

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

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TO: All USDA Employees

FROM: Thomas J. Vilsack
Secretary



SUBJECT: A New Civil Rights Era for USDA

As you know, civil rights is one of my top priorities. In the Departmental complaint system alone, more than 14,000 complaints have been filed since the year 2000. Approximately 3,000 of these complaints remain to be processed, and questions continue to be raised about USDA's handling of complaints. I have said many times that I intend to take definitive action to improve USDA's record on civil rights and to move USDA into a new era as a model employer and premier service provider.

To be successful, all USDA employees must be committed to making USDA a model in the Federal Government for respecting the civil rights of its employees and constituents. As Secretary, I will accept nothing less. USDA has taken steps to address the civil rights challenges that it faces. I want to acknowledge and applaud those employees across USDA who have worked hard to improve the Department's civil rights record. But we need to do better on these efforts and empower USDA employees to move USDA into this new era on civil rights.

This memorandum outlines my initial steps to change the direction of Equal Employment Opportunity, civil rights, and program delivery in USDA by designing a comprehensive approach to ensure fair treatment of all employees and applicants and improve our program delivery to every person entitled to our varied services.

The following actions are either already underway or will be implemented immediately:

1. The Assistant Secretary for Administration will publish a Request for Proposals to obtain an independent external analysis of program delivery in USDA's Farm Service Agency (FSA), Natural Resources Conservation Service (NRCS), and Rural Development (RD) field offices. The analysis will provide specific recommendations and methodologies to ensure that programs are delivered equitably and that access is afforded to all constituents, with particular emphasis on socially disadvantaged farmers, ranchers, and other constituents. While this study will apply to these three agencies, the results will also impact all USDA agencies as necessary.

2. I will create a Task force to conduct a review of a sample of program civil rights complaints that have been processed since the year 2000 or that are currently being processed. The efforts of the Task Force will be supported by independent legal counsel, as suggested by the Government Accountability Office (GAO) report GAO-09-62, and additional staffing resources to support the review, investigations, and complaint adjudication functions. Agencies will be asked to contribute resources to accomplish both short- and long-term phases of the task.
3. The Assistant Secretary for Civil Rights will place top priority on the processing of complaints facing the statute of limitations in the Equal Credit Opportunity Act (ECOA) so that constituents have access to due process under the ECOA.
4. To address outstanding issues related to claims not previously adjudicated in the *Pigford* litigation that are currently pending in Federal court, USDA is in consultation with the Department of Justice to determine how such claims may be resolved fairly and expeditiously.
5. In response to the economic challenges facing farmers, I will use my existing authority to temporarily suspend all foreclosures within the Farm Service Agency's farm loan program for approximately 90 days. This time will also afford the Department the opportunity to review loans involving possible discriminatory conduct. We are also talking to the Department of Justice about exercising its authority to review existing litigation over these loans.
6. The Assistant Secretary for Civil Rights will, in collaboration with the appropriate agencies, fully implement automated corporate race, ethnicity, sex, national origin, disability, and age data collection for FSA, NRCS, and RD at the field office level by October 1, 2009, after which we will develop a corporate proposal for data collection across USDA.
7. The Assistant Secretary for Civil Rights will design and implement management controls to ensure that complaints are received, stored, and processed in a consistent manner and within specific timeframes. The first phase of this process has been implemented by the awarding of a contract to review and design a state-of-the-art electronic records system.
8. The Assistant Secretary for Civil Rights will take immediate action to migrate all program complaints into one data system, include additional data elements to ensure the usefulness of the system, and develop Departmental policy and training for Agency civil rights directors to ensure the proper and consistent use of the system.
9. The Assistant Secretary for Civil Rights will create and implement a correspondence management policy as well as a correspondence management plan for the Office of the Assistant Secretary for Civil Rights and all offices reporting to it.

10. The Assistant Secretary for Civil Rights, in collaboration with field service agencies, will implement all provisions of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) related to tracking and monitoring of client services, including "Receipt for Services."
11. The Assistant Secretary for Civil Rights has convened a team to study ombudsman and Alternative Dispute Resolution (ADR) services in USDA and to make recommendations by September 30, 2009, for establishing an ombudsman and strengthening the ADR function.
12. The Assistant Secretary for Civil Rights will review the organization and roles of the Office of the Assistant Secretary for Civil Rights and ensure that appropriate emphasis and staffing are placed on enforcement of Equal Employment Opportunity and civil rights law regarding employment and program delivery.
13. I will establish outreach, advocacy, and diversity as separate functions at USDA in keeping with the 2008 Farm Bill.
14. To ensure the most constructive and effective partners' meeting format and agenda, future meetings will be held after the Department has the opportunity to consider information gathered in the reorganization efforts described above and in the study described in item 1. A final report summarizing the information gleaned from previous partners' meetings will be published by June 30, 2009, and will be considered in the aforementioned study.

While there is emphasis on some of these items in FSA, NRCS, and RD, I want to be clear that this memorandum applies to all of USDA, and my expectation is that all agencies will cooperate in this effort and follow this new direction. It is essential that all agencies demonstrate their commitment to these goals.

These are just the first actions in a continuing effort to ensure that the civil rights of USDA constituents and employees are respected and protected. This is a new day for Equal Employment Opportunity, program delivery, and civil rights in USDA. I intend to lead the Department in correcting its past errors, learning from its mistakes, and moving forward to a new era of equitable service and access for all. With this effort and with each USDA employee taking individual responsibility, we can and will transform USDA into a model organization.