GOOD INTENTIONS FALL SHORT:
WHY THE SOUTHEAST ASIAN COMMUNITY IS PRECLUDED FROM OBTAINING FARM LOANS

I. INTRODUCTION

It is increasingly common to see the words “pot growers” and “Southeast Asians” linked in the news today. The cultivation of marijuana has become prevalent among Southeast Asian farmers in California. There has been an increase in illegal marijuana farms across the San Joaquin Valley of California (“Central Valley”) because of the changes in medical marijuana laws and the desperation of Southeast Asian farmers who have had a difficult time adapting their skills to the area. This surge in illegal marijuana cultivation has diminished the Central Valley’s agricultural reputation.

The majority of Southeast Asian farmers are refugees who are uneducated and speak little to no English, negatively impacting their ability earn a living. While a high percentage of Southeast Asians rely on government assistance, some are farmers operating small family

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2 Wozniacka, supra note 1, at 1; Associated Press, supra note 1.


4 See Associated Press, supra note 1.

5 Arax, Illegal Cash Crops, supra note 3, at 3.

6 Wozniacka, supra note 1, at 2; Arax, Illegal Cash Crops, supra note 3, at 3.
farms which cultivate such choy, ong choy, basil, cucumber, squash, and a variety of eggplants to sell at farmers markets.\textsuperscript{7}

The operation of small family farms has reduced poverty for some members of this community; however, the profits from selling produce often do not cover the cost of the farm leases or living expenses.\textsuperscript{8} Additionally, when some Southeast Asian farmers begin to make a meager profit, their farmlands are sold to developers to build residential communities.\textsuperscript{9} At that point, they are left with the challenge of searching for a new plot of land to farm and adjusting to the new soil and climate, depending on the region to which they relocate.\textsuperscript{10} Most of these small family farmers are dually employed, performing other types of work during the day and tending to their farms in the evening to support their farming business.\textsuperscript{11} Even with both sources of income, the money earned is insufficient to make ends meet.\textsuperscript{12} Despite the struggles that Southeast Asian farmers have faced, they have contributed to the Central Valley’s economy by introducing specialty crops into the market.\textsuperscript{13} Such crops include ong choy, bok choy, and Chinese eggplant, and have been the main source of produce for the Central Valley’s Southeast Asian communities.\textsuperscript{14}

A shift occurred, however, with the legalization of medical marijuana.\textsuperscript{15} Since qualified patients of medical marijuana are

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\textsuperscript{8} Arax, \textit{Illegal Cash Crops}, supra note 3, at 3.
\textsuperscript{9} Id.
\textsuperscript{10} Id.
\textsuperscript{11} Id. at 4.
\textsuperscript{12} Id.
\textsuperscript{14} Arax, \textit{Illegal Cash Crops}, supra note 3, at 1.
permitted to cultivate a certain amount of marijuana plants on their own land, they took advantage of this opportunity; they turned to cultivating marijuana plants as cash crops. For Southeast Asian refugees living in poverty and dependent upon government assistance, a marijuana farm among legitimate fruits and vegetables is a feasible method to make quick money and climb the economic ladder. As a result, a large amount of marijuana plants are hidden among the rows of cherry tomatoes, Chinese bitter melon, su choy, kohlrabi, daikon, and Thai chili, to be sold as an illegal cash crop, and not for medicinal purposes.

Cities and counties have noticed an increase in marijuana grown on agricultural land, as well as an increase in armed robberies and violence near these sites. The danger involved in cultivating marijuana led federal and local law enforcement agencies to implement Operation Mercury in March of 2012, in order to eradicate marijuana farms in the Central Valley. From the time that Operation Mercury was first implemented up until January 2014, there have been approximately a half-million marijuana plants confiscated, yet only eighty-four criminal defendants were federally prosecuted in Fresno County. A number of people caught during this operation have been released without prosecution and with no explanation.

without criminal liabilities so long as the number of plants does not fall below either six mature plants, twelve immature plants, or one half pound of processed marijuana).

16 See Compassionate Use Act §11362.5, at 1 (setting guidelines for cultivation).

17 Associated Press, supra note 1.

18 See id. (cultivating marijuana to make money); Arax, Illegal Cash Crops, supra note 3, at 1.

19 See Wozniacka, supra note 1, at 2; Arax, Illegal Cash Crops, supra note 3, at 1, 3.

20 See Associated Press, supra note 1.


23 Wozniacka, supra note 1, at 3.
Preventative measures, such as granting agricultural subsidies to Southeast Asian farmers, need to be employed as a method to halt this trend of illegal marijuana cultivation. Southeast Asian farmers are beneficial to the community and contribute to the economy by bringing a bountiful variety of plants into the Central Valley.\(^{25}\) There are currently government programs that aid other groups of disadvantaged people.\(^{26}\) Some of these programs, such as those which create federal farm subsidies, should be amended to include Southeast Asian farmers to deter illegal marijuana grows. The federal government has implemented farm subsidies that are geared toward helping minority farmers, but most subsidies have not reached the Southeast Asian farmers in the Central Valley.\(^{27}\) For example, in 2012, the United States Department of Agriculture (“USDA”) census showed that the majority of farmers who received farm subsidies to buy or operate farmlands are from states in the Appalachian Mountains region.\(^{28}\) Since the inception of these farm subsidies, Southeast Asian farmers, as well as a vast number of the general public, have been unaware of the subsidies’ existence.\(^{29}\)

This Comment will show that agricultural subsidy laws need to be revised to provide much-needed assistance to Southeast Asian farmers. Modification of these laws would support the self-sufficient farm operations of Southeast Asians, while enhancing their economic standing and reducing their dependency on welfare and marijuana cultivation. Part II of this Comment will explore the history of the Southeast Asians’ journey to the United States and the problems they faced farming on American soil. Part III will discuss the current

\(^{25}\) Sowerwine & Getz, supra note 13, at 26.
\(^{28}\) Nat’l Sustainable Agric. Coal., Microloans Reaching Farmers, supra note 27.
\(^{29}\) See id. (establishing that farm program still needs improvement in informing minorities about the available assistance).
federal farm subsidy programs. Part IV will analyze the obstacles for Southeast Asians when attempting to attain the benefits of farm subsidies. Part V will advocate for changes to the Agricultural Act of 2014 in order to provide Southeast Asians an opportunity to obtain farm subsidies and ultimately deter them from resorting to marijuana cultivation and government assistance.

