

04-01-09

## **Senate Ag Committee promises swift USDA confirmations**

By Jon H. Harsch

© Copyright Agri-Pulse Communications, Inc.

Impatient to accelerate full implementation of 2008 Farm Bill provisions, Senate Agriculture Committee Chair Tom Harkin (D-IA) promised accelerated action on confirming three key USDA nominations: Kathleen Merrigan for Deputy Secretary of Agriculture, Jim Miller for Under Secretary for Farm and Foreign Agriculture Services, and Joe Leonard, Jr. for Assistant Secretary for Civil Rights.

As he closed Wednesday afternoon's confirmation hearing for the three nominees, Harkin gave senators just three hours to submit any additional questions – and gave USDA just one day to provide responses. The goal is full Senate confirmation of Merrigan, Miller and Leonard before Congress heads home for Easter.



**Kathleen Merrigan, Joe Leonard, Jr. & Jim Miller at their Senate confirmation hearing. Photo: Alice Welch, USDA**

Committee questioning and comments focused on two main issues: improving USDA's performance on civil rights and Farm Bill implementation. Harkin pointed out that civil rights problems at the department have been an ongoing concern for more than 15 years and that "USDA has a vast backlog of race discrimination claims from employees and customers." He noted that "African-American farmers continue to file and seek to settle cases involving the Pigford litigation" and that "Native American, Hispanic and female farmers are all currently suing the Department for program discrimination." Harkin and

Ranking Member Saxby Chambliss (D-GA) welcomed Leonard's commitment to tackle civil rights problems and Harkin noted that Agriculture Secretary Tom Vilsack is firmly committed to dealing with past complaints and eliminating discrimination going forward.

Both Merrigan and Miller made it clear that they are committed to implementing Farm Bill provisions as quickly as possible, including finalizing rules for new emergency disaster provisions and the Biomass Crop Assistance Program (BCAP).

Senator Chambliss called on Merrigan, a long-time advocate of organic agriculture, to assure the committee that she will serve all parts of U.S. agriculture. For an audio report on the exchange and Merrigan's assurances which satisfied the senator's concerns, click on Stewart Doan's News Network update for Wednesday.

In her testimony, Merrigan noted that after her own six years on the Senate Agriculture Committee staff helping draft farm legislation, "I came to understand first-hand how essential it is for members of the committee to receive timely, robust, and honest assessments from the Administration on issues before the committee. For this reason, I want to begin my testimony pledging that, if confirmed, I will always prioritize answering the committee's questions and calls for assistance."

Merrigan, who served previously at USDA as Administrator of the Agricultural Marketing Service, also emphasized her own commitment to Farm Bill implementation. She explained that "I understand that farmers and ranchers need certainty. In some areas of the country, farmers have already begun or are about to begin planting and they need to fully understand the programs that they will be utilizing. If confirmed, I understand that it will be my job to assist the Secretary and other leaders in the department to ensure that this law is implemented as Congress intended and as quickly as possible."

Miller promised to deal with "The cost/price squeeze faced by producers in each agriculture sector and each region of the country" and to ensure that in the important areas of civil rights, "Discrimination in any form will not be tolerated." Reflecting the wide reach of his responsibilities if confirmed as Under Secretary for Farm and Foreign Agriculture Services, Miller said he is determined to:

- Conclude the Departmental review of the 2008 Farm Bill regulations promulgated by the previous administration and press to issue the regulations pertaining to the 2009 commodity programs as well as other important provisions such as the Conservation Reserve Program (CRP) and the Biomass Crop Assistance Program (BCAP) as soon as is practical.
- Ascertain the status and expedite the process of developing the regulations pertaining to the implementation of the disaster provisions of the 2008 Farm Bill as amended by subsequent legislation.
- Examine the tools available to the Department to help alleviate the crisis conditions that exist within specific sectors of production agriculture such as dairy.
- Review the public comments and initiate the process to promulgate the rules pertaining to the payment limitation provisions for the 2010 commodity program year.
- Work to ensure the agriculture export programs supported by the Foreign Agriculture Service continue to meet the needs of the cooperator groups and

stakeholders in their efforts to expand U.S. agriculture sales abroad and help alleviate hunger overseas.

- Implement the modifications to the federal crop insurance program as prescribed by the 2008 Farm Bill.
- Initiate preparations for the upcoming round of negotiations of the Standard Reinsurance Agreement between USDA and its private sector insurance partners.
- Work within the Department and with Congress to develop a realistic and workable plan to modernize the information technology at USDA necessary to ensure the efficient delivery of its programs.

