

106TH CONGRESS  
2D SESSION

# H. R. 3685

To facilitate the timely resolution of back-logged civil rights discrimination cases of the Department of Agriculture, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2000

Mr. HILL of Montana introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To facilitate the timely resolution of back-logged civil rights discrimination cases of the Department of Agriculture, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “USDA Civil Rights  
5 Resolution Act of 2000”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

1           (1) there exists a strong public policy against  
2       discrimination against minority groups, whether the  
3       discrimination is committed by private persons or by  
4       the Federal Government in the operation of its pro-  
5       grams;

6           (2) whenever discrimination occurs in the con-  
7       duct of Federal programs, the responsible Federal  
8       agencies should take quick and aggressive action to  
9       remedy the discrimination;

10          (3) in 1997, it was determined that the Depart-  
11       ment of Agriculture had, for decades, been guilty of  
12       civil rights violations against United States agricul-  
13       tural producers participating, or attempting to par-  
14       ticipate, in Department programs;

15          (4) in 1998, Congress created a 2-year waiver  
16       of the statute of limitations to allow persons injured  
17       by discrimination by the Department to seek redress  
18       in court or by filing an administrative complaint  
19       with the Department;

20          (5) despite the waiver of the statute of limita-  
21       tions, it remains a difficult challenge to ensure that  
22       agricultural producers injured by discrimination by  
23       the Department over the years will get a speedy and  
24       balanced resolution of their complaints because it  
25       appears now that—

1           (A) a number of complaints that have al-  
2           ready been investigated by investigators hired  
3           by the Office of Civil Rights of the Department  
4           are not being resolved; and

5           (B) nothing is being done to expeditiously  
6           resolve these cases; and

7           (6) it is unfair for agricultural producers to be  
8           faced with these delays because—

9           (A) the producers cannot get on with their  
10          lives, or plan their farming operations, until  
11          their complaints are resolved; and

12          (B) the producers are being wronged a sec-  
13          ond time by delays in resolving meritorious  
14          complaints.

15       (b) PURPOSES.—It is the purpose of this Act—

16           (1) to impose on the Department of Agriculture  
17           a reasonable time limit to resolve the complaints de-  
18           scribed in subsection (a); and

19           (2) if the Department fails to meet the reason-  
20           able time limit, to enable complainants to seek the  
21           experience and expertise of the Civil Rights Division  
22           of the Department of Justice in resolving the com-  
23           plaints in a timely manner.

1 **SEC. 3. WAIVER OF STATUTE OF LIMITATIONS.**

2 Section 741(b) of the Agriculture, Rural Develop-  
3 ment, Food and Drug Administration, and Related Agen-  
4 cies Appropriations Act, 1999 (7 U.S.C. 2279 note; Public  
5 Law 105–277) is amended—

6 (1) by redesignating paragraphs (1), (2), and  
7 (3) as subparagraphs (A), (B), and (C), respectively;

8 (2) by striking “(b) The” and inserting the fol-  
9 lowing:

10 “(b) ADMINISTRATIVE DETERMINATIONS.—

11 “(1) IN GENERAL.—The”;

12 (3) by indenting the margins of subparagraphs  
13 (A), (B), and (C) (as so redesignated) to reflect the  
14 amendment made by paragraph (2); and

15 (4) by adding at the end the following:

16 “(2) REVIEW BY DEPARTMENT OF JUSTICE.—

17 “(A) IN GENERAL.—If a complainant seeks  
18 a determination by the Department of Agri-  
19 culture on the merits of an eligible complaint  
20 under paragraph (1) and the complaint is not  
21 resolved by the Department within 270 days  
22 after the complaint has been investigated by the  
23 Department, the complainant may petition the  
24 Civil Rights Division of the Department of  
25 Justice—

26 “(i) to review the complaint; and

1 “(ii) to make recommendations to the  
2 Department of Agriculture to resolve the  
3 complaint.

4 “(B) DEADLINE.—The Civil Rights Divi-  
5 sion of the Department of Justice shall conduct  
6 the review, and make recommendations to re-  
7 solve the complaint, not later than 30 days  
8 after the complainant files a petition under sub-  
9 paragraph (A).

10 “(C) ACCESS TO REVIEW FOR OTHER  
11 CASES.—

12 “(i) IN GENERAL.—The right to re-  
13 view by the Department of Justice under  
14 this paragraph shall be made available to  
15 any complainant with a complaint that—

16 “(I) is not considered an eligible  
17 complaint under the time criteria de-  
18 scribed in subsection (e); and

19 “(II) is pending at the Office of  
20 Civil Rights of the Department of Ag-  
21 riculture on the date of enactment of  
22 this paragraph.

23 “(ii) TOLLING.—In the case of any  
24 complaint that is reviewed by the Depart-

1           ment of Justice under this paragraph,  
2           after the review process is completed—

3                   “(I) the complainant—

4                           “(aa) shall be deemed to  
5                           have exhausted the administra-  
6                           tive remedies of the complainant;  
7                           and

8                           “(bb) may file an action on  
9                           the complaint in United States  
10                          District Court; and

11                          “(II) any applicable statute of  
12                          limitations shall be tolled for the pe-  
13                          riod beginning on the date that the  
14                          complaint was filed at the Department  
15                          of Agriculture and ending on the date  
16                          of completion of the review by the De-  
17                          partment of Justice.”.

○