II. FLEEING WAR AND FACING NEW CHALLENGES

A. Contributions Not Forgotten: the Vietnam War Created Large-Scale Immigration from Southeast Asia

Most Southeast Asian refugees that fled to the United States are either of Cambodian, Laotian, or Vietnamese descent. They came to the United States around 1975, fleeing from war-torn countries after the Vietnam War. The Central Intelligence Agency had requested the help of Laos and Cambodia to prevent the fall of those countries to communist rule; however, this was kept secret from the American public because the Vietnam War faced a wealth of criticism. The Hmong lived in Laos and were recruited as soldiers to fight alongside American forces, gather information, and assist American pilots whose

\[30\] SOUTHEAST ASIA RES. ACTION CTR, UNTOLD STORIES OF THE FORECLOSURE CRISIS: SOUTHEAST ASIAN AMERICANS IN THE CENT. VALLEY 3 (Apr. 2011), available at http://www.searac.org/sites/default/files/SEARAC_CRISIS_REPORT_2011_Final.pdf (including Southeast Asian Americans in the Central Valley from “the following ethnic and language groups: Cambodia: Cham (a Muslim minority group), Khmer or Cambodian, Khmer Loeu or Highland Khmer[;] Laos: Hmong or Mong, Lu Mien or Mien, Khmu, Lao or Lao Loum or Lowland Lao, Taidam[;] Vietnam: Khmer. . .[.] Vietnamese.”).


\[32\] See Um, supra note 31, at 5, 6 (keeping Laos and Cambodia’s involvement in the war from American public to keep the country’s involvement neutral); William M. Leary, CIA Air Operations in Laos, 1955-1974: Supporting the Secret War, 1999-2000, available at https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/winter99-00/art7.html (last updated Jun. 07, 2008) (establishing that Laos is an independent state and if it falls into a communist regime, then other bordering countries will follow).
planes had been shot down.\textsuperscript{33} After the fall of Saigon in South Vietnam, the Southeast Asians who assisted the Americans in the fight against North Vietnam fled the country for fear of persecution.\textsuperscript{34} The South Vietnamese citizens who remained behind soon learned that the new communist government required its citizens to provide cheap labor and spy on each other; as a result, many decided to leave their homeland.\textsuperscript{35}

During the mid-1970’s, Southeast Asians immigrated to the United States either as refugees or children of refugees, sponsored by American families.\textsuperscript{36} Those who arrived in America sought shelter and were granted asylum.\textsuperscript{37} Southeast Asian refugees arrived and lived in different states throughout the country.\textsuperscript{38} Many immigrated to California, Texas, and Minnesota, which are now the primary states for Southeast Asian refugee populations.\textsuperscript{39} Soon, California became the state with the largest population of Southeast Asian farmers who immigrated to America with their agrarian roots and skills.\textsuperscript{40}

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\item \textsuperscript{33} Leary, \textit{supra} note 32.
\item \textsuperscript{34} UM, \textit{supra} note 31, at 7.
\item \textsuperscript{35} Donald Walker, \textit{A Short History of Southeast Asian Immigration to San Joaquin Cnty.}, \textit{The San Joaquin Historian}, Summer 2003, at 4, \textit{available at} http://sanjoaquinhistory.org/documents/HistorianNS17-2.pdf.
\item \textsuperscript{36} Walker, \textit{supra} note 35, at 3. \textit{See generally} Pfeifer, \textit{supra} note 31 (fleeing as refugees, Southeast Asians were placed in different states by settling agencies).
\item \textsuperscript{38} \textit{See} Yee, \textit{supra} note 37.
\item \textsuperscript{39} \textit{See generally} Yee, \textit{supra} note 37 (providing that all the different ethnic groups reside in either California, Texas, and Minnesota).
\item \textsuperscript{40} \textit{See generally} Nat’l Sustainable Agric. Coal., \textit{2012 Census Drilldown: Minority & Women Farmers}, NSAC’S BLOG (Jun. 03, 2014), http://sustainableagriculture.net/blog/census-drilldown-sda/ [hereinafter Nat’l Sustainable Agric. Coal., \textit{Minority & Women Farmers}] (showing on the map that majority of Asian farmers are in California).
\end{itemize}
B. Southeast Asia Farming Style: What They Have Always Known and Done

Before arriving in the United States, Southeast Asians farmed for survival, and on a small-scale, in Laos, Cambodia, and Vietnam. For example, the small Hmong villages located on the mountainsides of Laos have headmen who make decisions impacting their entire communities. Each headman, along with one man from every family, will typically travel between fifteen and thirty miles from the village to seek out fertile hillsides to clear and farm. Many of these farmers do not have to pay for the land that they farm. It is only required that they pay a small tax to the government, which usually consists of payments in rice or a small amount of money.

The climate, periodic fall of volcanic ash, and heavy rainfall make the soil in the Southeast Asian countries moist and ideal for farming. Due to the limited availability of agricultural technology for assistance, these farmers used the natural resources available to them when planning where, when, how, and what to plant.

In Southeast Asia, farmers utilize inter-planting, a technique which involves planting a variety of crops in the same field. They also incorporate shift cultivation, a method that seasonally alternates between planting crops and leaving fields fallow.

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42 Id. at 14. See interview with Chongyee Xiong, in Fresno, Cal. (Jul. 5, 2014).
43 See interview with Xiong, supra note 42.
44 Id.
45 Id.
47 Capistrano & Marten, supra note 41, at 6.
48 Id. at 7.
49 Id. at 13. See interview with Xiong, supra note 42.
countries do not have readily available agricultural chemicals so farmers there begin by cutting down and burning a section of the forest, using the ash as fertilizer for the soil.\textsuperscript{51} A field may be used for a limited number of years and abandoned when there is “excessive soil acidity, a decline in soil fertility or invasion by weeds, insects, or other pests.”\textsuperscript{52}

In these developing countries, farmers generally lack the modern machinery used to cut down trees or to clear the space for farming;\textsuperscript{53} therefore, the tools available to clear, cut, harvest, and prepare the land are very simple.\textsuperscript{54} Farmers use a “dibble stick to punch holes into the soil before dropping in the seeds,” and an ax, spear head, hoe, scythe, and knife to clear the area to grow Brussels sprout, bitter gourd, bird pepper, cabbage, kale, bean sprouts, watercress, and eggplant.\textsuperscript{55} This lack of technology increases the amount of manual labor required, forcing farmers to rely on a technique called labor exchange, or reciprocity, where the men and women in the village help one family clear a spot for farming and then aid the next family, or exchange a portion of their crops, for the help of others.\textsuperscript{56} Unfortunately, the methods successfully employed by these farmers in their native lands for centuries have not translated well to farming in America.\textsuperscript{57}

