



United States
Department of
Agriculture

Civil Rights
Implementation
Team

September 1997

Implementation of the Civil Rights Action Team Report at USDA

An Interim Progress Report



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Message from Secretary Dan Glickman



Six months ago, USDA embarked on an ambitious effort to change the way we do business to ensure that every employee treats every customer and co-worker fairly and equitably, with dignity and respect.

Tens of thousands of staff hours later, we have come a long way toward achieving that goal: We're holding employees up and down our ranks personally accountable for being a part of the solution; instituting a zero-tolerance reprisal policy to protect workers who stand up for their rights; changing our foreclosure and lending policies to root out discrimination; settling proven cases of wrongdoing, and moving to investigate and resolve others; reaching out more to underserved populations; and hiring a full-time cadre of civil rights advocates for our legal team.

And that is only a partial list of our accomplishments.

I am proud of how far we have come in six short months, but amid all this progress, one thing is clear: We have a long way to go.

This report serves as a reality check. It gives us a better understanding of just how much time, effort, commitment and leadership it's going to take — from every USDA employee, from Congress, and from the agriculture community — to institutionalize the changes underway.

We will not fix a decades-old problem overnight. But we are taking steps every day toward putting a history of discrimination behind us, and turning USDA into the federal civil rights leader. USDA will reach that day, not because of the leadership of a few people, but because the vast majority of our employees take this effort seriously.

This is my 6-month progress report on the implementation of the 92 recommendations contained in “Civil Rights at the United States Department of Agriculture — A Report by the Civil Rights Action Team.”

I work every day with committed public servants — across the country and in Washington — who take great pride in America, its ideals, and the work of “the people’s department.” Their commitment will prevail, and we will succeed in building a USDA that reflects and respects our country’s diversity, a USDA that can best serve agriculture and our Nation in the 21st Century.

A handwritten signature in blue ink that reads "Dan Glickman".

Dan Glickman

Executive Summary

In February 1997, Secretary of Agriculture Dan Glickman accepted the findings of a team that listened to customers and employees from across the U.S. to find out how well USDA was serving the people and how well they treated their employees. The findings of their efforts were reported in “Civil Rights at the United States Department of Agriculture — A Report by the Civil Rights Action Team.”

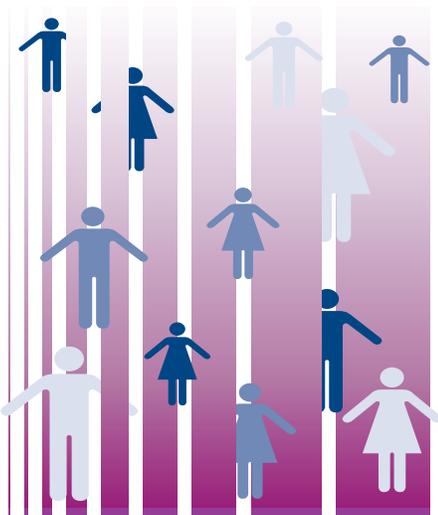
Based on the findings, the Department made a commitment to take action on all 92 recommendations of the Civil Rights Action Team (CRAT). An Acting Assistant Secretary of Agriculture for Administration was appointed and was charged with implementing the recommendations of the CRAT — a first step in making USDA a leader in civil rights.

Under the guidance of the Assistant Secretary of Agriculture for Administration’s (ASA) office, more than 300 USDA employees have worked to make the recommendations into realities. Much of their work is complete and actions are now in the hands of agencies, legislators, customers, and employees.

To better address the needs of employees and customers, recommendations were grouped into one of four categories:

- Lack of Management Commitment to Civil Rights
- Program Delivery and Outreach
- Workforce Diversity and Employment Practices
- Organizational Structure of Civil Rights

This report reflects the Department’s progress.





Snapshot of Action

Below is a snapshot of the status of recommendations. Of the 92 recommendations, an action plan has been completed for 45 recommendations, 43 more are scheduled to be completed by October 31, 1997, and work on four recommendations will require more time to put processes or policies in place for results. The process of changing policy is sometimes lengthy. While the Department is interested in getting civil rights policies in place quickly, it is also committed to implementing policies and procedures that will be long lasting, responsive to everyone, and that fit into the operations of USDA. Every effort has been made not to add more bureaucracy to the system. The advantage to this approach is that civil rights is part of every USDA program and part of personnel policies. The disadvantage is that it takes longer to see results on some recommendations.

Progress Chart Key

- *Actions of Civil Rights Implementation Team (CRIT) complete and policies in place. (10)*
- *Actions of CRIT complete and action required by another group or by USDA agency before results are realized. (35)*
- *CRIT work in progress—work expected to be complete by October 31, 1997. (43)*
- *Action for recommendation will require longer to complete, however, progress has been made in establishing a process to respond to the recommendation. (4)*

The chart below shows of the status of each civil rights recommendation.

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70	71	72
73	74	75	76	77	78	79	80	81	82	83	84
85	86	87	88	89	90	91	92				



Highlights

This report gives the status of implementation of each recommendation, but there are some activities which are especially noteworthy.

- It is a condition of employment that every employee treat every co-worker and customer fairly and equitably, and with dignity and respect.
- As of July 31, 1997, USDA has a new reprisal policy — zero tolerance for reprisals against employees who file civil rights complaints — and a policy of immediately adjusting hostile or volatile work place conditions.
- For the first time — beginning October 1, 1997 — agency heads will have performance standards for civil rights and will be rated by the ASA on their civil rights accomplishments.
- Resolving the backlog of Equal Employment Opportunity (EEO) discrimination complaints is one of USDA's highest priorities. As of September 3, 1997, USDA closed or settled 354 of the 1,504 cases that were in the backlog as of April 1, 1997.
- In April 1997, a new foreclosure policy was instituted to ensure that violations of borrowers' civil rights did not result in customers losing their farms. All foreclosures were halted in cases where complaints of discrimination were on file.
- An independent review team was created to review the status of some 4,449 pending foreclosures. As of September 11, 1997, the team had reviewed 2,768 cases and had halted further action on 115 foreclosures pending investigation of possible civil rights violations. The rest, where there was no finding of discrimination, are proceeding through foreclosure.
- The Office of Civil Rights investigative unit, which had been disbanded in 1983, is being re-staffed to investigate and resolve the backlog of program discrimination complaints.
- While progress hasn't been as fast as expected, USDA has closed 115 of the active formal program complaints (since January 1997). As of September 3, 1997, there were 872 active formal program delivery discrimination cases on file. Since April 1997, USDA has agreed to five major financial settlements — totaling more than \$2 million — with farmers who were discriminated against. Four of the settlements were for loans and the fifth was for disaster program benefits.



- On August 22, 1997, the Secretary established an Office of Outreach, located in the office of the ASA to lead and coordinate proactive outreach efforts throughout all of USDA. This office will serve customers USDA has not served well in the past.
- In July, 1997, the Secretary named a 30-person National Commission on Small Farms. This commission will develop a national strategy for small farms and ranches that will help ensure economic viability and address the rapid decline in the numbers of minority farmers and ranchers.
- To help stem the loss in the number of minority farms, work is underway to establish a voluntary registry of minority farms. Working with community-based organizations, USDA intends to build the registry using USDA Service Centers.
- To help strengthen civil rights skills of USDA employees, training policy and multi-year training modules are being prepared to address: sensitivity and diversity, EEO laws and policies, program outreach, sexual harassment, complaint process, and special emphasis programs. In addition, all USDA employees will be required to attend annual civil rights training. The first training is scheduled for November 1997.
- Several of the CRAT recommendations are being addressed by draft legislative amendments or new legislative proposals including the bill Representative Eva Clayton (D-NC) introduced, H.R. 2185 — “USDA Accountability and Equity Act of 1997 — a bill to establish equitable service for customers and equal opportunity for employees of the United States Department of Agriculture.”

Status of Implementation by Recommendation

Lack of Management Commitment to Civil Rights



Recommendation 1

To ensure civil rights accountability at USDA, delegate to the Assistant Secretary for Administration (ASA) full authority — in practice as well as on paper — over all civil rights issues at USDA. The ASA may further delegate civil rights authority through the Mission Area Assistant and Under Secretaries to Agency Heads to administer civil rights programs.

