
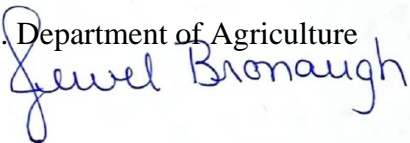




Office of the Secretary  
Washington, D.C. 20250

**TO:** Office of Management and Budget  
White House Domestic Policy Council

**FROM:** Thomas J. Vilsack   
Secretary, U.S. Department of Agriculture

Dr. Jewel Bronaugh  
Deputy Secretary, U.S. Department of Agriculture 

**DATE:** February 10, 2022

**SUBJECT:** USDA Equity Action Plan in Support of Executive Order (EO) 13985 Advancing Racial Equity and Support for Underserved Communities through the Federal Government

On January 20, 2021, the President issued EO 13985, which established that the Federal Government should pursue a comprehensive approach to advancing equity for all.

In response, USDA took immediate action with a series of activities aimed to meaningfully listen to internal and external stakeholders, understand where barriers to accessing USDA programs and services exist, and assess data to identify opportunities to advance equity. Based on early lessons learned, USDA staff offices and mission areas were directed to coordinate and develop their respective key actions to comprehensively incorporate equity into farm, family, and food programs that touch every American's life – including fortifying civil rights where improvements need to be made.

The attached USDA Equity Action Plan details a subset of actions that USDA has chosen to highlight because of their potential high impact for underserved farmers and ranchers, families and children, and rural communities. While this is just a subset of many bold equity actions that we will implement, these actions create the foundation that will inform and build other equity-related strategies. USDA will institutionalize these strategies to become an organization that is trusted today and by future generations. Our country is stronger when everyone participates, and more vulnerable when people are left out. We know that people's frustrations run deep and are rooted in their own daily battles – to make ends meet, to maintain their land, to put food on their tables, and to see their children have a shot at economic opportunity. The increasing gap in wealth and opportunities challenges the very core of who we are as a Department. USDA's Equity Action Plan and other related efforts will make our programs benefit every working American, particularly those who have been left behind. How we implement and make progress over the next few years will determine whether our children will grow up in a Nation where opportunity is real. We remain steadfast in our commitment to advance equity in every facet of our mission.

Thank you for your leadership and support.

## **EQUITY ACTION PLAN U.S. DEPARTMENT OF AGRICULTURE (USDA)**

### **BACKGROUND**

On May 15, 1862, President Abraham Lincoln signed [legislation](#) establishing the United States Department of Agriculture (USDA). Two and a half years later in his final message to Congress, President Lincoln called USDA “*The People’s Department.*” Today, USDA still strives to live up to this name and become a Department that truly serves *all* people.

Unfortunately, since its inception, USDA has at times struggled to deliver its programs and services equitably. All too often programs have been designed to benefit those with land, experience, money, and education while leaving behind those without means, resources or privilege of one kind or another. Over the course of decades, congressional reports, internal data, civil rights investigations, court actions, and stakeholder testimony have documented this long history of inequity and discrimination against farmers from underserved groups, most often through institutional practices that administer credit and other farm support programs.

Because of the flawed design of programs as well as individual acts of discrimination, over the course of decades, many underserved producers have lost equipment, land, farm operations, and opportunities to train future generations of diverse producers. In some cases, they lost their family home and valued links to their culture, history, community, and identity. These losses have been devastating. USDA must both take accountability for its role in the precipitous decline in the number of Black farmers in the United States and for erecting barriers that have kept other underserved communities including Native Americans, beginning farmers and ranchers, veteran producers, farm workers, and other underrepresented groups from full and fair access to USDA programs and services, including but not limited to USDA farm programs.

As we move forward, USDA will continue to integrate civil rights and equity in the design of its policies and programs that span the entirety of its mandate, including areas such as food security, nutrition, natural resources and conservation, rural development, and more. USDA Food and Nutrition and Rural Development programs are often and rightly lauded for their efficacy in reducing hunger, poverty and improving quality of life in rural regions with investments in critical community infrastructure such as housing, broadband, water, electricity, hospitals, and schools. The reach of these programs is significant. For example, in fiscal year 2021, 41.5 million benefited from the Supplemental Nutrition Assistance Program (SNAP) and 9 million kids were served with 1.6 billion school meals. And during the pandemic when low-income families and children did not have reliable access to nutritious, affordable food, USDA increased the Pandemic Electronic Benefit Transfer (P-EBT) by approximately 15%, providing low-income families with additional money to provide meals to approximately 35 million children. The impressive reach and efficacy of federal nutrition programs underscores the importance of reducing barriers to access which range from cumbersome and inconvenient application systems to old technology and paper-based systems.

Similarly, USDA’s Rural Development programs are touching the lives of millions of rural Americans and communities across the country. Despite progress to address poverty in America,

rural America continues to struggle to build and maintain wealth and opportunity in place. Even with existing critical investments, disparities in economic, health, social, and racial outcomes persist. Today, 267 of 310 persistently poor counties are rural and the rural child poverty rate exceeds the urban child poverty rate<sup>1</sup>. USDA Rural Development provides nearly \$40 billion in financing for housing, water, community facilities, broadband, businesses, and other critical community infrastructure each year. But all too often, the households and communities that most need these critical USDA investments face barriers to access. For example, complex application processes for Rural Development programs can easily mean that higher capacity communities with the resources to hire a grant writer or submit a sophisticated application often win out over persistently poor communities.

Through the leadership of Secretary Tom Vilsack and Deputy Secretary Dr. Jewel Bronaugh, USDA recognizes the damaging effects of systemic racism and discrimination that persist to this day. It is USDA's commitment to take aggressive action to advance racial justice and equity with a four-pronged approach.

First, based on stakeholder input and internal equity assessments, USDA challenged its offices and mission areas to identify actions that will build and maintain trust, reduce barriers to access, and increase USDA investments towards underserved communities. Each office and mission area devised an equity action plan to which they will be held accountable for progress on a quarterly basis. This USDA Equity Action Plan highlights a subset of the actions that our offices and mission areas have committed to taking with an emphasis on high-impact efforts.

Second, recognizing the role of a healthy and inclusive organizational culture and the need to build an organization that reflects the communities that agency serves, USDA is looking inward to understand what it will take to build an organization that centers diversity, equity, inclusion, and accessibility (DEIA) in all that it does. Immediate actions include the creation of a DEIA strategic plan<sup>2</sup> and hiring a Chief Diversity and Inclusion Officer. These two specific actions are not discussed in this report but will be detailed in a separate and subsequent document.

Third, USDA is establishing an [Equity Commission](#) comprised of external stakeholders. Commission Members will conduct a thorough review of USDA policies and programs and provide the Secretary with a set of recommendations for how the Department can take action to advance equity. The Equity Commission provides a formal mechanism to ensure USDA receives important input from a diverse array of stakeholders. The Equity Commission will develop a report to serve as a vehicle to incorporate stakeholder experiences, perspectives, and wisdom into a set of actionable recommendations. The Equity Commission and its Subcommittee for Agriculture will provide an initial set of recommendations in late 2022. Additional recommendations from the Commission's rural development subcommittee and any other subcommittees will be provided no later than 2023. While the Equity Commission may

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<sup>1</sup> USDA Economic Research Service (ERS) 2019 Persistent Poverty Report: <https://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=101781>.

