

“(1) the implementation of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279);

“(2) methods of maximizing the participation of minority farmers and ranchers in Department of Agriculture programs; and

“(3) civil rights activities within the Department as such activities relate to participants in such programs.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall be composed of not more than 15 members, who shall be appointed by the Secretary, and shall include—

“(A) not less than four socially disadvantaged farmers or ranchers (as defined in section 2501(e)(2) [now 2501(a)(2)] of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(2)) [now 7 U.S.C. 2279(a)(2)]);

“(B) not less than two representatives of non-profit organizations with a history of working with minority farmers and ranchers;

“(C) not less than two civil rights professionals;

“(D) not less than two representatives of institutions of higher education with demonstrated experience working with minority farmers and ranchers; and

“(E) such other persons as the Secretary considers appropriate.

“(2) EX-OFFICIO MEMBERS.—The Secretary may appoint such employees of the Department of Agriculture as the Secretary considers appropriate to serve as ex-officio members of the Committee.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

WAIVER OF STATUTE OF LIMITATIONS

Pub. L. 105-277, div. A, §101(a) [title VII, §741], Oct. 21, 1998, 112 Stat. 2681, 2681-30, provided that:

“(a) To the extent permitted by the Constitution, any civil action to obtain relief with respect to the discrimination alleged in an eligible complaint, if commenced not later than 2 years after the date of the enactment of this Act [Oct. 21, 1998], shall not be barred by any statute of limitations.

“(b) The complainant may, in lieu of filing a civil action, seek a determination on the merits of the eligible complaint by the Department of Agriculture if such complaint was filed not later than 2 years after the date of enactment of this Act [Oct. 21, 1998]. The Department of Agriculture shall—

“(1) provide the complainant an opportunity for a hearing on the record before making that determination;

“(2) award the complainant such relief as would be afforded under the applicable statute from which the eligible complaint arose notwithstanding any statute of limitations; and

“(3) to the maximum extent practicable within 180 days after the date a determination of an eligible complaint is sought under this subsection conduct an investigation, issue a written determination and propose a resolution in accordance with this subsection.

“(c) Notwithstanding subsections (a) and (b), if an eligible claim is denied administratively, the claimant shall have at least 180 days to commence a cause of action in a Federal court of competent jurisdiction seeking a review of such denial.

“(d) The United States Court of Federal Claims and the United States District Court shall have exclusive original jurisdiction over—

“(1) any cause of action arising out of a complaint with respect to which this section waives the statute of limitations; and

“(2) any civil action for judicial review of a determination in an administrative proceeding in the Department of Agriculture under this section.

“(e) As used in this section, the term ‘eligible complaint’ means a nonemployment related complaint that

was filed with the Department of Agriculture before July 1, 1997 and alleges discrimination at any time during the period beginning on January 1, 1981 and ending December 31, 1996—

“(1) in violation of the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) in administering—

“(A) a farm ownership, farm operating, or emergency loan funded from the Agricultural Credit Insurance Program Account; or

“(B) a housing program established under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.); or

“(2) in the administration of a commodity program or a disaster assistance program.

“(f) This section shall apply in fiscal year 1999 and thereafter.

“(g) The standard of review for judicial review of an agency action with respect to an eligible complaint is de novo review. Chapter 5 of title 5 of the United States Code shall apply with respect to an agency action under this section with respect to an eligible complaint, without regard to section 554(a)(1) of that title.”

§ 2279–1. Transparency and accountability for socially disadvantaged farmers and ranchers

(a) Purpose

The purpose of this section is to ensure compilation and public disclosure of data to assess and hold the Department of Agriculture accountable for the nondiscriminatory participation of socially disadvantaged farmers and ranchers in programs of the Department.

(b) Definition of socially disadvantaged farmer or rancher

In this section, the term “socially disadvantaged farmer or rancher” has the meaning given the term in section 2003(e) of this title.

(c) Compilation of program participation data

(1) Annual requirement

For each county and State in the United States, the Secretary of Agriculture (referred to in this section as the “Secretary”) shall annually compile program application and participation rate data regarding socially disadvantaged farmers or ranchers by computing for each program of the Department of Agriculture that serves agricultural producers and landowners—

(A) raw numbers of applicants and participants by race, ethnicity, and gender, subject to appropriate privacy protections, as determined by the Secretary; and

(B) the application and participation rate, by race, ethnicity, and gender, as a percentage of the total participation rate of all agricultural producers and landowners.