\textbf{C. The Challenge of Transferring Southeast Asia Farming Style to America}

For most of their lives, Southeast Asian refugees have lived as farmers in rural areas.\textsuperscript{58} For many, farming is the only skill they have that can be made useful in a “modern capitalistic society.”\textsuperscript{59} In the

\textsuperscript{51} Capistrano & Marten, \textit{supra} note 41, at 13. See interview with Xiong, \textit{supra} note 42.
\textsuperscript{52} \textit{Id.}
\textsuperscript{53} See interview with Xiong, \textit{supra} note 42.
\textsuperscript{54} Capistrano & Marten, \textit{supra} note 41, at 13. See interview with Xiong, \textit{supra} note 42.
\textsuperscript{55} \textit{Id.}
\textsuperscript{56} See Sowerwine & Getz, \textit{supra} note 13, at 27 (relying on labor reciprocity to farm). See generally interview with Xiong, \textit{supra} note 42 (relying on scythe and other simple tools to clear land for farming and requiring teamwork to plant and harvest).
\textsuperscript{57} See \textit{infra} Part II.C.
\textsuperscript{58} Pfeifer, \textit{supra} note 31.
\textsuperscript{59} \textit{Id.}
early 1980’s, an influx of Southeast Asian refugees came to the Central Valley. Some settled on small parcels of land and attempted farming in the Central Valley clay soil.

Southeast Asian farmers had never farmed in this type of soil and encountered great difficulties growing fruits and vegetables here. Their home country was lush, the soil was rich, and planting was done very differently. In America, Southeast Asian farmers did not have access to the quality of land they were accustomed to working in Southeast Asia. Upon arriving, they discovered the need to implement irrigation drip systems, use plastic row covers, or practice fumigation. Additionally, the land and government in America brought a complexity of marketing systems and regulatory restrictions that had to be strictly adhered to, such as safety and sanitary protocols, mandatory training, and the procurement of farm insurance. Now operating under the jurisdiction of the Food and Drug Administration, Southeast Asian farmers had to expand their close-knit community-based farming operations to include collaboration with farm advisors that could help ensure that their produce complied with federal standards. Meeting such standards involved mastering pest control

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61 Id.; Heidi Tarver, Clay Soil: The Good, the Bad, and the Just Plain Annoying, BERKELEYGARDENCOACH.COM, http://berkeleygardencouch.com/2011/04/04/clay-soil-the-good-the-bad-and-the-just Plain-annoying/ (last visited Nov. 11, 2014, 4:23 PM) (noting clay soil is composed of clay, sand and silt particles. Soil that contains about 40% of clay particles is considered clay soil. This type of soil becomes dense and sticky when wet and does not drain well. However, when it dries it forms a hard crust which is difficult to penetrate).
62 Stumbos, supra note 60.
63 Id.; see generally interview with Xiong, supra note 42 (stating that soil is dough-like, not sand-like and all that the farmer needs is rain to make plants grow; no fertilizer is needed). See supra Part II.A.
64 Stumbos, supra note 60.
65 Id.
67 See generally Warnert, supra note 66 (requiring that farmers comply with OSHA regulations); Brenda Dawson, Post Tagged: Richard Molinar, SMALL FARM NEWS (Apr. 06, 2012), http://sfp.ucdavis.edu/?blogtag=Richard%20Molinar&blogasset=51570 (last visited
techniques and fertilizer applications, which were previously foreign to them in their native countries.\textsuperscript{68} Farm advisors implemented programs, like the “‘Master Farmer’ program, that consisted of workshops, tours of successful farms, and lectures from university experts.”\textsuperscript{69} The trainings involved educating Southeast Asian farmers about food contamination, pest management, personal hygiene, farming techniques, and marketing strategies, in an effort to encourage farms to thrive.\textsuperscript{70}

In addition to learning these foreign farming techniques, there were language and cultural barriers.\textsuperscript{71} Many of these small-scale farmers required the assistance of translators to understand rules and regulations.\textsuperscript{72} Patti Hang, manager of Vang C. Thao Farms, a Hmong family-run farming operation, stated that the company’s founder depended on his children when he first started farming because, as a first generation immigrant lacking the benefit of a formal education, he did not understand the legal intricacies of farming in the United States.\textsuperscript{73} The challenges of farm management caused him to delegate to his children the duties of farm management and marketing while he focused on farm labor.\textsuperscript{74} Additionally, they encountered the struggle of having to pass English tests in order to obtain the licenses necessary to purchase and use many pesticides essential to successful farming.\textsuperscript{75}

Most Southeast Asian farmers have to work a second job during the day and farm at night in order to pay for their leases, farm machine rentals, seeds, fertilizers, pesticides, utility bills, insurance, and other farm supplies.\textsuperscript{76} Many cannot afford to hire farm hands; instead, farming is a multi-generational effort involving grandparents, parents,
children, grandchildren, and other relatives. Moreover, they do not own sophisticated farming equipment, nor do they have the financial capability to employ farm laborers; therefore, it is paramount that the farm operation involve the entire family. In the United States, the customary farming techniques of Southeast Asians, such as labor exchange or reciprocity without pay, cannot be utilized, as they are illegal. Without them, the Southeast Asian farmer is placed at an even greater disadvantage.

D. Southeast Asian Farmers’ Contributions to American Economy

Despite the inability to obtain funds for farm equipment, land, and farm laborers, Southeast Asian farmers utilized available help and education to adapt to the clay soil and integrate the use of some agricultural chemicals. In turn, they produced an abundant variety of vegetables from their homeland and introduced them to farmers’ markets across California. They harvested eggplants, oriental herbs, lemon grass, mokua, opo, bitter lemon, bok choy, and many other types of herbs and vegetables. In addition to oriental vegetables and herbs, Southeast Asian farmers recognized that there was a high demand for strawberries. As a result, numerous Southeast Asian farmers have successful strawberry farms, despite the fact that strawberry is not a fruit that is farmed in Southeast Asian countries.