<sup>2</sup> To be developed in alignment with EO 14035 DEIA in the Federal Workforce <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/> and in support of OPM's Government-wide DEIA Strategy: <https://www.whitehouse.gov/wp-content/uploads/2021/11/Strategic-Plan-to-Advance-Diversity-Equity-Inclusion-and-Accessibility-in-the-Federal-Workforce-11.23.21.pdf>.

make recommendations that require Congressional action – where USDA has the authority to do so and assuming the recommendations are practicable and sound – USDA intends to take swift action and will incorporate recommendations of the Equity Commission into USDA’s Equity Action Plan.

And lastly, the full implementation of the debt relief provision in Section 1005 of the [American Rescue Plan Act](#) (ARPA) is central to USDA’s strategy for advancing equity among a subset of historically underserved agricultural producers. This provision provided USDA with approximately \$5 billion to provide loan payments to USDA direct and guaranteed loan borrowers from socially disadvantaged groups. While this program is currently on hold due to several court-ordered national preliminary injunctions, the USDA, the Department of Justice, and the Biden-Harris Administration will continue to vigorously defend the program in federal court.

Foundational to our approaches and a key part of this Equity Action Plan is the underpinning of a strong, trusted, effective, and efficient civil rights offices. USDA must uphold civil and constitutional rights and must have a best-in-class Office of the Assistant Secretary for Civil Rights as well as top notch mission area and agency civil rights offices that ensure that all USDA applicants, customers, employees, and stakeholders are provided fair access to all opportunities, programs, and services. This includes the ability to target interventions and hold USDA accountable to eliminate discriminatory treatment and provide appropriate civil rights enforcement when complaints and non-compliance issues arise. Adherence to civil rights laws and regulations undergirds everything we must do to lead the organization effectively and deliver programs.

Concurrently, as a lead advocate for rural communities within the federal family, USDA also worked closely with the White House and the Office of Management and Budget (OMB) to educate colleagues across the federal government about the unique experiences and attributes of rural and Tribal communities, why persistent poverty<sup>3</sup> is predominant in these areas, and how attention to the details of both policy design and implementation can ensure rural and Tribal communities have equitable access to federal programs and services.

## **SUMMARY OF ACTIONS**

With the background above in mind and in response to [EO13985 Advancing Racial Equity and Support for Underserved Communities through the Federal Government](#), this Equity Action Plan details a subset of actions that USDA has prioritized and chosen to highlight because of their potential for high impact on the underserved farmers and ranchers, families and children, and rural communities. In planning for this Equity Action Plan, USDA first spent several months: 1) Assessing and identifying challenges and opportunities through data and stakeholder engagement; 2) Convening leaders across USDA components to discuss systems, practices, and mindsets that hinder progress and activate a planning process to strengthen accountability and ensure sustained change; and 3) Crafting equity action plans specific to each mission area, agency, and staff office. Below is a summary of high impact actions USDA will take to advance equity:

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<sup>3</sup> USDA ERS *Distinct Rural Poverty Regional and Racial Patterns*: <https://www.ers.usda.gov/amber-waves/2021/august/rural-poverty-has-distinct-regional-and-racial-patterns/>

1. ***Partner with trusted technical assistance providers:*** Building on investments made in 2021, USDA will partner with trusted technical assistance providers to ensure that underserved producers have the additional support they need to access USDA programs. This includes improved assistance and capacity for business planning, market development, financial knowledge, and other technical skills involved in successful farm management.
2. ***Reduce barriers to USDA programs and improve support to underserved farmers, ranchers, and landowners:*** USDA will take steps to reduce administrative, economical, historical, and other barriers to program access.
3. ***Expand equitable access to USDA nutrition assistance programs:*** Building on actions taken in 2021 to address the unprecedented levels of food insecurity and diet-related associations with COVID-19 mortality as well as promote equity – USDA will further expand access to its nutrition assistance programs to ensure that those who qualify are able to participate, those who participate get benefits that are meaningful, and those who receive those benefits can use them conveniently and in ways that promote improvements in their health and well-being.
4. ***Increase USDA infrastructure investments that benefit underserved communities:*** USDA will make historic infrastructure investments and embed environmental justice as part of the mission. By directing programs to develop policies and activities that ensure USDA investments benefit underserved rural and tribal communities, this will also help strengthen their ability to withstand the disproportionate effects of climate change.
5. ***Advance equity in federal procurement:*** USDA will assess and implement acquisition strategies to increase opportunities for small and disadvantaged businesses to fairly compete and access federal contracts.
6. ***Uphold Federal Trust and Treaty Responsibilities to Indian Tribes:*** American Indian and Alaska Native Tribal Nations are sovereign governments. USDA will take steps to remove barriers to access USDA programs, and expand Tribal self-determination policies, and incorporate indigenous values and perspectives in program design and delivery.
7. ***An unwavering commitment to civil rights:*** USDA will work to build civil rights offices with the tools, skills, capacity, and processes essential to effectively and efficiently enforce and upholding civil rights while also working to institutionalize civil rights and equity in how the organization operates.

As USDA makes progress on the goals and actions articulated above, the Department will simultaneously work to create new norms, practices, structures, and an organizational culture that consistently and systematically places equity at the center of program design, implementation, and evaluation. As previously mentioned, the Department will also provide concurrent attention to creating an organizational culture that embraces diversity, equity, inclusion, and access. USDA is off to a strong start using both discretionary and new authorities, and historic investments that both ARPA and the [Bi-Partisan Infrastructure Investment and Jobs Act](#) provide.

Over the course of the Biden-Harris Administration and beyond, USDA will develop and share with our customers and stakeholders our progress in advancing equity. It is critical that we

continue to rewrite our narrative, remain steadfast in our public commitment, and advance progress and change towards a more fair and equitable organization that will contribute to the overall efforts of building a government that is trusted by those we serve. Our forward progress will be documented via an annual accomplishment report that will reflect incremental outcomes of this plan and other equity-related efforts. This annual report will be made available via [www.usda.gov/equity](http://www.usda.gov/equity) and amplified through stakeholder engagements with partners and customers in the field and nationally.

USDA strives to institutionalize this emphasis on equity so that, with time, USDA becomes known as a trusted partner that does right by underserved communities and thus live up to its name as *The People's Department* now and for future generations.

## EARLY ACCOMPLISHMENTS

**Equitable Access to Nutrition Programs:** Food Nutrition and Consumer Services (FNCS) bolstered access to SNAP by providing [\\$1.135 billion](#) to expand and enhance the States' SNAP administration and improve services to vulnerable populations; Increased Benefits for Women, Infants, and Children (WIC) Recipients by providing [\\$900 million](#) to implement a temporary increase in fruit and vegetable vouchers to \$35 per month. USDA also proposed a regulatory priority to remove regulatory barriers in WIC's online ordering and expand access for various types of online capable stores to participate. USDA also [increased the Pandemic-EBT food assistance benefit by approximately 15%](#), providing more money for low-income families and millions of children missing meals due to school closures. USDA also [expanded eligibility](#) for homeless young adults under the age of 25 to be able to receive meals at emergency shelters participating in the Child and Adult Care Food Program (CACFP).

**Support to Underserved Producers:** The Farm Service Agency (FSA) made available [\\$67 million](#) through its new Heirs' Property Relending Program. Heirs' property and other land tenure issues have long been substantial barriers preventing access to USDA programs for many producers and landowners, and this relending program provides access to capital to help producers find a resolution. The program's benefits go far beyond its participants – it will also keep farmland in farming, protect family farm legacies, and support economic viability. USDA also announced approximately [\\$16.6 million](#) in funding to community-based and nonprofit organizations, institutions of higher education, and Tribal entities that help underserved and veteran farmers and ranchers own and operate successful farms. The Natural Resources Conservation Service (NRCS) invested [\\$50 million](#) in partnerships to improve equity in conservation programs and USDA has invested [\\$75 million](#) in 5-year technical assistance partnerships with cooperators that work with underserved farmers and ranchers.

