranchers — and in so doing held bilateral meetings with President Benjamin Netanyahu of Israel, Vice President Hsiao Bi-khim of Taiwan, and Mexico's then-Minister of Agriculture and Rural Development Victor Villalobos.

Throughout my career, I have conducted business on six continents and led teams of hundreds of staff overseas.

My journey, which has taken me across the world and back again, several times over, started like many of you, in a small town far from Washington, D.C. I have a distinct memory of standing in front of our brick, town hall in Norwich, Vermont, waving a campaign sign for my mother who was running for Town Treasurer and who is here with us today. That day was special to me, first because mom won her election, and second in that it was the day I realized that democratic, freedom-loving countries are only sustainable if people are willing to serve.

My college pastor, Matt Nichols, who is also here with us today, and who prayed over my family before this hearing, helped me to identify a 'life verse' that aligned with this calling to public service. Proverbs 31, verse 8 says "Speak up for those who cannot speak for themselves, for the rights of all who are destitute." I can think of no greater calling than to speak up on behalf of rural Americans at this moment in time.

Many of my friends and neighbors have asked what I hope to accomplish should I be confirmed to this role. My answer is simple: President Trump said it best when he nominated me, “Luke will make sure American Farmers and Ranchers get the smart Trade Deals that they deserve.”

America’s agricultural trade deficit, which is the worst in American history, is driven by a number of factors, but principally by the lack of an America First trade agenda that prioritizes market access for our farmers and ranchers. For too long, we have let other countries access our market and have not negotiated reciprocal access to theirs.

Recently, the office of the U.S. Trade Representative solicited public comment on unfair trade practices forced upon our great American producers by other nations. I read every submission that comments on agriculture.

In so doing, I was reminded that 75% of the seafood, over half of the fruit, and 35% of the vegetables we consume in America are imported.

Our ethanol producers are no longer competitive in Brazil because of Brazilian import tariffs.

Our hog famers cannot export pork to Brazil, India, Nigeria, Jamaica, Namibia, or Thailand.

Mexico has enjoyed a 557% increase in specialty crop imports into the United States in just the last decade.

Canada has rigged the USMCA agreement terms against our dairy and wheat farmers.

The European Union is responsible for roughly half of our overall trade deficit, \$23.6b, and yet it routinely shuts out our products at the alter of non-scientific based claims.

There is too much to say about China in this set of opening remarks, but a stark comment that stuck out to me came from representatives of American corn farmers who said that “U.S. corn growers can not rely on China as an export market.”

However, in the midst of all of the feedback, one story that lives in my memory is that of a family in Georgia, who captain a shrimp boat. The husband and wife commented that they have noticed a 70% reduction in shrimp trawlers due to a flood of imports from foreign nations that process their shrimp in unsanitary conditions that we would never allow in the U.S.

The Honorable Henry Kissinger once said, “America has no permanent enemies or friends, only interests”.

America’s agricultural trade deficit is not impacting just one region, political constituency, or segment of the agricultural economy. We all are impacted. And we all must work together to fix it.

In addition to helping farmers and ranchers navigate short term changes aimed at more fair trade deals, I stand ready to both explore new export markets and also hold our existing markets accountable to the deals they made with our family farms.

America has not lost our competitive edge in producing food, fuel and fiber. It has merely abdicated our leadership role in feeding the world by allowing others to rig the system against us.

You have my commitment that I will work together with you all in Congress, Secretary Rollins, our interagency partners at USTR, Commerce, and Treasury, and most importantly our agricultural producers to bolster America's food security.

I humbly ask you to support my nomination and for your ongoing partnership should you confirm me for this role.

Thank you, and I look forward to your questions.

Opening Statement of Devon Westhill
Nominee for Assistant Secretary for Civil Rights, U.S. Department of Agriculture
U.S. Senate Committee on Agriculture, Nutrition, and Forestry
April 29, 2025

Chairman Boozman, Ranking Member Klobuchar, and distinguished members of the Committee:

It is the honor of my life to get the chance to testify before you today, and I thank President Trump for that. This is the second time he has entrusted me with the honor and duty to head the Office of the Assistant Secretary for Civil Rights (OASCR) at USDA. If I am fortunate enough to be confirmed, I would cherish the opportunity to work under the leadership of Secretary Rollins and alongside numerous wonderful people with whom I served in President Trump's first term—including career officials—and many tremendous new colleagues like Luke Lindberg.

But that would not be possible without the support of my little family who have stuck by me since day one, and who are here with me today. Allow me to introduce them.

It is such an honor to be here because I have spent my entire career dedicated to the public interest via nonprofit leadership and government service. This is the fourth time I have volunteered to serve my country. The first was as a teenager in the United States Navy, the second was at the U.S. Department of Labor, and the third was within the very office to which I am nominated to lead again. My principal aim in all these endeavors was to be a small part of our shared project to form a more perfect Union. Specific to the role for which I am interviewing today, that means ensuring civil rights protection, equal opportunity, and equal justice under the law for all.

That mission is deeply personal to me. I was born a poor black child and raised in the South alongside my two siblings by our single mother. It was hardscrabble. But being born into tough circumstances is not at all unusual, of course. In fact, it is what the vast majority of mankind has experienced. But for my siblings and me, we had two things that made all the difference in our lives compared to untold numbers of others. We had an extraordinary mother who loved us, who wanted the best for us, and who set an outstanding example for us, and we were Americans.

Like my heroes Frederick Douglass and Booker T. Washington who came before me, I have learned that in America the mere connection with race, color, or ethnicity, or ones starting point in life will not permanently carry an individual forward unless he has individual worth nor finally hold an individual back if he possesses intrinsic, individual merit. So long as we do not permit our grievances to overshadow our opportunities, the sky is the limit in this country. I am living proof of that. That is the true history of America and the crux of the American Dream. We must keep it that way. I have been a voice for this perspective for a long time, and hope to continue to be.

If I am confirmed, I want to pick up where I left off in focusing OASCR on its core duties: Communicating from the top to the bottom that civil rights will be vigorously enforced at USDA, being laser focused on improving its core complaint processing work, and ensuring the development and deployment of effective proactive prevention measures. We were very

successful in the first term in this regard, for example: We improved the timeliness of EEO complaint investigations from 61% to 100% within 3 months of my arrival, we grew a Model EEO Program pursuant to EEOC requirements from 61% to 85% within 6 months of my arrival, and prior to my departure, we developed and implemented new department-wide civil rights, anti-harassment, and reasonable accommodation policies.

Should the Senate confirm me as Assistant Secretary for Civil Rights at USDA, you may be surprised to learn, it will be only the first time since the Obama administration that a senate-confirmed leader will have headed that office. That, of course, is no way to maintain any statutorily mandated federal government office nor is it fair to the 100,000 employees and millions of customers who want to do business with USDA on equal footing. I mention this merely to point out the gravity of the moment for civil rights at USDA. If that long span of vacancy in senate-confirmed leadership is broken by my confirmation, I commit to you to carry out the responsibilities of the Assistant Secretary for Civil Rights with the utmost integrity.

Once again, I am honored to appear before you today and eagerly look forward to answering your questions.

**DOCUMENTS SUBMITTED FOR THE
RECORD**

APRIL 29, 2025

March 10, 2025

The Honorable John Boozman
Chair, Senate Agriculture, Nutrition, and
Forestry Committee
United States Senate
Washington, DC 20510

The Honorable Amy Klobuchar
Ranking Member, Senate Agriculture,
Nutrition, and Forestry Committee
United States Senate
Washington, DC 20510

Dear Chairman Boozman and Ranking Member Klobuchar:

We write you today in support of Luke Lindberg's nomination to be the next Under Secretary for Trade and Foreign Agricultural Affairs at the United States Department of Agriculture.

We look forward to Mr. Lindberg's leadership and strong advocacy on behalf of the farmers, ranchers, growers, hunters, forest owners, conservationists, cooperatives, state departments of agriculture, renewable fuel producers and agribusinesses that we represent nationwide. Mr. Lindberg has a wealth of experience in this area, having served in multiple key capacities vital to trade and agriculture.

As President and CEO of South Dakota Trade, Mr. Lindberg collaborates with local and regional agriculture groups to help South Dakota producers and agricultural partners navigate the global trade landscape. He also serves on the board of directors of the National Association of District Export Councils and holds an advisory role with the U.S. Global Leadership Coalition. Prior to that, as Chief of Staff and Chief Strategy Officer at the Export-Import Bank of the United States he managed day-to-day operations, and advanced strategic initiatives such as the program on "China and Transformational Exports" and opening new markets for American Liquefied Natural Gas.

Throughout his career, Mr. Lindberg has been a proponent of using trade to strengthen U.S. agriculture. His enthusiasm in addressing the record agriculture trade deficit we are currently facing will be welcomed by farmers and exporters across the country.

In addition to his experience leading issues related to agriculture, trade, and economics, Mr. Lindberg has a close working relationship with USDA Secretary Brooke Rollins through their time at the America First Policy Institute, and by extension with President Trump. This trust and comfort will ensure that agricultural trade is prioritized as USDA and the White House continue to craft their policy agendas.

Given the many challenges facing America's farmers and rural communities, it is critical that Congress act on Mr. Lindberg's nomination in a timely manner. U.S. agriculture needs a dedicated champion in this role to support farmers and exporters as we continue to nourish the world with the most secure, affordable and nutritious food on the globe.

As such, we urge your Committee and the entire U.S. Senate to promptly confirm Mr. Lindberg as USDA's next Under Secretary for Trade and Foreign Agricultural Affairs. Thank you for your consideration, and for your dedication to serving America's agricultural community.

Sincerely,

Actus Nutrition
Advanced Sunflower LLC
Agropur, Inc.
Almond Alliance
American Cotton Shippers Association
American Farm Bureau Federation
American Feed Industry Association
American Seed Trade Association
American Sheep Industry Association
American Soybean Association
American Sugar Alliance
AmericanHort
Animal Health Institute
Associated Milk Producers Inc.
Blue Diamond Growers
California Citrus Mutual
California Dairies, Inc.
California Date Commission
California Fresh Fruit Association
California Prune Board
Cayuga Milk Ingredients
CHS Inc.
CoBank

Corn Refiners Association
Cotton Warehouse Association of America
Crop Insurance Professionals Association
CropLife America
Dairy Farmers of America
Darigold
Distilled Spirits Council of the U.S.
Economic Development Professionals Association
Farm Credit Council
FarmFirst Dairy Cooperative
Fernjo Farms
FMI - The Food Industry Association
Food Export-Midwest
Food Export-Northeast
Forest Landowners Association
Fresh Produce Association of the Americas
Gevo, Inc.
Global Cold Chain Alliance
Grassland Dairy Products, Inc.
Growth Energy
Hadrick Ranch
Hilmar Cheese Company
HP Hood LLC
Idaho Dairymen's Association, Inc.
Idaho Milk Products
Illinois Milk Producers Association
Independent Bakers Association
International Dairy Foods Association

Kansas Dairy Association
Kansas Livestock Association
Kansas Sorghum Producers
Land O'Lakes, Inc.
Leprino Foods Company
Meat Import Council of America
Meat Institute
Michigan Milk Producers Association
Midwest Dry Bean Coalition
Milk Producers Council
National Alliance of Forest Owners
National Association of State Departments of Agriculture
National Association of Wheat Growers
National Chicken Council
National Corn Growers Association
National Cotton Council
National Council of Farmer Cooperatives
National Grain and Feed Association
National Industrial Hemp Council
National Milk Producers Federation
National Oilseed Processors Association
National Pecan Federation
National Pork Producers Council
National Potato Council
National Sorghum Producers
National Turkey Federation
Nebraska State Dairy Association
North American Blueberry Council

North American Grain Export Association
North American Millers' Association
North American Renderers Association
Northeast Dairy Producers Association
Northwest Horticultural Council
Ohio Dairy Producers Association
Oregon Dairy Farmers Association
Organic Produce Association
Pet Food Institute
POET, LLC
Professional Dairy Managers of Pennsylvania
Renewable Fuels Association
Sartori Cheese
Schuman Cheese
SNAC International
South Dakota Cattlemen's Association
South Dakota Dairy Producers
South Dakota Soybean Association
South Dakota Soybean Processors
South East Dairy Farmers Association
Southeast Milk, Inc.
Southwest Council of Agribusiness
Sweetener Users Association
T.C. Jacoby & Co., Inc.
The Center for Dairy Excellence
Tropical Foods LLC
U.S. Apple Association
U.S. Beet Sugar Association

U.S. Dairy Export Council
U.S. Dry Bean Council
U.S. Grains Council
U.S. Livestock Genetics Export
U.S. Meat Export Federation
U.S. Peanut Federation
U.S. Wheat Associates
United Dairymen of Arizona
University of South Dakota, Beacom School of Business
USA Poultry and Egg Export Council
USA Rice
Virginia State Dairymen's Association
Washington State Dairy Federation
Western Iowa Dairy Alliance
Western Peanut Growers Association



NATIONAL CATTLEMEN'S BEEF ASSOCIATION
CENTER FOR PUBLIC POLICY

April 4, 2025

The Honorable John Boozman
 Chairman
 Committee on Agriculture, Nutrition, and Forestry
 United States Senate
 328A Russell Senate Office Building
 Washington, DC, 20510

The Honorable Amy Klobuchar
 Ranking Member
 Committee on Agriculture, Nutrition, and Forestry
 United States Senate
 328A Russell Senate Office Building
 Washington, DC, 20510

Dear Chairman Boozman and Ranking Member Klobuchar,

As the oldest and largest national trade association representing the interest of cattle producers, the National Cattlemen's Beef Association (NCBA) writes in strong support of the nomination of Mr. Luke Lindberg to serve as the Under Secretary for Trade and Foreign Agricultural Affairs at the U.S. Department of Agriculture (USDA). In this capacity, Mr. Lindberg will play a vital role in leading USDA's efforts to implement science-based trade policies, hold our trade partners accountable, and coordinate with other agencies to secure new market access for U.S. cattle producers. We urge his swift confirmation.

Mr. Lindberg serves as the President and CEO of South Dakota Trade where he works with agricultural groups to navigate international trade issues and promote U.S. agriculture. His service with the National Association of District Export Councils, the U.S. Global Leadership Coalition, and the Export-Import Bank of the United States have prepared him to advocate for the interest of U.S. farmers and ranchers on the global stage.

American cattle producers have benefitted greatly from robust market access and trade agreements that removed non-science-based trade barriers that allowed us to capitalize on strong foreign demand. In fact, the removal of trade barriers allowed U.S. beef exports to increase from \$4 billion in 2010 to nearly \$10 billion in 2024, with exports adding over \$400 per head of fed cattle slaughtered. We recognize the important work of USDA in developing trade policy and ensuring fair trade practices, and we are confident that Mr. Lindberg will continue to deliver success for American agriculture.

NCBA encourages the members of the United States Senate to expeditiously confirm the nomination Luke Lindberg for USDA Under Secretary for Trade and Foreign Agricultural Affairs, and we look forward to working with you to continue building market access opportunities for America's cattle producers.

Sincerely,

National Cattlemen's Beef Association
 Alabama Cattlemen's Association
 Arizona Cattle Feeders' Association
 Arizona Cattle Growers' Association
 Arkansas Cattlemen's Association

California Cattlemen's Association
Colorado Cattlemen's Association
Colorado Livestock Association
Florida Cattlemen's Association
Georgia Cattlemen's Association
Hawaii Cattlemen's Council
Idaho Cattle Association
Illinois Beef Association
Indiana Beef Cattle Association
Iowa Cattlemen's Association
Kansas Livestock Association
Kentucky Cattlemen's Association
Louisiana Cattlemen's Association
Michigan Cattlemen's Association
Minnesota State Cattlemen's Association
Mississippi Cattlemen's Association
Missouri Cattlemen's Association
Montana Stockgrowers Association
Nebraska Cattlemen
Nevada Cattlemen's Association
New Mexico Cattle Growers' Association
New York Beef Producers' Association
North Carolina Cattlemen's Association
North Dakota Stockmen's Association
Ohio Cattlemen's Association
Oklahoma Cattlemen's Association
Oregon Cattlemen's Association
Pennsylvania Cattlemen's Association
South Carolina Cattlemen's Association
South Dakota Cattlemen's Association
Tennessee Cattlemen's Association
Texas and Southwestern Cattle Raisers Association
Texas Cattle Feeders Association
Utah Cattlemen's Association
Virginia Cattlemen's Association
Washington Cattle Feeders Association
Washington Cattlemen's Association
West Virginia Cattlemen's Association
Wyoming Stock Growers Association

April 2, 2025

The Honorable John Boozman
328A Russell Senate Office Building
Washington, DC 20510

The Honorable Amy Klobuchar
328A Russell Senate Office Building
Washington, DC 20510

Dear Chairman Boozman and Ranking Member Klobuchar,

We write to encourage you to bring forward a confirmation hearing for Luke Lindberg, nominated on January 16, 2025, for Undersecretary of Trade and Foreign Agricultural Affairs at the U.S. Department of Agriculture.

Mr. Lindberg is well suited for this role, bringing both agricultural and international trade expertise. As President & CEO of South Dakota Trade, he leads efforts to expand market access for South Dakota's agricultural sector. In his role at South Dakota Trade, he serves as the state's top diplomat, representing the nation's second-highest per-capita agricultural exporter.

Previously, as Chief of Staff and Chief Strategy Officer at the Export-Import Bank of the United States, he played a key role in initiatives such as the "China and Transformational Exports" program, securing critical mineral supply chains, expanding American LNG exports, and executing the Abraham Accords. His leadership earned him the Distinguished Service Award for significant contributions to U.S. trade policy.

Today, U.S. agriculture faces growing challenges, including:

- **Trade Policy Uncertainty & Tariffs** – Ongoing trade disputes and shifting tariffs with China, Mexico, and the EU create uncertainty for U.S. agricultural exports.
- **Global Competition & Market Access** – Brazil, Argentina, and Ukraine are expanding their agricultural exports, making it harder for U.S. farmers to compete.
- **Regulatory & Non-Tariff Barriers** – Increasingly complex foreign regulations, including sustainability requirements and labeling laws, add compliance costs and limit market access.

Now, more than ever, agriculture needs a strong advocate in trade negotiations. Mr. Lindberg's experience and leadership uniquely position him to address these challenges and promote U.S. agricultural exports. We urge you to move his nomination forward for a confirmation hearing.

Sincerely,

Iowa Corn Growers Association
South Dakota Agri-Business Association
Kansas Corn Growers Association
Colorado Livestock Association

Kansas Livestock Association
Nebraska Corn Growers Association
South Dakota Association of Cooperatives
The Delta Council
Minnesota Soybean Growers Association
Illinois Corn Growers Association
Kentucky Corn Growers Association
South Dakota Soybean Association
California Cotton Ginners and Growers Association
Western Tree Nut Association
Southern Cotton Growers, Inc.
Mid Atlantic Soybean Association



STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
 LARRY RHODEN | GOVERNOR

April 3, 2025

The Honorable John Boozman
 Chair, Senate Agriculture, Nutrition, and
 Forestry Committee
 United States Senate
 Washington, DC 20510

The Honorable Amy Klobuchar
 Ranking Member, Senate Agriculture,
 Nutrition, and Forestry Committee
 United States Senate
 Washington, DC 20510

Dear Chairman Boozman and Ranking Member Klobuchar,

I am writing to urge your support for the swift confirmation of Luke Lindberg as the next Under Secretary for Trade and Foreign Agricultural Affairs at the United States Department of Agriculture (USDA). His extensive experience and deep-rooted commitment to American agriculture make him exceptionally well-qualified to serve in this critical leadership role at USDA.

Mr. Lindberg currently serves as President and CEO of South Dakota Trade. I have had the privilege to work alongside him in his efforts to strengthen South Dakota's relationships with trading partners around the world. Through his leadership, Mr. Lindberg has worked closely with South Dakota companies, industries, and producers to navigate international landscapes to foster relationships that are critical for economic growth. His efforts have increased global access to food, fuel, and fiber.

Mr. Lindberg has facilitated discussions with foreign leaders resulting in expanded market opportunities for the state's agriculture industry on a global scale. Under his leadership, South Dakota has diversified its trading partners, seen immense return on investments for trade missions, and gained a deeper understanding of export-ready strategies. I have had the privilege to lead trade missions with Mr. Lindberg. During those trade missions, I have been impressed with his ability to juggle meeting with foreign diplomats, as well as foreign and domestic buyers, while leading South Dakota exporting businesses.

I have experienced firsthand his dedication to American agriculture. I have the utmost confidence that under his leadership, American trade and foreign agricultural affairs will experience significant success and growth. Upon his confirmation, Mr. Lindberg's

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leadership, experience, and devotion to American agriculture will have a profound and positive impact on the success of our nation.

I urge your committee, and the entire United States Senate, to confirm Luke Lindberg as the next Under Secretary for Trade and Foreign Agricultural Affairs. We need strong and experienced leadership within the USDA, to ensure our nation's success, both domestically and internationally. I look forward to working with Mr. Lindberg in his new capacity to further the mission of a prosperous agricultural economy for the United States.

Thank you for your consideration and continued support of American agriculture.

Sincerely,



Larry Rhoden
Governor of South Dakota

United States Senate

WASHINGTON, DC 20510

April 11, 2025

Ambassador Jamieson Greer
United States Trade Representative
Executive Office of the President
600 17th St. NW
Washington, D.C. 20508

Dear Ambassador Greer,

We write with great concern about the impact of the Administration's reckless tariff agenda on our nation's farmers. Farmers not only have billions of dollars in commodities from last year waiting to be sold, but also have started spring planting and rely on stable markets for their planning. These farmers have made planting decisions and purchased key inputs such as seeds and fertilizer, selected crop insurance coverage, and even began marketing their expected production. Long before the President's across-the-board tariff announcement, millions of acres of fall-planted crops like winter wheat were already in the ground, and farmers already have enough uncertainty without tariffs adding more volatility.

We continue to hear from farmers and businesses across the agricultural supply chain who are bearing the brunt of the negative impacts of the global tariffs announced by President Trump on April 2, 2025, and earlier tariffs on Canada and Mexico. These actions and the resulting retaliation have injected further uncertainty into the farm economy and continue to rattle commodity markets. Heading into this year, farmers were already facing tightened margins resulting from declining commodity prices and heightened input costs. Many farmers are in a much worse position than they were heading into the 2018-2019 trade war and so are less equipped to withstand the impacts of continued volatility.