77 See Arax, Illegal Cash Crops, supra note 3, at 3 (farming is family operation).
78 See generally Capistrano & Marten, supra note 48, at 13 (utilizing simple tools).
79 Sowerwine & Getz, supra note 13, at 27; According to Fair Labor Standards Act, it is a violation of the Act if agricultural workers do not receive minimum wage with the exception that they are immediate family members. See U.S. Dep’t of Labor, Fact Sheet #12: Agric. Employers Under the Fair Labor Standards Act (FLSA) (July 2008), available at http://www.dol.gov/whd/regs/compliance/whdfs12.pdf (establishing that all agricultural employees are governed by federal law regarding wages and work hours).
80 See supra notes 76-78.
81 See supra Part II.C.
82 Stumbos, supra note 60, at 47.
83 Id.
84 See generally Warnert, Healthful Strawberries, supra note 70, at 1 (providing an overview of strawberries stands).
These farmers contributed to the diversity of California’s crops by creating a variety of food for California’s multi-cultural population and ensuring food security for economically disadvantaged communities. The total acreage of oriental vegetables doubled over a ten-year period with production of more than 12,600 tons of crops harvested at a value of $9,600,000.

Southeast Asian farmers have also “improve[d] the local economy by purchasing fertilizers, seeds, plastic, pesticides, backpack sprayers, tractors, rototillers, drip irrigation lines, shovels, hoes, fittings, and other farm equipment.” If Southeast Asian farmers were provided with agricultural government aid and guidance, similar to the education that farm advisors provided regarding the challenges of planting in clay soil, they would continue to prosper and benefit the economy.

III. THE FARM BILLS

A. History of the Farm Bills

The farm bill is a massive piece of legislation pertaining to a variety of topics, with titles dating back to the Great Depression and ranging from food to research-based conservation. This piece of legislation allocates for subsidies in the form of “payments made and other support extended by the United States federal government to certain

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Sowerwine & Getz, supra note 13, at 26.
See id. (dating from 1994-2004 and by 2012 for ten-year period).
Stumbos, supra note 60, at 47.
See supra notes 67-70 and Part II.D.
Laura Collins, Am. Action Forum, The 2014 Farm Bill Subsidy Reforms Don’t Go Far Enough, AMERICANACTIONFORUM.ORG (Feb. 07, 2014), http://americanactionforum.org/research/the-2014-farm-bill-subsidy-reforms-dont-go-far-enough (last visited Nov. 2014); Deborah White, What are U.S. Farm Subsidies?, ABOUTNEWS.COM, http://usliberals.about.com/od/FoodFarmingIssues/a/What-Are-Farm-Subsidies.htm. See generally RALPH M. CHITE, CONG. RESEARCH SERV., R43076, The 2014 FARM BILL (P.L. 113-79): SUMMARY AND SIDE-BY-SIDE, at Summary, CONTENTS, 6-19 (2014) (indicating that farm bill contain a variety of topics and the headings for each sections describe each title). The Agricultural Act of 2014 contains twelve titles: Title I-Commodities; Title II-Conservation; Title III-Trade; Title IV-Nutrition; Title V- Credit; Title VI-Rural Development; Title VII-Research, Extension, and Related Matters; Title VIII-Forestry; Title IX-Energy; Title X- Horticulture; Title XI-Crop Insurance; and Title XII-Miscellaneous. CHITE, supra note 90, at Contents.
farmers and agribusiness.”

With the onset of the Great Depression in the 1930’s, President Herbert Hoover supported taxing the public, with the benefit of that tax aimed toward farm subsidies. Thus began the first government subsidy known as the Farm Board Act. This was groundbreaking, as the government was now heavily involving itself in agricultural matters for the benefit of the public.

The purpose of the Farm Board Act was to allow the government to intervene by purchasing over-produced wheat and cotton, and paying for the storage of those two crops with the intent to sell them later. One unintended, yet significant, consequence of this legislation was a dramatic decrease in specialty crop production in favor of the over-production of wheat and cotton, which many farmers felt would qualify them for the new government subsidies. After President Herbert Hoover’s presidential term expired, President Franklin Roosevelt created the Agricultural Adjustment Act to resolve the problem of wheat and cotton over-production, by paying farmers to cease production of those crops. In addition, he created the “idea of parity” where the prices are fixed at a rate equivalent to rates during excellent years, so that regardless of whether there is an issue of supply or demand, there will be no side effect to the profit farmers receive in return for their produce. When the Great Depression ended, the agricultural world was still governed by the “ideas of payments to reduce crops and fixing prices at higher-than-market levels.”

Since the 1930’s the U.S. government has enacted variations of the farm bill and additional historical pieces of farm legislation. The

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91 White, supra note 90.
93 Id. at 35.
94 See generally id. (breaking precedents of presidents not taxing for the public).
95 See id. at 35.
96 Id.
97 Id.
98 Id.
99 Id.
farm bill is revised, amended, evaluated, or repealed about every five years. During a congressional hearing to make changes and affirm previous programs within the farm bill, if Congress cannot come to an agreement as to amendments, the measures revert back to permanent laws depending on the title under which they fall. These permanent laws are “non-expiring agriculture policies that were established by 1938 and 1949-era farm program laws” that are temporarily suspended when new farm bills are implemented. Congress’s purpose for holding onto the permanent laws, although they are archaic and often detrimental to the economy if allowed to control, is to utilize them as an instrument to induce future Congresses to continue evaluating farm programs. Such an evaluation is certainly overdue where it concerns current loan availability for disadvantaged Southeast Asian farmers.


105 Id.
B. Credit Title: Loans for Beginning Farmers and Ranchers

The most recent farm bill is called the Agricultural Act of 2014 (“the Act”) and will remain in effect until 2018.\textsuperscript{106} The USDA has authorized the Farm Service Agency (“FSA”) to administer the Act.\textsuperscript{107} The Credit Title of the Act came about with the inception of the Consolidated Farmers Home Administration Act of 1961.\textsuperscript{108} The Consolidated Farmers Home Administration Act of 1961 first came into fruition fifteen years after the Farmers Administration Act of 1946, in response to the evolving agricultural world.\textsuperscript{109} Congress was forced to expand the agriculture credit programs to consider modern farming technologies and resources and to concurrently amend prior loans that no longer fulfilled their purpose.\textsuperscript{110} The Consolidated Farm and Rural Development Act of 1961, originally called the Farmers Home Administration Act of 1961, became the permanent law that authorized the USDA agricultural credit and rural development programs.\textsuperscript{111}