Status of Implementation

This recommendation was implemented on May 16, 1997, with the issuance of Secretary’s Memorandum 1010-4. Implementing this recommendation assures civil rights accountability at USDA. The ASA now has full authority over civil rights. This includes the authority to rate the Agency Heads on their performance of civil rights functions. Through the exercise of these authorities, the ASA can ensure civil rights accountability in USDA that results in the fair and equitable treatment of all customers and employees, fewer complaints of discrimination and reprisal, and a significant improvement in the timely processing of formal and informal complaints. This authorization will be institutionalized when the ASA’s office reorganization is approved.



Recommendation 2

Delegate to the ASA the authority to rate Agency Heads on their civil rights performance elements. The ASA will provide feedback to the Secretary on the civil rights performance of the Subcabinet.

Status of Implementation

Beginning October 1, 1997, the ASA will rate Agency Heads on their civil rights performance elements. USDA’s civil rights goals, objectives, and performance measures are being integrated into the performance standards of Agency Heads. Specific standards for each Agency Head — as opposed to generic standards — will be in place by October 1, 1997, to hold Agency Heads accountable.



Recommendation 3

Revise the present Performance Review Board (PRB) process for measuring performance of senior executives in civil rights, and implement an objective process designed to measure accomplishments based on specific goals and objectives. Hold Subcabinet members, Agency Heads, and senior officials accountable for implementing results-oriented affirmative employment and civil rights implementation plans.



Recommendation 4

Status of Implementation

PBRs review the performance of Senior Executive Service (SES) employees. A comprehensive plan has been developed to identify USDA’s civil rights goals and objectives, to develop performance measures, and to integrate them into the performance standards of Agency Heads. Goals for accountability, employment, program delivery, and procurement have been prepared, and tasks and performance measures required to measure accomplishments towards achieving these goals have been developed. These will be incorporated into the PRB guidelines.

The Secretary should revise and reissue USDA’s civil rights policy to include specific, measurable goals and objectives in program delivery and employment that will provide guidance for senior officials on what they are expected to accomplish. The Secretary will hold the Subcabinet and Agency Heads accountable for adherence to the civil rights policy.

Status of Implementation

Part of recommendation 4 was implemented with the issuance of Secretary’s Memorandum 4300-7, Civil Rights Policy Statement, February 28, 1997. When these recommendations are fully implemented, USDA will have institutionalized an effective process to hold Agency Heads accountable for achieving specific results in civil rights. This will establish a level of accountability that has never before existed at USDA.



Recommendation 5

Status of Implementation

A new reprisal policy was issued July 31, 1997. In cases of suspected reprisal arising from EEO complaints, each mission area will establish a three-person panel made up of one union or employee representative, one manager or personnel staff member, and one impartial member who will conduct an inquiry into the claim. Within 45 days, this panel may make binding recommendations to adjust the employee’s workplace or environment to reduce tension and may also recommend that the mission area consider disciplinary action.

For reprisal cases not arising from an EEO complaint each mission area will establish an office to hear allegations at the headquarters and, as appropriate, at the field level. In addition, Departmental Policy Manual 752-1, “Reprisal Actions Against Employees and Others,” requires statistical reporting of reprisal complaints and disciplinary measures; the report will be available to all USDA employees. The effectiveness of the reprisal panels will be evaluated on or before December 31, 1998.



Recommendation 6

Streamline procedures to allow agencies to quickly take the appropriate adverse and disciplinary actions against employees who fail to provide programs and services in compliance with all applicable civil rights laws and regulations, or who discriminate against or harass USDA customers or employees.

Status of Implementation

Procedures have been streamlined. When discrimination is found as a result of an employment or program complaint, the Office of Civil Rights will notify the Agency Head and direct that appropriate disciplinary action be taken. The Office of Civil Rights will monitor agency compliance and if the agency’s discipline is not deemed appropriate, the Office of Civil Rights will consult with the Office of Human Resources Management (OHRM) to determine an appropriate action.

The Office of Civil Rights will soon begin tracking complaints and respondents by name. This will allow the Office of Civil Rights to identify locations or individuals where persistent problems exist and to take appropriate corrective action.



Recommendation 7

The Secretary, USDA’s Subcabinet, and Agency Heads must set an example of accountability and commitment for the Department by ensuring that their immediate staffs reflect the desired diversity that the Secretary is establishing for the Department as a whole.

Status of Implementation

“The Secretary’s Workforce Diversity Plan for Political Appointees,” has been drafted. The plan calls for:

- Diversity among political appointees;
- A results-oriented civil rights commitment and accountability of political appointees at the Subcabinet and Agency Head levels for meeting the civil rights goals and objectives, as reflected in the revised Affirmative Employment and Recruitment Program (AERP);
- Establishment of a performance appraisal system that ensures maximum accountability of the Subcabinet and the Agency Heads for carrying out the AERP goals and objectives; and
- A training and development program for current and future political appointees, so they will acquire the skills and knowledge necessary to effectively manage a diverse workforce.

This plan will be reviewed quarterly and will provide operational guidance and feedback to the Secretary, Subcabinet, and Agency Heads. The Director of OHRM, in coordination with the USDA White House Liaison, will be responsible for updating and implementing the objectives of the plan.



Recommendation 8

Include in the Department’s Strategic Plans required under the Government Performance and Results Act (GPRA) as well as in agency plans, goals as outlined in the Secretary’s policy statement to improve workforce diversity and civil rights. Affirmative Employment Plans and Civil Rights Implementation Plans must also reflect the Secretary’s goals. Set specific goals for minority and women-owned business participation in all program delivery, procurement, export, and business development activities.

Status of Implementation

This recommendation is being implemented in concert with recommendations 3, 4, 9, and 10.

The Department’s strategic plans will include measurable goals for workforce diversity, as well as goals for the participation of minority and women-owned businesses.



Recommendation 9

Plans should establish reporting requirements to periodically collect data from USDA field offices to measure program delivery to minority, women, and small and limited-resource farmers.

Status of Implementation

Work is progressing on implementing this recommendation in concert with recommendations 3, 4, 8, and 10 to establish these reporting requirements.



Recommendation 10

Plans should include well-defined areas of responsibility and accountability. Performance standards and elements for Agency Heads and all senior officials should reflect the specific goals and objectives as identified in the Department’s and agencies’ strategic plans.

Status of Implementation

This recommendation is being implemented in concert with recommendations 3, 4, 8, and 9 to include well-defined areas of responsibility and accountability in the performance standards for Agency Heads and all senior officials.



Recommendation 11

Identify the core competencies and skills required to effectively manage people and serve customers, including recruitment and management of a diverse workforce and serving diverse customers. Require all promotions and selectees into managerial positions to demonstrate those competencies. Use employee and peer review surveys to assess managerial competence, provide feedback, and develop performance improvement plans for managers where needed.



Recommendation 12

Status of Implementation

USDA will adopt the 22 basic leadership competencies developed by the Office of Personnel Management (OPM) as the basis for all supervisory, managerial, and executive selection, training, and development. An upward and peer feedback program has been drafted, with an implementation plan outlining technical requirements and costs necessary for program administration.

Require and provide ongoing training for all managers to enhance their people skills, including managing a diverse workforce. Develop criteria to measure effectiveness, provide specific timeframes for managers to improve, and require Agency Heads to remove from managerial positions those whose performance fails to meet the criteria.



Recommendation 13

Status of Implementation

USDA's training policy will require competency-based training for supervisors and managers and establish a framework to evaluate training effectiveness and impact.

The Department of Justice (DOJ) should investigate allegations of abuse of authority by the Office of Inspector General and Forest Service Law Enforcement.



Recommendation 14

Status of Implementation

A decision memorandum has been prepared outlining several options available to implement this recommendation.

The Secretary should direct the Forest Service to discontinue the practice of using its Law Enforcement staff to investigate Forest Service employees.