As farm organizations and economists have been warning for months, key trading partners will continue to retaliate against U.S. agricultural products as a result of President Trump's tariffs. For example, on April 3rd, China announced a 34 percent retaliatory tariff on all products from the U.S. A major export destination for U.S.-grown soybeans, futures prices dropped 34 cents on Friday, with an estimated loss in value of unsold 2024 soybeans of nearly \$300 million. That Friday drop would also cost farmers nearly \$1.4 billion on the 2025 crop. Cotton, another crop that is heavily reliant on exports followed a similar steep decline. Since then, volatility in the markets has continued as the Administration has continued to change the tariffs day-by-day and sometimes hour-by-hour. While the tariffs are currently 10 percent across-the-board for nearly all countries except China, this continued uncertainty is the last thing farmers need as they begin planting season.

Farmers are also continuing to experience the long-term implications of the 2018-2019 trade war when structural trade flows shifted to favor farmers in Brazil and Argentina. A prolonged trade war now with key trading partners will just further exacerbate those trade shifts. This market share that farmers are losing is the result of more than \$15 billion in investments by both taxpayers and the farmers themselves through trade promotion programs over the last 50 years.

The direct economic impact and uncertainty on America's farmers stands to change the future of agricultural trade relationships for generations. As such, we request responses to the following questions:

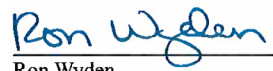
- Did USTR perform any analysis on the impact of the across-the-board tariff policy on farmers prior to implementation? If so, please share that analysis with us.
 - What do you expect to be the short- and long-term impacts of tariffs on farmers?
- There have been conflicting reports as to whether tariffs are being used as leverage in trade negotiations or as a long-term structural shift in trade policy.
 - Can you provide clarity on the goals of the Administration's trade policy?
 - If tariffs are being used as leverage in trade negotiations, what are your top agriculture priorities and markets? What countries are you prioritizing in negotiations, and what is the basis for determining those countries?
- President Trump indicated that U.S. farmers need to get ready to supply the domestic market instead of the international markets.
 - Has USTR or have other agencies done analysis to show how production and consumption of crops would need to shift, or what domestic processing would be necessary to accomplish this goal? For example, there is very limited domestic cotton spinning, weaving or apparel manufacturing.
 - Significant parts of the agricultural trade imbalance are related to imports of specialty crops, many of which are either grown in tropical regions or imported during the off-season. U.S. farmers will not be able to produce these commodities in the same volume or season. Will consumers need to shift from fresh produce in the off season or be forced to pay a higher price due to the tariffs on these products?
- Prior to the announcement of the across-the-board tariffs and per-country rates, the USDA announced plans for trade missions to several countries including some with tariffs as high as 46%.
 - Did USTR consult with USDA on the trade missions or setting tariffs based on targets for opening markets?

We have serious concerns about the haphazard approach taken by the Administration to tariffs that cause unnecessary uncertainty and harm for U.S. farmers and their markets. We look forward to a prompt response.

Sincerely,


 Amy Klobuchar
 United States Senator


 Patty Murray
 United States Senator


 Ron Wyden
 United States Senator
 Ranking Member, Committee
 on Finance



 Richard J. Durbin
 United States Senator


 Mark R. Warner
 United States Senator


 Jeffrey A. Merkley
 United States Senator



 Kirsten Gillibrand
 United States Senator


 Christopher A. Coons
 United States Senator


 Tammy Baldwin
 United States Senator


 Martin Heinrich
 United States Senator


 Gary C. Peters
 United States Senator


 Chris Van Hollen
 United States Senator



Tina Smith
United States Senator



Ben Ray Lujan
United States Senator



Raphael Warnock
United States Senator



Peter Welch
United States Senator



Adam B. Schiff
United States Senator



Elissa Slotkin
United States Senator



Angela Alsobrooks
United States Senator

4/29/25, 6:26 PM

Black farmers were left behind from USDA programs in 2022. : NPR



npr

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POLITICS

In 2022, Black farmers were persistently left behind from the USDA's loan system

FEBRUARY 19, 2023 · 10:36 AM ET



Ximena Bustillo



Lucious Abrams, a plaintiff in the Pigford v. Glickman class action lawsuit, stands in front of a tractor on his Georgia farm.

Lucious Abrams

4/29/25, 6:26 PM

Black farmers were left behind from USDA programs in 2022. : NPR

This story is part of a multipart series examining the disparate impacts on Black farmers.

Lucious Abrams is the third generation to take over the family Georgia farm, an operation that has long grown cotton, corn, and soybeans. When he did not receive a loan in time to buy the seeds and supplies he needed, he joined the Pigford v. Glickman class action lawsuit against the USDA.

The 1999 lawsuit alleged that in myriad ways the agency discriminated against Black farmers resulting in uneven distribution of farm loans and assistance. This caused many Black farmers to lose their land and farms to foreclosure.

Pigford plaintiffs, like Abrams, were supposed to receive payments after the case was settled in 1999. However, tens of thousands missed out due to confusing paperwork and filing deadlines and what neared attorney malpractice, advocates say.

In 2010, Congress appropriated an additional \$1.2 billion in a second round of payouts. But still, many did not receive them due to more denials of claims and deadline and processing issues.

But in addition, many say there has to be a larger culture shift at the department because farmers do not trust their loan applications will be processed fairly — if they can even file.

4/29/25, 6:26 PM

Black farmers were left behind from USDA programs in 2022 : NPR

Indeed, an NPR analysis of USDA data found that Black farmers receive a disproportionately low share of direct loans given to farmers leaving them behind in a program that is important to their livelihoods. The department itself has long tried to fix these systemic problems, but many farmers and advocates remain skeptical that its efforts will ultimately benefit those who need it most.

The USDA's lending process, for the last century, is not set up to support nontraditional growers including the farmers of color who face high rejection and withdrawal rates as a result, said Zach Ducheneaux, the Farm Service Agency Administrator at USDA.

"So it might be you're a Black farmer that's operating on heirship property who hasn't had the benefit of a cooperator technical assistance provider right there on the ground with them to help them navigate this," Ducheneaux said of Black farmers who have owned land for generations but may not know how to navigate USDA's processes. "By virtue of the lack of support structure around them, they're going to come to the application process less prepared."



POLITICS

Black farmers call for justice from the USDA

Black farmers still receive the lowest amount of loans

4/29/25, 6:26 PM

Black farmers were left behind from USDA programs in 2022 : NPR

In 2022, the department granted direct loans to only 36% of farmers who identified as Black, according to an NPR analysis of USDA data that looked at how many direct loan applications were accepted, rejected or withdrawn per each racial group. Direct loans are supposed to be among the easiest to get at USDA. They are meant for farmers who can't get credit elsewhere and can be used to get land, farming equipment or other operational costs needed to keep the business afloat.

In contrast, 72% of white farmers who applied were approved. Perhaps some of the biggest gaps in the loan demographics can also be seen in the rejection numbers, where 16% of Black farmers were rejected — the highest amount; the corresponding figure for white farmers was 4%. And 48% of Black farmers withdrew their applications, also the highest amount tied with Asian farmers and compared to 24% of white-identifying applicants.

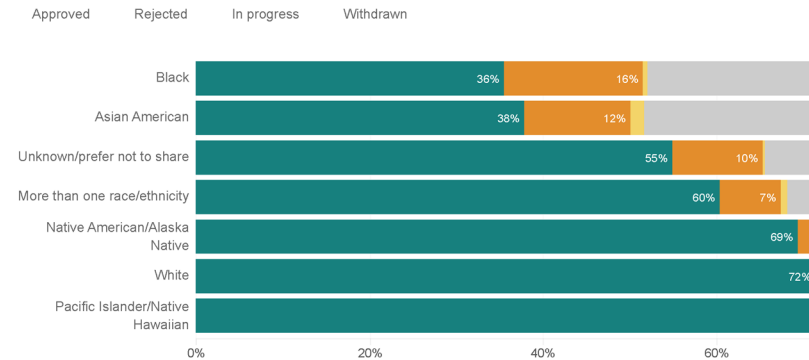
By and large, across the first two years of the Biden administration, Black and Asian-identifying farmers were the least successful in acquiring a direct loan, data shows.

4/29/25, 6:26 PM

Black farmers were left behind from USDA programs in 2022. : NPR

Black farmers have the lowest approval rate for USDA direct loans

An NPR analysis of USDA data looked at how many direct loans were accepted, rejected and withdrawn per racial group. Black farmers who applied for USDA direct loans in the 2022 fiscal year were approved at lower rates and rejected at higher rates than any other racial demographic.



Notes

Race and ethnicity data was self-reported on loan applications. Data as of Jan. 10.

Source: NPR analysis of USDA data

Credit: Connie Hanzhang Jin/NPR

And it is not just about direct loans. Agriculture Secretary Tom Vilsack has long made the point that farmers of color received less than 1% of coronavirus pandemic farming aid, despite making up 5% of all farmers.

The denials and withdrawals are high

Advocates for farmers of color have argued that rejections and withdrawals often happen because the multi-step application process is too cumbersome and confusing. Those whose families have generational experience and long-standing outside resources to navigate the federal bureaucracy sail through.

Hmong farmers in Minnesota, for example, may often lease land but they are not given a written contract that they need to qualify for loans, said Janssen Hang, executive director and co-founder of the Hmong American Farmers Association.

<https://www.npr.org/2023/02/19/1156851675/in-2022-black-farmers-were-persistently-left-behind-from-the-usdas-loan-system#:~:text=Black farmers s...> 5/21

4/29/25, 6:26 PM

Black farmers were left behind from USDA programs in 2022 : NPR

Farmers keep records and file taxes, but not in a way suitable for the Farm Service Agency, USDA's lending branch. And it's all complicated by the lack of bilingual federal employees, documents and training materials.

In some cases, language barriers are a major issue, including for Hmong American farmers and Hispanic farmers.

"They can enroll in a farm business management course, but it's all conducted in English. And this particular constituency here does not read, read or write English fluently or understand, so they can sign up for the farm business course, pay \$2,000 a year just for this course here and what did they walk out with? Stress," Janssen said. "They walk out without any adequate information to really enhance or fund operations here because it is done in a language that they're not familiar with."

Farmers are also often denied for having low or no credit, despite USDA being considered the "lender of last resort" for producers who cannot get credit elsewhere.

The way people are farming is also changing. Urban farms, farms with multiple crops, hemp farms, and others also challenge the loan system which was originally designed for large, one-crop farms.

AMERICA RECKONS WITH RACIAL INJUSTICE

The USDA Is Set To Give Black Farmers Debt Relief. They've Heard That One Before

<https://www.npr.org/2023/02/19/1156851675/in-2022-black-farmers-were-persistently-left-behind-from-the-usdas-loan-system#:~:text=Black farmers s...> 6/21

4/29/25, 6:26 PM

Black farmers were left behind from USDA programs in 2022. : NPR

**The USDA is seeking to address the issue**

Advocates argued that Vilsack did not do enough to help provide equity and fairness to USDA loan processes during his first term as agriculture secretary under Obama. A 2019 investigation by The Counter found that the department distorted data on Black farmers to paint a rosier picture.

The Biden administration vowed to fix the department's history, starting with the appointments.

The Farm Service Agency is led by Ducheneaux, a member of the Cheyenne River Sioux Tribe and the first Native American in the role. Prior to being at the department, he served as the executive director of the Intertribal Agriculture Council, an advocacy group for Native American farmers. Indigenous farmers were also a part of their own lawsuit alleging discrimination against USDA and they have long been left out of programs despite having high direct loan acceptance rates.

"I take that very personally because I've been trying to get them in the door since way before I got here," Ducheneaux said regarding barriers to access to the department that spans across race groups. "My personal goal is to get all of these to as close to 100% as we can."

4/29/25, 6:26 PM

Black farmers were left behind from USDA programs in 2022 : NPR

He credits lessons learned in Indian Country for some of the department's solutions including working closer with cooperative groups. Using agreements with organizations on the ground that represent different producers, USDA is trying to work through them to get information to farmers.

"We see this as a chance to leverage the trust that we don't have in these communities. In many cases, rightfully so," Ducheneaux said. Agreements spread across young and veteran farmer groups, Hmong American Farmers Association, the Intertribal Agriculture Council and the Federation of Southern Cooperatives.

As a result of the agreements, these organizations report being able to increase staff, expand outreach, and increase their ability to give feedback to USDA.

"Step one of rebuilding trust is acknowledging the fact that we have treated people poorly in the past, and discriminated in the past, and still have practices that feel like active discrimination today," he said. "There is that inherent, intrinsic trust in that NGO or that nonprofit that probably in our lifetime, we're never going to rebuild it at the agency or department level. So we've got to start somewhere, and that's a great place to begin."

In order to reduce the paperwork, speed up decisions and get payments out the department announced this month its plan to shorten the applications from 29 pages to 13.

Last year, the department also launched an online program to help producers understand which loans they may qualify for in an effort to reduce the rates of denials and withdrawals. A separate USDA Equity Commission, born out of a Biden executive order calls for federal departments to address racial equity and underserved communities.

The group met earlier this month to vote on over 30 recommendations ranging from reducing the number of years of experience needed to participate in conservation programs to making the language in FSA loans more accessible – actions they believe the department can get a head start on. A final report is due by the end of the year.

Meanwhile, farmers say they need help and change now.



NEWS

Farmers Got A Government Bailout In 2020, Even Those Who Didn't Need It

Black farmers are looking for debt relief

Black farmers who should have gotten relief from Pigford say not all the settlements made it into their hands.

And as time passed, interest, delinquent payments and more stacked up against their businesses.

"We haven't gotten any relief as far as these lawsuits or debt relief, and that will impact me severely," said Rod Bradshaw, a farmer in Kansas, adding that the rising costs of fuel and production are thinning his margins.

As a part of the Inflation Reduction Act, the Democrat-led spending bill, members slipped in a provision that created a \$3.1 billion debt relief program for "economically distressed borrowers."

According to Ducheneaux, the department completed automatic payments towards about 11,000 distressed borrowers who were 60 days or more delinquent on direct and guaranteed USDA loans as of Sept. 30 of last year. USDA data analyzed by NPR shows over 13,000 producers have received a payment on their accounts as of Jan. 30.

These payments, however, are to all "distressed farmers," including some white farmers. They may not include all Black farmers. The race-neutral program is an alternative to a lawsuit-blocked race-targeted program first passed by Congress.

4/29/25, 6:26 PM

Black farmers were left behind from USDA programs in 2022. : NPR

The bill did include \$2.2 billion to the department for farmers who have specifically faced discrimination in USDA lending programs. This money is mandated by Congress to be disbursed by third parties or nongovernmental organizations.

"We have to be open-minded enough to see if there are some solutions that can be brought to the table that help address some of those cumulative impacts of prior discrimination," said Dewayne Goldmon, the first Senior Advisor for Racial Equity to the Secretary of Agriculture at USDA. "That has to be an important part of the process."

In October, the USDA launched a request for information to gather public comments on how to create and implement the program. The comment period closed in November and the department is currently reviewing those submitted.

"I would consider [the efforts] successful when my position is no longer needed. When you don't need an adviser for racial equity," Goldmon said. "And I'm not being naive, but I have to keep that as a goal."

usda loans farmers black farmers direct loans racial equity

4/29/25, 6:26 PM

Black farmers were left behind from USDA programs in 2022. : NPR



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What has DOGE done in Trump's first 100 days?

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Black farmers were left behind from USDA programs in 2022. : NPR



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POLITICS

Federal work shaped a Black middle class. Now it's destabilized by Trump's job cuts

<https://www.npr.org/2023/02/19/1156851675/in-2022-black-farmers-were-persistently-left-behind-from-the-usdas-loan-system#:~:text=Black farmers ...> 12/21

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Black farmers were left behind from USDA programs in 2022. : NPR



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Trump uses government powers to target perceived enemies

HISTORY

The only female unit to serve overseas in WWII gets a congressional medal 80 years on

<https://www.npr.org/2023/02/19/1156851675/in-2022-black-farmers-were-persistently-left-behind-from-the-usdas-loan-system#:~:text=Black farmers ...> 13/21

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Black farmers were left behind from USDA programs in 2022. : NPR



MEDIA

Corporation for Public Broadcasting sues Trump after he tries to fire board members

Popular on NPR.org



<https://www.npr.org/2023/02/19/1156851675/in-2022-black-farmers-were-persistently-left-behind-from-the-usdas-loan-system#:~:text=Black farmers ...> 14/21

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Black farmers were left behind from USDA programs in 2022. : NPR

INTERVIEW HIGHLIGHTS

Mohsen Mahdawi — the Columbia student arrested at his citizenship appointment — speaks



UP FIRST NEWSLETTER

Trump's 100-day report card. And, a student protester speaks from detention



<https://www.npr.org/2023/02/19/1156851675/in-2022-black-farmers-were-persistently-left-behind-from-the-usdas-loan-system#:~:text=Black farmers ...> 15/21

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Black farmers were left behind from USDA programs in 2022. : NPR

POLITICS

New lawsuit argues Trump and DOGE's government overhaul is unconstitutional

BUSINESS

Trump called Bezos after a report that Amazon would post products' import charges

INVESTIGATIONS

<https://www.npr.org/2023/02/19/1156851675/in-2022-black-farmers-were-persistently-left-behind-from-the-usdas-loan-system#:~:text=Black farmers ...> 16/21

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Black farmers were left behind from USDA programs in 2022. : NPR

Trump has used government powers to target more than 100 perceived enemies



POLITICS

10 key numbers that sum up Trump's first 100 days

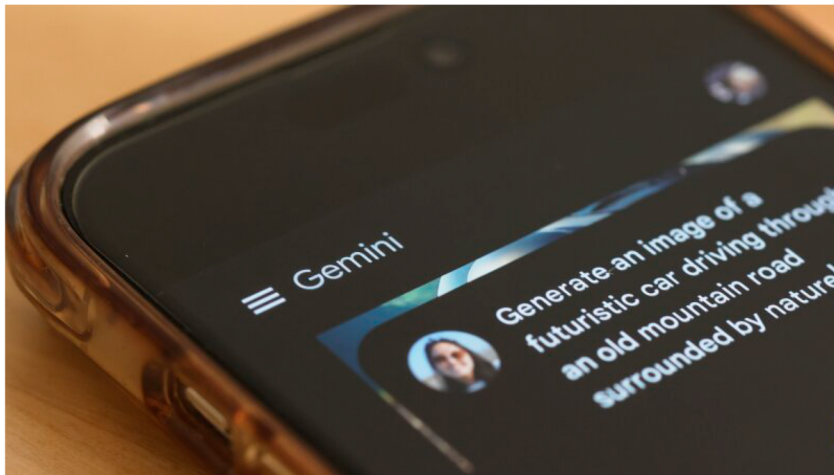
NPR Editors' Picks

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Black farmers were left behind from USDA programs in 2022. : NPR



CULTURE

The Mellon Foundation announces 'emergency funding' for humanities councils

BUSINESS

Why Google's search engine trial is about AI

<https://www.npr.org/2023/02/19/1156851675/in-2022-black-farmers-were-persistently-left-behind-from-the-usdas-loan-system#:~:text=Black farmers ...> 18/21

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Black farmers were left behind from USDA programs in 2022. : NPR



CLIMATE

White House dismisses authors of major climate report

MUSIC

Jack Black hits a milestone on the charts, while Alex Warren's 'Ordinary' keeps rising

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Black farmers were left behind from USDA programs in 2022. : NPR



WORLD

Dachau's memorial marks 80 years since the liberation of the Nazi concentration camp



MOVIE REVIEWS

A new documentary checks out the many ways libraries are a 'Free For All'

<https://www.npr.org/2023/02/19/1156851675/in-2022-black-farmers-were-persistently-left-behind-from-the-usdas-loan-system#:~:text=Black farmers ...> 20/21

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Black farmers were left behind from USDA programs in 2022. : NPR

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U.S. SENATE COMMITTEE ON AGRICULTURE, NUTRITION, & FORESTRY
Questions for Executive Nominees
119th Congress: Part I

1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
Under Secretary for Trade & Foreign Agricultural Affairs	January 20, 2025

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Luke	John	Lindberg	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 3501 N. Aviation Ave, Suite 209		
City: Harrisburg	State: SD	57032	City: Sioux Falls	State: SD	Zip: 57032

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<small>Check if Maiden Name</small>	<u>Name Used From</u> (Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day.)	Place of Birth
1989	Hanover, NH

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married	Married	Separated	Annulled	Divorced	Widowed
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Spouse's Name</i> (current spouse only)			
<u>Spouse's First Name</u>	<u>Spouse's Middle Name</u>	<u>Spouse's Last Name</u>	<u>Spouse's Suffix</u>
Brittany	Thune	Lindberg	

<i>Spouse's Other Names Used</i> (current spouse only)						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<small>Check if Maiden Name</small>	<u>Name Used From</u> (Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
Brittany	Nicole	Thune			1987 Est <input type="checkbox"/>	Est 2014 <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Children's Names (if over 18)</i>			
First Name	Middle Name	Last Name	Suffix

2. Education

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	<u>Date Began School</u> (month/year) (check box if estimate)	<u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school)	<u>Degree</u>	<u>Date Awarded</u>
University of Maryland	University	Est August 2007 <input type="checkbox"/>	Est Present May 2011 <input type="checkbox"/> <input type="checkbox"/>	Bachelor of Arts	May 2011
University of Maryland	University	Est August 2011 <input type="checkbox"/>	Est Present May 2013 <input type="checkbox"/> <input type="checkbox"/>	Masters of Business Administration	May 2013
University of Maryland	University	Est August 2011 <input type="checkbox"/>	Est Present May 2013 <input type="checkbox"/> <input type="checkbox"/>	Masters of Public Policy	May 2013
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>		

3. Employment

(A) In reverse chronological order, list all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other)	Name of Your Employer/Assigned Duty Station	Most Recent Position Title/Rank	Location (City and State only)	Date Employment Began (month/year) (check box if estimate)	Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed)
				Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>
Non-Government Employment	South Dakota Trade Association	President & CEO	Sioux Falls, SD	January, 2023 Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input checked="" type="checkbox"/>
Self employed	E. Pluribus Unum, LLC	Founder & Principal	Harrisburg, SD	January 2022 Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input checked="" type="checkbox"/>
Non-Government Employment	Sanford Health	Head of Thought Leadership	Sioux Falls, SD	April 2021 Est <input type="checkbox"/>	Est Present July 2022 <input type="checkbox"/> <input type="checkbox"/>
Unemployed	N/A	N/A	N/A	January 2021 Est <input type="checkbox"/>	Est Present April 2021 <input type="checkbox"/> <input type="checkbox"/>
Federal Employment	Export-Import Bank of the United States	Chief of Staff & Chief Strategy Officer	Washington, D.C.	July 2019 Est <input type="checkbox"/>	Est Present January 2021 <input type="checkbox"/> <input type="checkbox"/>
Non-Government Employment	Sanford Health	Director of External Affairs	Sioux Falls, SD	April 2016 Est <input type="checkbox"/>	Est Present July 2019 <input type="checkbox"/> <input type="checkbox"/>
Federal Contractor	IBM	Managing Consultant	Washington, D.C.	July 2013 Est <input type="checkbox"/>	Est Present May 2016 <input type="checkbox"/> <input type="checkbox"/>

				Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>
				Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>
				Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>
				Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
South Dakota-Ireland Trade Commission, State of South Dakota	Commissioner	March 2024 Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input checked="" type="checkbox"/>
Industry Trade Advisory Committee, USTR	Committee member	April 2022 Est <input type="checkbox"/>	August 2022 Est Present <input type="checkbox"/> <input type="checkbox"/>
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>

(C) List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other for profit or nonprofit organization that is not otherwise listed in response to question 3(A).

