



Highlights of [GAO-09-62](#), a report to congressional requesters

Why GAO Did This Study

For decades, numerous federal reports have described serious weaknesses in USDA's civil rights programs—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. GAO was asked to assess USDA's efforts to (1) resolve discrimination complaints, (2) report on minority participation in farm programs, and (3) strategically plan its efforts. GAO also reviewed experiences of other federal agencies to develop options for addressing the issues. This report is based on new and prior work, including analysis of ASCR's discrimination complaint management, strategic planning, and interviews with officials of USDA and other agencies, as well as 20 USDA stakeholder groups.

What GAO Recommends

GAO recommends that USDA improve its efforts to resolve discrimination complaints, data reliability, strategic planning, and explore establishing an ombudsman. Also, Congress may wish to consider establishing a statutory performance agreement and an oversight board for ASCR. USDA agreed with most of GAO's recommendations but raised concerns about the options GAO presented to Congress.

To view the full product, including the scope and methodology, click on [GAO-09-62](#). For more information, contact Lisa Shames at (202) 512-3841 or shamesl@gao.gov.

U.S. DEPARTMENT OF AGRICULTURE

Recommendations and Options to Address Management Deficiencies in the Office of the Assistant Secretary for Civil Rights

What GAO Found

ASCR's difficulties in resolving discrimination complaints persist—ASCR has not achieved its goal of preventing backlogs of complaints. The credibility of USDA's efforts has been and continues to be undermined by ASCR's faulty reporting and disparities in ASCR's data. Even such basic information as the backlog of complaints is subject to wide variation in ASCR's reports to the public and Congress. For example, ASCR's public claim in July 2007 that it had successfully reduced a backlog of about 690 discrimination complaints in fiscal year 2004 and held its caseload to manageable levels drew a questionable portrait of progress. By July 2007, ASCR's backlog had surged to 885 complaints and ASCR officials were in the midst of planning to hire attorneys to address that backlog. Also, some steps ASCR had taken to speed up its work may have sometimes been counterproductive and adversely affected the quality of its work. ASCR does not have a plan to correct these problems.

USDA published three annual reports on minority farmers' participation in farm programs, as required by law. However, USDA considers much of its data to be unreliable because they are based on employees' visual observations about participants' race and ethnicity that may not be correct. USDA states that it needs the Office of Management and Budget's (OMB) approval to collect more reliable data. ASCR started to seek OMB's approval in 2004 but, as of August 2008, had not followed through to obtain approval.

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. For example, strategic planning should be based to a large extent on the perspectives of stakeholders, but stakeholders' views are not explicitly reflected in ASCR's plan. Also, ASCR could better measure performance to gauge its progress. ASCR's strategic plan also does not link funding with anticipated results or discuss the potential for using performance information for identifying USDA's performance gaps.

The experience of other agencies in addressing significant performance issues provides important insights and options that are relevant for addressing certain long-standing ASCR issues. First, Congress required executives at three federal agencies to be subject to statutory performance agreements. Such an agreement for ASCR could be used to achieve specific expectations by providing additional incentives and mandatory public reporting. Second, Congress has authorized oversight boards for a variety of purposes, including one for the Internal Revenue Service to oversee performance. A USDA civil rights oversight board could be authorized to oversee USDA's activities to identify weaknesses that need to be addressed and to provide transparency. Third, an effective USDA ombudsman—one who is independent, impartial, fully capable of conducting meaningful investigations and who can maintain confidentiality—could assist in resolving civil rights concerns at USDA. USDA has some authority to establish an ombudsman but has not done so.