Status of Implementation

On September 2, 1997, the ASA directed the Under Secretary for Natural Resources and Environment to stop using Forest Service (FS) Law Enforcement and Investigations officers to investigate FS employees for non-criminal misconduct or other minor employee misconduct. Any proposed investigation by FS of FS employees for alleged criminal conduct will require the advance approval of the OIG, the FS Chief, and the Under Secretary for Natural Resources and Environment. In addition, the Chief and Under Secretary were directed to involve USDA's Director of the Office of Civil Rights as appropriate if discrimination is involved.



Recommendation 15

The DOJ should advise the Secretary on the role and functions of the OGC at USDA as it relates to civil rights. The Secretary should take appropriate action to ensure that OGC has the capacity to provide the Department with the quality of legal assistance required for civil rights.

Status of Implementation

To ensure civil rights accountability within the Office of the General Council (OGC), a new division has been established and the selection of the new Associate General Counsel for Civil Rights is pending. The attorneys in this section will specialize in civil rights law and will provide USDA with the expertise it needs to make certain that employment and program delivery activities are conducted in accordance with civil rights laws, regulations, and statutes. Additionally, OGC will soon adopt an AERP to add diversity to its workforce, so OGC employees can better understand and serve minority, limited-resource, and women farmers.

Status of Implementation by Recommendation

Program Delivery and Outreach



Recommendation 16

To assure that local delivery of USDA credit programs is fair and equitable, work with the President and Congress to obtain the authority to make personnel selections and manage the Farm and Foreign Agricultural Services (FFAS) and Rural Development (RD) mission areas to ensure accountability down the line, from the Secretary to the State and county levels.

Status of Implementation

An outreach effort has been outlined to identify potential political appointee candidates from under-represented groups to fill vacant positions. An analysis will be prepared about the civil rights impact of pending appointments, especially as it relates to under-represented groups. These efforts will ensure representation of under-represented groups at all levels of USDA, especially where USDA's top staff can set an example that the entire Department can follow.



Recommendation 17

Modernize the FSA State and county committee system by converting all county non-Federal FSA positions, including county executive directors, to Federal status; changing the committee selection process; and removing county committees from any farm loan determinations.

Status of Implementation

Legislative language to implement this recommendation has been incorporated into H.R. 2185, "A bill to establish equitable service for customers and equal opportunity for employees of the United States Department of Agriculture," which was introduced July 17, 1997, by Representative Eva Clayton. The proposed legislation will convert approximately 10,400 permanent and 2,800 temporary county committee employees to Federal positions. In addition, provisions are included to expand county committee membership where necessary for under-represented groups and to change farm loan processing to a Federal function.



Recommendation 18

Conduct a complete review of county committees and county office staffs to determine whether nepotism, conflict of interest, and/or discrimination in program delivery exist.

Status of Implementation

Guidelines have been developed for the Farm Service Agency (FSA) to conduct the reviews, and a monitoring group has been established under the ASA to independently oversee the process. The monitoring team will ensure the review



Recommendation 19

is conducted in a thorough, unbiased manner. Reports from the monitoring subgroup and FSA will be provided to the ASA by the end of 1997. Corrective actions will be taken as problems are identified. The review will be done on a sampling basis — with the sample expanded where warranted.

Establish a system to assure timely and equitable handling of loan applications by county offices, including review and concurrence by FSA and Rural Development State Directors within 30 days of any adverse decision that affects a member of a defined socially disadvantaged group.

Status of Implementation

A policy being developed by FSA and RD will be institutionalized. At the same time, work is underway to develop a data base to track the loan-making process as to timeliness, reasons for rejection, and participation rates by various minority groups. Implementation of this recommendation should ensure that all minority applicants for farm credit loans will be treated fairly and will have better access to Departmental programs.



Recommendation 20

Require independent review of all pending foreclosures to determine whether discrimination in USDA programs contributed to foreclosure action.

Status of Implementation

In April 1997, the Director of the Office of Civil Rights established an independent team to review all FSA pending foreclosures. Of the 4,500 pending foreclosures, the team has reviewed 2,768 and, as of September 11, 1997, halted further action on 115 cases awaiting investigation for possible civil rights violations or further review.



Recommendation 21

Require that all pending foreclosures or actions leading to foreclosure be halted until all appeals of any formal civil rights complaints have been completed.

Status of Implementation:

In April 1997, the Department issued FSA Field Notices 114 and 117 which clarified the policy ensuring that discrimination is not a factor in any USDA farm loan foreclosure. The policy:

- Froze all loans that had already been called due or accelerated until the independent review team has made a determination;
- Established an independent review team to examine loans facing foreclosure to make sure that discrimination or inequitable treatment is not a factor before any foreclosure action is taken (recommendation 20);

- Assured borrowers that USDA would continue to apply its loan servicing programs to all accounts;
- Assured borrowers that USDA would not accelerate any loans or call any loans due until the independent team had reviewed the account and found no evidence of discrimination or inequitable treatment; and
- Established that FSA must process new loan applications from borrowers with pending discrimination complaints. Additionally, if an FSA loan officer is alleged to have discriminated against the prospective borrower, the application will be assigned to another loan officer. If the new loan is refused, the applicant must be advised both in a face-to-face meeting and in writing.



Recommendation 22

Act on all existing program discrimination complaints within the next 120 days. Resolve those that can be resolved and bring all others to the point of adjudication within those 120 days.

Status of Implementation

In April 1997, the Office of Civil Rights established a team to examine and resolve the backlog of program complaints. After the team began work, it discovered that almost all the cases lacked investigations and, therefore, it was unable to complete work within the original goal of 120 days. It also found that the investigative unit of the Office of Civil Rights had been disbanded in 1983. In July 1997 the new Director of the Office of Civil Rights began hiring contract investigators and recruiting for permanent and temporary investigators. Since January 1997, the Office of Civil Rights has closed 115 of the more than 800 formal program complaints. There have been five major financial settlements, totaling more than \$2 million, with farmers who were discriminated against. Four of the settlements were for loans and the fifth concerned disaster program benefits.



Recommendation 23

Require that an agency’s civil rights office elevate a program discrimination complaint to the next higher level when no action has been taken within the time limit. When a delay occurs at the next higher level, the agency’s civil rights office should apply the adverse inference rule and direct the agency to immediately act on the complaint in favor of the customer.

Status of Implementation

This recommendation is being implemented in concert with recommendations 24 and 25. The adverse inference rule is included in the new program discrimination complaints process.



Recommendation 24

Establish one program appeals system for all Mission Areas at USDA. Hold all litigation until the appeals process is complete.

Status of Implementation

The system for processing program discrimination complaints is being redesigned. The new system provides various options for different types of cases, for example, mediation, hearing, or investigation, and will result in most complaints being brought to closure within 180 days. The system calls for the coordination of appeals and discrimination complaints, so that an adverse appeal decision will not be implemented while a discrimination complaint is being processed. An operational manual and a regulation setting forth key aspects of the system are being drafted. Customer input has been and will continue to be solicited. A key component of the new system is an education and awareness campaign, so customers know how to file a discrimination complaint and USDA employees know what to do when they receive one.



Recommendation 25

The National Appeals Division Director shall consider the impact of the NAD appeals process on the civil rights of farmers and coordinate the program appeals process with the Department’s program discrimination complaints process.

Status of Implementation

The recommendation is being implemented in concert with recommendations 23 and 24. The discrimination complaints process and the National Appeals Division (NAD) appeals process are being coordinated through the development of the program discrimination complaints process.



Recommendation 26

Require that the National Appeals Division and informal agency program appeals processes comply with established legal timelines and establish timelines in cases where they are not required by law. When NAD does not comply with these timelines and the Hearing Officer has ruled in favor of the customer, the Hearing Officer’s ruling shall stand.

Status of Implementation

An appeals deadline policy is being drafted. The policy would require agencies, including NAD, to comply with timelines and to implement appeals and discrimination complaint decisions in a timely manner. The policy sets uniform timelines, when appropriate, for appeals processes of different USDA agencies. Implementation of the policy also requires discrimination complaint decisions to be implemented within 10 working days. Agencies will no longer implement adverse appeals decisions when the customer has a pending discrimination complaint. Consequently, the policy ensures that agencies will meet timelines and that timely implementation will be a factor in managers’ and employees’ performance standards.



