

USDA Equity Commission

CHARTER

1. Committee's Official Designation

This committee shall be known as the USDA Equity Commission ("EC").

2. Authority

The EC is established in the U.S. Department of Agriculture ("USDA") under Section 1006(b)(3) of the American Rescue Plan Act of 2021, Pub. L. 117-2. The EC is managed in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C.10.

3. Objectives and Scope of Activities

The purpose of the EC is to advise the Secretary of Agriculture by identifying USDA programs, policies, systems, structures, and practices—internal, external, discretionary, and statutory—that contribute to barriers to inclusion or access, systemic discrimination, or exacerbate or perpetuate racial, economic, health, gender, and social disparities. The EC will provide the Secretary of Agriculture with a set of actionable recommendations of steps USDA can take—working with Congress or otherwise—to modify USDA programs, policies, practices, culture, systems, and structures to reduce these disparities and advance racial justice and equity for underserved communities.

4. Description of Duties

The duties of the EC are solely advisory and shall extend only to the submission of advice and recommendations to the Secretary, which shall be non-binding to the Secretary. No determination of fact or policy will be made by the EC. The EC's recommendations should be forward looking and center on the systems change necessary for USDA to effectively advance racial justice and equity for underserved communities.

The duties of the Committee are to:

1. Deliver an interim report focused on agriculture no later than 12 months after inception and a final report on the same topic within the two-year timeframe. The committee should also produce a set of recommendations focused on rural community economic development within the two-year time frame.
2. Each report should articulate the problems found and actionable recommendations for the Secretary of Agriculture that, at a minimum, include:
 - a. How to reduce barriers that underserved individuals, organizations or communities may face accessing USDA information, resources, programs, and services;

- b. How to reduce barriers that underserved individuals, businesses or communities may face in gaining access to, and taking advantage of, USDA procurement and contracting opportunities;
- c. How USDA can take steps towards becoming a more diverse, inclusive values-based organization that effectively advances justice and equity for underserved communities; and
- d. How USDA can modify its programs—including how they are structured, designed and delivered—to ensure underserved individuals, organizations and communities are at the center of the design and positioned to benefit.

3. Provide additional assistance and advice, as appropriate.

5. Agency or Official to Whom the Committee Reports

The EC will report to the Secretary of Agriculture through the Designated Federal Officer (DFO) who will work closely with the USDA member of the Commission.

6. Support

The Office of the Secretary of Agriculture will provide the necessary staff support for the EC, as consistent with FACA. In addition, the Office of the Secretary will provide additional support as required for the EC's activities to the extent permitted by law and subject to the availability of resources.

7. Estimated Annual Operating Costs and Staff Years

The estimated annual operating costs of the EC is \$2,000,000, including at least three full-time employees. Annual operating costs include meeting expenses, travel, staff salary and benefits, and other expenses. Members of the EC shall serve without compensation if they are not otherwise officers or employees of the Federal Government. Committee Members shall receive reimbursement for travel-related expenses in the performance of their duties away from their homes or regular places of business, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703.

8. Designated Federal Officer (DFO)

An employee of the Office of the Secretary will be designated as the DFO of the EC. The DFO will approve the EC's and subcommittees' meetings, prepare, and approve all meeting agendas, attend all EC and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the EC reports.

9. Estimated Number and Frequency of Meetings

The EC may meet up to four times per year (either virtually or in person, or as deemed necessary by the Secretary of Agriculture). Subcommittees of the EC may meet at the request of the Chairperson in consultation and approval of the DFO. Other special meetings may be scheduled by the EC each year to carry out the EC's responsibilities.

10. Duration

This is a continuing advisory committee subject to the termination under paragraph 11.

11. Termination

In accordance with FACA, the EC will terminate two years from the filing date of this charter. The EC will not meet or take any action until the charter is renewed.

12. Membership and Designation

12a. The EC will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed.

