

106TH CONGRESS
2D SESSION

S. 2079

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 2000

Mr. BURNS introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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—

8 (1) there exists a strong public policy against
9 discrimination against minority groups, whether the
10 discrimination is committed by private persons or by

1 the Federal Government in the operation of its pro-
2 grams;

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

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

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

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

23 (A) a number of complaints that have al-
24 ready been investigated by investigators hired

1 by the Office of Civil Rights of the Department
 2 are not being resolved; and

3 (B) nothing is being done to expeditiously
 4 resolve these cases; and

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

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

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

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

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

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

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

23 Section 741(b) of the Agriculture, Rural Develop-
 24 ment, Food and Drug Administration, and Related Agen-

1 cies Appropriations Act, 1999 (7 U.S.C. 2279 note; Public
2 Law 105–277) is amended—

3 (1) by redesignating paragraphs (1), (2), and
4 (3) as subparagraphs (A), (B), and (C), respectively;
5 (2) by striking “(b) The” and inserting the fol-
6 lowing:

7 “(b) ADMINISTRATIVE DETERMINATIONS.—

8 “(1) IN GENERAL.—The”;

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

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

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

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

23 “(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.”.

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