To read the full Merrigan, Miller and Leonard statements, or watch a video of the confirmation hearing, click on: <http://agriculture.senate.gov/>



04-29-09

## House hearing highlights USDA steps to end discrimination

By Jon H. Harsch

© Copyright Agri-Pulse Communications, Inc.

Coinciding with a House Agriculture subcommittee hearing on civil rights issues at USDA, Agriculture Secretary Tom Vilsack said Wednesday that "One of the most important issues to President Obama and to me is civil rights and we have taken a number of actions to ensure that all Americans have access to USDA services and that the employees here at USDA and across the country and across the globe are treated equally and fairly."

In the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry hearing, the new USDA Assistant Secretary for Civil Rights (ASCR), Dr. Joe Leonard Jr., told members that in his 23 days as ASCR, "I have met several times with Secretary Vilsack and other senior leadership, OASCR employees, and begun my initial assessment of civil rights in the Department. After several sessions with the Secretary, I can assure you he is committed and is the driving force to turn around civil rights at USDA." Leonard said Vilsack is committed to "forever close the chapter of USDA as the last plantation"

Subcommittee Chair Joe Baca (D-CA) made it clear that a great deal of work needs to be done to correct "decades of failed attempts." He noted that both in hiring and in administering USDA programs, "For too long the reputation of USDA has been marred by discrimination." In particular he pointed out that "of the 14,000 complaints that have been filed since 2000 with the ASCR, only four were actively being investigated" by the previous administration. He called for ending "the abuse suffered by African Americans, Hispanic, Native American and other minority farmers."

The subcommittee's Ranking Member, Jeff Fortenberry (R-NE), agreed. He said that "All farmers deserve equal access to USDA programs regardless of race, ethnicity or gender. This committee feels strongly about ensuring that USDA is administering all of its programs in an equitable and just manner. The outcomes of today's hearing will help us continue proper oversight responsibilities."

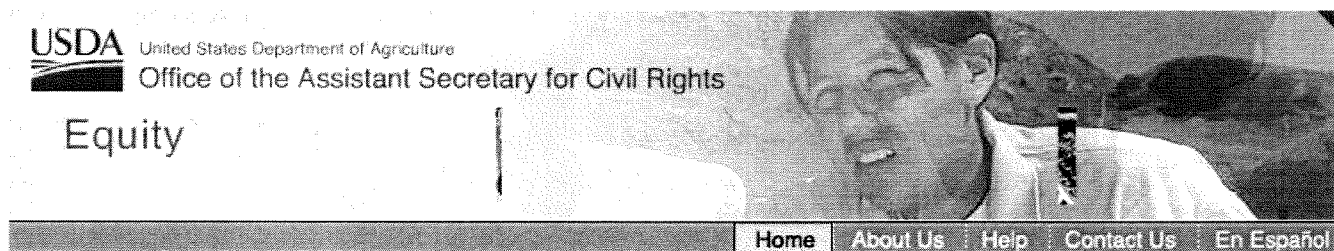
Speaking "As one who grew up on a black farm in rural South Carolina, one who comes from a long line of black farmers," Rep. David Scott (D-GA) said that "in the short

period of time that he's been in office, Secretary Vilsack has done a tremendous job, especially in his outreach to the minority farmer community and understanding and having a full grasp of the dimensions of the past vestiges of prejudice and discrimination that has applied to black farmers. So I want to commend Secretary Vilsack for his aggressive efforts to reverse course at the United States Department of Agriculture and correct its shameful civil rights legacy."

Testifying in the hearing along with Dr. Leonard was Lisa Shames, Director of the Natural Resources and Environment Division of the U.S. Government Accountability Office (GAO). She wrote the 22-page GAO report that was highlighted at the hearing. The report includes a series of GAO's recommendations on what USDA needs to do to correct USDA's civil rights problems. Shames said it is a positive sign that under Dr. Leonard, "USDA is beginning to take steps on all of our recommendations" and that "All bodes well looking forward." Still, she warned, "for underperforming organizations, it takes time to turn them around" and in this case "could take as long as five years, possibly seven years." She recommended an oversight board and a civil rights ombudsman at USDA to make sure that planned improvements are delivered as promised.