<u>Name of Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
Children's Home Society of South Dakota	Board of Directors	Est 09/2022 <input type="checkbox"/>	Present Est Present <input type="checkbox"/> <input type="checkbox"/>
National Association of District Export Councils	Board of Directors	Est 9/2021 <input type="checkbox"/>	Present Est Present <input type="checkbox"/> <input type="checkbox"/>
Krach Institute for Tech Diplomacy, Purdue University	Advisory council member	Est 03/2023 <input type="checkbox"/>	Present Est Present <input type="checkbox"/> <input type="checkbox"/>
U.S. Global Leadership Coalition – Conservative Foreign Policy Study Group	Group Member	Est 03/2022 <input checked="" type="checkbox"/>	Present

(D) Please submit a copy of your resume with this questionnaire.

4. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

Senior Fellow, America First Policy Institute

Distinguished Service Award, Export-Import Bank of the United States

5. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, parent-teacher associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
Council on Foreign Relations	June, 2023	Term member

6. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

☐ Yes ☒ No (If yes, please complete the chart below)

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>

(B) List any offices held in or services rendered, including volunteer services, to a political party or election committee during the last 10 years that you have not listed elsewhere.

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
Trump-Vance Campaign	Farmers & Ranchers for Trump Coalition	National Co-Chair	2024

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
Tom Cotton	\$500	2021
Dusty Johnson	\$250	2022
Amber Arlint	\$250	2022
Brad Jankord	\$261	2024
Marty Jackley	\$500	2022
Tony Venhuizen	\$250	2022
Taylor Rae Rehfeldt	\$261	2022

7. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Include a link to each publication when possible. If a link is not available, provide a digital copy of the publication via email if available. Please list all required publications even if no copy of the publication is available to provide.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
America will love Brooke Rollins	Washington Reporter https://washingtonreporter.news/p/op-ed-luke-lindberg-america-will	December 18, 2024
Extending the Tax Cuts and Jobs Act is Good for American Farmers	Farm Journal https://www.agweb.com/opinion/extending-tax-cuts-and-jobs-act-good-american-farmers	April 27, 2023
2023 is the year to renew trade promotion authority	The Hill https://thehill.com/cdn.ampproject.org/c/s/thehill.com/opinion/finance/3822962-2023-is-the-year-to-renew-trade-promotion-authority/amp/	January 21 2023
Pelosi and Dems’ Pork-packed “COMPETES Act” will not help us defeat China	Fox News https://www.foxnews.com/opinion/pelosi-democrats-competes-act-defeat-china-luke-lindberg	February 2, 2022
The time for American natural gas, is now	The Hill https://thehill.com/opinion/energy-environment/600063-the-time-for-american-natural-gas-is-now/	March 28, 2022
Biden fumbles the ball on rare earth minerals	The Washington Times https://www.washingtontimes.com/news/2022/mar/7/biden-fumbles-the-ball-on-rare-earth-minerals/	March 7, 2022
The case for economic patriotism	The Daily Caller https://dailycaller.com/2022/05/27/lindberg-case-economic-patriotism/	May 27, 2022
The wartime harvest	America First Policy Institute https://americafirstpolicy.com/issues/20220714-the-wartime-harvest	July 14, 2022
Protecting American workers in the heartland	The Dakota Scout https://www.thedakotascout.com/p/protecting-american-workers-in-the	August 23, 2023
American Leadership in East Africa is helping stabilize the region — and that’s good for our long- term national security	https://americafirstpolicy.com/issues/american-leadership-in-east-africa-is-helping-stabilize-the-regionand-thats-good-for-our-long-term-national-security	May 26, 2023

(B) List any formal speeches or presentations you have delivered during the last 10 years relevant to the position to which you have been nominated, and all speeches/presentations you have delivered related to any topic for the last five years. Include any testimony to Congress or any other legislative or administrative body. Include a link to each speech when possible. If a link is not available, provide a digital copy of the publication via email if available. Please list all known required speeches even if no copy is available to provide.

<u>Title/Topic</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
South Dakota Trade Overview	Governor's Agricultural Summit	June 2024 and 2023
****	South Dakota Cattlemen's Association Annual Meeting	December 2024 and 2023

4477	Governor's Conference on Economic Development	April 2024 and 2023
4478	Manufacturing & Trade Summit in Rapid City, SD	October 2022
Remarks on Agricultural Trade – Emcee and Event Host	Midwest Agricultural Export Summit	August 2021, 2022, 2023 and 2024
Testimony on Foreign Ownership of Agricultural Land	South Dakota State Legislature	January 2023 and February 2023
Agricultural Trade – keynote	Lubbock Chamber of Commerce, Harvest Festival	October 2022
Economic Security is National Security	U.S. Global Leadership Coalition Global Impact Forum	June 2023

8. Lobbying

In the past 10 years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

Yes - Registered to lobby with the South Dakota Secretary of State – 2024

9. Digital Platforms

Please list all digital platforms (including social media and other digital content sites) on which you currently operate, or have formerly operated, an account, regardless of whether the account was held in your name or an alias. Include the full “alias” or “handle”, including a link to each account if possible. Indicate whether the account is active, deleted, or dormant.

X: @TheUSA – active

Facebook: facebook.com/lukejlinberg - active

LinkedIn: www.linkedin.com/in/lukejlinberg - active

Instagram: @lukejlinberg – active

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

March 21, 2025

The Honorable John Boozman
Chairman
Committee on Agriculture, Nutrition,
and Forestry
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Luke Lindberg, who has been nominated by President Trump for the position of Under Secretary for Trade and Foreign Agricultural Affairs, Department of Agriculture.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

SETH JAFFE Digitally signed by SETH JAFFE
Date: 2025.03.21 17:04:20
+04'00'

Seth Jaffe
Chief, Ethics Law and Policy Branch

Enclosures



March 17, 2025

Stuart Bender
Director, Office of Ethics
U.S. Department of Agriculture
1400 Independence Avenue, S.W., Room 347-W
Washington, DC 20250-1400

Dear Mr. Bender:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Under Secretary for Trade and Foreign Agricultural Affairs of the Department of Agriculture. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee, even if uncompensated; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program

regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics (OGE) pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

SECTION 2 – SOUTH DAKOTA TRADE ASSOCIATION

Upon confirmation, I will resign from my position at South Dakota Trade Association. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know South Dakota Trade Association is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 3 – OTHER RESIGNATIONS

Upon confirmation, I will resign from my positions with the following organizations:

- Children's Home Society
- National Association of District Export Councils

Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know the above organizations are a party or represent a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 4 – E. PLURIBUS UNUM

I jointly co-own E. Pluribus Unum, an LLC, with my spouse. Upon confirmation, I will resign my position with E. Pluribus Unum and I will cease engaging in any business, including consultations with, and the representation of, clients. During my appointment to the position of Under Secretary for Trade and Foreign Agricultural Affairs, I will not perform any services for the firm except that I will comply with any court orders or subpoenas and any requirements involving legal filings, taxes, and fees that are necessary to maintain the firm. As Under Secretary for Trade and Foreign Agricultural Affairs, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of E. Pluribus Unum. In addition, pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). Moreover, if my spouse engages in consulting services for clients, pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, I will not

participate personally and substantially in any particular matter involving specific parties in which I know any client of my spouse is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 5 – DIVESTITURES

I will divest my interests in Berkshire Hathaway as soon as practicable but not later than 90 days after my confirmation. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of this entity until I have divested it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I have verified that I will be able to carry out the divestiture within the timeframe described above.

I will divest my interests in Invesco DB Commodity Index Tracking (DBC) as soon as practicable but not later than 90 days after my confirmation. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of this entity until I have divested it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I have verified that I will be able to carry out the divestiture within the timeframe described above.

I understand that I may be eligible to request a Certificate of Divestiture for qualifying assets and that a Certificate of Divestiture is effective only if obtained prior to divestiture. Regardless of whether I receive a Certificate of Divestiture, I will ensure that all divestitures discussed in this agreement occur within the agreed upon timeframes and that all proceeds are invested in non-conflicting assets. I understand that I must submit my request for a Certificate of Divestiture to allow for adequate time for OGE to process the Certificate of Divestiture, and in order to divest assets within the agreed upon timeframe.

I (including my spouse and minor children if applicable) will not repurchase any asset I was required to divest without my consultation with my agency ethics official and the U.S. Office of Government Ethics.

SECTION 6 – ALLIANT INSURANCE SERVICES

My spouse recently resigned as an employee of Alliant Insurance Services and participates in the employee stock ownership plan. For as long as my spouse retains an interest in Alliant Insurance Services, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Alliant Insurance Services unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(1).

SECTION 7 – PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C.

§ 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other presidential nominees who file public financial disclosure reports.

Sincerely,

A handwritten signature in black ink, appearing to read 'LJL', written in a cursive style.

Luke Lindberg

Report Type: Nominee Report
Year (Annual Report only):
Date of Appointment:
Date of Termination:

Executive Branch Personnel
Public Financial Disclosure Report (OGE Form 278e)

Filer's Information

Lindberg, Luke

Under Secretary for Trade and Foreign Agricultural Affairs, Department of Agriculture

Other Federal Government Positions Held During the Preceding 12 Months:
None

Names of Congressional Committees Considering Nomination:

- Committee on Agriculture, Nutrition, and Forestry

Electronic Signature - I certify that the statements I have made in this form are true, complete and correct to the best of my knowledge.

/s/ Lindberg, Luke [electronically signed on 02/05/2025 by Lindberg, Luke in Integrity.gov]

Agency Ethics Official's Opinion - On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below).

/s/ Bender, Stuart, Certifying Official [electronically signed on 03/20/2025 by Bender, Stuart in Integrity.gov]

Other review conducted by

U.S. Office of Government Ethics Certification

/s/ Jaffe, Seth, Certifying Official [electronically signed on 03/21/2025 by Jaffe, Seth in Integrity.gov]

1. Filer's Positions Held Outside United States Government

#	ORGANIZATION NAME	CITY, STATE	ORGANIZATION TYPE	POSITION HELD	FROM	TO
1	South Dakota Trade Association	Sioux Falls, South Dakota	Non-Profit	President & CEO	1/2023	Present
2	E. Pluribus Unum, LLC	Harrisburg, South Dakota	Corporation	Founder & Principal	2/2022	Present
3	Sanford Health	Sioux Falls, South Dakota	Non-Profit	Head of Thought Leadership	4/2021	7/2022
4	Children's Home Society	Sioux Falls, South Dakota	Non-Profit	Member of the Board of Directors	9/2022	Present
5	National Association of District Export Councils	Washington, District of Columbia	Non-Profit	Member of the Board of Directors	9/2021	Present

2. Filer's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	South Dakota Trade Association	N/A		Salary	\$162,500
2	E. Pluribus Unum (General business consulting services)	N/A		LLC Income	\$167,966
2.1	American Funds 2055 Target Date Retirement Fund Class A Share (AAMTX)	Yes	\$15,001 - \$50,000		None (or less than \$201)
2.2	Big Watt Digital stock	See Endnote	\$250,001 - \$500,000		None (or less than \$201)
2.3	E. Pluribus Unum - Cash Account	N/A	\$15,001 - \$50,000		None (or less than \$201)

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
2.4	Redo Voting, LLC (Stock, privately held)	N/A	\$15,001 - \$50,000		None (or less than \$201)
3	Roth	No			
3.1	Berkshire Hathaway Inc. (BRKB)	N/A	\$15,001 - \$50,000		None (or less than \$201)
3.2	Dodge & Cox Stock Fund (DODGX)	Yes	\$15,001 - \$50,000		None (or less than \$201)
3.3	First Eagle Gold Fund Class I Shares (FEGIX)	Yes	\$1,001 - \$15,000		None (or less than \$201)
3.4	Fuller & Thaler Behavioral Small-Cap Equity Fund Institutional Class Shares (FTHSX)	Yes	\$15,001 - \$50,000		None (or less than \$201)
3.5	Range Nuclear Renaissance IX ETF (NUKZ)	Yes	\$1,001 - \$15,000		None (or less than \$201)
3.6	Schwab International Equity ETF (SCHF)	Yes	\$1,001 - \$15,000		None (or less than \$201)
3.7	Schwab US Mid-Cap ETF (SCHM)	Yes	\$1,001 - \$15,000		None (or less than \$201)
3.8	Schwab Value Advantage Money Fund Investor Class Shares (SWVXX)	Yes	\$50,001 - \$100,000		None (or less than \$201)
3.9	T Rowe Price Capital Appreciation Fund Class I Shares (TRAIX)	Yes	\$50,001 - \$100,000		None (or less than \$201)
3.10	JPMorgan Small Cap Equity Fund Class A Shares (VSEAX)	Yes	\$1,001 - \$15,000		None (or less than \$201)
3.11	Energy Select Sector SPDR Fund (XLE)	Yes	\$1,001 - \$15,000		None (or less than \$201)
3.12	Alerian MLP ETF (AMLX)	Yes	\$1,001 - \$15,000		None (or less than \$201)
4	IRA	No			

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
4.1	Alerian MLP ETF (AMLP)	Yes	\$1,001 - \$15,000		None (or less than \$201)
4.2	iShares Micro-Cap ETF (IWC)	Yes	\$1,001 - \$15,000		None (or less than \$201)
4.3	Schwab Emerging Markets Equity ETF (SCHE)	Yes	\$1,001 - \$15,000		None (or less than \$201)
4.4	Schwab S&P 500 Index Fund (SWPPX)	Yes	\$15,001 - \$50,000		None (or less than \$201)
4.5	Global X Uranium ETF (URA)	Yes	\$1,001 - \$15,000		None (or less than \$201)
4.6	SPDR S&P Oil & Gas Exploration & Production ETF (XOP)	Yes	\$1,001 - \$15,000		None (or less than \$201)
4.7	Schwab Value Advantage Money Fund Investor Class Shares (SWVXX)	Yes	\$15,001 - \$50,000		None (or less than \$201)
5	South Dakota Trade Association Retirement Plan	No			None (or less than \$201)
5.1	American Funds 2055 Target Date Retirement Fund Class A Share (AAMTX)	Yes	\$15,001 - \$50,000		None (or less than \$201)

3. Filer's Employment Agreements and Arrangements

#	EMPLOYER OR PARTY	CITY, STATE	STATUS AND TERMS	DATE
1	South Dakota Trade Association	Sioux Falls, South Dakota	I will continue to participate in this defined contribution plan. The plan sponsor will not make further contributions after my separation.	1/2024

#	EMPLOYER OR PARTY	CITY, STATE	STATUS AND TERMS	DATE
2	E. Pluribus Unum	Harrisburg, South Dakota	Upon confirmation, I will cease engaging in any business, including consultations with, and the representation of, clients through E. Pluribus Unum. During my appointment to the position of Under Secretary for Trade and Foreign Agricultural Affairs, I will not perform any services for the firm except that I will comply with any court orders or subpoenas and any requirements involving legal filings, taxes, and fees that are necessary to maintain the firm.	2/2022

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
1	South Dakota Trade Association	Sioux Falls, South Dakota	Services as President & CEO
2	E. Pluribus Unum	Harrisburg, South Dakota	Services as Founder & Principal
3	Big Watt Digital LLC (Client of E. Pluribus Unum)	Pierre, South Dakota	Business consulting services
4	Center for U.S. Global Leadership (Client of E. Pluribus Unum)	Washington, District of Columbia	Business consulting services
5	REDO VOTING, LLC (Client of E. Pluribus Unum)	Sheridan, Wyoming	Business consulting services
6	Rohimi, Inc. (Client of E. Pluribus Unum)	Liberty Lake, Washington	Business consulting services

5. Spouse's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	Alliant Insurance Services, stock	N/A	\$500,001 - \$1,000,000	Capital Gains	\$100,001 - \$1,000,000
2	Alliant Insurance Services (Insurance Brokerage Services)	N/A		Salary	
3	401K	No			
3.1	Fidelity 500 Index (FXAIX)	Yes	\$50,001 - \$100,000		None (or less than \$201)
3.2	Uneven Lifecycle Index 2060 R	Yes	\$15,001 - \$50,000		None (or less than \$201)
4	IRA	No			
4.1	INVESTCO DB COMMODITY INDEX TRACKING (DBC)	Yes	\$1,001 - \$15,000		None (or less than \$201)
4.2	FIRST EAGLE GOLD I (FEGIX)	Yes	\$1,001 - \$15,000		\$201 - \$1,000
4.3	VANECK URANIUM AND NUCLEAR ETF (NLR)	Yes	\$1,001 - \$15,000		None (or less than \$201)
4.4	PARNASSUS MID-CAP (PARMX)	Yes	\$15,001 - \$50,000		\$1,001 - \$2,500
4.5	SCHWAB US SMALL CAP ETF (SCHA)	Yes	\$15,001 - \$50,000		\$201 - \$1,000
4.6	FIRST EAGLE GLOBAL I (SGIIX)	Yes	\$15,001 - \$50,000		\$1,001 - \$2,500
4.7	SCHWAB VALUE ADVANTAGE MONEY INVESTOR SHARES (SWVXX)	Yes	\$50,001 - \$100,000		\$2,501 - \$5,000
4.8	T. ROWE PRICE CAPITAL APPRECIATION I (TRAIX)	Yes	\$15,001 - \$50,000		\$2,501 - \$5,000
4.9	ENERGY SELECT SECTOR SPDR ETF (XLE)	Yes	\$1,001 - \$15,000		\$201 - \$1,000
5	Roth IRA 2	No			

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
5.1	INVESTCO DB COMMODITY INDEX TRACKING (DBC)	Yes	\$1,001 - \$15,000		None (or less than \$201)
5.2	FIRST EAGLE GOLD I (FEGIX)	Yes	\$1,001 - \$15,000		\$201 - \$1,000
5.3	FULLERTHALER BEHAVIORAL SM-CP EQ INV (FTHNX)	Yes	\$15,001 - \$50,000		\$1,001 - \$2,500
5.4	SCHWAB EMERGING MARKETS EQUITY ETF (SCHE)	Yes	\$1,001 - \$15,000		None (or less than \$201)
5.5	SCHWAB INTERNATIONAL EQUITY ETF (SCHF)	Yes	\$1,001 - \$15,000		None (or less than \$201)
5.6	SCHWAB STRATEGIC/US MID-CAP ETF (SCHM)	Yes	\$1,001 - \$15,000		None (or less than \$201)
5.7	SCHWAB S&P 500 INDEX (SWPPX)	Yes	\$50,001 - \$100,000		\$201 - \$1,000
5.8	T. ROWE PRICE CAPITAL APPRECIATION I (TRAIX)	Yes	\$50,001 - \$100,000		\$5,001 - \$15,000
5.9	SPDR S&P OIL & GAS EXPL & PROD ETF (XOP)	Yes	\$1,001 - \$15,000		None (or less than \$201)
5.10	Schwab Value Advantage Money Fund Investor Class Shares (SWVXX)	Yes	\$50,001 - \$100,000		\$1,001 - \$2,500
6	HSA #2 - Cash	N/A	\$1,001 - \$15,000		None (or less than \$201)

6. Other Assets and Income

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	Brokerage Account	No			

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1.1	US TREASURY BILL 25U S T BILL DUE 03/27/25	No	\$15,001 - \$50,000		None (or less than \$201)
1.2	FIRST EAGLE SHORT DURATION HIGH YIELD MUNICIPAL FDI (FDUIX)	Yes	\$100,001 - \$250,000		\$2,501 - \$5,000
1.3	Fuller & Thaler Behavioral Small-Cap Equity Fund Institutional Class Shares (FTHSX)	Yes	\$15,001 - \$50,000		None (or less than \$201)
1.4	Janus Henderson AAA CLO ETF Janus Henderson AAA CLO ETF (JAAA)	Yes	\$15,001 - \$50,000		None (or less than \$201)
1.5	Schwab Value Advantage Money Fund Investor Class Shares (SWVXX)	Yes	\$50,001 - \$100,000		\$1,001 - \$2,500
1.6	Vanguard Financials Index Fund Admiral Shares (VFAIX)	Yes	\$100,001 - \$250,000		\$1,001 - \$2,500
2	Big Watt Digital Convertible Note	N/A	\$50,001 - \$100,000		None (or less than \$201)
3	529 #1 - Virginia	No			
3.1	American Funds College 2036 Fund Class 529-A Shares (CCFAX)	Yes	\$15,001 - \$50,000		None (or less than \$201)
4	529 #2 - Virginia	No			
4.1	American Funds College 2036 Fund Class 529-A Shares (CCFAX)	Yes	\$15,001 - \$50,000		None (or less than \$201)
5	U.S. bank (cash)	N/A	\$15,001 - \$50,000		None (or less than \$201)
6	HSA Account - Cash	N/A	\$1,001 - \$15,000		None (or less than \$201)
7	E. Pluribus Unum, LLC - Intellectual Property	No			None (or less than \$201)
7.1	"Tennessee" song by Brittany Lindberg, (value not readily ascertainable)	N/A			None (or less than \$201)

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
7.2	"Always Love You" song by Brittany Lindberg, (value not readily ascertainable)	N/A			None (or less than \$201)

7. Transactions

(N/A) - Not required for this type of report

8. Liabilities

#	CREDITOR NAME	TYPE	AMOUNT	YEAR INCURRED	RATE	TERM
1	Truist Bank	Mortgage on Personal Residence	\$500,001 - \$1,000,000	2021	3.0	30 Years

9. Gifts and Travel Reimbursements

(N/A) - Not required for this type of report

Endnotes

PART	#	ENDNOTE
2.	2.2	Stock valuation estimated.