The purpose of the Credit Title is to allow the USDA to provide “direct and guaranteed loans to farmers and ranchers who have been denied direct credit by commercial lenders but have the wherewithal to repay the loan.”\textsuperscript{112} The Credit Title consists of subsections for each of the following: farm ownership loans, farm operation loans, emergency loans, administrative provisions, and miscellaneous.\textsuperscript{113} Within these subsections, there are segments designated for farm ownership loans and operating loans, as well as authorized programs that are geared

\begin{footnotes}
\item[106] See Farm Serv. Agency, 2014 Farm Bill, \textit{supra} note 102, at 1.
\item[107] \textit{Id.} (showing that the Agricultural Act of 2014 contains twelve titles: Title I-Commodities; Title II-Conservation; Title III-Trade; Title IV-Nutrition; Title V-Credit; Title VI-Rural Development; Title VII-Research, Extension, and Related Matters; Title VIII-Forestry; Title IX-Energy; Title X- Horticulture; Title XI-Crop Insurance; and Title XII-Miscellaneous).
\item[109] \textit{Id.} at 510.
\item[110] \textit{Id.}
\item[111] \textit{See} Curry, 541 F.Supp. at 510-511 (establishing that the Consolidated Farm and Rural Development Act of 1961 is the parent statute whose nature of providing farm loans remain unchanged). Chite, \textit{supra} note 90, at 12.
\item[112] Chite, \textit{supra} note 90, at 12.
\end{footnotes}
toward helping beginning farmers and ranchers, as well as socially disadvantaged applicants.\textsuperscript{114}

The federal government understands that new farmers and ranchers struggle to find and purchase land, so the USDA created programs with the intent of assisting farmers to buy and operate land, procure farm equipment, and establish credit.\textsuperscript{115} The FSA, also considered the Lender of First Opportunity, gives farmers who were unable to obtain commercial loans an opportunity to get subsidized farm loans through the federal government.\textsuperscript{116} The agricultural loans are designed to assist new farmers, or an individual in a protected class that has been discriminated against, regardless of the applicant’s identity or individual qualities.\textsuperscript{117}

The FSA offers loans for farm ownership, farm operation, conservation, or emergency.\textsuperscript{118} There are five different types of loan programs: Direct Farm Ownership, Direct Down Payment, Direct Operation, Direct Guaranteed Farm Ownership, and Microloans.\textsuperscript{119} Each type of program has its own use.\textsuperscript{120} For example, if a farmer needs help with expanding his or her farm, paying for closing costs, water conservation, or protection, then the farmer should apply for Direct Farm Ownership Loans.\textsuperscript{121} If the farmer is interested in purchasing livestock, farm equipment, minor home repairs or farm operating expenses, then the farmer should apply for Direct Operation Loans.\textsuperscript{122} Each of these loans has its maximum loan amount, rates, and

\begin{thebibliography}
\bibitem{115} FARM SERV. AGENCY, \textit{supra} note 114, at 7.
\bibitem{116} \textit{Id.} at 7, 16.
\bibitem{117} \textit{Id.} at 16.
\bibitem{118} \textit{Id.} at 9.
\bibitem{120} FARM SERV. AGENCY, \textit{supra} note 114, at 9.
\bibitem{121} \textit{Id.} at 10.
\bibitem{122} \textit{Id.}
\end{thebibliography}
terms. The applicant may concurrently apply for more than one type of loan, depending on the applicant’s need. Despite the existence of these various loan opportunities, Southeast Asian farmers face significant, and often insurmountable challenges when seeking to secure financial aid for their agricultural endeavors.

IV. OBSTACLES SOUTHEAST ASIAN FARMERS ENCOUNTER IN SECURING LOANS

A. Intent of Credit Title as Social Welfare Legislation

The Credit Title originated from the Bankhead-Jones Tenant Act of 1937, which was additional legislation to the farm bills. The Bankhead-Jones Tenant Act of 1937 transformed into the Consolidated Farm and Rural Development Act, and is now part of the Credit Title in the Act. In *Curry v. Block* 541 F.Supp. 506 (1982), a persuasive case out of the Southern District of Georgia, the court held that the Consolidated Farm and Rural Development Act was social welfare legislation to aid farmers who are “underprivileged.” Social welfare legislation was described as legislation that: 1) imposes “a minimum standard of living”; 2) applies to “a group that falls below the minimum” standard; and 3) establishes programs to assist “that group to reach or approach the minimum standard.” In *Califano v. Aznavorian* 439 U.S. 170 (1978), it was stated that “social welfare legislation . . . involves drawing lines among categories of people . . . .” Social welfare legislation helps members of the public who are in need, ranging from persons who are unemployed to those who are physically or mentally handicapped.

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123 *Id.* at 12.
124 *Id.* at 10.
125 See infra Part IV.A.2.
126 See generally *Curry*, 541 F.Supp. at 510 (establishing that Congress passed the Bankhead-Jones Tenant Act of 1937 which provided for concept of farm loan programs that still remains today).
127 See *id.* at 510 (showing statute name changed); Agric. Act of 2014, *supra* note 113.
128 *Curry*, 541 F.Supp. at 511.
131 Friedman, *supra* note 129, at 217.
In *Curry*, the plaintiffs were a class of farmers who had acquired agricultural credit pursuant to the Consolidated Farm and Rural Development Act. Hostile weather and a depressed economy caused undue financial hardship upon the farmers. They turned to the loan programs for help and, when they were denied their rights provided by the Consolidated Farm and Rural Development Act, sought intervention from the court. The court focused on the history of the government’s issuance of farm loans and the legislative objective of helping farmers who had been unsuccessful in obtaining loans from other lenders. The court cited congressional record regarding the farm loans which stated that Congress had given the Secretary of Agriculture the power to “the postpone payment of principal and interest on [] loans for farmers hard pressed due to natural disasters.” The court determined that the agricultural credit program served two legislative functions, acting as both social welfare legislation and legislation for high risk farm loan applicants. The *Curry* court found that the legislature’s goal was to keep farms in business because “Congress is demanding that the [FSA] strike a balance between the business nature of the loans and the predominant social welfare nature of the legislation by buying those farmers crippled by circumstances beyond their control a little time to get back on their feet.”