Recommendation 27 — **Hold all managers accountable for carrying out the final decisions of the National Appeals Division and within 10 working days of their issuance.**

Status of Implementation

Under the new program discrimination complaints process, agencies will be required to carry out final decisions within 10 days.



Recommendation 28 — **To establish a baseline for the number of minority farms, USDA should support a voluntary registry of minority farms. This would help USDA set goals to halt land loss and to monitor the loss of minority-owned farms.**

Status of Implementation

The Secretary is establishing a voluntary registry of minority-owned lands, through the USDA Service Centers, to document the amount of farmland owned by minorities. The registry will establish a baseline of minority farm-land ownership which can be monitored over time. It will be available to CBOs, educational institutions, and government agencies helping minorities with land retention and acquisition. The voluntary registry form has been designed and is currently going through the clearance process. It will be issued in Spanish and English and will be distributed to CBOs and other organizations to ensure that the registry form is widely publicized and accessible to all.

To assure that the U.S. Census of Agriculture accurately counts minority farms, National Agricultural Statistics Service (NASS) has added a number of additional lists of minority farm operators to the mailing list for the 1997 census. Also, minority operators included in the 1992 census were contacted to identify farmers who were missed in the 1992 census. As part of the 1997 census, a procedure has been designed which will estimate the number of Native American farm operators on every reservation — instead of counting a reservation as one farm, as was done in the 1992 census.



Recommendation 29 — **Fully implement a “Debt for Nature” program as authorized in the 1996 Farm Bill and prior legislation.**

Status of Implementation

A memorandum has been drafted to direct the Agency Heads of FSA and Natural Resources Conservation Service (NRCS) to fully implement the “Debt for Nature” program. These two agencies have agreed to cooperate on joint administration of the program and have prepared a budget proposal to cover debt cancellation conservation contracts and to inventory property conservation easements and transfers.

By ensuring that all minority farmers understand and have access to this program, many of them will be able to maintain a viable farming operation when they sign up for the debt cancellation for the conservation feature of this program.



Recommendation 30 — Establish and empower a Special Task Force to determine a process for providing remediation to farmers who have been discriminated against by USDA. Priority should go to farmers who have lost or are about to lose their land because of discrimination.

Status of Implementation

Pending.



Recommendation 31 — Allow farmers who have received debt write-downs to continue eligibility for operating loans.

Status of Implementation

Legislative language to implement this recommendation has been incorporated into H.R. 2185. USDA will work to ensure that farmers continue to have access to credit, while adequate safeguards are in place to protect the integrity of financial programs. Factors to be considered involve the Federal Debt Collection Act and outstanding recommendations from the General Accounting Office.



Recommendation 32 — Allow completion of lease back/buy back agreements extended for lack of funds during the 3 years previous to elimination of the program on April 4, 1996, where the farm and home plan did show that the operation would cash-flow.

Status of Implementation

Legislative language to implement this recommendation has been incorporated into H.R. 2185. It provides authority for the Secretary to finance a farm loan (to the extent practical, at the same terms as farm ownership loans) for individuals who had a lease back/buy back agreement during fiscal years 1994-96; had applied in a timely manner for a farm ownership loan during fiscal years 1994-96; have been denied financing due to lack of funds; and can demonstrate that the farm will generate sufficient income to repay the loan.



Recommendation 33 — Allow incorporation of anticipated tax liability in the terms of debt write-downs.

Status of Implementation

The Secretary wanted to ensure that State and county office employees consider anticipated tax liability when calculating debt restructure; therefore, an FSA procedural notice (FSA Notice FC-119) was issued on May 28, 1997, that provided guidelines on how to consider the tax liability for debt write-down. However, in H.R. 2185, Rep. Eva Clayton proposes to amend the Consolidated Farm and Rural Development Act so the debt write-down is not considered as income for tax purposes. Because this is a tax matter, the Secretary will work with the Treasury Department on this issue.



Recommendation 34

Allow eligibility for 502 single-family housing program direct loans without a credit history if applicants can demonstrate they have been able to live independently and pay rent and utility bills in a timely manner.

Status of Implementation

Changes have been made to the Direct Single-Family Housing Field Office Handbook (HB-1-3550) to ensure that applicants have every opportunity to provide the Rural Housing Service (RHS) with documentation of an acceptable credit history, especially when there is a lack of credit history on a credit report. Enhancements were made to several areas of the handbook. These provided useful reminders, examples, and clear policy statements to ensure that customers' full credit history is taken into consideration when determining their ability to repay a single-family housing loan. On May 19, 1997, these changes became effective and were issued in revised handbook pages to all RD staff in a procedural notice. The agency also provided training to its field staff during July 1997.

Implementing this recommendation will mean that more limited-resource customers will be eligible for rural housing loans. Applicants previously denied loans because of lack of credit history will now have an opportunity to participate in the home ownership program.



Recommendation 35

Allow EQIP cost-share payments in the same year conservation practices are completed.

Status of Implementation

Draft legislation to implement these recommendations has been incorporated into H.R. 2185.

The "pay-as-you-go" provision of the Omnibus Budget Reconciliation Act (OBRA) of 1990 requires offsets for direct spending, and acceptable offsets will need to be found.



Recommendation 36

Appoint a diverse commission to develop a national policy on small farms.

Status of Implementation

On July 16, 1997, the Secretary established a National Small Farm Commission to develop a national strategy for small farms and ranches. The 30-member Commission held public hearings in Memphis, TN; Sioux Falls, SD; Washington, DC; and Sacramento, CA, and is scheduled to report back to the Secretary by September 30, 1997. Following the release of the Commission's report, the Secretary's office will set up and oversee an interagency team to develop a Departmental plan for incorporating and institutionalizing the Commission's recommendations through existing programs and, if necessary, new programs.



Recommendation 37

Establish an Office of Outreach in a program mission area to coordinate program delivery outreach efforts throughout USDA. Assign responsibility for the Outreach and Technical Assistance to Socially Disadvantaged Farmers (2501) to this new office to assure Department-wide implementation.

Status of Implementation

The Secretary has signed a memorandum to establish a Departmental Office of Outreach in the Office of the ASA. The personnel package, which included the delegation of authority and position descriptions for the office, has been developed. A director, who has been selected and will be announced soon, will coordinate program delivery efforts throughout USDA. Locating the Office of Outreach under the ASA gives it the visibility and stature needed to send a strong signal of USDA's commitment to strengthening outreach to all underserved customers.



Recommendation 38

Develop a strategic outreach plan, as part of USDA's strategic plan, for which Agency Heads will be held accountable through the Civil Rights performance standard.

Status of Implementation

A USDA strategic outreach plan for fiscal years 1997-2002 was drafted and submitted to the Chief Financial Officer for help in coordinating a target peer review. The plan will be incorporated into USDA's Departmental Administration's Strategic Plan. A Secretary's transmittal memorandum has been drafted to Subcabinet officials, directing them to incorporate the goals and objectives of the plan into the outreach components of agency plans. The impact of implementing this recommendation is to provide a common vision and outreach objectives under which all USDA agencies will operate.



Recommendation 39

Establish in each agency an outreach liaison position to coordinate and direct outreach programs in conjunction with the new USDA Office of Outreach. The agency coordinator must be responsible for monitoring outreach goals and accomplishments to underserved customers.

Status of Implementation

A Secretary's Memorandum has been drafted requiring each Agency Head to establish an outreach liaison.



Recommendation 40

Establish State and National Outreach Councils, comparable to the USDA Food and Agriculture Council (FAC), to coordinate outreach efforts of all USDA agencies with State and local-level program delivery. Require that Outreach Councils establish partnerships with community-based organizations and 1890, 1994, and 1862 land-grant institutions, HACU, and the Research and Employment Access Programs Initiative to enhance program and service delivery to underserved communities.

Status of Implementation

A memorandum has been prepared to expand the responsibilities of the State and National FACs to include the Outreach Advisory Councils to coordinate USDA outreach efforts with State and local program delivery efforts.



Recommendation 41

Establish a partnership between USDA and the Department of the Interior to develop a strategic outreach plan to address the needs of American Indian agriculture and land conservation.