Summary of Contents

1. Filer's Positions Held Outside United States Government

Part 1 discloses positions that the filer held at any time during the reporting period (excluding positions with the United States Government). Positions are reportable even if the filer did not receive compensation.

This section does not include the following: (1) positions with religious, social, fraternal, or political organizations; (2) positions solely of an honorary nature; (3) positions held as part of the filer's official duties with the United States Government; (4) mere membership in an organization; and (5) passive investment interests as a limited partner or non-managing member of a limited liability company.

2. Filer's Employment Assets & Income and Retirement Accounts

Part 2 discloses the following:

- Sources of earned and other non-investment income of the filer totaling more than \$200 during the reporting period (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes)
- Assets related to the filer's business, employment, or other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

3. Filer's Employment Agreements and Arrangements

Part 3 discloses agreements or arrangements that the filer had during the reporting period with an employer or former employer (except the United States Government), such as the following:

- Future employment
- Leave of absence
- Continuing payments from an employer, including severance and payments not yet received for previous work (excluding ordinary salary from a current employer)
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan
- Retention or disposition of employer-awarded equity, sharing in profits or carried interests (e.g., vested and unvested stock options, restricted stock, future share of a company's profits, etc.)

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

Part 4 discloses sources (except the United States Government) that paid more than \$5,000 in a calendar year for the filer's services during any year of the reporting period.

The filer discloses payments both from employers and from any clients to whom the filer personally provided services. The filer discloses a source even if the source made its payment to the filer's employer and not to the filer. The filer does not disclose a client's payment to the filer's employer if the filer did not provide the services for which the client is paying.

5. Spouse's Employment Assets & Income and Retirement Accounts

Part 5 discloses the following:

- Sources of earned income (excluding honoraria) for the filer's spouse totaling more than \$1,000 during the reporting period (e.g., salary, consulting fees, and partnership share)
- Sources of honoraria for the filer's spouse greater than \$200 during the reporting period
- Assets related to the filer's spouse's employment, business activities, other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's spouse's business employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF). Amounts of income are not required for a spouse's earned income (excluding honoraria).

6. Other Assets and Income

Part 6 discloses each asset, not already reported, (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in investment income was received during the reporting period. For purposes of the value and income thresholds, the filer aggregates the filer's interests with those of the filer's spouse and dependent children.

This section does not include the following types of assets: (1) a personal residence (unless it was rented out during the reporting period); (2) income or retirement benefits associated with United States Government employment (e.g., Thrift Savings Plan); and (3) cash accounts (e.g., checking, savings, money market accounts) at a single financial institution with a value of \$5,000 or less (unless more than \$200 in income was received). Additional exceptions apply. Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

7. Transactions

Part 7 discloses purchases, sales, or exchanges of real property or securities in excess of \$1,000 made on behalf of the filer, the filer's spouse or dependent child during the reporting period.

This section does not include transactions that concern the following: (1) a personal residence, unless rented out; (2) cash accounts (e.g., checking, savings, CDs, money market accounts) and money market mutual funds; (3) Treasury bills, bonds, and notes; and (4) holdings within a federal Thrift Savings Plan account. Additional exceptions apply.

8. Liabilities

Part 8 discloses liabilities over \$10,000 that the filer, the filer's spouse or dependent child owed at any time during the reporting period.

This section does not include the following types of liabilities: (1) mortgages on a personal residence, unless rented out (note: certain PAS nominees and appointees are required to report all mortgages); (2) loans secured by a personal motor vehicle, household furniture, or appliances, unless the loan exceeds the item's purchase price; and (3) revolving charge accounts, such as credit card balances, if the outstanding liability did not exceed \$10,000 at the end of the reporting period. Additional exceptions apply.

9. Gifts and Travel Reimbursements

This section discloses:

- Gifts totaling more than \$480 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than \$480 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.

For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of \$192 or less. Regardless of the value, this section does not include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, or local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official travel; (5) gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent children totally independent of their relationship to the filer. Additional exceptions apply.

Privacy Act Statement

5 U.S.C. § 13101 et seq., and 5 C.F.R. Part 2634 of the U. S. Office of Government Ethics regulations require the reporting of this information. Failure to provide the requested information may result in separation, disciplinary action, or civil action. The primary use of the information on this report is for review by Government officials to determine compliance with applicable Federal laws and regulations. This report may also be disclosed upon request to any requesting person in accordance with 5 U.S.C. §§ 13107 and 13122(b)(1) or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. Additional disclosures of the information on this report may be made: (1) to any requesting person, subject to the limitation contained in section 208(c)(1) of title 18, any determination granting an exemption pursuant to sections 208(b)(1) and 208(b)(3) of title 18; (2) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of violations or potential violations of law or regulation; (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or determination; (4) to the National Archives and Records Administration or the General Services Administration in records management inspections; (5) to the Office of Management and Budget during legislative coordination on private relief legislation; (6) when the disclosing agency determines that the records are arguably relevant to a proceeding before a court, grand jury, or administrative or adjudicative body, or in a proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding; (7) to reviewing officials in a new office, department or agency when an employee transfers or is detailed from one covered position to another, a public financial disclosure report and any accompanying documents, including statements notifying an employee's supervising ethics office of the commencement of negotiations for future employment or compensation or of an agreement for future employment or compensation; (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of and at the request of an individual who is the subject of the record; (9) to contractors and other non-Government employees working on a contract, service or assignment for the Federal Government when necessary to accomplish a function related to this system of records; (10) on the OGE Website and to any person, department or agency, any written ethics agreement, including certifications of ethics agreement compliance, filed with OGE by an individual nominated by the President to a position requiring Senate confirmation; (11) on the OGE Website and to any person, department or agency, any certificate of divestiture issued by OGE; (12) on the OGE Website and to any person, department or agency, any waiver of the restrictions contained in Executive Order 13989 or any superseding executive order; (13) to appropriate agencies, entities and persons when there has been a suspected or confirmed breach of the system of records, the agency maintaining the records has determined that there is a risk of harm to individuals, the agency, the Federal Government, or national security, and the disclosure is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and (14) to another Federal agency or Federal entity, when the agency maintaining the record determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in responding to a suspected or confirmed breach or in preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity, the Federal Government, or national security. See also the OGE/GOVT-1 executive branch-wide Privacy Act system of records.

Public Burden Information

This collection of information is estimated to take an average of ten hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Program Counsel, U.S. Office of Government Ethics (OGE) 250 E Street, S.W., Suite 750, Washington, DC 20024-3249.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB (that control number 3209-0001, is displayed here and at the top of the first page of this OGE Form 278e).

April 25, 2025

The Honorable John Boozman, Chairman Committee on
Agriculture, Nutrition & Forestry
United States Senate
Washington, D.C. 20510

The Honorable Amy Klobuchar, Ranking Member
Committee on Agriculture, Nutrition & Forestry
United States Senate
Washington, DC 20510

Dear Chairman Boozman and Ranking Member Klobuchar:

The Ethics in Government Act of 1978 (the Act), as amended, provides that Presidential nominees for a position requiring the advice and consent of the Senate shall provide any necessary updates to their public financial disclosure report with respect to any outside earned income and honoraria received through the period ending no more than five days prior to the commencement of the Senate hearing of their nomination. *See* 5 U.S.C. § 13103(b)(1) and 5 C.F.R. § 2634.606(a).

Please be advised that I have informed the appropriate ethics officials that the information required by section 102(a)(1)(A) of the Act with respect to income and honoraria contained in OGE Form 278e (Executive Branch Public Financial Disclosure Report) executed by me on February 5, 2025, is current as of April 25, 2025. This date is within five days prior to the date of the hearing scheduled to consider my nomination.

Sincerely,



Luke Lindberg

cc: Stuart Bender, Designated Agency Ethics Official and Director, USDA Office of Ethics

U.S. SENATE COMMITTEE ON AGRICULTURE, NUTRITION, & FORESTRY
Questions for Executive Nominees
119th Congress: Part I

1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
Assistant Secretary of Agriculture for Civil Rights	February 3, 2025

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Devon	Corey	Westhill	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 1054 31 st Street NW, Suite 330		
City: Jacksonville	State: Florida	Zip: 32225	City: Washington	State: DC	Zip: 20007

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<small>Check if Maiden Name</small>	<u>Name Used From</u> (Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
Devon	Corey	West			April 1986 Est <input type="checkbox"/>	March 2013 Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day.)	Place of Birth
1986	Hagerstown, Maryland, USA

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married	Married	Separated	Annulled	Divorced	Widowed
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Spouse's Name (current spouse only)</i>			
<u>Spouse's First Name</u>	<u>Spouse's Middle Name</u>	<u>Spouse's Last Name</u>	<u>Spouse's Suffix</u>
Michelle	Stephanie	Westhill	

<i>Spouse's Other Names Used (current spouse only)</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<div>Check if Maiden Name</div>	<u>Name Used From</u> (Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
Michelle	Stephanie	Hill		X	July 1987 Est <input type="checkbox"/>	March 2013 Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Children's Names (if over 18)</i>			
First Name	Middle Name	Last Name	Suffix
N/A			

2. Education

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	<u>Date Began School</u> (month/year) (check box if estimate)	<u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school)	<u>Degree</u>	<u>Date Awarded</u>
Santa Fe College	College	May 2007 <input type="checkbox"/> Est <input type="checkbox"/>	May 2009 <input type="checkbox"/> Est <input type="checkbox"/> Present <input type="checkbox"/>	AA	May 2009
University of North Carolina at Chapel Hill	University	August 2009 <input type="checkbox"/> Est <input type="checkbox"/>	August 2011 <input type="checkbox"/> Est <input type="checkbox"/> Present <input type="checkbox"/>	BA	August 2011
University of Florida College of Law	Law School	August 2011 <input type="checkbox"/> Est <input type="checkbox"/>	May 2014 <input type="checkbox"/> Est <input type="checkbox"/> Present <input type="checkbox"/>	JD	May 2014
		<input type="checkbox"/> Est	<input type="checkbox"/> Est <input type="checkbox"/> Present		

3. Employment

(A) In reverse chronological order, list all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment,	<u>Name of Your Employer/Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State only)	<u>Date Employment Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) (check "present" box
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Federal Contractor, Non-Government Employment (excluding self-employment), Other					if still employed
Non-Government Employment	Center for Equal Opportunity	President and General Counsel	Washington, DC	Est <input type="checkbox"/> January 2021	Est Present <input type="checkbox"/> <input checked="" type="checkbox"/>
Federal Government	United States Department of Agriculture	Deputy Assistant Secretary of Agriculture for Civil Rights	Washington, DC	Est <input type="checkbox"/> March 2020	Est Present <input type="checkbox"/> <input type="checkbox"/> January 2021
Federal Government	United States Department of Labor	Deputy Director of Public Liaison	Washington, DC	Est <input type="checkbox"/> March 2019	Est Present <input type="checkbox"/> <input type="checkbox"/> March 2020
Non-Government Employment	The Federalist Society for Law and Public Policy Studies	Director	Washington, DC	Est <input type="checkbox"/> April 2016	Est Present <input type="checkbox"/> <input type="checkbox"/> March 2019
Non-Government Employment	Galigani Law Firm	Attorney	Gainesville, FL	Est <input type="checkbox"/> February 2015	Est Present <input type="checkbox"/> <input type="checkbox"/> March 2016
Unemployment (Bar exam preparation period)	N/A	N/A	Miami, FL	December 2014 (estimated)	February 2015 (estimated)
Non-Government Employment	Robert Half Legal	Analyst	Miami, FL	October 2014 (estimated)	December 2014 (estimated)
Unemployment (Full-time student)	N/A	N/A	Gainesville, FL	July 2013	October 2014
Non-Government Employment	Becker & Poliakoff, PA Law Firm	Summer Associate	Fort Lauderdale, FL	May 2013 (estimated)	July 2013 (estimated)
Unemployment (Full-time student)	N/A	N/A	Gainesville, FL	November 2012	May 2013
Non-Government Employment	Fine, Farkash, and Parlapiano, PA Law Firm	Law Clerk	Gainesville, FL	May 2012 (estimated)	November 2012 (estimated)
Unemployment (Full-time student)	N/A	N/A	Gainesville, FL	September 2010 (estimated)	May 2012 (estimated)
Non-Government Employment	Raleigh Rescue Mission	Security Supervisor	Raleigh, NC	January 2010 (estimated)	September 2010 (estimated)
Unemployment (Full-time student)	N/A	N/A	Chapel Hill, NC	August 2009 (estimated)	December 2009 (estimated)
Non-Government Employment	Shands at Vista Hospital	Security Officer	Gainesville, FL	August 2007 (estimated)	August 2009 (estimated)

Non-Government Employment	Meridian Behavioral Healthcare	Psychiatric Technician	Gainesville, FL	March 2007 (estimated)	December 2007 (estimated)
Active-Duty United States Navy	Naval Amphibious Base Little Creek	Master at Arms – E2 (MASA)	Virginia Beach, VA	November 2005	February 2007
Non-Government Employment	Archer Road Shell Gas Station	Attendant	Gainesville, FL	October 2004 (estimated)	October 2005 (estimated)
Non-Government Employment	Kazbor's Grille	Server	Gainesville, FL	July 2004 (estimated)	September 2004 (estimated)
Non-Government Employment	Shoney's, Inc.	Bar Quality Coordinator	Gainesville, FL	September 2003 (estimated)	June 2004 (estimated)

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
N/A		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>
		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>

(C) List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other for profit or nonprofit organization that is not otherwise listed in response to question 3(A).

<u>Name of Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
N/A		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>
		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>

(D) Please submit a copy of your resume with this questionnaire.

4. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

2014 F. Malcolm Cunningham, Sr. Bar Association Bar Preparation Merit Scholarship
 2014 UF Law Honors for Excellence in Community Service and Pro Bono Activities
 2013 Institute for Justice Public Interest Litigation Conference Merit Scholarship
 2013 Becker & Poliakoff, P.A. Merit Scholarship
 2011 UF Law Tuition Merit Scholarship and Dean's List
 2007 Phi Theta Kappa Academic Honor Society and Santa Fe College Dean's List
 2006 National Defense Service Medal
 2006 Global War on Terrorism Service Medal
 2006 U.S. Navy Rifle Marksmanship Medal – Expert Classification
 2006 U.S. Navy Pistol Marksmanship Medal – Expert Classification
 2006 Top Gun Award as Master-at-Arms Class “A” Training Chief Marksman
 2006 Military Excellence Award as Naval Service Training Command Overall Top Graduate
 2005 Appointed Recruit Chief Petty Officer U.S. Navy Drill Division, Naval Service Training Command

5. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, parent-teacher associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
Florida Bar	April 2015 – Present	Member
The Federalist Society for Law and Public Policy Studies	August 2011 – Present	Member

6. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

☒ Yes ☐ No (If yes, please complete the chart below)

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>
Deputy Assistant Secretary of Agriculture for Civil Rights at United States Department of Agriculture	Appointed	2020	N/A
Deputy Director of Public Liaison at United States Department of Labor	Appointed	2019	N/A

(B) List any offices held in or services rendered, including volunteer services, to a political party or election committee during the last 10 years that you have not listed elsewhere.

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
N/A			

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
N/A		

7. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Include a link to each publication when possible. If a link is not available, provide a digital copy of the publication via email if available. Please list all required publications even if no copy of the publication is available to provide.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
Supreme Court Opens Door Even Wider for Race Discrimination, https://www.washingtontimes.com/news/2024/mar/12/supreme-court-opens-door-even-wider-for-racial-dis/	The Washington Times	March 12, 2024
Newton's Third Law of DEI?, https://townhall.com/columnists/devonwesthill/2024/03/09/newtons-third-law-of-dei-n2636286	Townhall	March 9, 2024
Lawyers... Do Better, https://www.realclearpolicy.com/articles/2024/02/06/lawyersdo_better_1009928.html	Real Clear Policy	February 6, 2024
After Affirmative Action Rulings, Americans Are Talking, https://www.realcleareducation.com/articles/2023/07/12/after_affirmative_action_rulings_americans_are_talking_965772.html	Real Clear Education	July 13, 2023
She's Not a Biologist, Just a Simple Supreme Court Justice, https://townhall.com/columnists/devonwesthill/2023/07/10/shes-not-a-biologist-just-a-simple-supreme-court-justice-n2625516	Townhall	July 10, 2023
High Court's Affirmative Action Ruling Will Benefit All Students, https://news.bloomberglaw.com/us-law-week/high-courts-affirmative-action-ruling-will-benefit-all-students	Bloomberg	July 10, 2023
Storming the Beach Houses, https://www.law.com/nationallawjournal/2023/07/06/storming-the-beach-houses/	National Law Journal	July 6, 2023
Where's Justice at Yale?, https://www.washingtontimes.com/news/2023/jul/4/wheres-justice-at-yale/	The Washington Times	July 4, 2023
Shall We Overcome: What is the Alternative to Affirmative Action?, https://www.philanthropyroundtable.org/shall-we-overcome-what-is-the-alternative-to-affirmative-action/	Philanthropy Roundtable Blog	June 21, 2023
Defund the NAACP, https://dailycaller.com/2023/06/09/opinion-defund-the-naacp-devonwesthill/	The Daily Caller	June 9, 2023
Liberals Continued Assault on Black Conservatives, https://www.washingtontimes.com/news/2023/feb/27/liberals-continued-assault-on-black-conservatives/	The Washington Times	February 27, 2023

What the Black Man Still Wants, https://takechargeus.com/wp/	The Washington Perspective	Spring 2023 Issue
On being original: Racial classifications and the fallacy of a certain strain of “progressive originalism,” https://www.scotusblog.com/2022/10/on-being-original-racial-classifications-and-the-fallacy-of-a-certain-strain-of-progressive-originalism/	SCOTUSblog	October 28, 2022
Mass Shootings and Our Collective Insanity, https://townhall.com/columnists/devonwesthill/2022/05/31/mass-shootings-and-our-collective-insanity-n2607974	Townhall	May 31, 2022
Creating the ‘special sauce’ for Black success, https://www.washingtontimes.com/news/2022/may/30/creating-the-special-sauce-for-black-success/	The Washington Times	May 30, 2022
Send Affirmative Action to the Ash Heap of History, https://www.newsweek.com/send-affirmative-action-ash-heap-history-opinion-1682424	Newsweek	February 28, 2022
Justices have two chances to end colleges’ racial discrimination, https://www.washingtonexaminer.com/opinion/op-eds/justices-have-two-chances-to-end-colleges-racial-discrimination	The Washington Examiner	January 4, 2022
Critical Race Theory: What Is It? Does It Matter?, https://fedsoc.org/commentary/fedsoc-blog/critical-race-theory-what-is-it-does-it-matter	Federalist Society Blog	November 10, 2021
Our Vaccine Status Is None of Their Business, https://www.realclearmarkets.com/articles/2021/11/05/our_vaccine_status_is_none_of_their_business_802246.html	Real Clear Markets	November 5, 2021
Government Focus On Diversity Taints Achievements of Diverse, https://www.realclearmarkets.com/articles/2021/09/02/government_focus_on_diversity_taints_achievements_of_diverse_792714.html	Real Clear Markets	September 2, 2021
Back to the Drawing Board on Civil Rights Nominee, https://townhall.com/columnists/devonwesthill/2021/08/22/back-to-the-drawing-board-on-civil-rights-nominee-n2594513	Townhall	August 22, 2021
Yes, We Can Reject Victimhood, https://townhall.com/columnists/devonwesthill/2021/07/19/yes-we-can-reject-victimhood-n2592763	Townhall	July 19, 2021
Canceled at the EEOC (again), https://www.ceousa.org/2021/05/17/canceled-at-the-eeoc-again/	Center for Equal Opportunity	May 17, 2021
Calling Sen. Scott ‘Uncle Tim’ Is Black-on-Black Racism, https://www.dailysignal.com/2021/05/04/calling-sen-scott-uncle-tim-is-black-on-black-racism/	The Daily Signal	May 4, 2021
Marin County’s Discriminatory ‘Universal Basic Income’, https://www.wsj.com/articles/marin-countys-discriminatory-universal-basic-income-11617832570?reflink=desktopwebshare_twitter	The Wall Street Journal	April 7, 2021
Structural Racism at Georgetown Law, https://www.realclearpolitics.com/articles/2021/03/24/structural_racism_at_georgetown_law_145464.html	Real Clear Politics	March 24, 2021
When Academic Achievement Means ‘Acting White’, https://www.nationalreview.com/corner/when-academic-achievement-means-acting-white/	National Review	March 8, 2021

New Study on Costs of Racial Preferences as DOJ Drops Yale Suit, https://www.nationalreview.com/corner/new-study-on-costs-of-racial-preferences-as-doj-drops-yale-suit/	National Review	February 5, 2021
Doing 'right' during a pandemic: How USDA is protecting civil rights during the COVID-19 crisis, https://federalnewsnetwork.com/commentary/2020/09/doing-right-during-a-pandemic-how-usda-is-protecting-civil-rights-during-the-covid-19-crisis/	Federal News Network	September 11, 2020
How the Department of Labor is Supporting HBCUs, https://www.roanoke.com/opinion/commentary/westhill-how-the-u-s-department-of-labor-is-supporting/article_b54921ba-6d69-5707-9b17-bd09123db26c.html	The Roanoke Times	February 14, 2020
Flexible pay keeps opportunities open for disabled workers, https://thehill.com/opinion/civil-rights/386527-flexible-pay-keeps-opportunities-open-for-disabled-federal-workers	The Hill	May 7, 2018
America's Anti-Innovation Culture, https://www.realclearpolicy.com/articles/2018/04/19/americas_anti-innovation_culture_110601.html	Real Clear Policy	April 10, 2018
Regulating The Regulators, 'The Headless Fourth Branch', https://www.investors.com/politics/commentary/regulating-the-regulators-the-headless-fourth-branch/	Investor's Business Daily	December 19, 2017
Have we forgotten?, https://www.gainesville.com/article/LK/20150719/opinion/604158528/GS/	The Gainesville Sun	July 19, 2015

(B) List any formal speeches or presentations you have delivered during the last 10 years relevant to the position to which you have been nominated, and all speeches/presentations you have delivered related to any topic for the last five years. Include any testimony to Congress or any other legislative or administrative body. Include a link to each speech when possible. If a link is not available, provide a digital copy of the publication via email if available. Please list all known required speeches even if no copy is available to provide.