**Support to Underserved Communities:** USDA Rural Housing Service's Single-Family Housing Direct and Guaranteed loans (SFHDLP and SFHGLP) extended the eviction and foreclosure moratorium to struggling multifamily housing residents. Totalling 218 projects, Rural Business Service also made [\\$86 million investment](#) to improve equitable access to jobs, business opportunities, housing and health care for people who live and work in rural communities through six programs such as Delta Health Care Grant and Socially Disadvantaged Groups Grant programs.

**Partnerships with Minority Serving Institutions (MSI):** The Food Safety (FSIS), Marketing & Regulatory Program (MRP), Trade & Foreign Agriculture Affairs (TFAA), Research, Education, and Economics (REE), and Office of Partnerships & Public Engagement (OPPE) [made investments to various MSIs](#) to build programs that 1) enable minority students to have access to curriculum, internships, and training that expand career opportunities in USDA-related fields; and 2) leverage MSIs' ability to provide technical assistance to assist underserved and veteran farmers to own and operate successful farms. For example, REE invested over [\\$21.8 million](#) to support research, to build capacity for teaching, research and extension activities, and diverse student recruitment.

**Improve Nation-to-Nation Relationship with Tribal Governments:** USDA restored the Office of Tribal Relations (OTR) and held an all-of-USDA tribal consultation in March 2021. USDA also restored the protections to the [9.3 million acres of inventoried roadless areas on the Tongass National Forest](#), returning stability and certainty to the conservation of the world's largest intact temperate old growth rainforest. The USDA will also work with Tribes and Alaska Native corporations in the area to develop sustainable opportunities for economic growth. For example, Rural Utilities Service (RUS) obligated a [\\$235 million loan to the Navajo Tribal Utility Authority](#) to improve electric service to the Navajo and Hopi tribes and deploy fiber-based smart grid infrastructure. RUS also implemented no-match grant requirement for federally recognized Tribes and other underserved communities. By doing so, it enabled low-capacity grantees to have a fair shot at accessing financing.

For a comprehensive list of USDA's early accomplishments, visit [www.usda.gov/equity](http://www.usda.gov/equity).

## **EQUITY ACTION PLAN**

### **PRIORITY ACTION 1 – Partner with Trusted Technical Assistance Providers**

While USDA's expansive presence in rural communities is one of its greatest strengths, it is increasingly clear that the decentralized, local nature of information sharing and decision-making can be problematic, especially for underserved communities and non-traditional customers. Agriculture is a complex industry with significant up-front costs including land, seed, labor, fertilizer, and other inputs. In addition to assistance accessing affordable capital, producers often need assistance with business plan development, tax planning, or simply navigating the complexity of the financial institutions from which they are seeking to secure credit, be that USDA or elsewhere. These challenges are compounded in rural communities of persistent poverty where race and place combined have resulted in structural exclusion from financial systems and other ladders of opportunity. Unable to access private capital, a producer may turn to USDA for assistance.

However, while USDA's Farm Service Agency can provide access to capital, FSA has very few staff and few programs that help with business planning or financial management. USDA's farm loan program staff can help a producer secure a loan, but this requires a producer to have an existing business plan and the ability to use a balance sheet to demonstrate appropriate cash flow. This is just one example of how many farm programs have been designed and implemented for decades in ways that favor and reward those who have access, means, prior experience and

education, and land and create barriers for those who are in persistently poor regions and most in need of assistance. As part of its commitment to rebuild trust and better serve these communities, USDA has pursued cooperative agreements with trusted stakeholder organizations rooted in their local communities that are focused on improving business planning and financial management services to underserved producers. Through these partnerships, USDA will commit to provide technical assistance that ensures producers have essential knowledge, tools, support, and information.

#### **A. Barrier to Equitable Outcome(s)**

- o Applying for and accessing USDA programs can be complicated or intimidating especially for beginning farmers and ranchers or those unfamiliar with USDA programs and the organization.
- o Poorly defined terms in program rules and guidelines allow for significant discretion from USDA personnel or county committees, which can result in underserved farmers being denied program benefits.
- o For producers who are just getting started, financing alone from USDA is not sufficient. Producers often need help and advice to craft strong business plans and identify markets for their products.
- o Organizations that work with underserved producers and ranchers are often underfunded and need support to learn and adopt best practices, run strong organizations and to access and learn how to manage federal funds most effectively.
- o In theory, having USDA staff on the ground in offices throughout the country should help, but going to a local USDA office in person is a barrier for producers whose experience or impression of USDA is negative. Fear of discrimination or broad-based mistrust are barriers to accessing USDA programs.
- o And, historically, USDA's Farm Service Agency and Risk Management Agency have had very few programs and avenues for providing technical assistance and support to either individuals or to organizations that help underserved farmers and ranchers.

#### **B. Action and Intended Impact on Barrier**

- o USDA continues to make significant investments in technical assistance to ensure that underserved producers have the assistance they need to both access USDA programs and to run a successful farm operation, including addressing access to land, climate friendly farming, crop insurance, business planning, and market development and access.
- o USDA will evaluate program regulations and guidance, identify inconsistent implementation or excessive administrative burden, and propose/strive to adjust policy and customer solutions that increase access and enable equitable delivery of programs.
- o USDA will take a multi-pronged approach to providing this technical assistance:
  - First, FSA, NRCS, RMA and other agencies will intentionally and consistently dedicate funding from existing programs and budgets to technical assistance.
  - Second, USDA will deploy new, one-time funds from Section 1006 of the ARPA via new programming that is designed specifically to fill gaps in existing USDA programming and in response to specific, unmet needs that stakeholders have articulated. [\\$75 million in partnership agreements](#) that USDA announced is just



the start of making these funds available. A forthcoming Request for Proposals will soon make additional funds available to technical assistance providers. Efforts are underway to develop and make additional programming available for land access, assistance resolving land title and heirs' property issues, and to assist underserved producers with market development and access.

- In creating a cadre of technical assistance providers, USDA will focus on investing in organizations that have existing relationships and a demonstrated track record of working with underserved producers and who have built the trust required to effectively provide producers with the support they need.
- Concurrently, to ensure USDA outreach, technical assistance and capacity building partners are delivering these services with a high level of quality and to build relationship and prompt coordination and collaboration among these organizations, USDA will create and host a series of trainings for partners organizations, to include civil rights. While these will initially be virtual, in time USDA envisions an annual, multi-day, in-person training for a host of partners organizations serving underserved farmers and ranchers.
- These technical assistance providers will provide a gateway into USDA for underserved producers and bridge the gap that exists between the organizational culture, demographic profile, knowledge base, and relationships essential to meeting the needs and effectively serve underserved farmers and ranchers.
- Investing in technical assistance and collaborating closely with a host of partner organizations is an important way to ensure underserved farmers and ranchers receive the help they need now. Concurrently USDA will invest in its workforce to develop an organization that has the staff, skills, programming, relationships, accountability, and trust to do a greater share of this work itself in the long run.

### **C. Tracking Progress**

#### **○ Next 1-2 Years:**

- In FY22, USDA will invest at least \$100 million in additional partnerships with technical assistance providers that serve underserved communities.
- Design and launch programming will make new support available for issues that disproportionately affect underserved producers such as land access, heirs' property, and help with market development and access. Section 1006 of the ARPA will guide and fund this work.
- Design the curriculum for and hold an initial series of trainings for USDA partners providing technical assistance to underserved farmers and ranchers.
- Set up evaluations of these efforts so there is data for continued decision making down the road.
- Via the 2023 Farm Bill, work with Congress to make permanent programs the components of the ARPA Section 1006 programming and technical assistance and partnerships deemed effective.