Status of Implementation

A memorandum has been prepared directing the ASA and the National FAC to charge the Office of Outreach to work with the U.S. Department of the Interior in setting up a joint task force with tribal governments. The task force will develop a USDA strategic outreach plan for identifying and addressing the agriculture and land conservation needs of American Indians. The National FAC will help develop the plan.



Recommendation 42

Require land-grant institutions and major CSREES, ARS, ERS, FS, and NRCS programs to identify and give priority to the research and educational needs of the socially disadvantaged.

Status of Implementation

Several actions have been developed to ensure that USDA agencies make the research and educational needs of underserved customers a priority. Mission areas will be directed to designate an individual in USDA research, educational, technical assistance agencies, and land grant universities who will ensure that the needs of socially disadvantaged and limited-resource customers are given priority. A proposal is being written for one of the mission areas to sponsor an annual national conference that will foster a dialogue on research, educational, and technical needs of limited-resource and underserved customers. Implementation of this recommendation will ensure that the research, educational, and technical assistance needs of socially disadvantaged and limited-resource customers are surfaced and given serious consideration in the priority-setting process.



Recommendation 43

USDA should thoroughly examine funding of institutions of higher education to determine if 1890 and 1994 land-grant institutions are receiving equitable support to assist USDA in carrying out its mission. The Department should adjust its budget recommendations and consider other statutory or regulatory changes required to eliminate any disparate funding of land-grant institutions.

Status of Implementation

Two legislative actions are proposed as amendments to Title 8 of the Federal Agriculture Improvement and Reform (FAIR) Act of 1996 to move toward more equitable funding for the minority-serving land grant institutions. These items are included as part of the Administration’s reauthorization package for the research and education title of the 1996 farm bill. One amendment that would increase resources available to the 1890 institutions contains matching requirements for formula funds (Evans-Allen research and 1890 Extension funds), with the amount of the match phased in over a 4-year period. The proposed legislation also includes two options for assuring that the 1890 institutions will not be penalized for failure to meet their match. A second proposed amendment extends eligibility to the 1890 and 1994 minority-serving institutions for participation in the specially funded 3(d) extension programs and eligibility to all accredited colleges and universities, including Hispanic-serving institutions, to apply for competitive 3(d) programs. Implementing this recommendation will strengthen USDA’s ties and provide more equitable funding to the minority-serving land grant institutions.



Recommendation 44

Fully fund the Outreach and Technical Assistance to Socially Disadvantaged Farmers (2501) program at \$10 million annually.

Status of Implementation

The legislative language to implement this recommendation has been incorporated into H.R. 2185.

The “pay-as-you-go” provision of the OBRA of 1990 requires offsets for direct spending, and acceptable offsets for any increase in direct spending must be found.



Recommendation 45

Extend and fully fund the Extension Indian Reservation program at \$8 million annually.

Status of Implementation

The legislative language to implement this recommendation has been incorporated into H.R. 2185.

The “pay-as-you-go” provision of the OBRA of 1990 requires offsets for direct spending, and acceptable offsets for any increase in direct spending must be found.



Recommendation 46

Increase EQIP funding from \$200 million to \$300 million and target the increase for assistance to minority and limited-resource farmers, ranchers, and Indian nations.

Status of Implementation

The legislative language to implement this recommendation has been incorporated into H.R. 2185. A team is also exploring non-legislative options for implementing this recommendation.



Recommendation 47

Fully fund the farm ownership and farm operating loan programs at \$85 million and \$500 million, respectively.

Status of Implementation

The legislative language to implement this recommendation has been incorporated into H.R. 2185. The “pay-as-you-go” provision of the OBRA of 1990 requires offsets for direct spending, and acceptable offsets for any increase in direct spending must be found.



Recommendation 48

Require that a higher percentage of farm ownership and farm operating direct loan funding be targeted to minorities and socially disadvantaged groups.

Status of Implementation

Legislative language has been drafted for inclusion in the Department’s omnibus legislative package to amend existing legislation to ensure program resources, at a minimum, will be expended to reflect the diversity in population of the specific State or county. This change will allow management the flexibility of targeting additional resources, since the legislation will not specify either the actual percentage or the methodology for determining the rate.



Recommendation 49

Dedicate one-third of the Fund for Rural America to serving the needs of socially disadvantaged customers.

Status of Implementation

A plan has been developed and is under review to use one-third of the Fund for Rural America for “Resources 2000,” a 2-year campaign to reach and meet the needs of rural, socially disadvantaged communities and the people who live there. The main thrust of “Resources 2000” is to reach and make a difference in a set of specially selected communities that are the “poorest of the poor.”



Recommendation 50

Target \$100 million annually from Rural Utilities Service Water and Waste Disposal Grant Program to Federally recognized Indian Tribes.

Status of Implementation

A funding proposal has been drafted to target up to \$100 million of the total appropriated funds to federally recognized Indian tribes.



Recommendation 51 — **Target \$50 million of RHS funds annually for the Farm Worker Housing Program.**

Status of Implementation

A funding proposal has been drafted to target up to \$50 million for farm worker housing. Implementing this recommendation will increase and direct funds and programs to socially disadvantaged groups and communities.



Recommendation 52 — **Require consideration of underserved communities in USDA Service Center location decisions.**

Status of Implementation

The National FAC will issue a Departmental directive to the State FACs directing them to revise their USDA Service Center implementation plans to consider underserved communities in Service Center location decisions. Guidelines are being established to standardize criteria used to identify underserved communities.



Recommendation 53 — **Establish satellite offices where necessary to reach underserved customers.**

Status of Implementation

The National FAC will issue guidelines for State FACs to use in establishing offices where needed to reach underserved customers.



Recommendation 54 — **Establish full-time USDA Service Centers on Tribal lands.**

Status of Implementation

The National FAC will issue a directive to the State FACs to establish and evaluate full-time USDA Service Centers on tribal lands. The consultative process will be used with the American Indian tribes to help in determining Service Center locations on tribal lands. The National FAC will monitor the State FACs' implementation of the directive and its guidelines.



Recommendation 55 — **Ensure that all USDA Service Centers are accessible to people with disabilities.**

Status of Implementation

The ASA will issue a directive requiring USDA agencies to complete a self-evaluation to determine the degree to which USDA Service Center programs are in compliance with guidelines issued by the DOJ. The directive will also instruct agencies to bring programs into compliance. The Office of Civil Rights will monitor those that are not in compliance. Criteria for recognizing outstanding efforts will be included in determining USDA's Honor Awards Program selections.



Recommendation 56

Streamline program regulations and application forms to make USDA programs more easily accessible to all customers. Require USDA county offices to assist socially disadvantaged customers in understanding requirements and completing forms.

Status of Implementation

Guidelines have been drafted to streamline program regulations and application forms. Additionally, the team compiled an extensive list of all forms, related program regulations, program name, and agency responsible for the program. The list is being evaluated before further action is taken.



Recommendation 57

Strengthen the training program for FSA county committees and county office staff on all programs, with special emphasis on civil rights issues and outreach responsibilities.

Status of Implementation

A policy requiring annual civil rights training and training modules are being developed to implement standardized civil rights training for USDA beginning FY 1998 for a 3-year cycle. Six major areas have been identified and will be included in the civil rights training curriculum: Sensitivity and Diversity, EEO Laws and Policies, Program Outreach (Title VI), Sexual Harassment, Complaint Process (Title VII), and Special Emphasis Programs. The Director of the Office of Civil Rights and the Director of OHRM will be responsible for the delivery, design, and evaluation.



Recommendation 58

Provide and document Title VI training for all volunteers and new field, State, and Service Center employees on an annual basis.

Status of Implementation

This recommendation is being implemented in concert with recommendation 57. A design team has gathered input from representatives of agencies — NRCS, FSA, RD, and Food and Consumer Service (FCS) — with significant program delivery and outreach responsibilities. The pilot training is set for January 1998, with the actual training scheduled for April 1998.



Recommendation 59

Make all USDA educational and technical assistance services and publications available to customers in languages appropriate to the community being served. Use appropriate media outlets to distribute information to underserved communities.

Status of Implementation

A USDA regulation has been prepared that requires Agency Heads to develop and implement communications plans that serve diverse and special-needs audiences. To assist agencies and field staff in working with diverse and special-needs customers, a team has also drafted a field communications guide.