<u>Title/Topic</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
THE DEI DILEMMA: WHAT'S NEXT AFTER <i>SFFA</i> AND TRUMP'S SECOND TERM	University of North Carolina at Chapel Hill Law School Federalist Society Student Chapter	2.13.25
THE DEI DILEMMA: WHAT'S NEXT AFTER <i>SFFA</i> AND TRUMP'S SECOND TERM	Campbell University Law School Federalist Society Student Chapter	2.12.25
The 2025 Great Debate: <i>The Future of D.E.I.</i>	Southern Illinois University Law School	2.10.25

	Federalist Society Student Chapter	
Firing Line Debate: Is Merit a Valid Measure?, https://www.youtube.com/watch?v=xMqmbLFq7a4&t=35s	Yale University Buckley Institute	12.3.24
IS DEI...DOA? Discussing the future of DEI after <i>Students for Fair Admissions v. Harvard</i>	Jacksonville University Law School Federalist Society Student Chapter	10.30.24
THE DEI DETOX DIARIES: HARVARD'S POST-SFFA REALITY CHECK	Florida International University Law School Federalist Society Student Chapter	10.17.24
DEI and The Aftermath of SFFA	Wake Forest University Law School Federalist Society Student Chapter	10.15.24
Panel I: DEI in the Courts https://www.youtube.com/watch?v=7FnwiP5srGI	2024 Federalist Society North Carolina Lawyers Chapters Conference	10.11.24
DEBATE: STUDENTS FOR FAIR ADMISSIONS V. HARVARD	Emory Law School Federalist Society Student Chapter	10.9.24
IS DEI ON COLLEGE CAMPUSES NECESSARY?	University of Kansas Law School Federalist Society Student Chapter	10.8.24
FedSoc Fall 2024 Kickoff: First General Meeting with Special Guest Devon Westhill	University of San Diego Law School Federalist Society	9.26.24

	Student Chapter	
DEBATE: AFFIRMATIVE ACTION'S IMPACT AND FUTURE AFTER HAVARD ADMISSIONS	Pepperdine University Law School Federalist Society Student Chapter	9.25.24
"Redefining Diversity: Affirmative Action in the Wake of <i>SFFA v. Harvard College</i> "	Western State University Law School Federalist Society Student Chapter	9.24.24
Diversity, Equity, and Inclusion in the Aftermath of Students for Fair Admissions (SFFA)	Indiana University Law School Federalist Society Student Chapter	9.19.24
AFFIRMATIVE ACTION: BRIDGING PERSPECTIVES	University of Illinois Law School Federalist Society Student Chapter	9.18.24
"Is the Constitution a Racist Document?"	University of Wisconsin Law School Federalist Society Student Chapter	9.17.24
<i>Students for Fair Admission v. Harvard</i> What Now?	University of South Dakota Law School Federalist Society Student Chapter	9.12.24
Race-Neutral Admissions and the Battle Over Diversity at public Magnet Schools	University of New Mexico Law School Federalist Society Student Chapter	9.11.24
SHOULD DEI BE ABOLISHED?	Arizona State University Law School	9.10.24

	Federalist Society Student Chapter	
"DEI in the Aftermath of the Supreme Court Affirmative Action Decisions"	University of Nevada – Las Vegas Law School Federalist Society Student Chapter	9.9.24
DEI Has Gone Too Far: Yes or No https://www.youtube.com/watch?v=VaR3Rb0CAZg	University of South Carolina Law School Federalist Society Student Chapter	9.4.24
Panel Discussion: Definition of Diversity and Better Ways to Improve Diversity in College Education, https://www.youtube.com/watch?v=XaT8jSyPiXA	Asian American Coalition for Education	6.29.24
A Panel Discussion and Debate of Students for Fair Admissions, Inc. v. President and Fellows of Harvard College	Eastern District of Wisconsin Bar Association Annual Program	5.16.24
The Future of Race-Based Admissions in Higher Education	Tufts University Federalist Society Student Chapter	4.17.24
Life after "SFFA v. Harvard," Old Parkland Conference: The Advancement of Black Americans: From Persecution to Prosperity, https://www.youtube.com/watch?v=PbIQ66xt3FA&ab_channel=AmericanEnterpriseInstitute	American Enterprise Institute	4.11.24
A Conversation on the Future of Higher Education after SFFA v. Harvard	University of Toledo Stranahan Lecture Series	4.9.24
I cannot find the title for this program, but the topic was affirmative action post-SFFA.	University of California – Davis Law School Federalist Society Student Chapter	4.3.24

The Future of Affirmative Action in Colleges and Universities: A Discussion	Claremont McKenna College Athenaeum Speaker Series	4.2.24
Voices for Liberty Event by Devon Westhill The topic of this event was on free speech and social progress.	Michigan State University program sponsored by Voices for Liberty Initiative at George Mason University	3.28.24
Reversed: Affirmative Action An Analysis of Students for Fair Admission v. Harvard	Drake University Law School Federalist Society Student Chapter	2.22.24
OVERTURNED: THE STATE OF AFFIRMATIVE ACTION? DEI?	University of Iowa Law School Federalist Society Student Chapter	2.22.24
I cannot find the title for this program, but the topic was affirmative action post-SFFA.	Chicago-Kent Law School Federalist Society Student Chapter	2.21.24
ACS AND FEDSOCIETY PRESENT: THE FUTURE OF DEI	Washington University St. Louis Law School Federalist Society Student Chapter	2.20.24
De-Orientation. How to Fight Common Racist Attitudes in Law School Admissions.	University of Wisconsin – Madison Law School Federalist Society Student Chapter	2.20.24

How SFFA v. Harvard and SFFA v. UNC are Changing Higher Education & the Legal Profession, https://www.youtube.com/watch?v=95WYAU32yII&ab_channel=TheFederalistSociety	Federalist Society Tenth Annual Florida Chapters Conference	2.3.24
Civil Rights Symposium 2023, https://www.pbi.org/Meetings/Meeting.aspx?ID=45585	Pennsylvania Bar Institute	12.14.23
Decoding Students for Fair Admissions v. Harvard: The Future of Affirmative Action, Admissions, and the Job Market	University of Southern California Law School Federalist Society Student Chapter	11.16.23
I cannot find the title for this program, but the topic was affirmative action post-SFFA.	Pepperdine University Law School Federalist Society Student Chapter	11.14.23
SFFA & Beyond, https://www.youtube.com/watch?v=xHRNLtqSF5k&ab_channel=TheFederalistSociety	2023 Federalist Society National Lawyers Convention	11.10.23
I cannot find the title for this program, but the topic was affirmative action post-SFFA.	University of Akron Law School Federalist Society Chapter	11.8.23
The Next Wave of Affirmative Action Litigation https://www.youtube.com/watch?v=JAcm6pTbT6g	Foundation for Research on Equal Opportunity	11.7.23
Freedom and Racial Equality https://www.youtube.com/watch?v=Yac0ay1FOZ0	Foundation for Research on Equal Opportunity	11.6.23
WHAT COMES NEXT: THE FUTURE OF AFFIRMATIVE ACTION	Florida International University Federalist Society Student Chapter	11.3.23
I cannot find the title for this program, but the topic was affirmative action post-SFFA.	Florida State University Law School Federalist	11.2.23

	Society Student Chapter	
<i>Unpacking AFFIRMATIVE ACTION & THE SUPREME COURT with Devon Westhill</i>	Scalia Law School Federalist Society Student Chapter	10.18.23
Free Speech Lecture by Devon Westhill	Columbia University program sponsored by Voices for Liberty Initiative of George Mason University	10.10.23
The theme of this lecture delved into the historical contributions of the concept of free speech to the advancement of civil rights and social progress, while also examining its potential role in shaping future developments.	Florida Atlantic University program sponsored by Voices for Liberty Initiative of George Mason University	10.5.23
What Comes Next? The Future of Affirmative Action	New York University Law School Federalist Society Student Chapter	10.3.23
Reversed: Affirmative Action An analysis of <i>Students for Fair Admissions v. Harvard</i>	Belmont University Law School Federalist Society Student Chapter	9.28.23
DEI in the Executive Branch https://www.youtube.com/watch?v=cHeX25YG3A4	Federalist Society	9.19.23
I cannot find the title for this program, but the topic was affirmative action post-SFFA.	Richmond Lawyers Chapter of the Federalist Society	9.15.23
I cannot find the title for this program, but the topic was affirmative action post-SFFA.	Philanthropy Roundtable	7.19.23

Shall We Overcome? Using New Media to Protect Civil Rights and Make Social Progress	National Civil Rights Conference Florida A&M University program sponsored by Voices for Liberty Initiative of George Mason University	6.20.23
Uncomfortable Truths: The Connection Between Speech & Social Progress	Cornell University program sponsored by Voices for Liberty Initiative of George Mason University	4.17.23
Is There a Conflict Between Free Speech and Social Justice? https://www.youtube.com/watch?v=VGTdzG8Cd4s	University of Texas at Austin Salem Center program sponsored by Voices for Liberty Initiative of George Mason University	4.14.23
Affirmative Action Cases <i>at the Supreme Court</i>	University of Houston Law School Federalist Society Student Chapter	4.13.23
Bootleggers, Baptists, & Lawyers: The Strange Bedfellows in a Free Society	Stephen F. Austin State University Pre-Law Society program sponsored by Voices for Liberty Initiative of George Mason University	4.12.23

The theme of this lecture delved into the historical contributions of the concept of free speech to the advancement of civil rights and social progress, while also examining its potential role in shaping future developments.	Florida Atlantic University program sponsored by Voices for Liberty Initiative of George Mason University	4.4.23
Anti-Asian Discrimination in College Admissions	National Association of Scholars	3.28.23
The Federal Government's Response to Anti-Asian Racism https://www.c-span.org/video/?526927-1/us-commission-civil-rights-holds-briefing-anti-asian-racism	United States Commission on Civil Rights	3.24.23
Affirmative Actions Cases at the Supreme Court This Term	Federalist Society Triangle Lawyers Chapter	3.21.23
The Dilemma of Race Based Affirmative Action	St. Mary's University Law School Federalist Society Student Chapter	1.19.23
Hearing on Fairness in Financial Services: Racism and Discrimination in Banking. https://www.banking.senate.gov/hearings/11/23/2022/fairness-in-financial-services-racism-and-discrimination-in-banking	United States Senate Committee on Banking and Financial Services	12.1.22
Students for Fair Admissions v. Harvard	University of Miami Law School Federalist Society Student Chapter	11.3.22
Courthouse Steps Oral Argument: SFFA v. Harvard https://www.youtube.com/watch?v=PFjDoR16ff8	Federalist Society	10.31.22
This presentation centered on DEI, civil rights, and True Diversity.	Philanthropy Roundtable	10.20.22
Equality and Opportunity: Reclaiming Civil Rights	Pacific Legal Foundation	10.18.22
Law Enforcement and the Black Community	TakeCharge Minnesota	10.6.22

Supreme Court Preview: What Is in Store for October Term 2022?, https://www.youtube.com/watch?v=tdJlCh0Z9eM&ab_channel=TheFederalistSociety	Federalist Society Faculty Division and Practice Groups	9.21.22
This presentation centered on the U.S. Department of Labor's 14(c) waiver program.	Coalition for the Preservation of Employment Choice	8.18.22
Another Bite at the Apple: Racial Preferences Heads to the High Court Again	Heritage Foundation	6.3.22
Affirmative Action Reconsidered: Do Blacks Need Special Treatment to Succeed?, Old Parkland Conference, https://www.youtube.com/watch?v=6iv3EQDZhBk&ab_channel=AmericanEnterpriseInstitute	American Enterprise Institute	5.13.22
Affirmative Action and the Supreme Court, https://www.facebook.com/watch/live/?ref=watch_permalink&v=673733077283025	Republican Women's Club of Duval Federated	4.14.22
Discrimination and the Civil Rights of the Muslim, Arab, and South Asian American Communities, https://www.youtube.com/watch?v=Ym9rwmVfK38&ab_channel=HouseCommitteoontheJudiciary	United State House of Representatives Committee on the Judiciary	3.1.22
Critical Race Theory: A Panel Discussion and Debate, https://iit.hosted.panopto.com/Panopto/Pages/Viewer.aspx?id=dee1d2ad-c2b2-4e22-bc2b-ac3e0117c1e7	Chicago-Kent College of Law	2.15.22
This program was a debate on critical race theory.	Akron University Law School Federalist Society Student Chapter	11.8.21
Hearing on 'The Civil Rights Implications of the COVID-19 Pandemic', https://www.ceousa.org/wp-content/uploads/2021/05/Devon-Westhill-Testimony-EEOC-4.28.pdf	Equal Employment Opportunity Commission	4.28.21
Discrimination and Violence Against Asian Americans https://www.youtube.com/watch?v=547JYf-VA_Q	United States House of Representatives Committee on the Judiciary	3.18.21
Meeting of the President's Board of Advisors on Historically Black Colleges and Universities https://www.federalregister.gov/documents/2020/01/28/2020-01402/presidents-board-of-advisors-on-historically-black-colleges-and-universities-meeting	On Behalf of the U.S. Department of Labor	2.14.20

Government as Catalyst: An Enterprise Approach to Shaping America's Cultural View of Fathers, Fanning the Fatherhood Fire: A National Fatherhood Summit	On Behalf of the U.S. Department of Labor	6.5.19
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8. Lobbying

In the past 10 years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

No, I have never registered as a lobbyist.

9. Digital Platforms

Please list all digital platforms (including social media and other digital content sites) on which you currently operate, or have formerly operated, an account, regardless of whether the account was held in your name or an alias. Include the full "alias" or "handle", including a link to each account if possible. Indicate whether the account is active, deleted, or dormant.

LinkedIn: <https://www.linkedin.com/in/devonwesthill/>

Twitter/X: @DevonWesthill

I have previously operated both a Facebook account and a MySpace account under my legal name, but I attempted to and believe I was successful in closing both of those accounts many years ago. I estimate the last time I accessed the Facebook account was in 2011 and the MySpace account was in 2009. As of today's date, February 15, 2025, I am unable to find links to either of the accounts on the internet and do not know of any reasonable way of discovering the whereabouts of those accounts if they still exist.

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

March 5, 2025

The Honorable John Boozman
Chairman
Committee on Agriculture, Nutrition,
and Forestry
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Devon Westhill, who has been nominated by President Trump for the position of Assistant Secretary for Civil Rights, Department of Agriculture.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

SETH JAFFE Digitally signed by SETH JAFFE
Date: 2025.03.05 09:48:55
-0500

Seth Jaffe
Chief, Ethics Law and Policy Branch

Enclosures



February 28, 2025

Mr. Stuart Bender
Designated Agency Ethics Official
U.S. Department of Agriculture
J.L. Whitten Building
Room 347-W
1400 Independence Avenue, SW
Washington, DC 20250

Dear Mr. Bender:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Assistant Secretary for Civil Rights with the U.S. Department of Agriculture. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee, even if uncompensated; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics (OGE) pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

SECTION 3– EMPLOYMENT RELATED INTERESTS

Upon confirmation, I will resign my position with the Center for Equal Opportunity. Further, pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after my resignation from this entity, I will not participate personally and substantially in any particular matter involving specific parties in which I know that this entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 4 – EXPERT WITNESS

I have served as an expert witness for the Pacific Legal Foundation. Upon confirmation, I will cease serving as an expert witness. All amounts owed to me by the Pacific Legal Foundation will be fixed before I assume the duties of the position of Assistant Secretary for Civil Rights, and I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the ability or willingness of the Pacific Legal Foundation to pay me. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after ceasing to provide these expert witness services, I will not participate personally and substantially in any particular matter involving specific parties in which I know the Pacific Legal Foundation is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 5 – SPOUSAL EMPLOYMENT

My spouse is employed by HCA Healthcare in a position for which my spouse receives a fixed annual salary and a bonus tied to her performance. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for as long as my spouse continues to work for HCA Healthcare, I will not participate personally and substantially in any particular matter involving specific parties in which I know HCA Healthcare is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 6 – PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other presidential nominees who file public financial disclosure reports.

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Sincerely,

Devon Westhill

Devon Westhill

Signature: *Devon Westhill*

[Illegible text]

Report Type: Nominee Report
Year (Annual Report only):
Date of Appointment:
Date of Termination:

Executive Branch Personnel
Public Financial Disclosure Report (OGE Form 278e)

Filer's Information

Westhill, Devon
Assistant Secretary for Civil Rights, Department of Agriculture

Other Federal Government Positions Held During the Preceding 12 Months:
None

Names of Congressional Committees Considering Nomination:
• Committee on Agriculture, Nutrition, and Forestry

Electronic Signature - I certify that the statements I have made in this form are true, complete and correct to the best of my knowledge.

/s/ Westhill, Devon [electronically signed on 01/31/2025 by Westhill, Devon in Integrity.gov]

Agency Ethics Official's Opinion - On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below).

/s/ Bender, Stuart, Certifying Official [electronically signed on 03/02/2025 by Bender, Stuart in Integrity.gov]

Other review conducted by

U.S. Office of Government Ethics Certification
/s/ Jaffe, Seth, Certifying Official [electronically signed on 03/05/2025 by Jaffe, Seth in Integrity.gov]

1. Filer's Positions Held Outside United States Government

#	ORGANIZATION NAME	CITY, STATE	ORGANIZATION TYPE	POSITION HELD	FROM	TO
1	Center for Equal Opportunity	Washington, District of Columbia	Non-Profit	President and General Counsel	1/2021	Present
2	Pacific Legal Foundation	Sacramento, California	Non-Profit	Expert Witness	4/2024	Present

2. Filer's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	Center for Equal Opportunity	N/A		Salary	\$324,416
2	IRA	No			
2.1	Chipotle Mexican Grill, Inc. (CMG)	N/A	\$1,001 - \$15,000		None (or less than \$201)
2.2	Boeing Co (BA)	N/A	\$1,001 - \$15,000		None (or less than \$201)
3	Pacific Legal Foundation	N/A		expert witness fees	\$12,437
4	University of Wisconsin - Madison Law School Federalist Society Student Chapter - 2/20/24	N/A		honorarium	\$1,500
5	Chicago-Kent Law School Federalist Society Student Chapter - 2/21/24	N/A		honorarium	\$1,500
6	University of Iowa Law School Federalist Society Student Chapter - 2/22/24	N/A		honorarium	\$1,500

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
7	Washington University St. Louis Law School Federalist Society Student Chapter - 2/20/24	N/A		honorarium	\$1,500
8	Drake Law School Federalist Society Student Chapter - 2/22/24	N/A		honorarium	\$1,500
9	Michigan State program sponsored by Voices for Liberty Initiative at George Mason University - 3/28/24	N/A		honorarium	\$1,500
10	Claremont McKenna College Athenaeum Speaker Series - 4/2/24	N/A		honorarium	\$2,500
11	University of California - Davis Law School Federalist Society Student Chapter - 4/3/24	N/A		honorarium	\$1,500
12	University of Toledo Stranahan Lecture Series - 4/9/24	N/A		honorarium	\$3,000
13	Tufts Federalist Society student chapter - 4/17/24	N/A		honorarium	\$1,500
14	Eastern District of Wisconsin Bar Association Annual Program - 5/16/24	N/A		honorarium	\$3,500
15	David Wright Tremaine LLP	N/A		deposition fee	\$1,650
16	University of South Carolina Law School Federalist Society Student Chapter - 9/4/24	N/A		honorarium	\$1,500
17	University of Nevada - Las Vegas Law School Federalist Society Student Chapter - 9/9/24	N/A		honorarium	\$1,500
18	Arizona State University Law School Federalist Society Student Chapter - 9/10/24	N/A		honorarium	\$1,500
19	University of New Mexico Law School Federalist Society Student Chapter - 9/11/24	N/A		honorarium	\$1,500
20	University of South Dakota Law School Federalist Society Student Chapter - 9/12/24	N/A		honorarium	\$1,500

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
21	University of Wisconsin - Madison Law School Federalist Society Student Chapter - 9/17/24	N/A		honorarium	\$1,500
22	University of Illinois Law School Federalist Society Student Chapter - 9/18/24	N/A		honorarium	\$1,500
23	Indiana University Law School Federalist Society Student Chapter - 9/19/24	N/A		honorarium	\$1,500
24	Western State University Law School Federalist Society Student Chapter - 9/24/24	N/A		honorarium	\$1,500
25	Pepperdine University Law School Federalist Society Student Chapter - 9/25/24	N/A		honorarium	\$1,500
26	University of Southern California Law School Federalist Society Student Chapter - 9/26/24	N/A		honorarium	\$1,500
27	University of Kansas Law School Federalist Society Student Chapter - 10/8/24	N/A		honorarium	\$1,500
28	Emory Law School Federalist Society Student Chapter - 10/9/24	N/A		honorarium	\$1,500
29	Wake Forest University Law School Federalist Society Student Chapter - 10/15/24	N/A		honorarium	\$1,500
30	Florida International University Law School Federalist Society Student Chapter - 10/17/24	N/A		honorarium	\$1,500
31	Jacksonville University Law School Federalist Society Student Chapter - 10/30/24	N/A		honorarium	\$1,500
32	Buckley Institute at Yale University Firing Line Debate - 12/3/24	N/A		honorarium	\$1,500
33	Anticipated Honorarium Southern Illinois University Law School Federalist Society Student Chapter - 2/10/25	N/A	\$1,001 - \$15,000		None (or less than \$201)
34	Anticipated Honorarium Campbell University Law School Federalist Society student chapter - 2/12/25	N/A	\$1,001 - \$15,000		None (or less than \$201)

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
35	Anticipated Honorarium University of North Carolina - Chapel Hill Law School Federalist Society student chapter - 2/13/23	N/A	\$1,001 - \$15,000		None (or less than \$201)

3. Filer's Employment Agreements and Arrangements

None

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
1	Center for Equal Opportunity	Washington, District of Columbia	Services as President and General Counsel
2	Federalist Society	Washington, District of Columbia	Speaking.
3	Pacific Legal Foundation	Sacramento, California	Expert witness.