#### **○ Next 2-3 Years:**

- Institutionalize the emphasis on technical assistance with budgets and budget proposals that include ample funding for partnerships.

- Formalize and ensure proper training for partner organizations and ensure there are ample oversight and accountability mechanisms for ensuring the quality of outreach, technical assistance, and capacity building efforts.
- Evaluate the extent to which technical assistance is effectively creating additional access to USDA programs and services and the extent to which underserved producers are getting what they need.

#### **D. Accountability**

- o FPAC is the lead agency expected to prioritize continued investment in technical assistance funds in farm programs. USDA’s Office of Budget and Program Analysis (OBPA) and the Office of the Assistant Secretary for Civil Rights (OASCR) can play a role in overseeing this commitment and prompting other Mission Areas to follow-suit.
- o USDA is accountable to Congress, the White House, and the public for effectively deploying ARPA funds. The FPAC along with OPPE, OTR, the Office of General Counsel (OGC), the National Institute for Food and Agriculture (NIFA) and OBPA are all involved.

### **PRIORITY ACTION 2 – Reduce Barriers to USDA Programs and Support for Underserved Farmers, Ranchers, and Landowners**

Many small farms struggle without a meaningful safety net and it is even more challenging for underserved producers who have experienced discrimination and had limited access to USDA programs offered. In addition to working closely with partner organizations focused on improving outreach to underserved producers, USDA will take steps to reduce administrative barriers to program access.

#### **A. Barriers to Equitable Outcomes**

- o USDA farm program information and other materials are predominantly in English. The language used to explain what is required of producers is often very technical. This makes it challenging for underserved producers to understand requirements and to successfully access needed financing.
- o Most forms and papers required to access USDA farm programs are paper based.
- o The computer systems that USDA uses are antiquated and rarely enable creation of user-friendly interfaces that would be intuitive and simple for producers to use.
- o Many underserved producers have expressed issues with USDA’s loan processing such as cumbersome application requirements, lack of targeted technical assistance, and opaque decision-making processes. This contributed to investment decisions that have skewed away from producers that most needed help.
- o Most USDA farm programs are tailored to the needs of larger agricultural producers. Historically, there have been few Farm Service Agency (FSA) or Natural Resources Conservation Service (NRCS) offices in urban or suburban areas and few staff with knowledge of the needs of producers in urban or suburban places.

#### **B. Action and Intended Impact on Barrier**

- o ***Translation & Plain Language:*** USDA will strengthen its translation services by ensuring Limited English Proficiency (LEP) Plans for farm programs and improve

availability of LEP hotlines. USDA will also emphasize the use of plain language so that its communications are easier to understand. Moreover, staff will be trained on various tools and policies related to language translation, reasonable accommodations, cultural sensitivity, and civil rights.

- o **Customer Experience<sup>4</sup> Initiative to Improve Application Process:** USDA will work to design and implement a simplified direct farm loan application process, along with an online application option, to improve historically underserved producers' access to capital through USDA programs.
- o **Urban Agriculture:** USDA will create targeted programs, offices, and resources to better serve urban and suburban agricultural producers including creative support to those taking actions in their communities, growing not only fresh, healthy produce, but also providing jobs and offering access to fresh, healthy food in areas where grocery stores are sparse. Historically, the lack of USDA offices and presence in urban and suburban areas have been barriers to access, as has the absence of USDA farm programs that are aligned with the needs of urban and suburban agricultural producers.
- o **Heirs Property Relending Program:** USDA will continue to implement the Heirs' Property Relending Program that establishes loan funds to eligible lenders to assist landowners to resolve ownership and succession on farmland with multiple owners.
- o **Highly Fractionated Indian Land Loan Program:** USDA will also implement the [Highly Fractionated Indian Land Loan Program](#) with an evaluation of regulatory and procedural changes to ensure alignment with the new Heirs' Property Relending Program. This will ensure that title issues on land in Indian Country are addressed concurrent to USDA's efforts to address heirs' property issues.

### C. Tracking Progress

- o **Next 1-2 Years:**
  - Strengthen LEP plan and provide expanded access to translation services.
  - Train staff and make use of plain language the expectation and norm.
  - Develop and pilot Customer Experience initiative within FSA to modernize technology and create modern, user-friendly application processes.
  - Stand up urban agriculture committees and develop new programming that aligns with the needs of urban agricultural producers.
  - Ensure eligible landowners are aware of and have access to the Heirs Property and Preservation Program.
  - Make progress towards addressing fractionated land issues in Indian Country.
- o **Next 3-4 Years:** Consider and implement the Equity Commission's specific recommendations on agricultural equity. If new legislation is required, partner with Congress.

### D. Accountability

- o In strong coordination with OGC, all related deliverables and updates will be made available via Farmers.gov, USDA.gov, and other online venues

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<sup>4</sup> Implementation will be supportive of EO 13571 Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/12/13/executive-order-on-transforming-federal-customer-experience-and-service-delivery-to-rebuild-trust-in-government/>.

- o The OASCR and Office of Budget and Program Analysis (OBPA) will ensure limited English proficiency and plain language standards are enforced.
- o Plain language expectations will be included in performance plans of agency leaders

### **PRIORITY ACTION 3 – Expand Equitable Access to Nutrition Assistance Programs**

USDA’s nutrition assistance programs touch the lives of one in four Americans each year and offer the most far-reaching, impactful tool available to ensure equitable access to safe, healthy, and nutritious food. To support health equity, USDA strives to ensure that those who qualify for our nutrition assistance programs can participate; those who participate get benefits that are meaningful; and those who receive those benefits can use them conveniently and in ways that promote improvements in their health and well-being. Still, some equity challenges persist. In fact, over 29 million adults and 12 million children struggled to afford food over the past year alone, while more than [1 in 5 Black and Latino adults and children](#) reported food insecurity. Of USDA’s nutrition programs, the Women, Infants, and Children Special Supplemental Nutrition Program (WIC) participation rates have been in decline for more than five years. Currently, only 57% of eligible individuals participate in the program<sup>5</sup>. WIC plays an integral role in supporting nutrition security for millions of families. Most WIC participants are people of color, which makes WIC an important tool for addressing racial disparities in maternal and child health. For this reason, while the Food and Nutrition Service will place a particular focus on reducing barriers to access and increasing participation in WIC.

#### **Sub-Action 1 - WIC**

##### **A. Barrier to Equitable Outcome(s)**

- o Persistently poor and underserved communities are more likely to have a difficult time affording and accessing fresh, healthy, and nutritious foods. Food and nutrition status is an important determinant of risk for obesity, diet-related disease, and overall health.
- o There are 12 WIC State agencies and all Farmers Market Nutrition Program (FMNP) State agencies that currently use paper-based vouchers. This impacts WIC women, infant, and children’s participants, regardless of race and ethnicity. In FMNP the majority of FMNP State agencies contract with technology services or banking entities to print, process, and show redemption for the Programs’ paper-based coupons.
- o Of the 12 WIC State agencies pending EBT implementation, eight (8) are Indian Tribal Organizations with limited numbers of participants.
- o It is well-established that EBT provides for more efficient operations at the State and local levels, and a streamlined shopping experience for WIC participants without stigma.

