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- 307 FEDERAL BUILDING
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United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510-1501

November 27, 2007

The Honorable Tom Harkin
Chairman, Committee on Agriculture
Nutrition, and Forestry
Russell Senate Office Building 328A
Washington, DC 20510-6000

The Honorable Saxby Chambliss
Ranking Member Committee on
Agriculture, Nutrition, and Forestry
Russell Senate Office Building 328A
Washington, DC 20510-6000

Dear Senators Harkin and Chambliss:

I am writing to respectfully request an oversight hearing on the United States Department of Agriculture (USDA), Office of the Assistant Secretary for Civil Rights (ASCR). The stated mission of ASCR is "to provide leadership and direction for the fair and equitable treatment of all USDA customers and employees while ensuring the delivery of quality programs and enforcement of civil rights." USDA has made tremendous strides in advancing minority rights for both program participants and employees, but serious questions have been raised in the last year regarding how ASCR tracks, processes, and remedies complaints brought against both the USDA, and its own office.

ASCR is a relatively infant organization compared to other government organizations and coordinate USDA offices. It was created in March 2003 to provide overall leadership and coordination of all civil rights programs across USDA. As such, it is the repository and compliance arm of USDA ensuring that each employee and participant in a USDA program has a right to file a complaint if they feel they have been unjustly treated. However, there have been numerous complaints against ASCR raising questions about the very division that was set up to see that discrimination complaints are addressed appropriately.

While it is not clear if actual discrimination is occurring, I am concerned that there is a growing backlog of pending cases at ASCR. For instance, various employee groups including the Coalition of Minority Employees (Coalition) at USDA have taken an active role in advocating on behalf of USDA employees. The Coalition recently issued the "2006 Report on the State of Civil Rights at the U.S. Department of Agriculture." Among other things, this report found that at the end of Fiscal Year 2006, the USDA had over 1350 active complaints. Over 500 of those active complaints were pending the issuance of a Final Agency Decision (FAD) and another 400 plus cases were pending an administrative hearing at the Equal Employment Opportunity Commission (EEOC).

RANKING MEMBER,
FINANCE

Committee Assignments:

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INTERNATIONAL NARCOTICS
CONTROL CAUCUS

The report also indicated that the number of formal complaints filed (500 in FY 2006) has remained fairly constant over the decades, indicating that Alternative Dispute Resolution, Mediation, and Early Intervention Programs, which USDA advocates as their most effective tools, have had little to no impact in reducing the number of cases settled. In addition, fifteen of the complaints were filed by ASCR employees, against the very managers responsible for processing USDA employee complaints. Considering the office has approximately 130 employees, this seems disproportionately high.

Further, in April 2006, the Government Accountability Office (GAO) issued a report on the *Pigford* black farmer's discrimination case. In their recommendations, they indicated a need for a civil rights ombudsman at USDA. The report stated,

“An ombudsman not only works to resolve disputes but also is in a position to alert management to systemic problems and thereby help correct organization-wide situations and develop strategies for preventing and managing conflicts. Moreover, an ombudsman office can help an organization assure a fair, equitable and nondiscriminatory environment. In this regard, the voice of an independent ombudsman could potentially be useful in addressing concerns about equitable access to programs and other civil rights issues at USDA.”

GAO also noted that there were inequities within ASCR and that Congress should consider ways to improve their service.

The Senate Agriculture Committee has a constitutional duty to conduct oversight of ASCR to ensure that it is operating in a manner consistent with the critical mission it was tasked with upon its creation. It is especially relevant as the Committee has examined this issue in conjunction with the 2007 Farm Bill. I thank you in advance for your consideration of this request and should you have additional questions about these issues, please contact Amanda Taylor at 202-224-3744.

Sincerely,



Charles E. Grassley
United States Senator

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