In response to members' questions, Leonard said that with only 23 days on the job, it's too soon for him to be sure about ending discrimination at USDA but that "I do believe the culture can change." Answering questions from Rep. Fortenberry, Dr. Leonard noted that 97 percent of discrimination complaints come from just 14 states. He pointed out one problem in handling these complaints has been that "since 1983 USDA has not had any investigators" to follow up on civil rights complaints. He said USDA is now considering hiring investigators once again.

Both GAO's 22-page report on USDA, "Recommendations and Options Available to the New Administration and Congress to Address Long-Standing Civil Rights Issues," and Assistant Secretary for Civil Rights Dr. Joe Leonard's statement are available at:  
<http://agriculture.house.gov/hearings/statements.html>



## Search

Go

## Browse by Subject

- ▶ Discrimination Complaint Filing By USDA Customers
- ▶ Discrimination Complaint Filing By USDA Employees
- ▶ Directives and Regulations
- ▶ Reports
- ▶ Early Resolution and Conciliation

You are here: Home /

## Welcome to the Office of the Assistant Secretary for Civil Rights (OASCR)

### Civil Rights at USDA: A Backgrounder on Efforts by the Obama Administration

For decades, the United States Department of Agriculture had an unfortunate and checkered history with regards to civil rights. Reports going as far back as the 1960's have found discrimination at USDA in both program delivery and the treatment of employees, and we are the subject of a number of lawsuits brought by minority farmers and ranchers alleging discrimination. This reputation is so pervasive that USDA has been called "the last plantation." The bottom of this document addresses this history in more detail in a section entitled "A Brief History of Discrimination at USDA."

President Obama and Secretary Vilsack have made civil rights a top priority for the Department, and USDA is working to turn the page to move into a new era for civil rights. We are correcting past errors, learning from mistakes, and taking definitive action to ensure that there is no disparity in program benefits based on race, color, sex, age, sexual orientation or disability. It is Secretary Vilsack's goal that the USDA achieves Abraham Lincoln's vision of "the people's department" where each employee and customer is treated fairly and equitably.

Read more about Secretary Vilsack's efforts to address discrimination at USDA.

## See Also

- ◉ Frequently Asked Questions

## I Want To...

- ◉ File a Program Discrimination Complaint
- ◉ File an Equal Employment Opportunity Complaint
- ◉ Learn about Pigford v Glickman

## Media Help

- To view PDF files you must have Adobe Acrobat Reader installed on your computer.

### Passage of the Claims Settlement Act of 2010

On November 30, 2010 the House of Representatives joined the Senate in passing the Claims Settlement Act of 2010, which President Obama will sign into law. This Act will provide long-awaited funding for the agreements reached in the Pigford II lawsuit.

Agriculture Secretary Tom Vilsack today issued the following statement on the final passage of the Claims Settlement Act: "President Obama and I made a firm commitment not only to treat all farmers fairly and equally, but to right the wrongs in USDA's past. I applaud those who took this historic step to ensure black farmers who faced discrimination by their government finally receive justice. And I commend those who led this fight in the U.S. Congress and I am thankful for their unwavering determination.

Today's vote will help the Department of Agriculture move beyond this sad chapter in history. The bill that passed the Senate and House includes strong protections against waste, fraud, and abuse to ensure integrity of the claims process."

USDA cannot provide legal advice, or advice on how to file a claim. For information, please refer to [www.blackfarmercase.com](http://www.blackfarmercase.com), or call 1-866-950-5547.

Read and comment on Secretary Vilsack's blog posting, "Turning the Page on Discrimination at USDA" [here](#).

### **A New Civil Rights Era for USDA**

For decades, the United States Department of Agriculture has had an unfortunate and checkered history with regards to civil rights. Since the day he was sworn in, Secretary Vilsack has made civil rights a priority for the USDA, working to turn the page on the Department's tragic record. He pledged that we would correct past errors, learn from mistakes, and take definitive action to ensure that there is no disparity in program benefits based on race, color, sex, age, sexual orientation or disability.

In April 2009, Secretary Vilsack sent a memo to all USDA employees calling for "a new era of civil rights" for the Department. He made it clear that USDA would have zero tolerance for any form of discrimination. And he directed the Office of the Assistant Secretary for Civil Rights to lead a comprehensive program to improve USDA's record on civil rights and move us into a new era as a model employer and premier service provider.

To learn about the steps that Secretary Vilsack's USDA has taken on civil rights please click here: ([HTML](#)) ([PDF 60KB](#))


You can read the Secretary's Civil Rights policy statement here: ([HTML](#)) ([PDF 684 KB](#)).

