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.