

§ 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.)

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).

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—