The Credit Title came about because the Consolidated Farm and Rural Development Act is the permanent law for this title. The Credit Title is social welfare legislation. This title was purposefully created with the intent to alleviate the financial burdens facing new farmers and ranchers and the socially disadvantaged, so they may be

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132 *Curry*, 541 F.Supp. 506.
133 *Id.* at 509.
134 *Id.* at 508-509.
135 *Id.* at 509-510.
136 *Id.* at 516, 518.
137 *Id.* at 519.
138 *Id.* at 513.
139 *Id.* at 518. The Farmers Home Administration (FmHA) is currently known as Farm Service Agency (FSA). *Farm Serv. Agency, U.S. Dep’t of Agric., Agency History, FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE* (Jan. 9, 2008), http://www.fsa.usda.gov/FSA/webapp?area=about&subject=landing&topic=ham-ah.
140 CHITE, *supra* note 90, at 12.
141 See *Curry*, 541 F.Supp. at 510, 514 (establishing that farm legislation name changed and farm loans are social welfare legislation); *see supra* note 134.
able to start a farming business and build their credit. The FSA’s goal is to ensure that farmers or ranchers build enough credit to attain a commercial loan without the government’s assistance. To achieve that goal, the FSA has implemented different agricultural loan programs with strict eligibility requirements. However, in their current form, such requirements thwart attempts by disadvantaged groups, such as Southeast Asians, to attain farm loans intended for applicants in similar circumstances and undermine the very purpose of the FSA.

1. Relevant Eligibility Criteria for Obtaining Farm Loans

There are many factors that the FSA considers when making a determination as to whether an applicant may receive a government loan, but the factors relevant to Southeast Asian farmers require that an applicant be a disadvantaged beginning farmer, a legal resident, have no government debt, submit a business plan, have a credit history, prove an attempt at obtaining a loan, and secure the loan with a lien.

The first eligibility factor demands that the applicant be a socially disadvantaged beginning farmer or rancher who began farming less than ten years prior to seeking the loan. A socially disadvantaged farmer or rancher includes an individual that is Asian, Hispanic, a woman, African American, Native American, Alaskan Native, Native Hawaiian, or Pacific Islander. Southeast Asians commonly qualify as both socially disadvantaged farmers and beginning farmers. The term Asian is incredibly broad. There are an estimated 17.3 million residents of Asian descent in America. In this context, an individual

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142 FARM SERV. AGENCY, supra note 114, at 16.
143 Id. at 7.
144 Id. at 18-21.
145 See generally Curry, 541 F.Supp. at 511 (establishing that agricultural credit designed to aid farmers who need help).
146 FARM SERV. AGENCY, supra note 114, at 18-21. See U.S. Dep’t of Agric., supra note 114, at 1-2 (establishing eligibility factors to qualify for farm loans).
147 FARM SERV. AGENCY, supra note 114, at 17.
148 Id.
149 See id.
151 See id. at 6.
of Asian descent originates from Southeast Asian countries, such as India, China, Korea, Philippine Islands, or Pakistan. By 2010, there were 1,174,651 Southeast Asian refugees who immigrated to the U.S.; however, by 2012, there were only 13,669 Asian farmers. These types of loans would apply to Southeast Asians regardless of how long they have been farming.

Another requirement mandates that the applicant must be either a U.S. citizen, national, or resident alien. The Immigration Act of 1965 permitted an influx of immigrants from Southeast Asia after the Vietnam War. The Refugee Act of 1980, with the goal of reuniting families, has allowed more Southeast Asian immigrants into America. By 2010, there were a total of 989,871 Southeast Asian refugees who naturalized as U.S. citizens. Also by 2010, there were 422,063 Southeast Asian refugees recorded as permanent resident aliens. Of that total, 30,632 came from Vietnam, 12,925 from Burma, and the rest were other Asian ethnicities. As a result, a large number of Southeast Asian applicants are either U.S. citizens or resident aliens and will satisfy this second requirement.

152 Id. at 3.
155 See FARM SERVICE AGENCY, supra note 114, at 16, 17.
156 Id. at 20.
158 See id. (indicating that the Refugee Act of 1980 aided reunification of families and brought order to admission of immigrants coming from Southeast Asian war zones).
159 SOUTHEAST ASIA RES. ACTION CTR., STATISTICS ON SOUTHEAST ASIANS, supra note 153, at 8.
161 Id.
162 See supra notes 157-161.
The “no debt forgiveness” criterion necessitates that the applicant has not received debt relief and have not defaulted on any existing debt to the government.\textsuperscript{163} Prior to having outstanding debts from the government, the Southeast Asian farmer would need to have knowledge that there are government loans available.\textsuperscript{164} A study on whether the general public is aware of the government’s farm loan subsidy demonstrated that minorities still have not heard about such government subsidies and more effort is needed to reach out to these communities.\textsuperscript{165}

These criteria fulfill the legislative intent described in Curry of assisting a minority group because the eligibility requirements are set at standards that are easily attainable for a disadvantaged group.\textsuperscript{166} Southeast Asian farmers should reap the benefits of these farm loans, as it would further the stated purpose of aiding a disadvantaged group.\textsuperscript{167}

2. Elements that Impede Southeast Asian Farmers in Qualifying for Farm Loans

As found in Curry, the legislative history showed that the Secretary of Agriculture has the authority to make changes to arduous eligibility factors that fail to assist farmers who need financial support.\textsuperscript{168} However, the lines drawn\textsuperscript{169} from this point forward are complex webs of minimal standards un navigable for the underprivileged.\textsuperscript{170} The following eligibility requirements of the FSA hinder the Southeast Asian applicants’ access to government subsidies that would help elevate their financial standing.\textsuperscript{171}

\textsuperscript{163} FARM SERV. AGENCY, supra note 114, at 20.
\textsuperscript{164} See generally Nat’l Sustainable Agric, Coal., Microloans Reaching Farmers, supra note 27, at 1, 3 (showing through research that only a small number of loans have been granted throughout the nation).
\textsuperscript{165} Id.
\textsuperscript{166} See supra Part IV.A.1.
\textsuperscript{167} See generally Curry, 541 F.Supp. at 511 (permitting the underprivileged to obtain loans).
\textsuperscript{168} See id. at 510.
\textsuperscript{169} See Califano, 439 U.S. at 174 (drawing lines as standards); Friedman, supra note 129, at 220 (setting minimum standards as guidelines for status).
\textsuperscript{170} See infra Part IV.A.2.
\textsuperscript{171} See generally Nat’l Sustainable Agric, Coal., Microloans Reaching Farmers, supra note 27, at 3 (getting loans were unsuccessful). See infra Part IV.B.
The demanding standard requiring submission of a business plan requires that an individual applicant farmer first write a business plan.\textsuperscript{172} The purpose is to show that the farmer has a projected future plan and that he or she understands all parts of the farm operation.\textsuperscript{173} A business plan assists lenders in determining whether a farmer has the financial ability to repay a loan.\textsuperscript{174} The business plan must describe the following in detail: the vision, goal, and mission for the farm; current assets (property or investments owned) and liabilities (payments, debts, or loans owed); what the operation will produce and how is it going to be marketed; and whether the income will generate enough to pay for the business and family living expenses.\textsuperscript{175}

