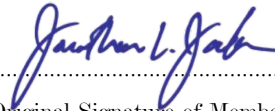


[~117H4169]



(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To enhance civil rights accountability and enforcement in the Department
of Agriculture, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. JACKSON of Illinois introduced the following bill; which was referred to
the Committee on _____

A BILL

To enhance civil rights accountability and enforcement in
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 “Just USDA Standards
5 and Transparency Act of 2023” or the “JUST Act of
6 2023”.

1 **SEC. 2. CIVIL RIGHTS ACCOUNTABILITY FOR USDA EM-**
2 **PLOYEES.**

3 (a) IN GENERAL.—The Secretary of Agriculture shall
4 ensure that appropriate corrective action is taken with re-
5 spect to any official or employee of the Department of Ag-
6 riculture who has been found to have engaged in any of
7 the actions, violations, or misconduct referred to in sub-
8 section (b) while in the course of such official's or employ-
9 ee's employment or in administering a Department of Ag-
10 riculture program or service—

11 (1) in any administrative finding by the Depart-
12 ment of Agriculture, including any final agency deci-
13 sion issued by the Assistant Secretary of Agriculture
14 for Civil Rights and any civil rights compliance re-
15 view or misconduct investigation conducted by the
16 Department of Agriculture;

17 (2) in any Federal administrative or judicial
18 proceeding;

19 (3) in any settlement with respect to civil
20 rights;

21 (4) in any audit or investigation conducted by
22 the Office of the Inspector General of the Depart-
23 ment of Agriculture; or

24 (5) in any investigation conducted by the Office
25 of the Special Counsel.

1 (b) COVERED ACTIONS, VIOLATIONS, OR MIS-
2 CONDUCT.—The actions, violations, or misconduct re-
3 ferred to in this subsection are discriminatory actions, re-
4 taliatory actions, harassment, civil rights violations, or re-
5 lated misconduct, including the following:

6 (1) Failure to provide a receipt for service in
7 accordance with section 2501A(e) of the Food, Agri-
8 culture, Conservation, and Trade Act of 1990 (7
9 U.S.C. 2279–1(e)) to any current or prospective ap-
10 plicants of, or participants in, Department of Agri-
11 culture programs.

12 (2) Providing an inaccurate receipt for service
13 under such section 2501A(e) to any such current or
14 prospective applicants or participants.

15 (3) Failure to provide appropriate information
16 regarding relevant programs and services at the De-
17 partment of Agriculture, when requested by any
18 such current or prospective applicants or partici-
19 pants.

20 (4) Failure to timely process applications or
21 otherwise delaying program services to any such cur-
22 rent or prospective applicants or participants.

23 (c) CORRECTIVE ACTION DEFINED.—In this section,
24 the term “corrective action” means any action taken to

1 respond to any of the actions, violations, or misconduct
2 referred to in subsection (b) that—

3 (1) would enhance civil rights at the Depart-
4 ment of Agriculture, including any policy or pro-
5 grammatic changes to prevent similar misconduct
6 from occurring in the future; and

7 (2) may include disciplinary actions, includ-
8 ing—

9 (A) removal from Federal service;

10 (B) suspension without pay;

11 (C) any reduction in grade or pay; and

12 (D) a letter of reprimand.

13 **SEC. 3. IMPROVEMENTS TO THE OFFICE OF THE ASSISTANT**
14 **SECRETARY FOR CIVIL RIGHTS.**

15 (a) IN GENERAL.—The Department of Agriculture
16 Reorganization Act of 1994 (7 U.S.C. 6912 et seq.) is
17 amended by inserting after section 218 (7 U.S.C. 6918)
18 the following:

19 **“SEC. 218A. ASSISTANT SECRETARY OF AGRICULTURE FOR**
20 **CIVIL RIGHTS.**

21 “(a) ESTABLISHMENT.—The Secretary shall estab-
22 lish in the Department the position of Assistant Secretary
23 of Agriculture for Civil Rights (referred to in this section
24 as the ‘Assistant Secretary’).

1 “(b) APPOINTMENT.—The Assistant Secretary shall
2 be appointed by the President, by and with the advice and
3 consent of the Senate.

4 “(c) DUTIES.—

5 “(1) IN GENERAL.—The Secretary shall dele-
6 gate to the Assistant Secretary responsibility for—

7 “(A) ensuring compliance with all civil
8 rights and related laws by all agencies and
9 under all programs of the Department;

10 “(B) coordinating administration of civil
11 rights laws (including regulations) within the
12 Department for employees of, and participants
13 in, programs of the Department; and

14 “(C) ensuring that necessary and appro-
15 priate civil rights components are properly in-
16 corporated into all strategic planning initiatives
17 of the Department and agencies of the Depart-
18 ment.