Recommendation 60

When this recommendation is fully implemented, the communications needs of diverse and special-needs customers will be better served and USDA staff will be better equipped with resources to serve these groups.

Establish an initiative to address the needs of farm workers that could be addressed through USDA programs.

Status of Implementation

A plan for conducting listening sessions concerning farm worker issues has been drafted. Lists of panel members, farm workers groups, and others to attend have been developed. The listening sessions will provide much of the information the panel will use to develop an initiative. The team has also proposed a Farm Worker Coordinator position in the Office of Outreach. The Secretary has also proposed a joint working group made up of USDA and Department of Labor officials to maintain an ongoing dialogue on farm worker issues.



Recommendation 61

Enforce the requirement that those who use “restrictive-use pesticides” keep records of the application of their products.

Status of Implementation

A team is examining options to expand cooperative agreements for the Federal pesticide record keeping program with all states and territories by the end of FY 1998.



Recommendation 62

Immediately provide pesticide information to health care providers treating pesticide-related illnesses.

Status of Implementation

A \$3.5 million increase in the Cooperative, State, Research, Education, and Extension Service (CSREES) budget has been requested, which includes a maintenance cost of \$1.75 million to update the Extension Toxicology Network (EXTOXNET) data base to make information on pesticides readily available and to provide training to health care providers. A partnership between the American Medical Association (AMA) and USDA has also been proposed.



Recommendation 63

Require USDA to use this information to prepare comprehensive annual pesticide use reports, as mandated in the 1990 and 1996 farm legislation.

Status of Implementation

A funding request has been prepared that seeks a \$2 million increase in the NASS budget to enhance future pesticide use surveys. The “pay-as-you-go” provision of the OBRA of 1990 requires offsets for direct spending, and acceptable offsets for any increase in direct spending must be found.

**Recommendation 64** — **Enforce the Environmental Justice Executive Order at USDA.****Status of Implementation**

A Departmental regulation is being developed to address the needs of farm workers as they relate to environmental justice. A policy statement is also being developed for complying with Executive Order 12898 on environmental justice. Environmental justice will be incorporated into the National Environmental Protection Act (NEPA) process and into all program delivery. Outreach and training will be enhanced. Evaluation, oversight, and reporting methods will be developed to ensure that environmental justice policy is being implemented.

**Recommendation 65** — **Reassert the commitment of USDA to the goal of increasing involvement of small and disadvantaged businesses in USDA programs.****Status of Implementation**

Performance standards and criteria have been identified to strengthen the evaluation of managers' efforts to support small business participation. Several pilot initiatives have been proposed that will streamline regulations and simplify the execution of small business contracts. A Departmental regulation was developed to establish a clearance process to identify greater opportunities for small business set-asides. In addition, a wide range of technical assistance materials for use by small businesses have been developed.

Status of Implementation by Recommendation

Workforce Diversity and Employment Practices



Recommendation 66

Review all SES designations, beginning with FSA, to determine if positions are appropriately designated as career-reserved or general.

Status of Implementation

The team has reviewed the designations for all occupied and allocated vacant SES positions in USDA. Results are being prepared for follow-up discussions with Under and Assistant Secretaries and Agency Heads.



Recommendation 67

Hold all managers accountable for a diverse pool of applicants for all vacancy announcements and target outreach and recruitment of under-represented groups as identified in the agency Affirmative Employment Plans (AEPs).

Status of Implementation

A team prepared and completed the AERP regulations, Personnel Bulletin 330-3, “Core Competencies for Agency Recruiters and Outreach Representatives”; and Personnel Bulletin 335-1, “Multi-grade Positions.”

The regulations integrate equal opportunity recruitment and all affirmative employment programs; reemphasize equal opportunity outreach, recruitment, and affirmative employment requirements by cross-referencing with new OHRM requirements; and hold managers and supervisors accountable through the performance appraisal system. October 1, 1997, is the target effective date for the AERP.

Personnel Bulletin 330-3 identifies two levels of required competencies: a basic level for those who recruit infrequently and a higher level for those who recruit on a recurring basis. It also requires agencies to certify that recruiters and outreach representatives, meet core competencies; and it permits USDA’s OHRM to evaluate agencies compliance practices. It was distributed to Agency Heads and Departmental Personnel Manual holders in August 1997. Recruiters and outreach representatives are scheduled to be certified by August 25, 1998.

Personnel Bulletin 335-1, which became effective August 18, 1997, requires agencies to provide consistent information on career ladders to all applicants; ensures that job openings are advertised in multi-grade increments; and requires career ladders be published in an agency’s Merit Promotion Plan and cannot change for one year.



Recommendation 68 ————— **Require all USDA employees to have civil rights training annually.**

Status of Implementation

An annual civil rights training policy has been drafted and a training plan developed that will implement standardized civil rights training for USDA beginning in FY 1998. Six major areas have been identified and will be included in the training curriculum: Sensitivity and Diversity, EEO Laws and Policies, Program Outreach (Title VI), Sexual Harassment, Complaint Process (Title VII), and Special Emphasis Programs. The roles and responsibilities of the Director of the Office of Civil Rights and the Director of OHRM in the implementation of training have been identified.

Civil rights training is scheduled for November 1997 using satellite broadcast. The Office of Civil Rights will monitor and track the annual civil rights training.



Recommendation 69 ————— **Publicize and recognize those managers and agencies that have made significant accomplishments in workforce diversity.**

Status of Implementation

Criteria for recognizing individuals, groups and managers for outstanding efforts in workforce diversity has been drafted. The draft will be taken to OHRM to incorporate the criteria into USDA's Honor Awards Program.



Recommendation 70 ————— **Direct the Forest Service to end the use of surplus lists.**

Status of Implementation

On June 11, 1997, the Acting ASA directed the Under Secretary for Natural Resources and Environment to:

- Suspend directed reassignments of employees identified as “surplus” under the FS Employee Placement System (EPS);
- Have FS propose to the National Federation of Federal Employees (NFFE) that they reopen their collective bargaining agreement provisions which are the basis for the EPS; and
- Analyze the current EPS in terms of the effect on diversity and its relationship to complaints and representational activities.

FS suspended directed reassignments on June 16, 1997, began negotiations with NFFE, and has completed the requested analysis.



Recommendation 71

Evaluate the role and function of the Special Emphasis Program Managers (SEPM) in accomplishing USDA’s civil rights goals and objectives. The valuable resources dedicated to support SEPM could be used more effectively. Presently they are limited to the annual Special Emphasis activities as their primary function.

Status of Implementation

A team conducted interviews with Departmental SEPMs to determine how they perceived their function and responsibilities. The team determined that under the new civil rights structure at USDA, the SEPMs would also serve as desk officers to interface with specific agencies. Implementing this recommendation will make the SEPMs more effective and responsive to agencies’ needs.



Recommendation 72

Develop and implement retention programs to ensure a diverse workforce.

Status of Implementation

This recommendation was implemented in August 1997 with the issuance of Personnel Bulletin 250-3, “Work Life Survey Guidelines,” and Personnel Bulletin 250-4, “Agency/Department Exit Interview Guidelines.”

Personnel Bulletin 250-3 requires agencies to conduct periodic work life surveys aimed at assessing conditions in the workplace and identifying problems. Agencies must report results to the OHRM.

Personnel Bulletin 250-4 requires agencies to provide a questionnaire to permanent full-time employees who are separating from the agency or the Department. The questionnaires will be designed to alert management to concerns within the workforce and take the appropriate action to correct problems.



Recommendation 73

To substantially reduce the backlog of EEO complaints, offer mediation, arbitration, or similar alternative dispute resolution (ADR) processes to employees who filed a formal EEO complaint before January 1, 1997. The use of ADR shall be the employee’s choice; however, binding arbitration will be used only if agreed to by both the employee and management.