In \textit{Curry}, the court emphasized that social welfare legislation is written to support the underprivileged in meeting a proposed guideline.\textsuperscript{176} Requiring Southeast Asian applicants to formulate a detailed business plan frustrates the purpose of the Credit Title.\textsuperscript{177} Southeast Asian farmers face both cultural and language barriers.\textsuperscript{178} Making a business plan is a difficult task for them, as many do not have access to a computer and are not formally educated.\textsuperscript{179} A reason for their lack of education is that “they are more likely to come from rural backgrounds in their native countries,” and have less command of the English language.\textsuperscript{180} A 2012 study by the Southeast Asia Resource Action Center revealed that Southeast Asians “continue to face issues of limited English proficiency.”\textsuperscript{181} Furthermore, many are

\begin{footnotesize}
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\item[172] \textsuperscript{Farm Serv. Agency, supra note 114, at 23. See generally Nat’l Inst. of Food and Agric., \textit{Hmong Am. P’ship, supra} note 7, at 2 (showing that only eleven percent have business plan).
\item[173] \textsuperscript{Farm Serv. Agency, supra note 114, at 22.}
\item[174] \textsuperscript{Id. at 24.}
\item[175] \textsuperscript{Id. at 23.}
\item[176] \textsuperscript{See Curry, 541 F.Supp. at 511 (establishing that the social welfare legislation helps farmers who are in need of aid because they are underprivileged).}
\item[177] \textsuperscript{See infra notes 178-184.}
\item[178] \textsuperscript{See \textit{Riamsalio Phetchareun, Southeast Asia Res. Action Ctr., Encouraging Econ. Empowerment: A Report on the Fin. and Banking Capabilities of Southeast Asian Am. Communities in California} 7, 12, 14 (May 2012), available at http://www.searac.org/sites/default/files/SEARAC_2012_MAY_FINAL.pdf; see infra notes 184-7.}
\item[179] \textsuperscript{Phetchareun, supra note 178, at 14.}
\item[180] \textsuperscript{Id. at 11.}
\item[181] \textsuperscript{Id. at 12.}
\end{enumerate}
\end{footnotesize}
unable to read or write in their native language. Research found that out of fifty-six farmers surveyed, only eleven percent of the responders had a business plan. “Southeast Asian farmers need access to culturally appropriate education and support to help make the shift from income-generating farming activities to wealth-generating farming businesses.” Without this education and support, the requirement of submitting a business plan merely serves to block the path to self-sufficiency for this disadvantaged group.

The FSA imposes the challenging eligibility requirement that the applicant have a good credit history. Many Southeast Asian farmers have very little knowledge or experience involving credit; therefore, this criterion will adversely affect their opportunity to apply for loans. In a survey done by the Southeast Asia Resource Action Center in May of 2012, all of the 174 Southeast Asian participants had “little to no formal training in financial management.” Those born outside of the United States did not receive any training at all. The majority of those who came to the group discussion were aware that they needed to learn more about credit building and credit scores, as this would affect their ability to borrow for large purchases . . . .

The participants would only seek to use a credit card or ask their family and friends for help if they needed to make a large purchase or if there was an emergency. The study found that because of their social ties to the community, Southeast Asians favor asking friends and families for help when they suffer any hardship over seeking loans from the bank. Additionally, there is a fear of making an appearance at the bank because the bank industry lacks a diverse staff pool. All participants questioned agreed that there should be more education on use of credit, savings, banking, and other important financial tools.

183 Id.
184 Id. at 1.
185 See supra notes 176-184.
186 FARM SERV. AGENCY, supra note 114, at 19.
187 See PHETCHAREUN, supra note 178, at 20.
188 Id.
189 Id.
190 Id.
191 Id. at 23.
192 Id. at 23.
193 See id. at 21.
194 Id. at 20.
As it stands, the good credit history requirement undermines the purpose behind the Credit Title.\textsuperscript{195} Additional eligibility standards require individual applicants to demonstrate that they have previously attempted to apply for a reasonable loan which resulted in denial and to show that they can come up with a cash down payment of at least five percent.\textsuperscript{196} These requirements contradict the aforementioned good credit history standard because one of the reasons for rejection of a reasonable loan is a denial for poor or no credit history.\textsuperscript{197} Southeast Asian applicants who have a very limited knowledge about credit would lack credit history and be refused a reasonable loan.\textsuperscript{198} The cash down payment standard necessitates that the applicant have a cash down payment of at least five percent of the loan amount.\textsuperscript{199} The majority of Southeast Asians are utilizing some type of government assistance because their living standard does not meet the general public minimum standard; therefore, it is unlikely that they will have a large savings account or that they will be able to otherwise afford a down payment of this size.\textsuperscript{200} A provision to toll the payment for a certain number of years would allow the Southeast Asian farmer applicant to begin generating a source of income from the farm business, in order to pay the government back. The government has already provided concessions for other groups of interest, as it did in implementing the Veteran’s Home Loan program and first time homebuyer program.\textsuperscript{201} In the Veteran’s Home Loan program, military members with Veteran’s status are afforded an opportunity to obtain a home loan with a zero

\textsuperscript{195} See supra note 175 and notes 185-192.
\textsuperscript{196} \textit{FARM SERV. AGENCY}, supra note 114, at 19.
\textsuperscript{197} See generally \textit{id.} (requiring that applicants have good credit).
\textsuperscript{198} See supra notes 186-191.
\textsuperscript{199} \textit{FARM SERV. AGENCY}, supra note 114, at 18.
down payment.\textsuperscript{202} The first time homebuyer program includes a requirement for a down payment of 3.5 percent of the total loan.\textsuperscript{203} What these programs share in common is that they cater to specific groups of people and provide those groups with an opportunity to buy a home.\textsuperscript{204} There is no requirement that the applicants be underprivileged or in a position that necessitates government assistance before they can receive assistance without strenuous burden of proof that prevents them from obtaining such prospect.\textsuperscript{205} Similarly, the farm loan program sought to provide a specific group of people, beginning or disadvantaged farmers, a chance to start a successful business.\textsuperscript{206} The government should apply the same principle to farm loans and toll repayment periods.