19 “(2) OFFICE OF LEGAL ADVISOR FOR CIVIL
20 RIGHTS.—Not later than 120 days after the date of
21 enactment of this section, the Secretary shall estab-
22 lish an Office of Legal Advisor for Civil Rights that
23 shall—

1 “(A) be the sole office within the Depart-
2 ment responsible for providing legal advice to
3 the Assistant Secretary to—

4 “(i) ensure compliance with all civil
5 rights and related laws and regulations by
6 all agencies and under all programs of the
7 Department; and

8 “(ii) carry out fair and impartial in-
9 vestigations of civil rights complaints;

10 “(B) report directly to the Assistant Sec-
11 retary; and

12 “(C) not represent or defend the Depart-
13 ment or any of its agencies with respect to any
14 claims of program or employment discrimina-
15 tion.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) ASSISTANT SECRETARIES OF AGRI-
18 CULTURE.—Section 218 of the Department of Agri-
19 culture Reorganization Act of 1994 (7 U.S.C. 6918)
20 is amended—

21 (A) in subsection (a)—

22 (i) in paragraph (1), by adding “and”
23 at the end;

1 (ii) in paragraph (2), by striking “;
2 and” at the end and inserting a period;
3 and

4 (iii) by striking paragraph (3);

5 (B) in subsection (b), by striking “any po-
6 sition of Assistant Secretary authorized under
7 paragraph (1) or (3) of subsection (a)” and in-
8 serting “the position of Assistant Secretary of
9 Agriculture for Congressional Relations and
10 Intergovernmental Affairs under subsection
11 (a)(1)”; and

12 (C) by striking subsection (c).

13 (2) TERMINATION OF AUTHORITY.—Section
14 296(b)(5) of the Department of Agriculture Reorga-
15 nization Act of 1994 (7 U.S.C. 7014(b)(5)) is
16 amended to read as follows:

17 “(5) The authority of the Secretary to carry out
18 section 218A.”.

19 **SEC. 4. EQUITABLE RELIEF.**

20 (a) EQUITABLE RELIEF FROM INELIGIBILITY FOR
21 LOANS, PAYMENTS, OR OTHER BENEFITS.—Section 1613
22 of the Farm Security and Rural Investment Act of 2002
23 (7 U.S.C. 7996) is amended—

24 (1) by redesignating subsections (f) through (j)
25 as subsections (g) through (k), respectively;

1 (2) by inserting after subsection (e) the fol-
2 lowing:

3 “(f) EQUITABLE RELIEF BY THE ASSISTANT SEC-
4 RETARY OF AGRICULTURE FOR CIVIL RIGHTS.—

5 “(1) IN GENERAL.—The Assistant Secretary of
6 Agriculture for Civil Rights (or a designee of the
7 Secretary in the Office of the Assistant Secretary for
8 Civil Rights, if no Assistant Secretary of Agriculture
9 for Civil Rights is appointed and confirmed in ac-
10 cordance with section 218A(b) of the Department of
11 Agriculture Reorganization Act of 1994) may grant
12 relief in accordance with subsections (b) through (d)
13 to a participant who files a civil rights program com-
14 plaint.

15 “(2) DECISIONS.—The decision by the Assist-
16 ant Secretary of Agriculture for Civil Rights (or the
17 designee of the Secretary) to grant relief under this
18 subsection—

19 “(A) shall not require prior approval by
20 any officer or employee of the Department of
21 Agriculture; and

22 “(B) is subject to reversal only by the Sec-
23 retary (who may not delegate the reversal au-
24 thority).

1 “(3) OTHER AUTHORITY.—The authority pro-
2 vided to the Assistant Secretary of Agriculture for
3 Civil Rights (or the designee of the Secretary) under
4 this subsection is in addition to any other applicable
5 authority and does not limit other authority provided
6 by law or the Secretary.”;

7 (3) in subsection (g), as so redesignated, by
8 striking “or the State Conservationist” and inserting
9 “the State Conservationist, or the Assistant Sec-
10 retary of Agriculture for Civil Rights (or the des-
11 ignee of the Secretary)”; and

12 (4) in paragraph (1) of subsection (h), as so re-
13 designated, by striking “and (e)” and inserting “,
14 (e), and (f)”.

15 (b) EQUITABLE RELIEF FOR ACTIONS TAKEN IN
16 GOOD FAITH.—Section 366 of the Consolidated Farm and
17 Rural Development Act (7 U.S.C. 2008a) is amended—

18 (1) by amending subsection (b) to read as fol-
19 lows:

20 “(b) LIMITATION.—The Secretary may only provide
21 relief to a farmer or rancher under subsection (a) if the
22 Secretary determines that the farmer or rancher—

23 “(1) acted in good faith and relied on an action
24 of, or the advice of, the Secretary (including any au-
25 thorized representative of the Secretary) to the det-

1 riment of the farming or ranching operation of the
2 farmer or rancher; or

3 “(2) failed to comply fully with the require-
4 ments to receive a loan described in subsection
5 (a)(1), but made a good faith effort to comply with
6 the requirements.”;

7 (2) by redesignating subsection (e) as sub-
8 section (f);

9 (3) by inserting after subsection (d) the fol-
10 lowing:

11 “(e) **EQUITABLE RELIEF BY THE ASSISTANT SEC-**
12 **RETARY OF AGRICULTURE FOR CIVIL RIGHTS.—**

13 “(1) **IN GENERAL.—**The Assistant Secretary of
14 Agriculture for Civil Rights (or a designee of the
15 Secretary in the Office of the Assistant Secretary for
16 Civil Rights, if no Assistant Secretary of Agriculture
17 for Civil Rights is appointed and confirmed in ac-
18 cordance with section 218A(b) of the Department of
19 Agriculture Reorganization Act of 1994) may grant
20 relief in accordance with subsections (a) through (d)
21 to an individual who files a complaint with respect
22 to civil rights regarding a direct farm ownership, op-
23 erating, or emergency loan under this title.

