



Highlights of [GAO-09-650T](#), a testimony before the Subcommittee on Department Operations, Oversight, Nutrition and Forestry, Committee on Agriculture, House of Representatives

## Why GAO Did This Study

For decades, there have been allegations of discrimination in the U.S. Department of Agriculture's (USDA) programs and workforce. Numerous federal reports have described serious weaknesses in USDA's civil rights program—in particular, in resolving discrimination complaints and providing minority farmers with access to programs. In 2002, Congress authorized the position of Assistant Secretary for Civil Rights (ASCR) at USDA to provide leadership for resolving these long-standing problems.

This testimony focuses on ASCR's efforts to (1) resolve discrimination complaints, (2) report on minority participation in farm programs, and (3) strategically plan its efforts. GAO also reviewed the experiences of other federal agencies to develop options for addressing management deficiencies within ASCR. This testimony is based primarily on GAO's May 2008 testimony ([GAO-08-755T](#)) on ASCR management deficiencies and October 2008 report ([GAO-09-62](#)) that made a number of recommendations to the Secretary of Agriculture and suggested certain matters for congressional consideration. At the time, USDA agreed with most of the recommendations but not with the matters for congressional consideration. In April 2009, ASCR officials said USDA accepts all of the recommendations and is beginning steps to implement them; these officials also said they hope doing so will preclude the need for the Congressional actions GAO suggested.

View [GAO-09-650T](#) or [key components](#). For more information, contact Lisa Shames at (202) 512-2649 or [shamesl@gao.gov](mailto:shamesl@gao.gov).

## U.S. DEPARTMENT OF AGRICULTURE

### Recommendations and Options Available to the New Administration and Congress to Address Long-Standing Civil Rights Issues

#### What GAO Found

ASCR's difficulties in resolving discrimination complaints persist. ASCR has not achieved its goal of preventing backlogs of complaints, and this effort has been undermined by ASCR's faulty reporting and disparities in ASCR data. Also, some steps ASCR took to speed up its work may have adversely affected the quality of its work. Consequently, we recommended that the Secretary of Agriculture implement plans to (1) improve how USDA resolves discrimination complaints and (2) ensure the reliability of ASCR's databases on customer and employee complaints. We also recommended that USDA obtain an independent legal examination of a sample of USDA's prior investigations and decisions on civil rights complaints.

USDA considers much of its data on minority farmers' participation in farm programs to be unreliable because they are based on employees' visual observations about participants' race and ethnicity that may not be correct. USDA stated that it needs the Office of Management and Budget's (OMB) approval to collect more reliable data. Consequently, in October 2008, we recommended that the Secretary of Agriculture work expeditiously to obtain OMB's approval to collect the demographic data necessary for reliable reporting on race and ethnicity by USDA program.

ASCR's strategic planning does not address key steps needed to ensure USDA provides fair and equitable services to all customers and upholds the civil rights of its employees. In October 2008, we recommended that the Secretary of Agriculture develop a strategic plan for civil rights at USDA that unifies USDA's departmental approach with that of ASCR and that is transparent about USDA's efforts to address the concerns of stakeholders.

Three options that have been used at other agencies dealing with significant performance issues are relevant to addressing certain long-standing ASCR issues: statutory performance agreements, which could help ASCR achieve specific expectations by providing additional incentives and mandatory public reporting; an oversight board, which could improve USDA's administration of civil rights activities and provide transparency; and an ombudsman office, which could assist in resolving civil rights concerns at USDA. In October 2008, we suggested that Congress consider (1) making USDA's Assistant Secretary for Civil Rights subject to a statutory performance agreement and (2) establishing a USDA civil rights oversight board. In addition, we recommended that the Secretary of Agriculture explore the potential for an ombudsman office to help address the civil rights concerns of USDA customers and employees.