##### **B. Action and Intended Impact on Barrier**

- o On December 6, 2021, USDA FNS’ Supplemental Nutrition and Safety Programs (SNAS) and Supplemental Food Programs Division (SFPD) released the WIC FMNP and Seniors’ FMNP FY 2022 Guidance Package which set forth the process for FMNP State agencies to pursue operational changes to their programs, including the implementation

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<sup>5</sup> To complement this USDA Equity Action Plan, USDA will also support gender and sexual orientation strategies in alignment with EO 14020 <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-preventing-and-combating-discrimination-on-basis-of-gender-identity-or-sexual-orientation/> and in support of the National Strategy for Gender Equity and Equality <https://www.whitehouse.gov/wp-content/uploads/2021/10/National-Strategy-on-Gender-Equity-and-Equality.pdf>.

of an electronic benefit solution, and to seek applicable program flexibilities. The guidance package provides instructions for FMNP State agencies wishing to request a statutory or regulatory waiver under ARPA authority to test new and innovative models of operation. Through the FMNP Guidance package, State agencies are provided with resources enabling them to choose from several different options of coupon processing operations, including e-solutions.

- o FNS will deliver a new grant program for state agencies that administer the WIC Farmers' Market Nutrition Program (FMNP) aimed at modernizing benefit delivery and reducing disparities in program delivery authorized under the authorization and funding provided in the ARPA. The WIC FMNP Benefit Delivery Modernization (FMNP BDM) Grants will be offered in multiple rounds and ongoing technical assistance will be provided. As planned, \$1 million to \$5 million will be offered to state agencies in early 2022 for the first round of grants to support the modernization of FMNP benefit delivery by supporting the transition from a paper-based benefit to an electronic, mobile benefit solution readily available in the marketplace. FNS aims to formally open this grant opportunity to State agencies via a Request for Applications (RFA) by February 2022.

### **C. Tracking Progress**

- o Grantees will be required to provide narrative, semiannual progress reports as a condition to accepting grant funding. USDA will also monitor program participation and impacts.

### **D. Accountability**

- o In FMNP, the transition from paper-based coupons to an e-solution is a part of USDA's FY 22 strategic priorities. During FY22, FNS will conduct monthly working group meetings and make preliminary recommendations to modernize benefit access in WIC FMNP while providing monthly progress updates to stakeholders.

## ***Sub-Action 2 - WIC***

### **A. Barrier to Equitable Outcome(s)**

- o WIC participants have limited shopping options. As the retail grocery industry has evolved and adopted new technologies, payment methods, and online ordering, WIC must keep pace. Participants in underserved areas may face more challenges when shopping for their WIC foods depending on the availability of WIC authorized stores in their communities. With about 45% of all pregnant and postpartum women, infants, and young children eligible for WIC, the program has the potential to provide benefits to a particularly vulnerable population.
- o Limited and/or negative shopping experiences may result in WIC participants transacting less of their WIC benefits for supplemental foods. WIC participants are more likely to have a more nutritious diet and better health outcomes, with participation tied to fewer infant deaths, fewer premature births, increased birth weights, a reduction in health care costs, and better academic outcomes for children.

### **B. Action and Intended Impact on Barrier**

- o FNS is committed to increasing participation in WIC and reducing disparities in program access and delivery. As part of the FY 2022-2026 USDA Strategic Plan, FNS's target

goal is to increase annual average WIC monthly participation by more than 350,000 over the plan’s timeframe. Recently, FNS convened more than 30 stakeholder sessions and there was broad support for USDA FNS to increase awareness among the public on WIC’s benefits and services. Based on the feedback from stakeholders, FNS will develop and implement a national WIC Public Health Outreach Campaign to increase awareness of the health and nutrition benefits associated with participating in WIC. FNS will evaluate the effectiveness of the Campaign at increasing WIC enrollment and participant retention. FNS is also pursuing contractual support services for the campaign which is authorized and funded through the ARPA.

- o The development and publication of the WIC Online Ordering and Transactions proposed rule, to address key regulatory barriers to online ordering, as well as modernize specific regulations that do not reflect current technology and facilitate the Program’s EBT. In addition, providing funding to WIC State expand the implementation of online ordering, increased adoption of self-checkout, and collaborations with retail and other WIC partners will address the known barriers.

### **C. Tracking Progress**

- o USDA will monitor the successful implementation of WIC online ordering and transactions subgrant projects; and increased adoption (number) of WIC authorized vendors offering online ordering, transactions, and/or self-checkout options. For WIC eligibility and coverage, FNS will be reviewing new methodological approaches. These approaches will then allow FNS to revise estimates of WIC eligibility and program reach, and gauge potential impact.

### **D. Accountability**

- o All efforts to improve access and increase participation are in support of FNS’ emphasis on improving the consumer experience. Progress on these efforts is communicated to internal stakeholders through monthly agency strategic priority reporting.

## **PRIORITY ACTION 4 – Increase Infrastructure Investments Benefiting Underserved Communities**

Underserved communities and populations are disproportionately impacted by the effects of economic and environmental shocks. As the world continues to experience the impacts of a pandemic and the devastating impacts of climate change, including drought, flooding, wildfire, and increased severity of storms, these communities are often on the front lines. Historic inequities have often left such communities and populations with low capacity to deal with these challenges. In fact, two-thirds of over 3,000 counties in the United States are rural and 310 of those rural communities have high and persistent levels of poverty. Rural communities are generally closer to land and water, making its residents, housing, businesses, and infrastructure more vulnerable to the impacts of climate change. Of the 310, 86% or 267 counties are rural and concentrated in persistently poor areas of the Delta Region, Appalachia, the Southern Border Region or Colonias, Puerto Rico and other insular areas, and on Native American lands. The majority (60%) of people living in persistent poverty<sup>6</sup> counties are people of color. Since investments have historically lagged in these areas, their already vulnerable position is made

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<sup>6</sup>Persistent poverty counties are counties that have had poverty rates of 20% or greater for at least 30 years. For more information, visit: <https://crsreports.congress.gov/product/pdf/R/R45100>.

worse by the inadequate and affordable access to reliable infrastructure, public services, and community economic development opportunities.

Through USDA's climate and environmental justice, the Department will drive strategic investments by implementing the [Justice40 Initiative](#) to support increased resilience for underserved communities and populations. Underserved communities embody a diversity of population, industry, and assets. Therefore, the Department will employ a place-based approach that delivers a suite of programs that can support both people's challenges and opportunities while fostering a sense of place and partnership with trusted local leaders, meeting where they are at, and in a way that makes sense to their overall culture and local economic needs.

In addition to directing benefits to underserved communities through the [Justice40 Initiative](#), the historic funding available through the [Bi-Partisan Infrastructure Investments and Jobs Act](#) to USDA will offer a once-in-a-generation opportunity for significant investment to drive benefits to underserved communities and populations. Equity and environmental justice are fully integrated in the planning of existing programs. USDA is committed to ensuring that the new infrastructure funding are equitably invested in places with the greatest need.

#### **A. Barrier to Equitable Outcome(s)**

- o The federal government makes billions of dollars available every year for community and economic development projects and activities. For many rural communities, particularly the most distressed, these resources can be difficult to identify and access. Those first in line for federal resources are often more well-resourced communities with experience navigating the federal government. Furthermore, the COVID-19 pandemic is exposing the limitations of the typical competitive grant model and has shed light on gaps in access to resources to effectively meet the needs of rural community members. The current availability of competitive financial program resources is not enough to build equitable rural prosperity.
- o Communities applying for federal resources to implement community and economic development projects often focus their proposals on immediate needs only. This is a missed opportunity to design projects that meet both immediate needs while investing in long-term strategies that support the sustainability of local economies and advance tackle critical challenges like climate change that affect the prosperity of everyone living in a rural community.
- o Underserved communities do not always have meaningful voices in the planning, financing, and development of programs; therefore, they have been historically vulnerable to environmental justice issues such as disproportionate impacts of pollution and exclusion from the economic benefits of federal government activities. Programs are not administered with the needs of such communities and populations in mind, and therefore often are not accessible or responsive to their needs.
- o Over the past four years, USDA environmental justice capacity, infrastructure, and responsibilities deteriorated with no nationally adopted policy and no standards for agencies and programs to consistently implement and measure. There is a need for structured staff capacity.
- o As rural communities continue to experience population loss, higher rates of poverty, and lower educational attainment, the USDA's [ERS](#) is focusing its research on factors

that affect the income and poverty status of rural residents and their participation in federal assistance programs.