24 “(2) **DECISIONS.—**The decision by the Assist-
25 ant Secretary of Agriculture for Civil Rights (or the

1 designee of the Secretary) to grant relief under this
2 subsection—

3 “(A) shall not require prior approval by
4 any officer or employee of the Department of
5 Agriculture; and

6 “(B) is subject to reversal only by the Sec-
7 retary (who may not delegate the reversal au-
8 thority).

9 “(3) OTHER AUTHORITY.—The authority pro-
10 vided to the Assistant Secretary of Agriculture for
11 Civil Rights (or the designee of the Secretary) under
12 this subsection is in addition to any other applicable
13 authority and does not limit other authority provided
14 by law or the Secretary.”; and

15 (4) in subsection (f), as so redesignated, by
16 striking “Secretary” and inserting “Secretary, or
17 the Assistant Secretary of Agriculture for Civil
18 Rights (or the designee of the Secretary),”.

19 **SEC. 5. OFFICE OF THE CIVIL RIGHTS OMBUDSPERSON.**

20 Title III of the Federal Crop Insurance Reform and
21 Department of Agriculture Reorganization Act of 1994 (7
22 U.S.C. 2231b et seq.) is amended by adding at the end
23 the following:

1 **“SEC. 310. OFFICE OF THE CIVIL RIGHTS OMBUDSPERSON.**

2 “(a) IN GENERAL.—Not later than 120 days after
3 the date of enactment of this section, the Secretary shall
4 establish an Office of the Civil Rights Ombudsperson (in
5 this section referred to as the ‘Office’) within the Depart-
6 ment. The Office shall be independent of Department
7 agencies and offices.

8 “(b) OMBUDSPERSON DESIGNATION.—The Secretary
9 shall designate a Civil Rights Ombudsperson (in this sec-
10 tion referred to as the ‘Ombudsperson’) for the Office. The
11 Ombudsperson shall be considered a senior official of the
12 Department and have a background in civil rights enforce-
13 ment.

14 “(c) OFFICE PERSONNEL.—The Ombudsperson shall
15 appoint such employees as are necessary to perform the
16 functions of the Office and for the administration of the
17 Office.

18 “(d) FUNCTIONS.—The functions of the Office shall
19 be—

20 “(1) to assist producers and other customers of
21 Department programs in navigating the civil rights
22 review process;

23 “(2) to ensure that participants (as defined in
24 section 271) are aware of the appeals process under
25 subtitle H of title II, including informal hearings
26 under section 275;

1 “(3) to promote awareness of the Office and its
2 responsibilities among producers and other cus-
3 tomers of Department programs; and

4 “(4) to raise issues and concerns with respect
5 to, and make recommendations to the Secretary
6 about, equitable access or implementation of Depart-
7 ment programs.

8 “(e) ACCESS TO INFORMATION.—

9 “(1) IN GENERAL.—Subject to paragraph (2),
10 the Secretary shall establish procedures to provide
11 the Office access to all departmental records nec-
12 essary to execute the functions of the Office under
13 subsection (d).

14 “(2) TIMELINES.—The procedures described in
15 paragraph (1) shall include a requirement that re-
16 quests from the Office for departmental records
17 shall be fulfilled not later than 60 days after the re-
18 quest is made.

19 “(f) ANNUAL REPORT.—Beginning not later than 1
20 year after the date of the enactment of this section, and
21 annually thereafter, the Ombudsperson shall prepare and
22 submit to the House Committee on Agriculture and the
23 Senate Committee on Agriculture, Nutrition, and Forestry
24 a report on—

25 “(1) the activities carried out by the Office; and

1 “(2) the findings and recommendations of the
2 Office with respect to equitable access or implemen-
3 tation of Department programs.

4 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated such sums as are nec-
6 essary to carry out this section for each of fiscal years
7 2024 through 2026.”.

8 **SEC. 6. BURDEN OF PROOF FOR NATIONAL APPEALS DIVI-**
9 **SION HEARINGS.**

10 Section 277(c)(4) of the Department of Agriculture
11 Reorganization Act of 1994 (7 U.S.C. 6997(c)(4)) is
12 amended to read as follows:

13 “(4) BURDEN OF PROOF.—The agency shall
14 bear the burden of proving by substantial evidence
15 that the adverse decision of the agency was valid.”.