(2) Authority to collect data

The heads of the agencies of the Department of Agriculture shall collect and transmit to the Secretary any data, including data on race, gender, and ethnicity, that the Secretary determines to be necessary to carry out paragraph (1).

(3) Report

Using the technologies and systems of the National Agricultural Statistics Service, the Secretary shall compile and present the data compiled under paragraph (1) for each program described in that paragraph in a manner that includes the raw numbers and participation rates for—

- (A) the entire United States;
- (B) each State; and
- (C) each county in each State.

(4) Public availability of report

The Secretary shall maintain and make readily available to the public, via website and otherwise in electronic and paper form, the report described in paragraph (3).

(d) Limitations on use of data

(1) Privacy protections

In carrying out this section, the Secretary shall not disclose the names or individual data of any program participant.

(2) Authorized uses

The data under this section shall be used exclusively for the purposes described in subsection (a).

(3) Limitation

Except as otherwise provided, the data under this section shall not be used for the evaluation of individual applications for assistance.

(e) Receipt for service or denial of service

In any case in which a current or prospective producer or landowner, in person or in writing, requests from the Farm Service Agency, the Natural Resources Conservation Service, or an agency of the Rural Development Mission Area any benefit or service offered by the Department to agricultural producers or landowners, the Secretary shall issue, on the date of the request, a receipt to the producer or landowner that contains—

- (1) the date, place, and subject of the request; and
- (2) the action taken, not taken, or recommended to the producer or landowner.

(Pub. L. 101-624, title XXV, § 2501A, as added Pub. L. 107-171, title X, § 10708(a), May 13, 2002, 116 Stat. 522; amended Pub. L. 110-234, title XIV, §§ 14003, 14006, May 22, 2008, 122 Stat. 1443, 1445; Pub. L. 110-246, § 4(a), title XIV, §§ 14003, 14006, June 18, 2008, 122 Stat. 1664, 2205, 2207; Pub. L. 113-79, title XII, § 12204, Feb. 7, 2014, 128 Stat. 984.)

Editorial Notes

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2014—Subsec. (e). Pub. L. 113-79, in introductory provisions, struck out “and, at the time of the request, also requests a receipt” after “landowners”.

2008—Subsecs. (c), (d). Pub. L. 110-246, § 14006, added subsecs. (c) and (d) and struck out former subsec. (c) which related to annual computation of the participation rate of socially disadvantaged farmers and ranchers as a percentage of the total participation of all farmers and ranchers for each Department of Agriculture program and requirement that participation according to race, ethnicity, and gender be included in each report.

Subsec. (e). Pub. L. 110-246, § 14003, added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

OVERSIGHT AND COMPLIANCE

Pub. L. 110-234, title XIV, § 14007, May 22, 2008, 122 Stat. 1446, and Pub. L. 110-246, § 4(a), title XIV, § 14007, June 18, 2008, 122 Stat. 1664, 2208, provided that: “The Secretary [of Agriculture], acting through the Assistant Secretary for Civil Rights of the Department of Agriculture, shall use the reports described in subsection (c) of section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279-1), as amended by section 14006, in the conduct of oversight and evaluation of civil rights compliance.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

§ 2279-2. Report of civil rights complaints, resolutions, and actions

Each year, the Secretary shall—

(1) prepare a report that describes, for each agency of the Department of Agriculture—

(A) the number of civil rights complaints filed that relate to the agency, including whether a complaint is a program complaint or an employment complaint;

(B) the length of time the agency took to process each civil rights complaint;

(C) the number of proceedings brought against the agency, including the number of complaints described in paragraph (1) that were resolved with a finding of discrimination; and

(D) the number and type of personnel actions taken by the agency following resolution of civil rights complaints;

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the report; and

(3) make the report available to the public by posting the report on the website of the Department.

(Pub. L. 110-234, title XIV, § 14010, May 22, 2008, 122 Stat. 1447; Pub. L. 110-246, § 4(a), title XIV, § 14010, June 18, 2008, 122 Stat. 1664, 2209.)

Editorial Notes

CODIFICATION

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Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.