- o If not addressed, programs will continue to fail to meet the needs of underserved communities and populations, contributing to the disproportionate negative impacts of climate-change and other economic or environmental shocks.

## **B. Action and Intended Impact on Barrier**

- o ***Establish a Place-Based Model to Deliver Federal Rural Development Resources:*** Rural places need new service delivery methods which are intentionally developed to support their rural priorities and objectives. USDA will establish a place-based all-of government model to ensure rural communities benefit from targeted partnership with a collaborative network of multiple federal agencies and programs. This model will provide communities with direct access to diverse resources where unique needs are matched with the right support. Lessons learned will inform future federal rural policy development and investment strategies and tools.
- o ***Fully Implement Priority Points in FY 2022 Rural Development Programs:*** Many USDA Rural Development grant and technical assistance programs have the potential to support long-term equitable rural prosperity by leveraging funding assistance to key Administration priorities. As such, USDA is incorporating key Administration priorities into Rural Development program scoring and associated funding announcements beginning with the fiscal year (FY) 2022 funding announcements. These priorities build upon RD's continuing commitment to serving traditionally underserved and economically challenged rural areas, such as Persistent Poverty Counties. The key Administration priorities are for projects that:
  - Assist Rural communities in recovering from the impacts of the COVID-19 pandemic, particularly disadvantaged communities.
  - Ensuring all rural residents have equitable access to RD programs and benefits from RD funded projects.
  - Reduce climate pollution and increasing resilience to the impacts of climate change through economic support to rural communities.
- o ***Implement Justice40 Initiative:*** USDA is part of the Biden-Harris Administration's Justice40 Initiative, which sets a goal of delivering 40% of the overall investment benefits from certain federal programs to underserved/disadvantaged communities. USDA has mobilized a task force across the Department to identify a set of covered programs, define the key benefits that should be increased for underserved communities through those programs to the extent possible, and metrics associated with each program. The Department is now in the process of developing a Justice40 implementation plan. This will include:
  - **Program Modification Plan:** For each covered program, USDA program teams will identify actions they will take to increase the benefits of the programs to underserved communities and populations. The goal will be to begin implementation starting Q2, 2022, if it has not already started.
  - **Geographic Targeting Methodology:** If applicable, programs will convey their methodology for geographically targeting underserved or disadvantaged



communities, noting that USDA awaits guidance on the release and use of the CEQ Climate and Economic Justice Screening Tool.

- **Staff Training Plan:** Agencies will formulate a plan to train state and local staff to implement Justice40 program changes.
- **Budget:** Agencies will provide a plan on how to prioritize Justice40 implementation in FY22 budget (to extent possible), FY23 budget (to extent possible – incorporate in pass back process), and in the FY24 budget planning process
- **Stakeholder Engagement:** Agencies will lay out a plan for ongoing stakeholder engagement to inform program implementation planning and garner ongoing feedback.
- **Interagency Collaboration:** USDA agencies will identify areas for coordination with others in the federal family.
- o ***Update and Implement the USDA Environmental Justice Strategy:*** USDA will employ a department-wide process to update the Department’s Environmental Justice Strategy as required by established policies and procedures. This will incorporate Justice40 implementation and other Environmental Justice priorities to drive benefits to underserved communities.

### C. Tracking Progress

- o ***Next 1-2 Years:*** USDA will drive increased benefits to underserved communities through its place-based approach and Justice40 covered programs and submit regular metrics to OMB as directed. It will also update and finalize its Environmental Justice Strategic Plan.
- o ***Next 2-3 Years:*** Based on lessons learned, USDA will modify or broaden this effort to other programs across the department.

### D. Accountability

- o Monitor application pipeline from underserved communities and track and report investment annually.
- o Comply with OMB reporting requirements<sup>7</sup> on Justice40.
- o USDA will develop standard metrics that will be incorporated into the Federal Environmental Justice Scorecard currently under development.

## PRIORITY ACTION 5 – Advance Equity in Federal Procurement

USDA is one of the largest departments in the federal government both in workforce and programs. If the spending of those dollars is carefully considered, we have the potential to make tremendous impact in the recovery of our small businesses from the impacts of the pandemic while improving our contract outcomes. Its ability to buy goods and services to deliver its mission can also increase opportunities for small and disadvantaged businesses and support closing the wealth gap in underserved communities. In support of implementing existing authorities and new infrastructure funding and in alignment with the federal goal of expanding

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<sup>7</sup> White House Interim Guidance on Justice40 Initiative: <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>.

fair competition and equitable opportunities for small and disadvantaged businesses – USDA procurement offices will expand outreach, strategic acquisition planning, and meet annual goals. By doing so, USDA will support small business growth and build generational wealth throughout the United States, including for firms owned by underrepresented individuals.

#### **A. Barrier to Equitable Outcome(s)**

- o According to a December 2021 White House fact sheet, less than 10 percent of federal agencies' total eligible contracting dollars typically go to small-disadvantaged businesses (SDB). At USDA, we have performed comparatively well with an average of about 16% of contracting dollars going to SDBs over the last ten years. However, given our purchasing power of about \$9 billion, we can and will do more than that.
- o Historically, the government wide contracting goal, as set and monitored by the Small Business Administration (SBA) for SDBs has been set at 10%. In the prior Administration, this threshold was the ceiling rather than the floor. It was also deprioritized in favor of the perceived efficiencies of engaging in contracts with large businesses and/or renewing existing contracts year over year. There has also been a culture of failing to incorporate acquisition and procurement goals at the decision-making and policy-setting levels of our Agencies. When SDBs are not prioritized from the start of a new program, there are fewer paths towards expanding access to our contracts.
- o Potential procurement partners from the small and disadvantaged business community have consistently indicated that: 1) USDA acquisition opportunities are too hard to find and too hard to understand; and 2) small businesses do not get early enough visibility into contracting opportunities at the Department, often making it impossible for them to compete with the larger companies who have business development teams and larger staffs.

#### **B. Action and Intended Impact on Barrier**

- o ***Implement and roll out a 21.5% SDB contracting goal across the Department:*** To achieve this higher-level goal, it will be proportionally allocated to each Mission Area and strategic collaboration will be implemented with programs and procurement community. This also includes integrating procurement goals in senior executive's performance plans.
- o ***Make changes to our acquisition planning process:*** USDA will strengthen Acquisition Strategic Planning, provide longer lead times, and increase involvement and visibility for Office of Small & Disadvantaged Business Utilization (OSDBU) and Departmental Leadership in addition to USDA's ongoing relationship with program and procurement community.
- o ***Tribal Contracting:*** Review treaties, authorizing statutes, and regulations for expansion of Tribal contracting preferences such as Buy Indian Act or Tribal/Native American contracting preferences to USDA.
- o ***Targeted Outreach to SDBs:*** USDA will: 1) strengthen the use of GSA's forecast tool to make our contracting opportunities more easily accessible and understandable; 2) develop a new small business landing page (<https://www.usda.gov/smallbiz>) to

make resources and opportunities easier to access and understand; and 3) require all mission areas to be equitable in their procurement outreach and acquisition strategies.