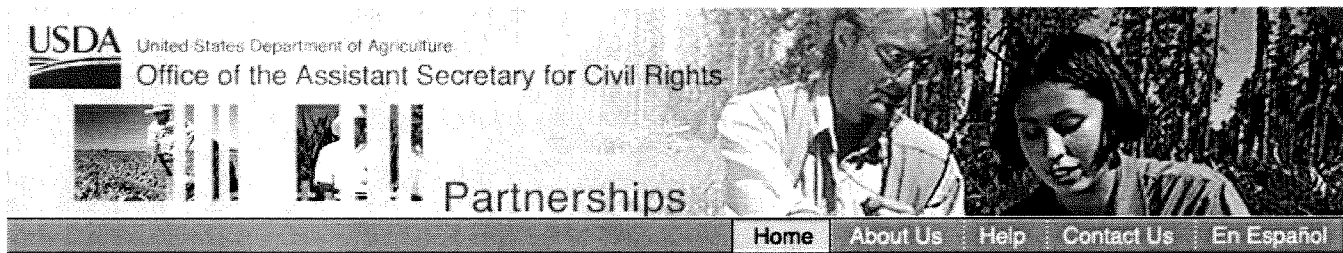
Or read his April 2009 memorandum – A New Civil Rights Era for USDA – which outlined a comprehensive approach to ensure fair treatment of all employees and customers: ([HTML](#))([PDF 184KB](#)).

### **About the Office of the Assistant Secretary for Civil Rights (OASCR)**

OASCR provides overall leadership, coordination, and direction for USDA's civil rights programs, including matters related to program delivery, compliance and equal employment opportunity. They ensure compliance with applicable federal civil rights laws, and are a resource for customers or employees who wish to file complaints of discrimination.

Last Modified: 12/20/2010

 [OASCR Home](#) | [USDA.gov](#) | [OASCR Intranet](#) | [CRES Intranet](#) | [Policies and Links](#) | [OASCR Site Map](#)  
[FOIA](#) | [Accessibility Statement](#) | [Privacy Policy](#) | [Non-Discrimination Statement](#) | [Information Quality](#) | [USA.gov](#) | [Whitehouse](#)



Search

Go

Browse by Subject

Discrimination Complaint Filing By USDA Customers

Discrimination Complaint Filing By USDA Employees

Directives and Regulations

Reports

Early Resolution and Conciliation

You are here: Home /

## Secretary Vilsack's Efforts to Address Discrimination at USDA

Civil Rights Actions In April 2009, Secretary Vilsack sent a memo to all USDA employees calling for "a new era of civil rights" for the Department. He made it clear that USDA would have zero tolerance for any form of discrimination. And he directed the Office of the Assistant Secretary for Civil Rights (OASCR) to lead a comprehensive program to improve USDA's record on civil rights and move us into a new era as a model employer and premier service provider.

- On Secretary Vilsack's first day at USDA, he hosted a live webcast with employees and communicated his commitment to improving the Department's record on civil rights.
- In April 2009, Vilsack suspended all foreclosures in the Farm Service Agency's loan program for 90 days to provide an opportunity to review loans that could have been related to discriminatory conduct.
- Early on in his time at USDA, Secretary Vilsack learned that of the 14,000+ civil rights program complaints filed at USDA between 2001 and 2008, the Bush Administration OASCR found merit to only one complaint of program discrimination. Further, the 2-year statute of limitations had expired for the vast majority of the complaints. In more than 7,000 of the cases the review conducted by the civil rights division was no more than cursory: although they were assigned a case number, no one had even taken the time to determine which USDA agency the complaint concerned. We have taken the following action to address complaints made between 2001 and 2008, to correct past errors, and to ensure a more effective process to address program complaints in the future:
  - Secretary Vilsack created a Program Complaints Task Force, managed by a former Director of USDA's Civil Rights program from 1997-1998. In May 2009, Secretary Vilsack called for a review of 11,000+ of the 14,000+ cases. The Program Complaints Task Force completed a review and determined that 3,800 could have merit. The multi-agency Task Force that worked on this at one point was comprised of 50 USDA employees and legal interns.
  - Unfortunately, the statute of limitations had expired in 80% of the 3,800 cases and it will take an act of Congress to extend the statute of limitations for these cases to be resolved. To this end, we have provided technical assistance to Congress including background information, data, and draft language. And we have worked actively with congressional leadership to include relevant provisions in a legislation passed by the U.S. House of Representatives in December 2009.
  - Among the 3,800 cases that may have merit, the Task Force is working to prepare for closure on those for which they have sufficient information, and to coordinate fact finding in those cases where they do not, once the statute of limitations is passed by Congress.
  - To ensure that a backlog like the one he encountered will not occur under his watch,

### See Also

- [Frequently Asked Questions](#)

### I Want To...

- [File a Program Discrimination Complaint](#)
- [File an Equal Employment Opportunity Complaint](#)
- [Learn about Pigford v Glickman](#)

### Media Help

To view PDF files you must have Adobe Acrobat Reader installed on your computer.