12b. The EC shall be composed of 15 voting members appointed by the Secretary of Agriculture for a two-year term and may be reappointed for up to two additional two-year terms, and shall include:

- 1) Two representatives from community-based organizations that represent underserved communities;
- 2) Two representatives with expertise in policy design and/or evaluation;
- 3) Two representatives with expertise in organizational development, design thinking, and/or change management;
- 4) One representative with expertise in communications/public relations;
- 5) One representative with expertise in civil rights;
- 6) One representative with expertise in organizational diversity, equity, and inclusion;
- 7) One economist with knowledge of social policy and economic disparities;
- 8) One historian;
- 9) One legal expert;
- 10) Three such other persons representing a broad spectrum of related interests listed in this section 12b as the Secretary considers appropriate.

12c. From the 15 members of the EC, the Secretary will designate two Co-Chairs. The Co-Chairs will be voting members and shall serve for a period of two (2) years from the date of appointment to the EC; their role as Co-Chair may be renewed. The Co-Chairs will be individuals who are recognized for their ability to lead in a fair and focused manner.

12d. In addition to the 15 voting members, the Secretary will also appoint a USDA representative to serve as a non-voting member of the Commission.

12d. EC members will serve without compensation. While engaged in the performance of their duties away from their home or regular place of business, EC members may be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, authorized by 5 U.S.C. § 5703, in the same manner as a person employed intermittently in the Government service.

12e. Ethics Statement

To maintain the highest levels of honesty, integrity, and ethical conduct, no EC or

subcommittee member shall participate in any “specific party matters” (i.e., matters are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for EC or subcommittee members to immediately disclose to the DFO (for discussion with USDA’s Office of Ethics) any specific party matter in which the member’s immediate family, relatives, business partners, or employer would be directly seeking to financially benefit from the EC’s recommendations.

Violations of ethical conduct will result in immediate removal from the EC.

All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the EC’s advice and recommendations. Members who are appointed as “Representatives” are not subject to Federal ethics laws because such appointment allows them to represent the points of view of a particular group, business sector, or segment of the public.

Members appointed as “Special Government Employees” (SGEs) are considered intermittent Federal employees and are subject to Federal ethics laws. SGEs are appointed due to their personal knowledge, academic scholarship, background, or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form). USDA will help SGEs prepare these financial reports on request. To ensure the highest level of compliance with applicable ethical standards, USDA will annually provide ethics training to SGEs. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

12f. Equal Opportunity Statement

Equal opportunity practices, in line with USDA policies, will be followed in all Committee membership appointments. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups the Department serves, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities. USDA prohibits discrimination on the bases of race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, familial status, disability, limited English proficiency, or because all or a part of an individual's income is derived from a public assistance program. In programs that receive Federal financial assistance from USDA, discrimination is prohibited on the bases of race, color, religious creed, sex, political beliefs, age, disability, national origin, or limited English proficiency. (Not all bases apply to all programs.) Reprisal is prohibited based on prior civil rights activity.

13. Subcommittees

The agency, in consultation with the DFO, has the authority to create subcommittees. Subcommittees, including working groups and ad-hoc committees, must report back to the parent committee (EC), and must not provide advice or work products directly to the agency.

The EC will create a subcommittee on agricultural comprised of no less than 15 members, two of whom will be EC members. The majority of the subcommittee members should be familiar with USDA and reflect the diversity of agriculture in geography, size, scale, and type of production. The majority of subcommittee members should represent historically underserved populations or communities, shall include:

- 3 farmers or ranchers;
- 2 university personnel with research and/or extension expertise from minority serving institutions;
- 2 individuals from community based organizations;
- 1 individual from the agricultural industry;
- 1 individual representing farmworker groups;
- 1 individual with civil rights and equity expertise;
- 3 individuals selected at the discretion of the Secretary; and,
- 2 members of the EC (as explained above).

The EC will create a subcommittee on rural community and economic development comprised of no less than 15 members, two of whom will be EC members. The majority of the subcommittee members should have deep experience in, and knowledge of the issues critical to the economic stability and growth of rural America. The majority of subcommittee members should represent historically underserved populations or communities, shall include:

- 4 representatives from community-based organizations;
- 2 representatives from lending institutions;
- 2 representatives from small business or cooperatives;
- 1 representative from a tribal entity;
- 1 university, community college, or trades personnel;
- 3 individuals selected at the discretion of the Secretary; and,
- 2 members from the EC (as explained above).

14. Recordkeeping

The records of the EC, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule (GRS) 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about the EC is available online at <https://www.usda.gov/equity-commission>.

15. Filing Date

September 29, 2023