### **C. Tracking Progress**

- o *Next 1-2 Years:* By statute, the Department's progress and volume of contracting dollars that go to small and disadvantaged businesses is measured by SBA in close consultation with OSDBU in each Department. In addition to this standard scoring, we have developed a detailed dashboard in consultation with the Chief Data Officer. This dashboard breaks contracts down to the level of ethnicity of the business owner and is refreshed in real time from SAM.gov.
- o *Next 3-5 Years:* While the SDB goal is reset every year by the SBA in consultation with OMB, we can expect that over the next five years, that goal will sit around 22 to 24% for the USDA. One way of measuring success will be how close we are able to get to that goal year after year. Another way of how we will measure success is in close consideration of our recently created dashboards. We want the percentages of our small business contract allocations to more closely reflect the diversity of the customers we serve.

### **D. Accountability**

- o USDA will comply with SBA's standard reporting and grading process.
- o In addition, the Department's Contracting Deskbook will be updated to add policies procedures on acquisition planning, forecasting, and reporting.
- o Procurement goals will be included in performance plans for USDA leadership.

## **PRIORITY ACTION 6 – Increase Tribal Trust and Treaty Responsibilities**

In the last year, USDA has strengthened its commitment to Tribal nations. USDA has made a commitment to fulfill its tribal trust and treaty responsibilities through removing the unique barriers for indigenous and tribal access to USDA programs and services, promoting tribal self-determination to enable greater self-governance and decision making, and adapting USDA's programs to include tribal values and indigenous perspectives. Over the years, USDA's obligations and commitments have not been consistently implemented. Historic discriminatory practices as well as not honoring treaties has led to an erosion of trust with Tribal communities and inequitable program delivery. USDA is making a strong commitment to reduce barriers faced by Tribal nations, expand tribal self-determination, and incorporate indigenous values in our programs.

### **A. Barrier to Equitable Outcome(s)**

- o Within USDA programs, lack of consideration of the unique legal status of tribes, tribal jurisdiction, and tribal trust land status into USDA regulations and policies has significantly hindered access to a wide berth of USDA programs for tribes and Native Americans.
- o Regarding federal lands under our stewardship, USDA land management agencies have exhibited an inconsistent mastery of tribal treaties and knowledge of the tribal trust responsibility.

- o The lack of full consideration of the unique status of tribes has hindered economic development and undermined tribal jurisdiction and self-determination, which has contributed to economic uncertainty and underinvesting in tribal areas.
- o These barriers have resulted in inconsistent enforcement and protection of tribal treaty rights and incorporation of indigenous values regarding federal lands.
- o Based on program data, historical discrimination, and civil rights cases, and through numerous Tribal consultations, USDA received feedback on the shortcomings of program delivery and other program inequities affecting Tribal nations.

## **B. Action and Intended Impact on Barrier**

- o **Reduce Barriers to access.**
  - ***Ensure Tribal Lands are Eligible for USDA Programs.*** There is inconsistency across USDA in how tribal trust lands are classified (as federal lands or not) and treated for purposes of identifying who the “owner” is. The result is the primary manner tribes/Native Americans own land, in trust, is being deemed ineligible.
  - ***Ensure Tribal-Owned Entities are Eligible for USDA Programs.*** Tribal nations have no tax base and usually participate in the private marketplace to generate governmental revenue. They create wholly government-owned tribal corporations. These corporations are a hybrid, they are both governmental and “commercial.” We struggle with categorization and therefore eligibility of Tribal Owned Corporations.
  - ***Remove “Legacy” Preferences on Tribal Lands.*** Historically USDA funds projects on Indian reservations without permission of the Tribe, and then prioritizes that legacy borrower for future financing. This has resulted in shutting tribes out serving their own nations.
  - ***Consistently Enforce Tribal Treaties/Statutes.*** It has been challenging to adhere to the treaty obligations without easy access to the applicable treaties. OTR and DOI-BIA are funding a searchable/indexed publicly accessible Treaty Database. USDA will also work on treaty trainings and hiring additional expertise.
  - ***Institutionalize Tribal Jurisdiction/Sovereignty Over Tribal Lands.*** Tribes have civil/regulatory jurisdiction over their lands. USDA has historically not incorporated this into our programs. We are beginning with requiring tribal resolutions of support.
  - ***Improve Tribal Contracting.*** USDA purchasing and distribution policies/practices to buy and distribute Indigenous foods in smaller batches and seasonal purchasing to more targeted clients. Review tribal contracting preferences.
  - ***Improve Hiring for Tribal Facing Positions.*** Due to the complexities of federal hiring, USDA has predominantly been hiring for Tribal related positions from only within USDA, effectively shutting out Tribal citizens and experts in Tribal issues with appropriate skillsets from applying. A new advisory streamlining processes targeted to bring in new and appropriately skilled talent has been issued.
- o **Expand Tribal Self-Determination Policies.**
  - ***Forest Service.*** Ensure that Tribal governments have an integral role in decision-making related to the management of Federal lands, including the promotion of

co-management and co-stewardship opportunities. Incorporate traditional values and perspectives in management decisions and enhance the protection of sacred sites and resources.

- ***Food and Nutrition.*** The 2018 Farm Bill authorizes USDA’s Forest Service and Food and Nutrition Service to enter into self-determination demonstration projects for the first time. The first set of tribal demonstration projects, [announced on November 1](#), are important steps to increase tribal food sovereignty and support tribal food economies.
  - ***Statutory Review.*** Importantly, USDA will also review current statutory authorities, regulations, and policies that can be used to promote tribal sovereignty and self-determination throughout USDA, with an eye towards expansion.
- o **Incorporate Indigenous Values and Perspectives.**
- ***Indigenous Food Sovereignty Initiative***<sup>8</sup>: USDA will promote traditional food ways, Indian Country food and agriculture markets, and Indigenous health through foods tailored to American Indian/Alaska Native (AI/AN) dietary needs.
  - ***Indigenous Traditional Ecological Knowledge (ITEK).*** USDA will identify the appropriate positions, tailor the job descriptions, and hire within each agency expertise in ITEK.

### C. Tracking Progress

- o ***Next 1 - 2 years:*** Identify clear paths for removal of each barrier. Implement and incorporate FDPIR and FS tribal demonstration pilots and resolve identified issues; stabilize a permanent self-determination office. Identify areas for incorporation of indigenous values and positions in each agency.
- o ***Next 3-5 years:*** Implement the appropriate policy, regulation, or statute to remove each barrier. Expand tribal pilot participation by 30% with increased outreach and funding. Hire ITEK positions in each agency.

### D. Accountability

- o We will hold an annual all-of-USDA tribal consultation and report out on equity and barriers. Reporting to Tribal nations what barriers we have identified and what progress has been made. Holding ourselves directly accountable to our tribal nations.
- o Establish a governance and reporting structure for the actions taken to remove each barrier identified in this plan. This structure will be led by the Chief of Staff in partnership with OTR and will require each affected USDA entity to demonstrate the actions taken and results to-date toward achievement of the objective.