Secretary Vilsack set a policy to resolve all complaints either in formal closure and/or a settlement before the expiration of the statute of limitations. To meet this standard, he restored OASCR's travel budget of \$2.5 million for those investigating the complaints, which had been eliminated, and doubled the number of employees working to process program discrimination complaints.

- After a competitive bidding process, USDA hired a firm to do an independent external analysis of our service delivery programs to identify problem areas and fixes. Jackson Lewis LLP Corporate Diversity Counseling Group is working to review services delivery. Jackson Lewis has completed more than 1,500 interviews of state and local USDA employees in the 16 states where the majority of program complaints originate. They will deliver their report in early 2011.
- Since Vilsack became Secretary, the Office of the Assistant Secretary for Civil Rights has closed all but one of the 47 management challenges recommended by USDA's Office of Inspector General (OIG). This is the first time that the backlog of pending OIG recommendations has been eliminated since they began in 1999.
- The Department upgraded its communication and reporting database (the Civil Rights Enterprise System) which uses information technology advances and resources to improve the quality, timeliness and cost-effectiveness of OASCR services. This system allows us to process, track, and manage civil rights complaints from customers regarding USDA programs, to disseminate reliable data, fulfill time-sensitive reporting requirements and to help the Department identify any emerging trends or problem areas. Prior to this upgrade there was no comprehensive system for tracking civil rights complaints at USDA internally or externally.
- Compliance reviews are a primary tool by which USDA polices itself with regards to civil rights. They are used – both proactively and reactively – to evaluate the civil rights and equal opportunity policies, procedures, practices of an agency within USDA. Secretary Vilsack's OASCR has more than doubled the number of compliance reviews completed to evaluate the effectiveness of selected agencies regarding compliance with civil rights regulations and policies. Since June 2009, Secretary Vilsack's OASCR has conducted more reviews as had been completed in the 3 prior years.
- Civil Rights Impact Analysis (CRIA) is another tool by which USDA polices itself with regards to civil rights. Before implementing a policy, action, rule, or decision that affects USDA employees, customers or its programs activities, an individual agency within USDA must complete a CRIA and submit it to OASCR for approval. Agencies must receive approval of a CRIA on every advisory committee, commission or board appointed at or by USDA, and also when they wish to conduct reorganizations. The CRIA process is designed to ensure that the civil rights impact of any of these changes is considered, and to offer recommendations of how these might be mitigated. In 2008, the final year of the prior administration, OASCR failed to use this process in a meaningful way – none of the numerous CRIAs were rejected or even flagged for additional recommendations. Since 2009, Secretary Vilsack's OASCR has provided substantive comments and recommendations for corrective action on more than 20% of CRIA's submitted for review.

[Back to Top](#)

Work to Address Civil Rights Cases Pending at USDA Since coming to USDA, Secretary Vilsack has made it a priority to resolve all of the civil rights cases facing the Department which were inherited by this Administration. Already, we have resolved large-scale class action lawsuits involving allegations of past discrimination by black and Native American farmers and ranchers. And USDA is working on a plan to resolve claims made by women and Hispanic farmers. Secretary Vilsack has

consistently worked to ensure that every farmer and rancher is treated equally and fairly.

- On February 18, 2010, USDA worked with the Department of Justice to enter into a settlement with black farmers for \$1.25 billion, known as Pigford II. And on December 8, 2010, President Obama signed legislation that will provide \$1.15 billion in funding for this settlement beyond the \$100 million provided for in the 2008 Farm Bill. When this settlement receives final approval by a Federal court, we look forward to bringing closure, once and for all, to the long-standing litigation brought by black farmers against USDA.
- On October 19, 2010, USDA and the Department of Justice announced the settlement of a class action lawsuit filed against USDA by Native American farmers (Keepseagle) alleging discrimination by USDA. The settlement, which must received final approval by a Federal court, ends litigation concerning discrimination complaints from Native Americans generally covering the period 1981-1999. Under the settlement agreement, \$680 million will be made available to eligible class members to compensate them for their discrimination claims, plus debt forgiveness and tax relief.
- Currently, USDA is working with the Department of Justice to establish a plan that would turn the page on the discrimination claims of Hispanic and women farmers by making monies available from the Judgment Fund. Hispanic and women farmers who submit claims of discrimination in farm loan programs for the period from 1981 to 2000 would go through a claims process to be compensated.