Congress also created the Microloans program as an additional means of aiding applicants who have no farming experience.\textsuperscript{207} This loan requires less paperwork and has a maximum loan amount of $35,000.\textsuperscript{208} The Microloans must be secured by either a first lien on a farm property or an agricultural product with a value of at least one hundred percent of the Microloan amount.\textsuperscript{209} For this type of loan, the applicant farmer has seven years to pay it back.\textsuperscript{210} The only requirement for a Microloan is that the applicant must have the ability to secure the loan with a lien that has comparable value; however, the loan can only be used for furniture, fixtures, working capital, equipment, or inventories.\textsuperscript{211} Because the maximum amount allowed is so minute, it cannot be used to purchase an adequate plot of land that

\textsuperscript{203} U.S. Dep’t of Hous. and Urban Dev., \textit{supra} note 201.
\textsuperscript{204} See \textit{Mortg. Bankers Ass’n, supra} note 201 (catering to particular groups with incentives that help them obtain loans).
\textsuperscript{205} See \textit{generally id.} (requiring only the minimum requirements as described by each category to obtain the loans).
\textsuperscript{206} \textit{FARM SERV. AGENCY, supra} note 114, at 16.
\textsuperscript{208} \textit{Id.}
\textsuperscript{209} \textit{Id.}
\textsuperscript{210} \textit{Id.}
would generate an income-producing farm. This is especially true since, on average, an acre of land is approximately more than two thousand dollars.

The eligibility requirements that demand a business plan, good credit history, prior loan application attempt, and lien requirement have contradicted Congress’ intent by preventing the Southeast Asian applicants - a disadvantaged group - the opportunity to benefit from the government’s offerings. These criteria frustrate the purpose of social welfare legislation, as established by the court in Curry, and prevent Southeast Farmers from realizing an opportunity to sustain a successful farming business.

V. RECOMMENDATIONS

When the Agricultural Act of 2014 is up for review by Congress in 2018, to make amendments as it deems necessary and repeal any provisions that adversely affect the community, Congress should remove the eligibility requirements of good credit history and a prior attempt at securing a loan that resulted in denial. The good credit history requirement should be removed because it defeats Congress’ intent of aiding the “underprivileged.” It is highly unlikely that an individual who is “underprivileged” will have the necessary credit history to obtain a loan. In addition, compelling good credit history contradicts the requirement that before the individual can obtain a farm loan they have to satisfy the requirement of applying for a reasonable loan and have been denied. If an individual has been denied a loan from a commercial lender, due to unsatisfactory credit, then they will have already failed to meet the good credit history requirement of the


213 See generally id. (using the map, look for the amount of money per acreage in regional areas).

214 See supra Part II.A.2. See also Curry, 541 F.Supp. at 511 (establishing that social welfare legislation helps the underprivileged).

215 See supra Part IV.A.2.

216 See Curry, 541 F.Supp. at 511.

217 See supra note 215.

218 See supra note 194.
FSA. The bank industries need safeguards in place to assure that they will make some profit from helping the disadvantaged, but this should not be a reason to make it impossible for minority applicants to secure aid from the government. As deduced in Curry, less deference should be given to the banks because this legislation is social welfare legislation.

In terms of the business plan, the FSA should maintain multi-cultural staff members who can assist Southeast Asian farmers, and other minorities who are interested in applying for a farm loan, but do not know how to read or write in English. If the applicants have satisfied all the preliminary eligibility criteria and the business plan remains, the FSA agents assigned to the different applicants should be available to assist applicants in getting their ideas transcribed onto paper. The purpose of assisting this category of people is to help guide them toward the minimum standard because they have fallen below the proposed standard. The complex task of writing a detailed business plan will hinder, not guide, this group from attaining a FSA loan.

In addition, Congress should remove the down payment criteria and add a provision to toll payment for three years in order for the Southeast Asian farmers to realize some profits that will permit them to make payments on their farm loans. This would be similar to the Veteran’s Home Loan program that allows Veterans to apply for loans without any down payment. An incentive should be granted to Southeast Asian applicants who have fought alongside the United States during the Vietnam War. Because they were recruited as soldiers fighting for America, they should be afforded an incentive to both become more self-sufficient in starting their own business and stop relying on the federal government indefinitely for an income. Southeast Asian farmers should be afforded similar treatment as Veterans.

By affording the Southeast Asian farmers such an incentive, it will enable the poor to learn how to manage their own business and reduce reliance on the government for assistance. The legislature’s clear

See supra note 212.
See Curry, 541 F.Supp. at 513-514 (establishing that legislation in favor of helping underprivileged, not businesses).
See id. at 514.
See supra notes 130-131.
See supra notes 172-185.
See supra note 202.
intent of drafting social welfare legislation to aid a socially disadvantaged group will have been a wasted effort if the funds and regulations that have been preserved for them were not utilized because the eligibility criteria were set at a standard that is unreachable by the underprivileged. 225

VI. CONCLUSION

Southeast Asians sought refuge in America, fleeing war and persecution in their native countries. 226 Although skilled at working their native soil and resourceful in applying traditional farming methods, these immigrants’ techniques did not translate well to American geography. 227 Cultural and socio-economic barriers have made it difficult for them to adapt and learn the new trades. 228 Although some managed to work small plots for a minimal income and have managed to contribute greatly to the diversity of food available in the United States, others have resorted to illicit activities, such as marijuana cultivation, to make a living or have resigned themselves to public assistance. 229 If Congress is interested in curbing such illegal activity and helping Southeast Asians pull themselves above the poverty line, changes will have to be made to the farm bill. The subsidies offered to other farmers and the loans offered to similarly disadvantaged citizens should be made equally available to this vulnerable population. By amending the farm bill in a way that relaxes the criteria under which an applicant may receive funds and guidance, Southeast Asian farmers will find themselves qualified for much-needed assistance—assistance that can ultimately be repaid to society through the efforts of its recipients. However, if Congress allows unreasonable qualifications to continue creating barriers to assistance for those like Southeast Asian farmers, it will ultimately undermine the very purpose for which the farm bills were created and cause the good intentions guiding the creation of this revolutionary body of law to fall short.

225 See supra Part IV.A.2.
226 See supra Part II.A.
227 See supra Part II.C.
228 See supra Part II.C.
229 See supra Part I.
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