5. Spouse's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	HCA Healthcare (Healthcare)	N/A		salary	
2	401k	No			

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
2.1	Fidelity Large Company Growth Index Fund	Yes	\$1,001 - \$15,000		None (or less than \$201)

6. Other Assets and Income

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	U.S. bank (cash)	N/A	\$1,001 - \$15,000		None (or less than \$201)

7. Transactions

(N/A) - Not required for this type of report

8. Liabilities

#	CREDITOR NAME	TYPE	AMOUNT	YEAR INCURRED	RATE	TERM
1	Navy Federal Credit Union	Mortgage on Personal Residence	\$250,001 - \$500,000	2021	3.25	30 years
2	Navy Federal Credit Union	Home Equity Loan	\$50,001 - \$100,000	2023	9.65	20 years
3	Lendkey	Student Loan	\$15,001 - \$50,000	2017	8.64	15 years
4	Mohela	Student Loan	\$15,001 - \$50,000	2019	5.76	20 years

#	CREDITOR NAME	TYPE	AMOUNT	YEAR INCURRED	RATE	TERM
5	Mohela	Student Loan	\$100,001 - \$250,000	2016	0.00	20 Years

9. Gifts and Travel Reimbursements

(N/A) - Not required for this type of report

Endnotes

Summary of Contents

1. Filer's Positions Held Outside United States Government

Part 1 discloses positions that the filer held at any time during the reporting period (excluding positions with the United States Government). Positions are reportable even if the filer did not receive compensation.

This section does not include the following: (1) positions with religious, social, fraternal, or political organizations; (2) positions solely of an honorary nature; (3) positions held as part of the filer's official duties with the United States Government; (4) mere membership in an organization; and (5) passive investment interests as a limited partner or non-managing member of a limited liability company.

2. Filer's Employment Assets & Income and Retirement Accounts

Part 2 discloses the following:

- Sources of earned and other non-investment income of the filer totaling more than \$200 during the reporting period (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes)
- Assets related to the filer's business, employment, or other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

3. Filer's Employment Agreements and Arrangements

Part 3 discloses agreements or arrangements that the filer had during the reporting period with an employer or former employer (except the United States Government), such as the following:

- Future employment
- Leave of absence
- Continuing payments from an employer, including severance and payments not yet received for previous work (excluding ordinary salary from a current employer)
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan
- Retention or disposition of employer-awarded equity, sharing in profits or carried interests (e.g., vested and unvested stock options, restricted stock, future share of a company's profits, etc.)

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

Part 4 discloses sources (except the United States Government) that paid more than \$5,000 in a calendar year for the filer's services during any year of the reporting period.

The filer discloses payments both from employers and from any clients to whom the filer personally provided services. The filer discloses a source even if the source made its payment to the filer's employer and not to the filer. The filer does not disclose a client's payment to the filer's employer if the filer did not provide the services for which the client is paying.

5. Spouse's Employment Assets & Income and Retirement Accounts

Part 5 discloses the following:

- Sources of earned income (excluding honoraria) for the filer's spouse totaling more than \$1,000 during the reporting period (e.g., salary, consulting fees, and partnership share)
- Sources of honoraria for the filer's spouse greater than \$200 during the reporting period
- Assets related to the filer's spouse's employment, business activities, other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's spouse's business employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF). Amounts of income are not required for a spouse's earned income (excluding honoraria).

6. Other Assets and Income

Part 6 discloses each asset, not already reported, (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in investment income was received during the reporting period. For purposes of the value and income thresholds, the filer aggregates the filer's interests with those of the filer's spouse and dependent children.

This section does not include the following types of assets: (1) a personal residence (unless it was rented out during the reporting period); (2) income or retirement benefits associated with United States Government employment (e.g., Thrift Savings Plan); and (3) cash accounts (e.g., checking, savings, money market accounts) at a single financial institution with a value of \$5,000 or less (unless more than \$200 in income was received). Additional exceptions apply. Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

7. Transactions

Part 7 discloses purchases, sales, or exchanges of real property or securities in excess of \$1,000 made on behalf of the filer, the filer's spouse or dependent child during the reporting period.

This section does not include transactions that concern the following: (1) a personal residence, unless rented out; (2) cash accounts (e.g., checking, savings, CDs, money market accounts) and money market mutual funds; (3) Treasury bills, bonds, and notes; and (4) holdings within a federal Thrift Savings Plan account. Additional exceptions apply.

8. Liabilities

Part 8 discloses liabilities over \$10,000 that the filer, the filer's spouse or dependent child owed at any time during the reporting period.

This section does not include the following types of liabilities: (1) mortgages on a personal residence, unless rented out (note: certain PAS nominees and appointees are required to report all mortgages); (2) loans secured by a personal motor vehicle, household furniture, or appliances, unless the loan exceeds the item's purchase price; and (3) revolving charge accounts, such as credit card balances, if the outstanding liability did not exceed \$10,000 at the end of the reporting period. Additional exceptions apply.

9. Gifts and Travel Reimbursements

This section discloses:

- Gifts totaling more than \$480 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than \$480 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.

For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of \$192 or less. Regardless of the value, this section does not include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, or local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official travel; (5) gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent children totally independent of their relationship to the filer. Additional exceptions apply.

Privacy Act Statement

5 U.S.C. § 13101 et seq., and 5 C.F.R. Part 2634 of the U. S. Office of Government Ethics regulations require the reporting of this information. Failure to provide the requested information may result in separation, disciplinary action, or civil action. The primary use of the information on this report is for review by Government officials to determine compliance with applicable Federal laws and regulations. This report may also be disclosed upon request to any requesting person in accordance with 5 U.S.C. §§ 13107 and 13122(b)(1) or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. Additional disclosures of the information on this report may be made: (1) to any requesting person, subject to the limitation contained in section 208(c)(1) of title 18; any determination granting an exemption pursuant to sections 208(b)(1) and 208(b)(3) of title 18; (2) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of violations or potential violations of law or regulation; (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or determination; (4) to the National Archives and Records Administration or the General Services Administration in records management inspections; (5) to the Office of Management and Budget during legislative coordination on private relief legislation; (6) when the disclosing agency determines that the records are arguably relevant to a proceeding before a court, grand jury, or administrative or adjudicative body, or in a proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding; (7) to reviewing officials in a new office, department or agency when an employee transfers or is detailed from one covered position to another, a public financial disclosure report and any accompanying documents, including statements notifying an employee's supervising ethics office of the commencement of negotiations for future employment or compensation or of an agreement for future employment or compensation; (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of and at the request of an individual who is the subject of the record; (9) to contractors and other non-Government employees working on a contract, service or assignment for the Federal Government when necessary to accomplish a function related to this system of records; (10) on the OGE Website and to any person, department or agency, any written ethics agreement, including certifications of ethics agreement compliance, filed with OGE by an individual nominated by the President to a position requiring Senate confirmation; (11) on the OGE Website and to any person, department or agency, any certificate of divestiture issued by OGE; (12) on the OGE Website and to any person, department or agency, any waiver of the restrictions contained in Executive Order 13989 or any superseding executive order; (13) to appropriate agencies, entities and persons when there has been a suspected or confirmed breach of the system of records, the agency maintaining the records has determined that there is a risk of harm to individuals, the agency, the Federal Government, or national security, and the disclosure is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and (14) to another Federal agency or Federal entity, when the agency maintaining the record determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in responding to a suspected or confirmed breach or in preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity, the Federal Government, or national security. See also the OGE/GOVT-1 executive branch-wide Privacy Act system of records.

Public Burden Information

This collection of information is estimated to take an average of ten hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Program Counsel, U.S. Office of Government Ethics (OGE) 250 E Street, S.W., Suite 750, Washington, DC 20024-3249.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB (that control number 3209-0001, is displayed here and at the top of the first page of this OGE Form 278e).

April 25, 2025

The Honorable John Boozman, Chairman Committee on
Agriculture, Nutrition & Forestry
United States Senate
Washington, D.C. 20510

The Honorable Amy Klobuchar, Ranking Member
Committee on Agriculture, Nutrition & Forestry
United States Senate
Washington, DC 20510



Dear Chairman Boozman and Ranking Member Klobuchar:

The Ethics in Government Act of 1978 (the Act), as amended, provides that Presidential nominees for a position requiring the advice and consent of the Senate shall provide any necessary updates to their public financial disclosure report with respect to any outside earned income and honoraria received through the period ending no more than five days prior to the commencement of the Senate hearing of their nomination. See 5 U.S.C. § 13103(b)(1) and 5 C.F.R. § 2634.606(a).

Please be advised that I have informed the appropriate ethics officials that the information required by section 102(a)(1)(A) of the Act with respect to income and honoraria contained in OGE Form 278e (Executive Branch Public Financial Disclosure Report) executed by me on February 28, 2025, is current as of April 25, 2025. This date is within five days prior to the date of the hearing scheduled to consider my nomination.

Sincerely,

Devon Westhill

cc: Stuart Bender, Designated Agency Ethics Official and Director, USDA Office of Ethics

QUESTIONS AND ANSWERS

APRIL 29, 2025

U.S. Senate Committee on Agriculture, Nutrition and Forestry
Nomination Hearing
 April 29, 2025
 Questions for the Record
Mr. Luke Lindberg

Senator Amy Klobuchar

1. *Responsiveness to Congress*

If you are confirmed, do you agree to:

- a. Promptly reply to any request for information from members of this Committee or any duly constituted committee of Congress and provide the requested information?

Yes.

- b. Promptly respond to requests for data and technical assistance in informing or drafting legislation or implementation of the law?

Yes.

- c. Notify the Chair and Ranking Member of this Committee in advance of any major changes made by you or within the Department of Agriculture during your tenure?

Yes.

2. *Oversight*

The Government Accountability Office (GAO) and the Inspectors General play a critical role in providing oversight of the executive branch, regardless of administration.

- a. Will you commit to responding promptly and thoroughly to GAO and the Inspector General on all oversight requests?

Yes.

3. *Food for Peace*

For decades, the Food for Peace Program has been jointly administered by USDA and USAID, with USDA procuring commodities and USAID ensuring their delivery to families and communities in need overseas. The dissolution of USAID has dramatically weakened the Food for Peace Program, and with it our ability to provide lifesaving aid and to build goodwill around the world. I am concerned about the loss of infrastructure and pipeline to deliver food aid.

- a. Will you commit to working with the State Department to ensure that we can continue to deliver food aid where it is most needed?

I will follow the law.

- b. Will you commit to advocating for the resources and expertise necessary to run the Food for Peace Program?

I will ensure all programs I oversee have necessary resources.

4. *Dairy Trade*

I supported the U.S.-Mexico-Canada Agreement (USMCA) in part because of several key improvements for agriculture. For Minnesota in particular, that meant several provisions intended to help level the playing field for U.S. dairy farmers and dairy processors. I have pressed both Democratic and Republican administrations on Canada's dairy trade practices.

- a. Will you commit to working with dairy producers and manufacturers in Minnesota and across the country to address these issues as part of any future negotiations?

Yes.

5. *Tariffs and Export Promotion Programs*

The Under Secretary for Trade and Foreign Agricultural Affairs oversees USDA's export promotion programs. These programs have had strong bipartisan support over the last 40 years and have invested billions of dollars matched by funds from farmers to build relationships, conduct market research, and break down trade barriers. With reports of cancelled export sales, I am concerned that we will lose agricultural export markets that we have worked to expand into.

- a. How will you work to ensure that the USDA builds on the last 40 years of agriculture export expansion?

I will work to ensure USDA market promotion programs help America reduce its agricultural trade deficit, identify new markets for American products, create new opportunities in existing markets, and hold trading partners accountable. I will also work with interagency colleagues to deliver new trade deals for America's farmers and ranchers.

Senator Cindy Hyde-Smith

1. The Feed the Future initiative, originally established under USAID, has been instrumental in advancing global food security through research, innovation, and partnerships with U.S. institutions such as the Fish Innovation Lab at Mississippi State University. Given the strong agricultural foundation of these programs and the complementary mission of the U.S. Department of Agriculture (USDA), I am interested in exploring how these efforts could be further strengthened.

- a. How could the Feed the Future initiative—particularly programs like the Fish Innovation Lab at Mississippi State University—be transitioned within the U.S. Department of Agriculture?

USDA's Foreign Agricultural Service coordinates the international work and

activities for the Department. It is also important to note that USDA's National Institute of Food and Agriculture manages numerous competitive grant programs for research, extension, and education and has strong relationships with the land-grant universities that house the Feed the Future Innovation Labs.

- b. What structural, administrative, or programmatic changes would be necessary to support a transition, and what advantages or challenges do you foresee in shifting portions of Feed the Future's agricultural research and innovation activities to USDA leadership?

As I am not yet confirmed to serve as Under Secretary for Trade and Foreign Agricultural Affairs, I cannot comment on what specific structural, administrative or programmatic changes would be necessary to fully operationalize this transition if such a decision were made to transition implementation of the Feed the Future initiative to the Department.

Senator Jerry Moran

1. Mr. Lindberg, I lead legislation that would transfer the administration of the Food for Peace program from USAID to USDA. Given recent reductions in the agency's budget and force, I believe now is the right time to ensure the continuation of the program.
 - a. If Food for Peace were to move under USDA's administration, I believe it should be housed under the Trade and Foreign Agriculture Affairs mission area, which you would lead if confirmed. Do you agree with this assessment?
Yes.
 - b. Do you believe that, given the appropriate resources, USDA would be able to administer Food for Peace efficiently and effectively?
Yes.
 - c. What similar programs does USDA administer where expertise could be shared in carrying out Food for Peace?
USDA administers the McGovern-Dole International Food for Education and Child Nutrition Program and the Food for Progress Program. USDA also carries out all domestic commodity procurement for Food for Peace Title II and has historical expertise fully implementing other titles of the Food for Peace Act.
2. Mr. Lindberg, American dairy processing plants are required to register with the Indonesian government to access the market, despite already being registered with FDA – a process recognized by the vast majority of U.S. trading partners. This redundant requirement acts as a nontariff trade barrier, with some U.S. dairy plants awaiting approval for over three years despite completing all necessary paperwork. In 2022, I joined Senator Smith in urging the Indonesian ambassador to address this issue, resulting in only limited progress.

- a. Will you commit to working with your Indonesian counterparts to address this issue and ensure American dairy exporters are not subject to this lengthy bureaucratic ordeal?

Yes.

Senator Michael Bennet

1. For over a decade, my office has worked to improve access to the Mexican market for Colorado potato growers. We worked with Republican and Democratic administrations on this, and we've had some success. We should be careful not to squander achievements like these, which I worry this Trump administration's incoherent global trade war will. The most obvious hostage trading partners can take in a trade dispute is American agriculture, because other countries understand the importance of our agricultural industry. Already, China has barred importing some agricultural products in response to the Trump administration's tariffs. Canada has imposed some tariffs on U.S. agricultural goods as well. I worry about how future retaliation will affect Colorado ranchers and farmers exporting potatoes and beef, among other products.
 - a. What's your strategy to integrate concerns from Colorado family farmers and ranchers as the Trump administration imposes an incoherent tariff strategy that will prompt retaliation from trading partners around the world?
 If confirmed, I am committed to robust engagement with agricultural stakeholders across the country to ensure that American farmers and ranchers have a fair playing field that will bring us back to an agricultural trade surplus.
2. How will you prevent my state's farmers and ranchers from bearing the brunt of the President's ill-conceived trade policy?
 I am committed to pursuing market access for all agricultural exports in line with President Trump's commitment to leveling the playing field for our farmers and ranchers. New and expanded market access overseas can provide a boon to America's producers.
3. Western states like Colorado export commodities such as beef, dairy, potatoes, and wheat, but USDA trade efforts often focus on Midwest crops. How will you ensure Colorado producers have a seat at the table and are prioritized in new trade agreements, such as in ongoing negotiations with India and Japan?
 I will advocate for all agriculture groups and invite them to share opportunities for more foreign agricultural sales. This will help inform USDA and other interagency partners on where to invest resources to open markets and eliminate trade barriers.
4. Colorado has over 38,000 farms and ranches, many of them small and mid-sized, family-owned operations. These producers are innovating with value-added products—from artisanal cheeses to organic grains to craft meats—but they often face barriers breaking into export markets. How will you ensure USDA's trade programs are accessible to

smaller producers and not just large commodity operations?

I will ensure that all farmers, ranchers, and producers have access to trade programs and invite them to help identify foreign market opportunities.

5. Colorado is among the top beef-producing states, and our producers rely heavily on exports to remain competitive. How will you expand market access for U.S. beef—especially in key markets like Japan, South Korea, and China—amid rising tariff and non-tariff barriers?

I will engage on a robust trade agenda and work to directly address tariff and non-tariff barriers impacting our producers, including beef producers. The Asian market is a key growth market for these products.

6. Colorado farmers are on the front lines of drought and water scarcity. How can USDA's trade policy support the viability of water-efficient crops and ensure that specialty crop producers in water-stressed regions have access to growing international markets?

I am committed to pursuing fair market access for all producers and all agricultural products.

7. We've heard reports that the State Department is considering closing or scaling back certain embassies and consulates overseas. Given the critical role these diplomatic posts play in supporting U.S. agricultural exports, how do you anticipate these changes would affect the Foreign Agricultural Service's ability to promote and protect U.S. trade interests abroad?

As I am not yet confirmed to serve as Under Secretary for Trade and Foreign Agricultural Affairs, I am unaware of any potential embassy changes or their impact on the Foreign Agricultural Service. As the current President and CEO of South Dakota Trade, I have always enjoyed working with FAS foreign service officers across the world.

8. In the event of closures and the scaling back of certain embassies and consulates overseas, how would you work with the State Department to ensure our producers don't lose ground in key markets?

If confirmed, I am committed to working with my partners across the federal government to ensure a level playing field for American farmers and ranchers.

9. Colorado's specialty crop producers depend on strong export promotion tools like the Agricultural Trade Promotion Program and the Agri-Trade Specialty Crop Export (ASCE) initiative. Do you believe USDA should continue prioritizing ASCE?

All American farmers and ranchers should have access to the appropriate market development resources to bring us to a trade surplus.

10. How would you work to ensure specialty crops receive dedicated support in USDA's export strategy going forward?

If confirmed, I plan to engage with producers across all sectors of agricultural production to understand what trade barriers they are facing and how USDA can best work to bring America back to an agricultural trade surplus.

11. USDA recently launched the Regional Agricultural Promotion Program (RAPP) to help U.S. producers build new markets beyond China. Colorado growers are eager to see this funding deployed strategically. How do you plan to ensure RAPP investments support long-term, diversified export growth?

If confirmed, I will advocate for market promotional programs that will help farmers, ranchers, and producers expand current markets and open new markets.

12. What metrics will you use to make sure this funding reaches producers and regions, like Colorado, that are actively seeking new trade opportunities?

As I am not yet confirmed to serve as Under Secretary for Trade and Foreign Agricultural Affairs, I am not aware of all metrics used by the Foreign Agricultural Service to evaluate various market promotional programs. If confirmed, I will ensure that market promotional programs will be available to all producer sectors and regions. I am also committed to ensuring programs funds are expended in a fair, strategic, and efficient manner.

Senator Tina Smith

1. I care deeply about supporting Tribal agricultural production in the United States and that includes promoting Tribal producers that want to export their goods.

I worked with Senator Hoeven to get Tribal representation included on trade missions in the 2018 Farm Bill. Bringing in the perspectives and experiences of our Tribal producers goes a long way towards ensuring they can be competitive in the global marketplace. In Minnesota, traditional wild rice plays such an important role for Native communities, and there is a growing export market for traditionally harvested wild rice. Tribal harvesters must have equal footing in the global marketplace to promote and market their wild rice.

It is also important that we recognize that the United States has legal trust and treaty obligations to Tribal Nations, and all federal agencies have a responsibility to uphold government-to-government relationships with Tribes. This is a very important matter at USDA, and something that I think Republicans and Democrats agree needs improvement.

- a. How can the USDA promote indigenous food products in the global marketplace?

USDA should promote fair market access to the global marketplace for all American producers and products, including indigenous food products. If confirmed, I will work to ensure that tariff and non-tariff barriers do not inhibit any American agricultural exports. As the current President & CEO of South Dakota Trade, I have worked with indigenous organizations to promote their products overseas.

Senator Richard Durbin

1. Illinois is number one in the Midwest for agriculture exports, and third in the nation. While other regions of farm country may calculate their revenues with an expectation for receiving USDA payments, Illinois farmers rely on free markets and international trade.

Last fall, the national corn and soybean groups published a major report that warned a tariff war risks long-lasting permanent U.S. market loss to competitors like Brazil and Argentina, who will gain on all fronts, compared to U.S. farmers—outweighing any short-term relief payments issued by USDA.

During the first Trump Administration, USDA offered up to \$28 billion in trade relief payments, known as Market Facilitation Program (MFP) payments, funded through the Commodity Credit Corporation (CCC), to farmers who experienced financial losses from President Trump's trade wars and tariffs. There were notable disparities in the way these payments were allocated across the country and for types of farms. USDA trade aid to Illinois farmers averaged \$69 per acre. But the aid averaged \$75 per acre in Georgia; \$87 per acre in Mississippi; and \$94 per acre in Alabama. In fact, payments in 35 Alabama and Mississippi counties far exceeded the highest Illinois payment, with some cotton growers receiving \$150 per acre, double the Illinois average.

For example, soybean-growing farmers in Illinois received less per acre than cotton growers in southern states. This raises questions as to whether these payments were actually calculated based on real economic harm, since soybean growers experienced a 75 percent drop in sales to China—a \$9 billion loss—compared to just a 6 percent drop—or \$54 million loss—for U.S. cotton growers selling to China; soybean prices dropped to 10-year lows; and Illinois has twice the number of soybean growers than the total number of cotton growers in the entire country.