Status of Implementation

The Backlog Resolution Team’s effort to reduce the backlog of 1,504 employment discrimination complaints has resulted in 354 cases being closed — 252 by settlement and 102 by decision and other action as of September 3, 1997. About 200 additional cases have been referred to the Federal Mediation and Conciliation Service for mediation. The Backlog Resolution Team officially closed its operations on July 31, 1997 but it will continue settlement efforts in those cases having a reasonable chance of being resolved — 674 cases were identified where mediation was possible. Where it appears that an agency has unreasonably refused to settle the case, USDA’s Director of the Office of Civil Rights will sign a settlement agreement in lieu of the agency. All unresolved cases will continue in the EEO process. The ASA has directed that a small, ephemeral task force be established to further explore the resolution of EEO complaints.



Recommendation 74

All EEO resolution agreements shall have terms that (1) relate to the nature of the complaints; (2) address causal factors; (3) are conducive to timely implementation; and (4) contain implementation time frames. To ensure accountability, “no fault” settlements shall be used only in cases where all the parties to the dispute agree that it is appropriate.

Status of Implementation

A new policy on EEO settlement agreements has been drafted. The USDA draft policy holds Agency Heads accountable for full and timely implementation of EEO settlements, and directs them to empower their civil rights directors to intervene and sign agreements on behalf of the agency when necessary. The draft policy further directs that “no fault” agreements shall not be used to shield acts of discrimination, and holds Agency Heads accountable for vigorously addressing misconduct and discrimination by their managers. The Director of the Office of Civil Rights has drafted guidelines for agencies and the Office of Civil Rights staff to implement the Secretary’s policy.



Recommendation 75

To ensure an effective and timely EEO complaints process on a permanent basis, conduct an independent review of USDA’s existing EEO system, assess the areas of deficiency, and redesign or repair the system.

Status of Implementation

An analysis of the EEO complaints process, led by an independent contractor that specializes in process reengineering, began in July, 1997. The analysis will result in specific recommendations to repair the system.



Recommendation 76

Initiate a continuing and coordinated USDA-wide workforce planning and recruitment process.

Status of Implementation

Personnel Bulletin 250-1, “Workforce Planning,” scheduled to be issued in early October, requires agencies to coordinate strategic planning, recruitment efforts, affirmative employment program plans, and other strategies to ensure a highly skilled and diverse workforce. Personnel Bulletin 250-2, “Human Resources Management Evaluation Program,” requires agencies to review workforce plans and human resource management programs to emphasize responsibility and accountability, and ensure that diversity is an integral part of the Department’s workforce and programs. A new staff will be established in the OHRM to oversee these functions. In addition, a memorandum of understanding has been drafted which establishes a research and scholar exchange program and addresses under-representation of Asian Pacific Americans in USDA’s workforce.

**Recommendation 77**

The Secretary should be more involved in the management and selection of the SES cadre within USDA.

Status of Implementation

The Office of Personnel Management (OPM) approved the USDA Senior Executive Service Candidate Development Program (SESCDP) Plan on August 20, 1997. USDA officials had hoped to immediately announce a new SESC DP. However, since OPM has just revised the Executive Core Qualifications (ECQs) and the Leadership Competencies that form the basis for the ECQs, USDA is currently working with OPM to modify the USDA plan to use the new standards. The program is expected to be announced this fall, with the first class starting this winter.



Status of Implementation by Recommendation

Organizational Structure of Civil Rights



Recommendation 78

Consolidate the Department’s civil rights functions under one Office of Civil Rights that reports directly to the ASA. Immediately fill the top position in that office with a career SES individual with demonstrated skills in civil rights management, communications and outreach, partnership building with other USDA agencies, and leadership.

Status of Implementation

In March 1997, the civil rights offices under the Office of Operations and all the offices under the Policy Analysis and Coordination Center — Civil Rights were consolidated under the new Office of Civil Rights. Secretary’s Memorandum 1010-4, dated May 16, 1997, officially outlined the restructuring of Departmental Administration, including the establishment of the Office of Civil Rights, headed by a Director who reports directly to the ASA, and the consolidation of all civil rights offices under the Office of Civil Rights. Internal customers — employees, managers, and agencies — and external customers alike now have one point of contact on civil rights program, and equal employment opportunity matters.



Recommendation 79

Organize the new USDA Civil Rights Office with separate employment and program civil rights components that report under separate lines of supervision.

Status of Implementation

This recommendation is being implemented as part of the overall reorganization of the Office of Civil Rights. Since March 1997, the Office of Civil Rights has been operating with separate employment and program civil rights components that report under separate lines of supervision.



Recommendation 80

The USDA Civil Rights Office will proactively promote civil rights at USDA, provide guidance and oversight to agencies, establish and disseminate civil rights policy, update regulations, and conduct compliance reviews and audits to ensure enforcement of all applicable civil rights laws, rules, and regulations.

Status of Implementation

The new Office of Civil Rights includes a policy and planning branch which will be responsible for developing strategic plans, Department-wide regulations, and other forms of policy guidance for implementing national civil rights law and policy in the Department. It also includes an Accountability and Compliance Division which will be responsible for monitoring and over-



Recommendation 81

seeing corrective action to include settlement agreements and decisions on findings of discrimination, ensuring that USDA agencies are held accountable for carrying out effective civil rights implementation plans, and evaluating systemic problems of discrimination in program and employment services in the Department.

USDA’s Director of Civil Rights is ultimately accountable for investigations of program discrimination complaints. The Director may delegate to agency civil rights directors the authority to conduct preliminary investigations of program discrimination complaints, but must document any such delegation in writing, and may withdraw such authority from the agencies.

Status of Implementation

This recommendation was implemented on May 16, 1997, when Secretary’s Memorandum 1010-4 was issued. It notified agencies that the Office of Civil Rights is delegated the authority for investigating program discrimination complaints. In addition, the reorganization package for the Office of Civil Rights established a Program Complaints Division to investigate and process formal, individual, and class program complaints.

A memo has been drafted for distribution to civil rights directors which, when issued, will give them authority to conduct preliminary inquiries into program complaints. When the Office of Civil Rights Investigations Division is established and staffed, it will be responsible for conducting all investigations.



Recommendation 82

The Director of Civil Rights will focus on improving the Department’s enforcement of civil rights laws in program delivery, and ensure that adequate funds are allocated to enforcing civil rights in program delivery. The Director should consider reestablishing the position of desk officer or similar position that would provide specialized services to individual agencies.

Status of Implementation

The Secretary is working with Congress to provide budget and other resources needed to enforce civil rights laws in program delivery.



Recommendation 83

Give the Department’s new Director of Civil Rights the authority to create a quality, competent staff which is capable of implementing an effective civil rights program at USDA. This authority includes the flexibility to reassign and hire staff.

Status of Implementation

Positions are currently being filled in the Office of Civil Rights. USDA will have a civil rights office with the staff and expertise capable of providing the kind of guidance and oversight that USDA agencies need.



Recommendation 84

Change the designation of the Director of Civil Rights from SES general to SES career-reserved, but do not allow that process to hold up the immediate appointment of a permanent Director of Civil Rights.

Status of Implementation

An SES position was established and a Director of the Office of Civil Rights named in March 1997. The designation of this position is being reviewed with all others as part of recommendation 66.



Recommendation 85

To ensure civil rights accountability, OGC must demonstrate its commitment to civil rights by establishing a division dedicated to providing legal counsel to the Department and agency officials on civil rights issues and diversifying its staff of attorneys starting at the highest levels.

Status of Implementation

A new OGC division has been established and the selection of the new Associate General Counsel for Civil Rights is pending. The attorneys in this section will specialize in civil rights law and will provide USDA with the expertise it needs to make certain that employment and program delivery activities are conducted in accordance with civil rights laws, regulations, and statutes. Additionally, OGC will soon adopt an AERP to add diversity to its workforce, so OGC employees can better understand and serve minority, limited-resource, and women farmers.



Recommendation 86

To ensure that each USDA agency has civil rights accountability, each agency must have a civil rights director who reports to the Agency Head. Any exception to the reporting line must be approved by the Secretary. The director will have primary responsibility for ensuring that the agency enforces all civil rights laws and that the agency complies with all complaints processing timeframes. Departmental staffs (OGC, OIG, OBPA, etc.) must have effective civil rights programs with a measurable mechanism for feedback to the Secretary on their civil rights performance.