Training Secretary Vilsack knows that moving USDA past its history of Civil Rights issues will also require a cultural transformation within the Department. That is why he has worked to communicate with all USDA employees about this goal – and to offer Civil Rights training to improve our program delivery and make USDA a model employer.

- At Secretary Vilsack's direction, every Washington, DC-based political appointee in the Department has attended civil rights trainings and USDA has offered civil rights training to Farm Service Agency, Natural Resources Conservation Service, and Rural Development leadership and staff at state offices in more than a dozen select states that have a history of problems in this area. The 5 states selected for civil rights training for the Farm Service Agency state leadership accounted for a total of 40% of FSA program complaints in FY 2008, and the 5 states selected for Rural Development trainings represented 42% of RD program complaints in the same period. These two agencies account for the bulk of USDA program complaints. This is the first time such trainings have been conducted with state leadership at USDA. We are also working to arrange civil rights training for Forest Service regional leadership. During FY 2011, OASCR plans to hold civil rights training for all political appointees outside of Washington DC and all Senior Executive Service employees.
- To improve our internal civil rights record and decrease the number of Equal Employment Opportunity (EEO) complaints filed, Secretary Vilsack's USDA is a strong proponent for addressing and resolving conflicts as early as possible. The Office of the Assistant Secretary for Civil Rights', "Early Resolution and Conciliation Division" conducts monthly Alternative Dispute Resolution (ADR) training workshops and other activities to increase the awareness of ADR through creative methods for resolving conflict and strengthening relationships. These workshops have been presented to live audiences, webinar, and teleconferences to include employees located outside the Washington, DC metropolitan area.
- USDA continues to be a leader in gay, lesbian, bisexual and transgender (GLBT) diversity in the Federal government. In June 2009, while honoring GLBT Pride Month, Vilsack signed a Departmental regulation to officially recognize GLBT employees by creating a special

emphasis program for that group of employees which is similar to special emphasis programs for constituency groups. We are one of few Federal agencies to have such a program in place and other Federal agencies have contacted USDA about our GLBT diversity program and are interested in copying it. USDA has a training component that addresses sexual orientation and gender identity diversity. This training component has been part of the overall civil rights training program for several years.

#### **Improved Outreach Efforts**

- USDA established the Office of Advocacy and Outreach to improve access to USDA programs and enhance the viability and profitability of small farms and ranches, beginning farmers and ranchers, and socially disadvantaged farmers and ranchers. Congress provided funding for this office in the 2008 Farm bill, and this Office will help ensure that access is provided to all USDA customers in an equal and fair manner and enable USDA employees to be increasingly responsive to the American people they serve.
- Secretary Vilsack and other senior leaders have taken an active role in reaching out to traditionally underserved groups in personal meetings, speeches, visits to conferences, and other methods. We hosted our first-ever 'USDA Academies' where leaders in the Hispanic and African-American advocacy communities spent a day at USDA to learn about our programs and interact with top USDA officials. Secretary Vilsack himself has met with the Congressional Black Caucus, addressed the National Conference of Black Mayors and attended the Rainbow PUSH Coalition Annual Conference and NAACP Centennial Convention.
- Secretary Vilsack has made improving relations with Native American Tribes a priority. He has directed all USDA agencies to engage in and be thoughtful about tribal issues and to comply with requirements of Tribal consultation and collaboration as directed by the Presidential Memorandum of November 5, 2009. Vilsack has named a Senior Advisor on Tribal Relations for the first time. In the past there was a Native American Program Director, but the new position now directly reports to the Secretary. In addition, the Secretary has launched an Office of Tribal Relations within the Office of the Secretary with an annual budget of \$1 million. The Office is now working across all 17 agencies to implement an action plan, to ensure tribes have greater access to the full breadth of USDA programs, and that the Department has engaged in Tribal consultation on over 60 rules.

#### **A More Diverse USDA**

- Under Secretary Vilsack, USDA's politically appointed workforce represents the full diversity of America with self-identified African-Americans, Hispanics, Asian Americans and Pacific Islanders, Native Americans, Veterans, Americans with Disabilities, and Gay and Lesbian Americans.