- a. Which is better for farmers: government relief payments or strong international markets?
Strong international markets.
- b. Do you believe President Trump's tariffs benefit American farmers?
The trade policy strategy implemented by President Trump provides critical leverage to negotiate a level playing field for American farmers and ranchers and return us to an agricultural trade surplus. 70% of American farmers expect President Trump's trade policy will strengthen the Agricultural economy.
- c. What specific goal, or timeline, can you provide farmers for when this tariff uncertainty will end?
As I am not yet confirmed to serve as Under Secretary for Trade and Foreign Agricultural Affairs I am unable to provide status updates on ongoing trade deals; however, if confirmed I will advocate for all farmers, ranchers, and producers in trade negotiations and invite them to help identify market opportunities and work towards a trade surplus.

2. The previous Trump Administration authorized \$28 billion in new USDA money for farm trade relief payments. This depleted the USDA Commodity Credit Corporation (CCC), a \$30 billion account designed to finance regular farm programs, which required

USDA to ask Congress for more money to replenish the CCC. Today, with Trump Administration support, the current Congressional leadership proposes \$230 billion in cuts in USDA programs that help seniors, the disabled, and moms with kids, to afford groceries. The cuts would reduce their grocery assistance from about \$6 a person per day to about \$5 a day.

- a. Given that the current tariffs are more expansive than the previous trade war, what is the current estimated cost to the American taxpayer for any planned new USDA relief spending to help farmers navigate through these purposely established trade disruptions?

As I am not yet confirmed as Undersecretary for Trade and Foreign Agricultural Affairs, I am not aware of any plans for trade-related relief payments at this time.

3. The USDA Foreign Agriculture Service has foreign service officers stationed in embassies around the world. These federal employees are American agriculture's biggest advocates in foreign markets, working constantly to monitor and address trade barriers, both tariff and non-tariff.

- a. Within the context of the dramatic staff downsizing happening under this Administration, and more staff reductions planned by USDA, what can farmers expect will happen with terminations of FAS foreign service officers by the Trump Administration?

As I am not yet confirmed to serve as Under Secretary for Trade and Foreign Agricultural Affairs, I am unaware of any terminations of FAS foreign service officers. As the current President and CEO of South Dakota Trade, I have always enjoyed working with FAS foreign service officers across the world.

4. Farmers are planners. The across-the-board tariffs on all U.S. trading partners, allies and foes alike, have created major uncertainty for farmers whether they export to international markets or not. American farmers deserve to not be kept in the dark and to have all the information they need to make both marketing and planting decisions.

- a. Will you commit to working across USDA and across the Executive Branch to publish, soon, a publicly available economic analysis on the current and forecasted impacts of President Trump's tariffs on American farmers?

If confirmed, I will work closely within USDA and across the Executive Branch to ensure that farmers, ranchers, and producers have access to data to help inform agricultural business decisions.

5. The Market Access Program (MAP) and Foreign Market Development Cooperator Program (FMD) are critical tools that boost ag exports through cooperative efforts and farmer funding. The funding for these programs has remained static for 20 years, but the value of those funds has greatly diminished, and final action in the Farm Bill has been delayed. The Regional Agricultural Promotion Program (RAPP) was a bipartisan stopgap measure for USDA to help boost ag export promotion efforts at a critical time.

- a. What are your plans for RAPP funds?

As I am not yet confirmed to serve as Under Secretary for Trade and Foreign Agricultural Affairs, I am unaware of USDA's plans for RAPP funds.

Senator Cory Booker

1. Food for Peace had been administered by USAID for roughly half a century, coordinating with USDA to procure American commodities for families in dire need around the world and to build those families' capacities to feed themselves in the future.

- a. Will you commit to working with the State Department and the White House to ensure this critical program that provides lifesaving international food aid continues without interruption to its operation or mission?

If confirmed, I will work with the State Department and the White House to ensure that all food aid programs under USDA's jurisdiction operate efficiently and effectively in line with President Trump's direction to align our foreign aid programs to make America safer, stronger, and more prosperous.

- b. How do you view FAS' role in supporting agricultural development in low-income countries?

FAS' mission is to support American farmers, ranchers, and producers expand and open new competitive agricultural trade markets. Building competitive markets overseas is a win-win for American agricultural exports and food security in developing countries.

2. The continuity of operations for food aid and other lifesaving programs has been disrupted. Purchases of commodities from US farmers to feed desperately hungry people have been paused, including for programs that USDA Secretary Rollins has agreed should continue.

- a. If confirmed, how will you ensure that food aid programs under your jurisdiction do not face any pipeline or resource gaps in the coming months?

I will ensure that all food aid programs under USDA's jurisdiction operate efficiently and effectively in line with President Trump's direction to align our foreign aid programs to make America safer, stronger, and more prosperous.

3. In 2024 following a trip to Kenya, you published an op-ed in the Washington Times noting that "our Nation's engagement in the country, in the form of evangelizing the merits of capitalism, promoting targeted humanitarian aid, and opening trade and investment, explicitly supports two key U.S. national security priorities: disarming Al-Shabaab, an Al-Qaeda-linked terrorist organization based in Somalia and countering the Chinese Communist Party's growing global influence."

Do you continue to believe that this is the case, and if so, could you please elaborate on the role of food aid and targeted humanitarian assistance in furthering the foreign policy

and security goals of the United States?

Yes. In kind food aid programs support the American economy at home and American national security interests abroad. All food aid programs under USDA's jurisdiction must accomplish both of these goals to make America safer, stronger, and more prosperous.

Senator Raphael Warnock

1. If confirmed as the Under Secretary of Agriculture for Trade and Foreign Agriculture Affairs, you will oversee the U.S. Department of Agriculture's (USDA) foreign market development programs. Like many producers in Georgia, I am concerned the current Administration's tariff policies may hinder market access for our nation's farmers and could cede U.S. market share to other nations, including to countries of concern.
 - a. If confirmed, how will work to ensure that American farmers do not lose market share to other nations, especially countries of concern, due to the current Administration's trade policies?
If confirmed, I will advocate for all agriculture groups and invite them to identify which markets we have a deficit in as well as opportunities for more exports. This will help inform where USDA needs to help invest resources to eliminate trade barriers.
 - b. How will you work to ensure that our allies do not become more reliant on agricultural goods from and trade partnerships with countries of concern due to the current Administration's trade policies?
The trade policy strategy implemented by President Trump provides critical leverage to negotiate a level playing field for American farmers and ranchers and return us to an agricultural trade surplus. In my experience, most countries prefer to do business with the United States of America, when given the choice between the United States and countries of concern.
2. Georgia is the nation's top producer of pecans, which have entered international markets around the world.¹ I am proud to have led successful, bipartisan efforts to reduce tariff barriers limiting Georgia pecan farmers' access to India's markets,² but I am concerned that retaliatory tariffs from my state's largest pecan trading partners will harm Georgia's pecan growers and shrink their access to international markets.

¹ *Import/Export Pecans: Grown in Georgia, Enjoyed Worldwide*, Georgia Pecan Commission (2025), <https://georgiapekans.org/source-pecans/import-export/>.

² *Following Months of Leadership, Senator Reverend Warnock Secures Victory For Georgia Farmers as India Agrees to Lower Pecan Tariffs*, Office of U.S. Senator Reverend Warnock (Feb. 2, 2023), <https://www.warnock.senate.gov/newsroom/press-releases/following-months-of-leadership-senator-reverend-warnock-secures-victory-for-georgia-farmers-as-india-agrees-to-lower-pecan-tariffs/>.

- a. If confirmed, will you commit to working with me and my colleagues to continue lowering trade barriers for Georgia's pecan farmers and protect their access to international markets?
Yes.
3. Georgia farmers are also subject to several non-tariff barriers. Peanut farmers in my state are concerned about trade barriers between the United States and the European Union (E.U.) regarding high aflatoxin sampling rates.
 - a. If confirmed, will you commit to working with the U.S. Trade Representative to negotiate an effective solution to this ongoing non-tariff trade barrier with your E.U. counterparts?
Yes.
 - b. Will you commit to keeping my colleagues and me updated on your progress with addressing this issue?
Yes.
4. As you mentioned in your statement, Georgia shrimpers are struggling to compete with cheap imports.³ Georgia's specialty crop producers face a similar challenge competing with the import dumping of cheap, foreign-grown fruits and vegetables during the U.S. growing season. I am concerned that these import dumps outcompete our domestic products and harm our domestic producers. While I am glad that USDA and the Office of the United States Trade Representative (USTR) have appointed members to their Seasonal and Perishable Agricultural Products Advisory Committee to address this issue for specialty crop producers, I agree more can be done to protect all of Georgia's producers from import dumping.
 - a. If confirmed, will you commit to continuing the Seasonal and Perishable Agricultural Products Advisory Committee?
I will follow the law
 - b. Will you seriously consider any recommendations of the Seasonal and Perishable Agricultural Products Advisory Committee to support our nation's specialty crop producers?
Yes.
 - c. How will you work with USTR and Secretary Rollins to implement the recommendations of the Advisory Committee?
If confirmed, I will work closely with Ambassador Greer and Secretary Rollins to review and implement recommendations of the Advisory Committee.
 - d. If confirmed, will you commit to working with me and my colleagues, to put effective trade measures in place to help curb these growing import levels and keep our domestic specialty crop farmers and shrimpers in business?

³ Luke Lindberg, *Opening Statement of Luke J. Lindberg, Nominee for Under Secretary of Trade & Foreign Agricultural Affairs, U.S. Department of Agriculture* (Apr. 29, 2025), https://www.agriculture.senate.gov/imo/media/doc/4d9a8519-c938-0d10-36a4-5a94ff665a4b/Testimony_Lindberg_04.29.2025.pdf.

Yes.

5. In addition to export markets, many farmers benefit from USDA's international food aid programs, which develop new international markets and buy American-grown agricultural goods to help feed our most vulnerable communities abroad. I am especially proud that Georgia's peanut farmers help support the creation of ready-to-use therapeutic food (RUTF), a peanut-based product that is used to treat the most severe forms of hunger and is manufactured in Georgia.
 - a. What role do you believe USDA's international food aid programs play in building the U.S.'s diplomatic relations and goodwill abroad?
 In kind food aid programs support the American economy at home and American national security interests abroad. All food aid programs must accomplish both of these goals to make America safer, stronger, and more prosperous.
 - b. If confirmed, how will you work to protect USDA's international food aid programs?
 If confirmed, I will carefully manage USDA's international food aid programs to ensure that they prioritize buying American commodities and operate in a manner that directly benefits the American people.
 - c. If confirmed, how will you work to scale up RUTF procurement and international distribution?
 RUTFs are an important American commodity-based product that is widely used in food aid programs. If confirmed, I will ensure that we continue to use the right products in the right place including RUTFs to best fit American interests at home and abroad.

Senator Peter Welch

1. We are seeing a resurgence of global hunger driven by conflict and climate change. Just last Friday, the World Food Programme ran out of food stocks in Gaza. Other conflicts and development challenges around the world, including in Sudan, South Sudan, and Haiti, have led to at least 1 million people facing famine and another 27.5 million in the emergency phase on the brink of famine.

Historically, the United States has been a leader in addressing global hunger, using its influence and wealth to feed people around the world. However, this leadership has been fraying. President Trump has cut development funding for low-income countries and gutted USAID, leading to lifesaving food, proudly grown by American farmers, sitting in warehouses around the world while desperate people go hungry.

- a. Mr. Lindberg, can you talk about the value of American international food aid programs?

In kind food aid programs support the American economy at home and American national security interests abroad. All food aid programs must accomplish both of these goals to make America safer, stronger, and more prosperous.

- b. How do you view the Foreign Agricultural Services' role in supporting agricultural development in low-income countries?

FAS' mission is to support American farmers and ranchers. Building competitive markets overseas is a win-win for American agricultural exports and food security in developing countries.

- c. If all our food aid programs are to be shifted from USAID to USDA, how do you foresee the Agency facilitating the distribution of food to hard-to-reach areas, given the loss of USAID programmatic and logistical expertise on the ground?

USDA's Foreign Agricultural Service has a robust presence of agricultural experts posted in embassies all across the world. I am confident that FAS's expertise is critically valuable in administering programs the Congress delegates to it.

Senator John Fetterman

1. Mr. Lindberg, after a multi-year research and consultation process involving career USDA and USTR officials, in October 2023 the Government Accountability Office (GAO) released a report titled "Sugar Program: Alternative Methods for Implementing Import Restrictions Could Increase Effectiveness". This report found that American food and beverage manufacturers struggle to maintain reliable supplies of sugar due to the way USDA and USTR administer the trade aspects of the U.S. sugar program. GAO made recommendations to improve the trade aspects of the program, and USDA and USTR notified the public that they "fully agreed" with the recommendations. Career officials at USDA communicated to stakeholders that policy announcements to implement the GAO recommendations would be initiated within 18 months. It has now been 18 months, and food manufacturers in Pennsylvania are awaiting action from USDA and USTR.

- a. Can you provide me with a specific date as to when policy announcements to implement the GAO recommendations will be initiated?

As I am not yet confirmed to serve as Under Secretary for Trade and Foreign Agricultural Affairs, I cannot provide a specific date when a policy announcement will be made.

- b. If you cannot provide a date, what specific steps will you take to prioritize implementing these policies in the near future, to provide business certainty for food manufacturers in my state and across the country?

If confirmed, I will prioritize ensuring that USDA helps address the outstanding GAO recommendations.

2. I appreciate your focus on facilitating better trade deals and expanding export markets for American farmers, but I believe some of the moves this administration is making would

drastically increase the price of certain commodities that cannot be grown readily in the U.S., put American food manufacturing companies at a disadvantage internationally, and potentially increase our trade deficits. For example, the Trump Administration is on track to levy tariffs on every cocoa-producing nation in the world, including a 21% rate on Côte d'Ivoire, the top cocoa-producing nation in the world. Imported cocoa and other derivative cocoa products are critical for production of processed foods, such as chocolate bars or packaged chocolate baked goods. If these rates go into effect, many American processed food products will become more expensive to purchase domestically and internationally. As you know, we don't produce cocoa in the U.S., so a tariff on this type of product is dubious.

- a. What steps will you take to ensure that American food manufacturers that rely on imported commodities which cannot be grown at sufficient scale in the U.S. are not unfairly disadvantaged or harmed by these tariffs?

If confirmed, I will advocate for all agriculture groups and invite them to contribute towards regaining our agricultural trade surplus. Trade agreements will strengthen market access for our producers.

- b. Do you believe that remedies should be provided to food manufacturers that are harmed by these tariffs?

I believe that there will be a number of trade deals signed in the near future. However, should assistance become necessary, if confirmed I will advocate for those who are impacted to have a chance to apply for assistance.

- c. If not, please explain how it is consistent to provide direct financial support to farmers impacted by this self-imposed trade war, as occurred during the President's first term, and may likely occur during his second term.

As I have not yet been confirmed as the Under Secretary for Trade and Foreign Agricultural Affairs, I cannot comment on particulars around financial assistance should it need to be considered. If confirmed I will work with farmers, ranchers, and producers to expand and open new trade markets that will be beneficial for U.S. agriculture.

Senator Adam Schiff

1. Why is it important for our national security to protect and strengthen America's international food assistance programs?

In kind food aid programs support the American economy at home and American national security interests abroad. All food aid programs must accomplish both of these goals to make America safer, stronger, and more prosperous.

U.S. Senate Committee on Agriculture, Nutrition and Forestry
Nomination Hearing
April 29, 2025
Questions for the Record
Mr. Devon Westhill

Senator Amy Klobuchar

1. ***Responsiveness to Congress***

If you are confirmed, do you agree to:

- a. Promptly reply to any request for information from members of this Committee or any duly constituted committee of Congress and provide the requested information?

I will work to respond promptly to any requests from this Committee or any duly constituted committee of Congress and to provide the requested information regarding the work of the Office of the Assistant Secretary for Civil Rights at USDA as appropriate.

- b. Promptly respond to requests for data and technical assistance in informing or drafting legislation or implementation of the law?

I will work to respond promptly to any requests from this Committee to provide data and technical assistance in informing or drafting legislation or implementation of the law related to the work of the Office of the Assistant Secretary for Civil Rights at USDA as appropriate.

- c. Notify the Chair and Ranking Member of this Committee in advance of any major changes made by you or within the Department of Agriculture during your tenure?

I will make my best effort to notify the Chair and the Ranking Member of this Committee in advance of any major changes made by me or within USDA associated with my duties as Assistant Secretary for Civil Rights as appropriate.

2. ***Oversight***

The Government Accountability Office (GAO) and the Inspectors General play a critical role in providing oversight of the executive branch, regardless of administration.

- a. Will you commit to responding promptly and thoroughly to GAO and the Inspector General on all oversight requests?

I will work to respond promptly and thoroughly to GAO and the IG on all oversight requests related to the Office of the Assistant Secretary for Civil Rights as appropriate.

3. *Availability of Program Participation Data*

The 2008 Farm Bill required that USDA publish program participation data. The public database was updated last year.

- a. Will you commit to ensuring this data remains publicly available on the Department's website?

I will obey the law. To the extent the law requires the Office of the Assistant Secretary for Civil Rights to make program participation data publicly available, I will ensure the office does so.

- b. Will you commit to keeping this data up to date by publishing annual program participation data as required under the 2008 Farm Bill?

I will obey the law. To the extent the law requires the Office of the Assistant Secretary for Civil Rights to annually update program participation data, I will ensure the office does so.

4. *Civil Rights Impact Analysis*

As we discussed during the hearing, the 2018 Farm Bill requires that USDA "conduct civil rights impact analyses in accordance with Departmental Regulation 4300-004 issued by the Department of Agriculture on October 17, 2016, with respect to USDA's employment, federally-conducted programs and activities, and federally-assisted programs and activities." I appreciate your commitment to performing these civil rights impact analyses.

- a. Will you commit to conducting civil rights impact analyses as required by the 2018 Farm Bill prior to any program changes and reorganizations of USDA agencies or offices and sharing that information with the Committee?

I commit to conducting analyses required by law.

- b. Will you commit to sharing any internal guidance the Office of the Assistant Secretary of Civil Rights (OASCR) provides on conducting civil rights impact analysis with the Committee?

I will work to respond promptly to any requests from this Committee to provide requested information regarding the work of the Office of the Assistant Secretary for Civil Rights at USDA as appropriate.

5. *Staffing and USDA Civil Rights Offices*

Given your previous experience as Deputy Assistant Secretary of Civil Rights, you know that much of the civil rights work at USDA is located at the agency and mission area levels.

- a. How will you ensure that any reorganization at USDA will not affect the important functions of civil rights compliance and enforcement across the Department?

Consistent with my previous experience as Deputy Assistant Secretary for Civil Rights, I plan to regularly communicate and collaborate, and to provide direction and support for civil rights work across USDA.

6. *GAO Report on USDA Workplace Discrimination Complaints*

In January 2025, GAO issued a report titled “Equal Employment Opportunity – USDA Could Strengthen Efforts to Address Workplace Discrimination Complaints,” which recommended actions for the Office of the Assistant Secretary for Civil Rights (OASCR) to improve USDA’s workplace discrimination policies and practices.

- a. How do you believe that OASCR can improve USDA’s workplace discrimination policies and practices?

As I stated several times during my confirmation hearing and in courtesy meetings, an effective civil rights program at USDA relies on OASCR being laser-focused on its core complaint processing work and proactive prevention measures. I plan to ensure OASCR maintains this critical focus such that all civil rights policies and practices at USDA improve.

- b. If confirmed, do you commit to ensuring actions are taken to address GAO’s recommendations?

I am not currently familiar with the referenced report but will plan to review it and take actions on recommendations that in my independent judgment will improve civil rights activities at USDA.

Senator Michael Bennet

1. Producers from rural regions in Colorado, including the Eastern Plains, Western Slope, and Southern Colorado, have raised concerns about inconsistent treatment and difficulty accessing USDA services at the field office level.
 - a. How will you work with agency leadership to strengthen civil rights training and accountability across local USDA offices to serve everyone in Colorado’s agricultural communities?

Because I am not currently working at USDA, I am not familiar with specific concerns raised by producers from rural regions of Colorado. If confirmed, I will follow the approach from my first stint running OASCR, and to which I committed in my confirmation hearing, to ensure all employees and customers of USDA are able to do business on equal footing which includes coordination and communication of services across the Department including at the field office level.

2. Colorado agriculture is incredibly diverse—from the San Luis Valley and Western Slope, to the Eastern Plains—and includes Latino, Indigenous, Asian, and African American farmers, beginning producers, women, and veteran ranchers. However, USDA program participation rates remain disproportionately low among some of these communities.

- a. How will you ensure the Civil Rights office proactively addresses access and funding gaps?

I am committed to ensuring and communicating the commitment at USDA to equal access to programs and resources for all employees and customers.

3. In rural areas of Colorado like the San Luis Valley, Western Slope, and Southern Colorado, nearly 30% of residents speak a language other than English at home, including many Latino and Indigenous farming families. Yet, USDA language services are often limited in these communities.

- a. What specific steps would you take to ensure USDA programs are practically accessible for all producers, including Spanish-speaking and Indigenous farmers?

Because I am not currently working at USDA, I am not familiar with specific concerns regarding language services and so, if I am confirmed, I would need to study the issue more closely to lay out specific steps to address concerns. However, I am committed to ensuring, within my scope of authority, equal access to USDA opportunities.

4. A 2019 USDA Inspector General audit of Forest Service misconduct (08601-0008-41) and a 2018 House Oversight hearing both identified serious shortcomings in how the Forest Service handled sexual-harassment cases and protected employees from retaliation. When you arrived as Deputy Assistant Secretary for Civil Rights in March 2020, several corrective actions from that audit were still open.

- a. What specific steps did you take to move those recommendations forward, and how will you provide this Committee with transparent, timely updates to demonstrate measurable progress toward a workplace free of harassment and retaliation?

When I previously led OASCR, I recall directing OASCR staff to make changes recommended in at least one open USDA civil rights audit though I do not recall the specifics. However, taking appropriate corrective actions to address serious shortcomings related to the handling of sexual harassment and retaliation is

consistent with my commitment to civil rights enforcement previously, now, and in the future. If I am confirmed, I will, to the best of my ability, enforce all laws against sex discrimination.