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<sup>8</sup> USDA is partnering with tribal-serving organizations to reimagine federal food and agriculture programs from an indigenous perspective and inform future USDA programs and policies. For more information, visit: <https://www.usda.gov/tribalrelations/usda-programs-and-services/usda-indigenous-food-sovereignty-initiative>

## **PRIORITY ACTION 7 – Upholding Civil Rights and Institutionalizing Civil Rights and Equity as part of the DNA and culture of USDA**

USDA has a long history of being on the wrong side of civil rights. From systemic discrimination in program design to a failure to properly investigate and resolve complaints of discrimination in its programs, numerous internal and external reports have documented fundamental failures to protect the civil rights of USDA customers. Due in part to these failures, thousands of minority farmers filed various class action lawsuits under the Equal Credit Opportunity Act (ECOA) and the Administrative Procedure Act (APA), and USDA’s Office of Civil Rights has been challenged to maintain trust among both internal and external stakeholders.

Under Secretary Vilsack’s leadership during the Obama Administration, USDA acknowledged this history and took steps to chart a new era for Civil Rights at the Department. As an initial step toward reckoning with the past, USDA worked with Congress and the Department of Justice to settle the *In re Black Farmers Discrimination Litigation (Pigford 2)* and *Keepseagle* class actions, to provide a voluntary claims settlement program for farmers and ranchers in the *Garcia* and *Love* cases, and to make available over \$2 billion for cash relief, tax relief, debt relief, and capacity building programs for claimants. While there was progress towards making civil rights foundational to USDA policies, programs, and culture, much of this has been undermined over the past five years through budget cuts, arbitrary reorganizations of the USDA Office of the Assistant Secretary for Civil Rights (OASCR) and Mission Area offices that diminished the capacity to perform core civil rights functions, and executive actions that banned diversity training and special emphasis programs.

The Biden-Harris Administration, Secretary Vilsack, and Deputy Secretary Bronaugh have made upholding civil and constitutional rights and ensuring that all USDA applicants, customers, employees, and stakeholders are provided fair access to all opportunities, programs, and services a top priority and foundational to the USDA equity agenda. This commitment includes promoting, upholding, and enforcing civil rights in an effective, efficient manner and institutionalizing civil rights as part of USDA’s culture and norms. This commitment will also be mirrored and included in the upcoming DEIA plan as USDA acknowledges the criticality of supporting and ensuring civil rights for all, including our internal customers.

### **A. Barrier to Equitable Outcome(s)**

- o Civil rights complaints that are not processed efficiently and effectively erode trust in the systems that are intended to protect civil rights and stakeholders’ faith in USDA’s commitment to civil rights.
- o The OASCR faces consistent staffing limitations and needs a broader set of competencies (e.g., data science, law, program evaluation) so the office has the skills and capacity it needs to deliver on its mission; Mission Area offices of civil rights are not consistently empowered nor coordinated with one another and OASCR.
- o Underinvestment in human capital, the lack of coordination in linking program performance metrics to data-driven civil rights impacts, and the proper training of USDA staff in the skills and competencies needed have hampered civil rights teams across the department and resulted in a workforce that needs more education and more avenues for upholding civil rights and advancing equity.

- o The skills and processes to properly investigate and resolve programmatic complaints differ substantially from the skills and processes required to process equal employment opportunity complaints.
- o USDA has not made the necessary connections between its civil rights specialists and individuals with programmatic expertise to support OASCR's work. There is a chasm between programmatic complaints and program design. As a result, information on systemic and structural problems with USDA programs and services that are discovered via program complaints too rarely inform training, staffing, budget, program, and policy decisions.
- o The approach and tools that USDA uses to assess programs and evaluate leaders to hold them accountable are reactive, so they are of limited use in creating a culture that proactively embraces civil rights as part and parcel of policy work and enables policy makers to identify potential impacts, barriers, and changes before they occur; these tools need to be revised.
- o Data that would enable program evaluation and help USDA understand the implications of its programs and policies at a macro level often is not collected and where it is collected there is not always enough knowledge of data science and evaluation to put the data to use.
- o There are not consistent ways for stakeholder input and recommendations provided to civil rights staff to be integrated into both strategic and operational decisions on policy, program design, and implementation.

**B. Action and Intended Impact on Barrier**

- o Resolve long-standing pending administrative cases to rebuild and maintain trust.
- o Address the staffing and capacity needs of both the Office of the Assistant Secretary for Civil Rights and Mission Area and Agency civil rights offices. Ensuring offices are appropriately staffed and staff have the skills, tools, knowledge, and the support they need to perform their duties is essential to the basic function of USDA civil rights offices.
- o Assess the 2018 OASCR proposed rule and associated internal management realignment actions that created ambiguity around roles and responsibilities for Mission Area and Agency civil rights offices. This will enable Mission Area and Agency civil rights staff to execute their mission and be more involved both in ensuring accountability for civil rights violations and ensuring that decision-makers at the Mission Area and Agency level understand the civil rights impacts of program and policy choices.
- o Prioritize training on civil rights, equity, and other core competencies critical to reducing barriers to access and crafting equitable policies and programs for USDA staff and leaders within civil rights and throughout the Department. This knowledge is essential to building an agency that deeply values civil rights and ensures equity is at the center of policy and practice.
- o Devise systems that ensure programmatic complaints are mitigated – and when they occur – processed efficiently and effectively and translate into recommendations for changes in policies and programs that Mission Area and Staff Office leaders can put into action to improve USDA programs in real time.
- o Assess how existing mechanisms for holding programs and USDA leaders accountable for civil rights can be built upon to institutionalize a culture of civil rights and proactively address civil rights and equity in policy design and implementation.

- o Collect data that would enable USDA to conduct analyses that shed light on the extent to which programs are upholding civil rights and advancing equity; expand capacity within key program divisions to obtain and analyze data; create systems for external evaluation of USDA programs with civil rights and equity at the core of that analysis.
- o Create systems that provide consistent, intentionally designed, and well-executed opportunities to collect customer input on USDA program delivery and customers interactions with USDA and ensure the information gathered reaches policy and program staff in a way that enables that staff to act on the information provided.

### **C. Tracking Progress**

- o *Next 1 - 2 years:* Complete assessment and budget alignment.
  - o Make progress on complaint processing. Make steps towards having a “model EEO<sup>9</sup>” program as measured by the EEOC and the Management Directive 715 report. Craft a new Departmental Regulation governing programmatic complaints as well as the complaint processing departmental manual.
  - o Deliver high-quality training for both civil rights staff and USDA staff on the broad range of competencies and skills that each need to uphold civil rights and advance equity in ways appropriate to the roles and responsibilities staff in different parts of the organization hold.
  - o Review existing accountability tools to determine how they can be modernized to be more forward looking and proactive as well as how their design could provide program staff with important information about civil rights and equity earlier in the program development and implementation process.
  - o Listen to stakeholders and collect stakeholder input via a civil rights conference in 2022 and as part of design of OASCR’s updated strategic plan.
- o *Next 3-4 years:* Implement and evaluate structural improvements.
  - o Build on progress made and lessons learned via the activities undertaken in years 1-2. We anticipate a greater emphasis on discovery and process improvement in years 1-2 and more emphasis on implementation in years 3-4

### **D. Accountability**

- o Over the years, the Government Accountability Office (GAO) and Office of Inspector General (OIG) have issued reports and continue to monitor progress towards findings. USDA will continue to address those findings and recommendations and regular reporting. Further, OASCR will continue to create a community of practice internally with the Civil Rights Directors and community to ensure learnings are applied and a culture of continuous improvement is built.
- o Through ongoing stakeholder engagement and annual accomplishment report to be made available via [www.usda.gov/equity](http://www.usda.gov/equity), USDA will hold itself publicly accountable and make progress transparent.
- o USDA will also convene civil rights offices from across the federal government to discuss common challenges and learn from best practices.

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<sup>9</sup> *Equal Employment Opportunity (EEO) and Civil Rights Laws and Authorities:* <https://www.usda.gov/oascr/civil-right-laws-authorities>