[Back to Top](#)

#### **Program and Contracting Successes**

- Of the total 2,875 Recovery Act direct loans issued by the Farm Service Agency to help struggling farmers pay for 2009 planting and other farming expenses, 624 – or 21% – were issued to socially disadvantaged farmers. For standard program funding, 16% of loans went to socially disadvantaged farmers.
- In FY 2010, USDA awarded grants worth \$19 million to tribes, educational institutions, and non-profit organizations throughout the country to conduct training, outreach and technical assistance for more than 11,000 socially disadvantaged farmers, ranchers and forest landowners.
- In FY 2010, USDA provided more than \$145 million to help support minority-service institutions of higher education. These schools – the 1890 Historically Black Land-Grant

Universities, the 1994 Land Grant Native American tribally-controlled colleges and universities, and the Hispanic Serving Institutions – play a major role in putting young adults on a path to success in their careers and lives.

- USDA spends more than 55% of contracting dollars with small business, exceeding the 23% federal small business procurement standard. We have ongoing outreach and technical assistance initiatives with small farmer cooperatives and Service Disabled Veteran Owned Small Business specifically in the area of processed foods and commodities.

#### **Recognition and Evidence of USDA Efforts**

The success of USDA's recent efforts to confront a history of civil rights abuses has been recognized and verified by a host of internal and external parties and metrics.

- In FY 2010, USDA saw the lowest number of Farm Service Agency complaints filed (37) since Department began keeping track.
- The total number of EEO complaints filed by USDA employees has dropped. In FY 2010, USDA saw the lowest number of equal employment opportunity complaints filed (461) since Department began keeping track. USDA is more in-line with the Government-wide average in finding merit in complaints of unlawful employment discriminatory practices. The Equal Employment Opportunity Commission (EEOC) reported in its Federal Work Force for Fiscal Year 2009 report that out of a total of 6,905 complaints closed on the merits, about 3% resulted in findings of discrimination. At USDA, from 2004 to 2008, out of 1,677 EEO complaints closed on the merits, only 1.19% resulted in findings of discrimination. At Secretary Vilsack's USDA, OASCR is in line with the Federal average. In FY FY 2010, 3.5% resulted in findings of discrimination.
- The Government Accountability Office (GAO) has recognized the progress made by the Vilsack USDA on civil rights. In April 2010, the Government Accountability Office reviewed USDA responses to an October 2008 audit of OASCR and found no need for additional follow-up. Previously GAO had produced a string of reports and testimony that took issue with USDA's handling of civil rights issues:
  - The October 2008 report and previous GAO reports issued in 1999 and 2002 had included recommendations for improving civil rights problems within the Department.
  - 2001 and 2003 GAO reports which addressed USDA management more broadly noted discrimination complaints as management challenges for the Department.
  - In 2008, a GAO official provided testimony before the U.S House Committee on Oversight and Government entitled, "Management of Civil Rights Efforts Continues to Be Deficient Despite Years of Attention."
  - A complete list of GAO filings on USDA related to civil rights is at bottom of this document.
- Since Vilsack became Secretary, the Office of the Assistant Secretary for Civil Rights has closed all but one of the 47 management challenges recommended by USDA's Office of Inspector General (OIG). This is the first time that the backlog of pending OIG recommendations has been eliminated since they began in 1999.

[Back to Top](#)

#### **Cultural Transformation at USDA**

Our efforts to tackle our history of civil rights are part of a broader effort towards cultural transformation at USDA. It is important that we create an environment for USDA employees that fosters growth and helps us become a top-notch service provider. To help achieve this, Secretary Vilsack launched an effort to transform the Department's culture. We reached out to get input from thousands of employees from across the country, and are implementing a plan that focused on helping existing employees become leaders and develop their skill-sets, while recruiting and retaining the next generation.

- We created the USDA Virtual University, which is helping create easier access – both online and in person – to training and development opportunities across the Department. There are already some courses available, and we will offer a rich and robust curriculum by the latter part of 2011.
- We have held trainings with all USDA senior leadership to help them lead cultural transformation in their respective agencies.
- Because nearly a third of USDA employees are within 5 years being eligible for retirement, we have begun work on a USDA-wide framework for succession planning. We have established a Recruitment and Diversity Division within USDA's Office of Human Resources Management. And to begin recruiting our future workforce, this past summer we employed 8,500 interns – a record number – and we are working on a streamlined internship application process so it is easy for all USDA agencies to attract top talent that reflects the full diversity of our customers.
- To get more employee feedback and create a broader USDA community across the nation, we have created the Cultural Transformation website, where employees can interact, submit ideas and recommendations. And Secretary Vilsack held the first of what will be regular 'town hall' style meetings with USDA employees in DC headquarters, and also held a conference call for employees in the field to ask questions.