Status of Implementation

A Secretary’s Memorandum has been drafted which, when issued, will notify agencies that their civil rights director must report to the Agency Head and that any exceptions must be approved by the Director of the Office of Civil Rights. Agencies will be required to submit a report to the Office of Civil Rights when they have completed their reorganization to effect this action or to request an exception to the rule. The Office of Civil Rights is currently working to set up processes and mechanisms to oversee and monitor the agencies’ overall civil rights program.

Secretary’s Memorandum 1010-4 established that the ASA, through the Office of Civil Rights, will “provide guidance and oversight to USDA agencies, and conduct compliance reviews and audits to ensure enforcement of all



Recommendation 87

applicable civil rights laws, rules, and regulations.” The Office of Civil Rights will monitor and oversee agency civil rights activities through the proposed Accountability and Compliance Division and the Tracking, Applications, and Analysis Division. Regular, measurable standards will be provided to the ASA to act accordingly (e.g., rating Agency Heads on their civil rights elements or recognizing those managers and agencies that have made significant accomplishments in workforce diversity).

The agency civil rights programs must include program planning, analysis, compliance, and complaints management. In addition, agencies must have documented, measurable goals and timetables to address civil rights in program delivery and employment, under-representation, workforce diversity, and procurement.

Status of Implementation

Performance standards are being developed to hold Agency Heads accountable for establishing civil rights programs in accordance with this recommendation. A Secretary’s Memorandum is being drafted to outline the requirements of agency civil rights programs. This memo will specifically define measurable goals for the agency civil rights offices and the mechanisms to be used to monitor the effectiveness of the agency with regard to civil rights. Agency administrators will be held accountable for operating and managing a comprehensive civil rights program. The Office of Civil Rights will focus on monitoring and ensuring that the agencies actually have an effective program which is proactive and adequately staffed and funded. The Office of Civil Rights is currently working to put processes and mechanisms in place to oversee and monitor the agencies’ overall civil rights program.

Specific performance standards will allow the ASA to rate Agency Heads on their actual performance toward meeting the Department’s civil rights goals and objectives.



Recommendation 88

The EEO counselor positions, including resources, must be returned to the agencies from the Department’s Civil Rights Office. All EEO counselors must be in full-time civil rights positions.

Status of Implementation

Agencies and employees have been notified of the pending transfer of the counseling function to the agencies. A survey of affected employees solicited preferences for geographical and agency locations. Agencies were asked to submit their plans for establishing the counseling function within the agency. All employees and agencies have complied with the requests. In addition, on July 11, 1997, a buyout was approved for all Office of Civil Rights employees. OHRM officials have matched employees from the Service Centers with positions in the agencies. Employees have received their transfer-of-function letters. On October 1, 1997, all counselors will be returned to agency civil rights offices.



Recommendation 89

Adopt and announce as USDA’s official policy that management is responsible for preventing conflict and resolving disputes at the lowest possible level by resolving the underlying issues and preventing recurrence of conflicts. Resolve conflicts using an “interest based” approach whenever possible.

Status of Implementation

A new policy on conflict management has been written. It requires all USDA managers to become competent in conflict management skills, and that all employees be afforded the opportunity to participate in alternative dispute resolution, outside the formal complaint systems, to resolve workplace conflicts.



Recommendation 90

Convene a team, with representatives from all mission areas/agencies, to develop a USDA program implementing the Department’s new conflict management policy.

Status of Implementation

A team with representatives from all USDA mission areas developed a USDA conflict management program. The two essential elements of the program are training in conflict resolution skills for USDA employees, and greater use of alternative dispute resolution processes to achieve early resolution of workplace disputes, outside the formal complaint systems. To provide a viable forum to address conflict that may not involve discrimination, the Acting ASA has concurred in a recommendation to establish a USDA Conflict Prevention and Resolution Center. The Center will be established in a neutral location in the Department — not in the Office of Civil Rights — and will coordinate the Department’s conflict prevention and early-resolution activities. A proposed budget for this office is being reviewed by the Office of Budget and Program Analysis.



Recommendation 91

Eliminate the Dispute Resolution Boards and close the Department’s Civil Rights Regional Service Centers.

Status of Implementation

This recommendation is being implemented. See recommendation 88.



Recommendation 92

Consolidate all administration and management functions under the ASA with full delegation of authority. This consolidation will bring the Chief Financial Officer (CFO), the Chief Information Officer (CIO), the Office of Small and Disadvantaged Business Utilization (OSDBU), and the Service Center Implementation Team (SCIT) under the ASA.

Status of Implementation

On May 16, 1997, the Secretary issued Memorandum 1010-4 which, among other USDA restructuring changes, modified the reporting assignment for the Office of Small and Disadvantaged Business Utilization (OSDBU) to report to the ASA. Realigning the OSDBU to report to the ASA will ensure that small business goals and objectives are coordinated with other equal opportunity initiatives while allowing the ASA to ensure accountability.

Abbreviations

AARC	Alternative Agricultural Research and Commercialization Corporation
ADR	Alternative Dispute Resolution
AERP	Affirmative Employment and Recruitment Plan
AMA	American Medical Association
AMS	Agricultural Marketing Service
APHIS	Animal and Plant Health Inspection Service
ARS	Agricultural Research Service
ASA	Assistant Secretary for Administration
BCA	Board of Contract Appeals
CBO	Community Based Organizations
CIO	Chief Information Officer
CFO	Chief Financial Officer
CR	Office of Civil Rights
CRAT	Civil Rights Action Team
CRIT	Civil Rights Implementation Team
CSREES	Cooperative, State, Research, Education, and Extension Service
DAMS	Departmental Administration - Management Services
DOJ	Department of Justice
ECQ	Executive Core Qualifications
EEO	Equal Employment Opportunity
EPS	Employee Placement System
ERS	Economic Research Service
EQIP	Environmental Quality Incentives Program
EXTOXNET	Extension Toxicology Network
FAC	Food and Agriculture Council
FAS	Foreign Agricultural Service
FAIR	Federal Agriculture Improvement and Reform Act (P.L. 104-127)
FCS	Food and Consumer Service
FFAS	Farm and Foreign Agricultural Services
FNCS	Food, Nutrition and Consumer Services
FS	Forest Service
FSA	Farm Service Agency
FSIS	Food Safety and Inspection Service
GIPSA	Grain Inspection, Packers and Stockyards Administration
GPRA	Government Performance and Results Act
HACU	Hispanic Association of Colleges and Universities
H.R. 2185	“A bill to establish equitable service for customers and equal opportunity for employees of the United States Department of Agriculture” introduced by Rep. Eva Clayton (NC)

HWM	Hazardous Waste Management
MAP	Modernization of Administrative Processes
MRP	Marketing and Regulatory Programs
NAD	National Appeals Division
NASS	National Agricultural Statistics Service
NEPA	National Environmental Protection Act
NFFE	National Federation of Federal Employees
NRCS	Natural Resources Conservation Service
NRE	Natural Resources and Environment
OALJ	Office of Administrative Law Judges
OBPA	Office of Budget and Program Analysis
OBRA	Omnibus Budget Reconciliation Act, 1990
OC	Office of Communications
OCA	Office of Consumer Affairs
OCE	Office of Chief Economist
OCFO	Office of the Chief Financial Officer
CR	Office of Congressional Relations
OES	Office of the Executive Secretariat
OGC	Office of the General Counsel
OHRM	Office of Human Resources Management
OIG	Office of the Inspector General
OJO	Office of the Judicial Officer
OO	Office of Operations
OPM	Office of Personnel Management
ORACBA	Office of Risk Assessment and Cost-Benefit Analysis
OSEC	Office of the Secretary
OSDBU	Office of Small and Disadvantaged Business Utilization
PACC	Policy Analysis and Coordination Center
PRB	Performance Review Board
RBS	Rural Business-Cooperative Service
RD	Rural Development
REE	Research, Education and Economics
RHS	Rural Housing Service
RUS	Rural Utilities Service
SEPM	Special Emphasis Program Managers
SES	Senior Executive Service
SESCDP	Senior Executive Service Candidate Development Program
SCIT	Service Center Implementation Team
WAOB	World Agricultural Outlook Board

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United States Department of Agriculture
Civil Rights Implementation Team
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