5. Many underserved producers—often small, socially disadvantaged operators—lack the staff or capacity to apply the moment USDA grant funds open. Some programs reserve funding for these producers to ensure they have a fair opportunity to apply and receive funds. If demand doesn't materialize, those funds roll back into the general pool, so no producer is disadvantaged.

- a. Would you commit to protecting these commonsense program structures that ensure equitable access without taking the opportunity away from anyone else?

I commit to protecting the ability of producers to participate in USDA programs including grant funding opportunities on equal footing pursuant to civil rights laws.

Senator Tina Smith

1. Can you explain the federal government's trust and treaty obligations to Tribal Nations as you understand them and how these apply to USDA?

I am not deeply familiar with the federal government's trust and treaty obligations to Tribal Nations and how these apply to USDA, but, if confirmed, I can study them in greater detail, work with the USDA Office of Tribal Relations which is responsible for government-to-government relations between USDA and tribes, and follow the relevant law associated with the work of the Office of the Assistant Secretary for Civil Rights.

2. President Trump issued an Executive Order designating English as the official language of the United States. Minnesota is home to many Hmong farmers and Spanish speaking farmers. Language barriers can be a challenge for them when it comes to accessing federal programs.

- a. Do you believe USDA and its implementing partners should offer documents in a variety of languages or translation services to ensure program participation across all potentially eligible farmers?

I believe USDA customers should be able to do business with the Department on equal footing pursuant to civil rights laws.

- b. Do you believe that Title VI of the Civil Rights Act of 1964's prohibition against national origin discrimination covers program access for individuals with limited English proficiency?

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.

- c. If confirmed, will you commit to continuing to offer USDA program applications and materials in a variety of languages, so farmers like the Hmong farmers and Spanish speaking farmers in Minnesota, won't experience unnecessary barriers to USDA programs?

If confirmed, I will follow the law.

Senator Cory Booker

- 1. During your term in the first Trump Administration, what steps did you take to solve known employment problems--for example, with sexual harassment and abuse of women in the Forest Service?

As I stated several times during my confirmation hearing and in courtesy meetings, I implemented an effective civil rights program at USDA which relied on OASCR being laser-focused on its core complaint processing work and proactive prevention measures. This focus led to an improvement in timeliness of EEO complaint investigations from 61% to 100% within 3 months of my arrival and the growth of Model EEO Program compliance pursuant to EEOC requirements from 61% to 85% within 6 months of my arrival. These successes benefited all employees and customers of USDA including those in the Forest Service.

- 2. In 2019, the USDA's Office of the Inspector General issued a report finding that the Forest Service promoted employees with undisclosed prior histories of sexual harassment and sexual misconduct, did not timely report all complaints of sexual harassment and sexual misconduct, and did not adequately justify deviating from recommended penalties for sexual misconduct.

- a. If confirmed, what will you do to ensure employees, especially Forest Service employees, are protected from sexual harassment and misconduct?

If I am confirmed, I pledge that, under my leadership, OASCR will once again vigorously implement and enforce civil rights laws within its authority and communicate to employees their rights and responsibilities in an effort to prevent violations. To the extent that a pattern or practice of violations or deficiencies is identified such as in the referenced report, I commit to evaluating the problem and fashioning an appropriate remedy.

- b. Will you commit to ensuring that USDA continues the changes it agreed to make in response to the 2019 OIG audit?

Because I am not certain what agreements have been made, it would be inappropriate for me to commit to continuing them. If I am confirmed, I plan to evaluate any recommendations for changes to improve civil rights practices at USDA and to make changes within my authority as Assistant Secretary for Civil Rights that will in my judgment improve the civil rights program at the Department.

3. USDA has a long and unfortunate history of underserving many or even most American farmers; in Republican administrations in particular, the Department has aimed its programs to assist the largest farms, rather than providing programs that serve the small and medium size farmers who are the backbone of rural communities. Efforts to reverse this exclusion, and make sure that the Department keeps its doors open for everyone, are the core of "equity," "inclusion", and "accessibility." Yet the Trump Administration and you, during your tenure at the Center for Equal Opportunity, have attacked those terms.

- a. Do you agree with the upside-down premise that working to include everyone – and particularly, groups that are underrepresented and underserved by USDA's programs -- is somehow discriminatory?

I have never held in the past, do not hold now, nor do I anticipate ever holding in the future the position that efforts to advance equal opportunity for participating in USDA programs as necessarily amounting to discrimination pursuant to civil rights laws.

- b. If confirmed, would you take the position that programs that have worked to broaden access to and participation in risk management tools, such as the Noninsured Disaster Assistance Program, are discriminatory for that very reason?

I have never held in the past, do not hold now, nor do I anticipate ever holding in the future the position that initiatives intended to broaden access and participation in federal programs are necessarily discriminatory.

- c. Congress recognized the challenges that underserved farmers, including minorities based on race and ethnicity, have in accessing USDA programs and have provided targeted fee waivers and a 50% discount in premiums in statute for the NAP program. If confirmed, would you support USDA continuing to follow the statute and provide these targeted benefits for all underserved farmers?

I will obey the law and vigorously enforce civil rights protections.

4. USDA has a long, well documented history of discrimination against Black farmers.

- a. Is addressing racial discrimination against Black farmers a priority for you?

If confirmed, addressing racial discrimination against any farmers, including black farmers, would be a priority for me.

- b. If confirmed, what steps would you take to address discrimination against Black farmers and members of other groups that have historically been denied equal opportunity in farm and credit programs?

Under my leadership, OASCR will vigorously implement and enforce civil rights laws that prohibit discrimination on the basis of race and other protected characteristics. To the extent that a pattern or practice of violations or deficiencies is identified such as disparate treatment in farm or credit programs on a prohibited basis, I commit to evaluating the problem and fashioning an appropriate remedy.

5. In 2024, the USDA Equity Commission issued a final report detailing more than 30 recommendations to bring fairness to farming.

- a. If confirmed, what steps would you take to address the issues raised in the report?

I am only generally familiar with the referenced report which was not produced during my previous tenure with USDA. If confirmed, I plan to study the report in greater detail to evaluate and determine how best in my independent judgment to address the issues identified that fall within the authority of the Office of the Assistant Secretary for Civil Rights.

- b. What specific actions would you take to implement recommendations 13 and 14 from the report, which call for providing more funding for grants and cooperative agreements for nonprofit organizations to work with farmers on land access and heir's property issues?

Because I am only generally familiar with the referenced report, which was not produced during my previous tenure at USDA, I am not able to answer with any specificity as to the actions I would take related to the report. However, I plan to study the report in greater detail if I am confirmed.

- c. What specific actions would you take to implement recommendation 15 from the report, which calls for reducing the number of years a farmer should have been farming to participate in conservation programs?

Please see my response to question 5.b.

- d. What specific actions would you take to implement recommendation 3 from the report, which calls for establishing and maintaining assistant and deputy assistant secretary of Tribal affairs positions?

Please see my response to question 5.b.

- e. What specific actions would you take to implement recommendation 7 from the report, which calls for hiring a third party to conduct an analysis of all program complaints received by USDA over the past five years and identify patterns to inform USDA priorities?

Please see my response to question 5.b.

6. On April 23, 2025, President Trump issued an Executive Order directing federal agencies to limit the enforcement of civil rights laws based on disparate impact. During your previous tenure at USDA, it appears that you reviewed USDA agency civil rights impact analyses examining whether implementation of a USDA rule might have a disproportionate adverse impact on members of protected groups, as required by Departmental Regulation (DR) 4300-004 and section 12403(a) of the Agriculture Improvement Act of 2018. For example, on November 23, 2020, you signed a memo regarding an Agricultural Conservation Easement Program Final Rule to the Under Secretary for Farm Production and Conservation that advised that “due to the low participation of minorities in both ACEP-ALE and ACEP-WRE programs, . . . NRCS . . . conduct a barrier analysis to determine what barriers are preventing minorities and women from participating in both programs.”

- a. If confirmed, will you commit to ensuring that USDA, including OASCR, continues to comply with the 2018 Farm Bill and DR 4300-004, regardless of the April 23, 2025, executive order on disparate impact?

I commit to conducting the analyses required by law.

7. An [Audit Report](#) of the Office of Inspector General dated September 2021, concluded that the Office of the Assistant Secretary for Civil Rights (OASCR), which is responsible for making determinations on complaints of discrimination, “did not timely process civil rights complaints.” The audit found that in fiscal year 2019 “OASCR averaged 799 days to process program complaints compared to the 180 day standard.” The audit also found that complaint determinations and closures were not adequately supported and processed during this period of your tenure, that OASCR “missed an opportunity to measure and track USDA’s progress”, and that issues could have been better addressed if OASCR used its strategic plan to assess progress toward established goals relating to program complaints.

- a. Do you agree with the OIG's recommendations, and if confirmed which of the OIG recommendations made in the September 2021 report do you commit to implementing and/or continuing to implement?

I did not serve at USDA OASCR in fiscal year 2019. My previous service spanned the timeframe from March 2020 to January 2021. However, as I indicated in my confirmation hearing and during courtesy meetings, I inherited a large backlog of overdue complaints at OASCR when I arrived at USDA. I made addressing this deficiency my number one priority and subsequently turned around the situation within three months. Please see more detail on this turnaround effort in my response to question 1. I am neither deeply familiar with the referenced OIG report which was released after my tenure at USDA nor with any effort in the previous four years to implement recommendations. I will plan to review it and take actions on recommendations that in my judgment will improve civil rights activities at USDA.

- b. If you are not committing to implementing and/or continuing to implement a recommendation, please explain why.

Without a closer study of the report and initiatives implemented in response to it in the last four years, which I plan to undertake, it would be inappropriate for me either to commit to or decline implementing recommendations.

8. The 2020 Federal Employee Viewpoint Survey that was published in April of 2021 ranked USDA's Office of the Assistant Secretary of Civil Rights at #409 out of 411 all Federal agency subcomponents, one ranking below USDA's Office of the General Counsel.

- a. Why do you think employee morale at OASCR was one of the lowest for all Federal agency subcomponents during your tenure at OASCR?

I can only speculate that the OASCR FEVS score skyrocketed up nearly 15 percentage points from the previous year's (2019) survey, which was conducted before I arrived at USDA, because of morale initiatives I instituted during my previous tenure leading the office as Deputy Assistant Secretary.

9. Secretary Rollins has stated publicly that USDA will be reducing its workforce and relocating USDA employees, creating uncertainty in the USDA workforce, including in the Office of the Assistant Secretary of Civil Rights and other civil rights office within USDA agencies. Understandably, employee morale at USDA is abysmal.

- b. If confirmed, what will you do to improve employee morale in OASCR in the face of these challenges?

As I did in my previous service at OASCR, which resulted in an enormous increase in morale as evidenced by the FEVS score linked in question 8., I plan to

establish a morale task force to hear directly from staff about their concerns and challenges, and how senior leadership can create a better work environment. I will make my expectations clear that senior management should endeavor to implement all reasonable recommendations from the task force.

10. Have you ever discussed any of the discrimination claims against USDA or any of its officials brought by the Wisconsin Institute for Law and Liberty, the Pacific Legal Foundation, the America First Legal Foundation, the Southeastern Legal Foundation, or the Mountain States Legal Foundation with any individuals affiliated with these entities?

- a. If so, whom did you talk to at those entities, which cases and claims did you discuss, and what was the nature of those discussions?

I have had countless discussions over the years with individuals employed by or otherwise affiliated with the non-profit organizations listed related to countless different matters. I cannot recall specific conversations related to discrimination litigation against USDA or any of its officials but can say with certainty that I have not been officially involved in any litigation against USDA in conjunction with the non-profit organizations listed.

- b. Do you believe that the claims brought by those entities against USDA were meritorious? If so, why?

I believe court rulings on the merits must be followed in any matter related to claims brought by these non-profit organizations.

Senator Raphael Warnock

1. USDA currently makes the agency's program application and participation data, including for farm loan programs, available to the public through its Race, Ethnicity, and Gender Program Statistics query tool (REGStats) on the Farm Service Agency website as required by Section 5413 of the Agricultural Improvement Act of 2018.¹

- a. If confirmed, will you commit to ensuring that the USDA continues making its program data available to the public through the REGStats tool as well as for farm loans?

I will obey the law.

¹ REGStats, U.S. Department of Agriculture (2025), <https://www.usda.gov/regstats>.

2. As we spoke about, 1890 Institutions, including Georgia's Fort Valley State University,¹ play vital roles in advancing our nation's agriculture industry through education, research, and outreach. Congress has authorized annual capacity grants for 1890 Institutions that require one-to-one nonfederal matching finds.² However, I am concerned that these critical institutions are not getting their fair share of funding.

- a. If confirmed, will you commit to working with Congress to continue to close the gaps in funding for all 19 of our 1890 Institutions?

I will work with Congress, within the bounds of my authority, on issues related to 1890 institutions.

- b. If confirmed, will you commit to protecting the jobs of USDA's liaisons to 1890 Institutions?

I plan to evaluate and to use my own independent judgment in implementing the best methods within the jurisdiction of the Office of the Assistant Secretary for Civil Rights to support USDA programs, including staffing.

3. If confirmed, you will lead USDA's Office of Assistant Secretary for Civil Rights (OASCR) to facilitate the fair and equitable treatment of USDA customers and employees and enforce civil rights initiatives.³ On January 21, 2025, the U.S. Government Accountability Office (GAO) released a report on USDA's efforts to address internal workplace discrimination complaints. This report included three recommendations for the Secretary of Agriculture to take to improve OASCR's effectiveness and response to internal discrimination complaints.⁴

- a. If confirmed, will you commit to reading this report and take seriously the recommendations of this report?

Yes.

- b. If confirmed, how will you work with the Secretary of Agriculture to respond to GAO's recommendations within this report?

¹ *FVSU Is a Land-Grant Institution*, Fort Valley State University (Feb. 28, 2024), <https://www.fvsu.edu/about-fvsu/fvsu-land-grant-institution>.

² Genevieve Croft, *1890 Land-Grant Universities: Background and Selected Issues*, Congressional Research Service (Jun. 9, 2021), <https://crsreports.congress.gov/product/pdf/IF/IF11847/2>.

³ *Office of Assistant Secretary for Civil Rights*, U.S. Department of Agriculture (Jan. 2025), <https://www.usda.gov/about-usda/general-information/staff-offices/office-assistant-secretary-civil-rights>.

⁴ *Equal Employment Opportunity: USDA Could Strengthen Efforts to Address Workplace Discrimination Complaints*, Government Accountability Office (Jan. 21, 2025), <https://www.gao.gov/products/gao-25-105804>.

Based on my previous experience at USDA, it is critical to assess any actions taken thus far to implement GAO recommendations and to work with the Secretary to establish a plan for future action.

4. In March 2021, Congress passed the American Rescue Plan, which included a requirement for USDA to create an Equity Commission, which issued a report in February 2024.¹

- a. If confirmed, will you commit to reading the Equity Commission's final report?

Yes.

- b. If confirmed, will you seriously consider the recommendations of the Equity Commission's report?

I plan to review the recommendations in the referenced report with seriousness and good faith.

- c. If confirmed, how will you work with Secretary Rollins to implement the recommendations of the Equity Commission's report?

If in my judgment recommendations in the referenced report should be implemented, I will work with Secretary Rollins on an implementation plan.

- d. The report included recommendations regarding OASCR. Specifically, the report recommends allocating the necessary funding to ensure OASCR's capacity to deal with all civil rights violations in a timely manner, including processing customer cases within 180 days. Do you agree or disagree with these recommendations?

If in my judgment recommendations in the referenced report should be implemented, I will work with Secretary Rollins on an implementation plan.

5. During the hearing, you acknowledged that USDA has historically engaged in discriminatory actions that have uniquely harmed Black farmers in their farm lending programs. Additionally, you noted that you have done extensive reading on this topic.

¹ *USDA Equity Commission*, Federal Register (Apr. 22, 2022), <https://www.federalregister.gov/documents/2022/04/22/2022-08583/usda-equity-commission>; *USDA Equity Commission Presents its Final Report*, USDA (Feb. 27, 2025), <https://www.usda.gov/about-usda/news/radio/weekly-features/2024-02-27/usda-equity-commission-presents-its-final-report>.

- a. Given your understanding of the topic, please describe the ways in which USDA has discriminated against Black farmers within the Department's farm loan program.

My knowledge and previous references as to the history of discrimination at USDA relate to the [Pigford](#) and [Keepseagle](#) class action discrimination lawsuits where plaintiffs were successful in arguing disparate treatment by USDA in programs and USDA failure to address discrimination complaints. I have also referenced on several occasions the book *Dispossession* by Pete Daniel that provides deeper historical analysis of USDA programs, agricultural history, and discrimination against black farmers.

Senator Peter Welch

1. Mr. Westhill, I want to follow up on our discussion from the hearing regarding DEI, specifically on the Trump Administration's attacks on colleges and universities. You were quoted in a December 2024 *Washington Examiner* article titled "Trump can axe entrenched DEI frameworks his first week back in the White House." Below is an excerpt from that article, including your quote –

Westhill expects the Education Department's Office for Civil Rights to become a focal point in a Trump administration, with a record number of investigations into colleges and universities suspected of evading the affirmative action ruling.

"The Trump administration must set a record for investigations into admissions practices, antisemitic harassment, and Title IX violations," Westhill said.¹

- a. If confirmed, do you plan to use USDA's Office of the Assistant Secretary for Civil Rights to investigate colleges and universities, including land-grant institutions, as you indicated above? If yes, what are your plans?

If I am confirmed, I pledge that, under my leadership, the Office of the Assistant Secretary for Civil Rights will vigorously implement and enforce all civil rights laws within its jurisdiction including those related to education programs and activities such as Title IX.

2. Mr. Westhill, various studies have shown that race-based discrimination in hiring practices is a real phenomenon, including a September 2004 study which found that randomly assigned resumes with White sounding names received 50% more callbacks

¹ <https://www.washingtonexaminer.com/news/white-house/3240591/trump-axe-dei-frameworks-first-week-in-office/>

than ones with Black names.¹ More recently, a 2024 study found that the typical Fortune 500 company called back presumably white applicants around 9% more than Black ones.²

This reality is why diversity, equity, and inclusion at companies is important. However, in an article you wrote for the Daily Caller and the Center for Equal Opportunity titled “*Companies are Getting Back to Business and Away from DEI*”, you argue that companies should get rid of diversity, equity, and inclusion policies because they negatively affect a company’s performance.³

- a. Mr. Westhill, what evidence do you have to support claims that fostering a more diverse workplace is antithetical to having a successful business?

A 2024 study from the Network Contagion Research Institute and Rutgers University confirmed a commonplace experience for many that DEI can increase racial hostility and bias. Increases in racial hostility and bias are generally understood as harmful to business performance.

- b. Is it your contention that policies aimed at addressing discrimination against minorities is in fact discriminatory against whites? If so, why?

No, not necessarily.

Senator John Fetterman

1. How will you ensure HBCUs, and historic civil rights policy continues to be implemented to support marginalized groups, in light of Executive Order 14151?

If confirmed, I intend to vigorously enforce the civil rights laws and their prohibition on discrimination as referenced and directed in Executive Order 14151. Specific to HBCUs, President Trump has renewed his initiative from his first term, which I supported as an administration official, in signing the following Executive Order: White House Initiative To Promote Excellence and Innovation at Historically Black Colleges and Universities.

¹ Bertrand, Marianne, and Sendhil Mullainathan. 2004. "Are Emily and Greg More Employable Than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination." *American Economic Review* 94 (4): 991–1013

² Kline, Patrick, Evan K. Rose and Christopher R. Walters. 2024. "A Discrimination Report Card." *American Economic Review*, 114 (8): 2472–2525.

³ <https://ceousa.org/2024/09/20/companies-are-getting-back-to-business-and-away-from-dei/>

2. Would it be lawful for USDA to refuse a producer's request to change their records on file with USDA by recording their same sex marriage for purposes of farm programs?

I am not familiar with the procedure for changing such records at USDA or whether the process falls within the authority of the Office of the Assistant Secretary for Civil Rights. I would need to study the issue further to provide a definitive answer.

3. Would it be lawful for USDA to make hiring or promotion decisions or take an adverse employment action based on the sexual orientation or gender identity of an individual?

In 2020, the Supreme Court in *Bostock v. Clayton County* held that sex discrimination within the scope of employment pursuant to Title VII of the Civil Rights Act of 1964 encompasses sexual orientation and transgender status. Given the recency of the *Bostock* case, its scope is still being litigated in the courts and federal government legal offices are working to consider this issue further and more completely. I would need to consider all aspects of the facts and the evolving law to make a determination in any specific case.

4. How will you ensure that employees of USDA feel comfortable coming forward when they feel they have been subject to harassment or targeted for unfair treatment based on their sexual orientation or gender identity?

I firmly believe that employers, including USDA, must ensure that all employees are able to work and thrive in an environment free from discrimination and retaliation. I am committed to communicating that position loud and clear, to providing training and other measures to ensure employees and managers know their rights and responsibilities, and to vigorously enforcing civil rights laws to ensure the protection of all employees.

5. If confirmed, will you commit to ensuring that the USDA complies with the Supreme Court decision in *Bostock v. Clayton County*?

I will obey the law including *Bostock*.

Senator Adam Schiff

1. Given the wide range of languages spoken by countless USDA customers and their Limited English Proficiency, do you commit to Department-wide language access so that food and farm business workers can adequately access USDA resources and programs?

I believe USDA customers should be able to do business with the Department on equal footing pursuant to civil rights laws. If confirmed, I am committed to ensuring, within the bounds of my authority, those who seek to do so have meaningful access to do so.

2. Do you believe, for the sake of food and national security and for agricultural and rural economies, that USDA should play a role in supporting young, new, and beginning farmers entering farming careers?

I believe USDA should endeavor to support all who want to participate in its programs and to join the American agricultural community. I am committed to doing my part, within the bounds of my authority, to assist such endeavors.

3. Do you believe USDA should fulfill its obligated funding so farmers, some of whom are historically underserved, can get the money and support they are owed from USDA?

I believe and, if confirmed, will support USDA in following the law in the area of my authority which would be civil rights.