A Brief History of Discrimination at USDA The challenges USDA faces with regard to civil rights are not new. In fact, in 1965 the U.S. Commission on Civil Rights found discrimination at USDA in both program delivery and the treatment of employees. Subsequent reports in 1982 and 1990 found that civil rights abuses at the USDA were actively contributing to the decline in minority farm ownership.

In 1997, the Clinton administration decided it was time for USDA to address its long history of civil rights problems by appointing a team of USDA leaders to develop a set of recommendations for moving forward. In addition to reviewing and auditing prior reports, in January 1997, the team hosted 12 listening sessions which were attended by 2,000 customers and 900 employees across the country. The Civil Rights Action Team (CRAT) listening sessions brought decades of civil rights issues facing the department to the forefront of USDA and the public eye.

Between 2001 and 2008, the Bush Administration changed USDA's approach to handling civil rights claims. In 2001, the new administration stopped doing field investigations and only investigated civil rights cases over the phone. During this period, the statute of limitations ran on most of these administrative claims while they were being considered by USDA.

USDA was also the target of a host of lawsuits seeking redress for discrimination in program delivery. In terms of claims filed in federal district court by black farmers, the USDA entered into a consent agreement in 1999 with black farmers, known as Pigford I, in which the agency agreed to pay farmers for alleged past discrimination in lending and other USDA programs as part of a claims resolution process. Thousands of claims had been adjudicated, and the government has provided a cumulative total of approximately \$1.03 billion in cash relief, estimated tax relief, and debt relief to successful claimants. But thousands of other claims were not considered on their merits because the affected farmers submitted their claims after the settlement claims deadline.

In 2008, to address claims that were not filed in timely manner in the original Pigford consent agreement, Congress provided these farmers another avenue for redress in the 2008 Farm Bill by providing a right to file a claim in federal court and appropriated a \$100 million "placeholder" in the legislation – but no settlement in the lawsuit would be reached until Secretary Vilsack was appointed to head the USDA (see Civil Rights Cases Pending at USDA below).

In addition to the lawsuits filed by black farmers, USDA is the target of lawsuits – some of which sought class-action status – brought by women, Hispanic, and Native Americans producers.


#### GAO Reports Related to Civil Rights at USDA

- GAO-09-650T (April 2009) – Recommendation and Options Available to the New Administration and Congress to Address Long-Standing Civil Rights Issues
- GAO-09-62 (October 2008) – Recommendations and Options to Address Management Deficiencies in the Office of the Assistant Secretary for Civil Rights,
- GAO-08-755T (May 2008) – Management of Civil Rights Efforts Continues to be Deficient Despite Years of Attention
- GAO-03-96 (January 2003) – Department of Agriculture Performance and Accountability Series
- GAO-02-1124T (September 2002)– Hispanic and Other Minority Farmers Would Benefit from Improvements in the Operations of the Civil Rights Program (testimony but no report/audit conducted).
- GAO-02-942 (September 2002) Improvements in the Operations of the Civil Rights Program Would Benefit Hispanic and Other Minority Farmers
- GAO-01-521R (April 2001) – U.S. Department of Agriculture: Resolution of Discrimination Complaints Involving Farm Credit and Payment Programs
- GAO-01-242 (January 2001) - Major Management Challenges and Program Risks: Department of Agriculture
- T-RCED-00-286 (September 2000) – U.S. Department of Agriculture: Problems in Processing Discrimination Complaints RCED-99-38 (January 1999) – U.S. Department of Agriculture: Problems Continue to Hinder the Timely Proc

[Back to Top](#)

GAO-09-650T (April 2009) – Recommendation and Options Available to the New Administration and Congress to Address Long-Standing Civil Rights Issues

Last Modified: 12/20/2010

OASCR Home | [USDA.gov](#) | [OASCR Intranet](#) | [CRES Intranet](#) | [Policies and Links](#) | [OASCR Site Map](#)  
 [FOIA](#) | [Accessibility Statement](#) | [Privacy Policy](#) | [Non-Discrimination Statement](#) | [Information Quality](#) | [USA.gov](#) | [Whitehouse](#)