

USDA Equity Commission MEMBERSHIP BALANCE PLAN

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 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.

The Membership Balance Plan sets out how USDA will work to achieve a fair and diverse membership balance on the EC.

3. Mission and Function

The American Rescue Plan Act provides for USDA to “address historical discrimination and disparities in the agriculture sector,” which includes “fund[ing] one or more equity commissions to address racial equity issues within USDA and its programs.” 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. Points of View

Nominations and Memberships:

Nominations for the EC were solicited through publication in the Federal Register of a Notice of Request for Nominations. The nominations had to be in writing and provide the appropriate background documents required by USDA policy including form AD-755, Advisory Committee or Research and Promotion Background Information. After the solicitation period closed, a USDA committee was assembled by the Designated Federal Officer (DFO) of the EC to evaluate all nominees and make recommendations to the Secretary on committee appointments. An employee of the Office of the Secretary was designated as the DFO of the EC. Nominations for future positions on the Equity Commission and its subcommittees will follow the same procedures.

The EC must adhere to equal opportunity practices consistent with USDA policy. Nomination for EC membership is open to all, including people of color, women, and persons with disabilities in areas designated within the United States, Caribbean Area (Puerto Rico and the U.S. Virgin Islands), and the Pacific Basin Area (Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands).

To provide outreach to all segments of the affected public, public notification and outreach efforts include news releases, internet web postings, publications, one-on-one contact, word of mouth at community organizations, and brochures to ensure those traditionally under-served will have an equal opportunity to participate in the EC. Outreach efforts target those in underserved communities, especially those that may have limited access to traditional means of communications.

The EC will continue to work in partnership with the USDA Office of Partnerships and Public Engagement (OPPE) and the agency outreach programs to locate and provide information to all protected groups.

A press release announcing the issuance of the EC was electronically sent nationwide to community organizations whose membership include and represent minorities and people who are socially disadvantaged, underserved, and underrepresented among USDA programs and in government services. The press release contained a contact person (Designated Federal Official) for obtaining further information.

USDA will continue to submit information for distribution via the networks and newsletters of several national organizations with expertise in civil rights and equity as well as organizational change. These include the NAACP, National Congress of American Indians, Unidos US, Public Allies, Stanford Social Innovation Review, The Management Center, NOVA Collective, National Association of Schools of Public Affairs and Administration, Asian Americans Advancing Justice, The Design Thinking Network, PolicyLink, the Lab at OPM, among others.

Additionally, to ensure there is a broad array of applicants for future positions, USDA will submit information for publication in the national newsletters of several national agricultural organizations with an emphasis on organizations representing historically underserved populations. These include American Agri-Women, WAgN (Women's Agricultural Network), MANRRS (Minorities in Agriculture, Natural Resources, and Related Sciences), National Black Growers Council, Inter-Tribal Ag Council, Rural Coalition, and the National Agri-Ability Project as well as associations representing land grant universities and minority-serving institutions. Press releases translated into common languages and informational materials will also be made available.

USDA will continue to make a concerted effort to reach a wide range of experts. USDA will also make every effort to ensure there is broad awareness of the Equity Commission and opportunities to serve on either the Commission or its subcommittees via various means, including internet web postings, newsletters and other relevant publications, radio, personal contact, meetings, organizations, community advocacy groups, etc. To reach those in rural communities with limited internet access, USDA will make additional efforts to share information, including by word of mouth.

All members will have a shared commitment to ensuring USDA is a diverse, inclusive, accessible organization that upholds its commitment to civil rights and effectively

advances racial justice and equity.

EC members will be appointed by the Secretary of Agriculture for a two-year term with an option to renew up to an additional two years.

The EC is composed of fifteen (15) members from a wide range of groups:

- 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 as the Secretary considers appropriate.

From the 15 members of the EC, the Secretary will designate at least one but up to two Co-Chair(s). The Co-Chair(s) will be voting member(s) and shall serve for a minimum of one (1) year from the date of appointment to the EC; their role as Co-Chair may be renewed. The Co-Chair will be an individual who is recognized for their ability to lead in a fair and focused manner.

The status/position of membership appointments (Special Government Employee or Representative) for individuals with related experience or expertise in ways and means of advancing equity for all, including people of color and underserved communities and 4 those adversely affected by persistent poverty and inequality, will be determined at the time of the member's retention, designation, or appointment.

Any vacancy in the EC shall not affect the powers of the EC; and shall be filled as soon as practicable in the same manner as the original appointment. An initial appointee of the EC may serve an additional consecutive term if the member is reappointed by the Secretary.

Subcommittees will be comprised of up to 15 members, two-of which will be members of the Equity Commission. While not governed by the Equity Commission charter, outreach and selection of sub-committee members will follow an outreach plan and decision-making process comparable to that detailed in this document for the Equity Commission members.

5. Points of View and Other Balance Factors

The criteria for consideration for membership for both the EC steering committee and subcommittees includes demographic diversity, regional diversity, diversity in background, and diversity in experience and expertise. The EC and subcommittees both will require a substantial representation from those who work in organizations whose mission is to serve or advocate for underserved communities, persistent poverty communities, people of color, women, migrant worker communities, individuals with disabilities, individuals with limited English proficiency, veterans, rural communities, and

LGBTQI+ communities. Other perspectives to capture include perspectives from the small business community, higher education institutions, and communities who bring their personal experiences to the discussion.

To ensure the balance of points of view, recommendations of the EC will take into account the needs of diverse segments of socially disadvantaged groups served by USDA, drawing from varying regional, social, health, cultural, financial, economic and agricultural interests.

Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the EC.

The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, political beliefs, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA (not all bases apply to all programs).

To provide as much contact as possible to various segments of the affected public about the opportunity to serve on the EC, public notification and outreach efforts will include media outreach to ensure those traditionally underserved will have an equal opportunity to participate in the EC.

6. Candidate Identification Process

- 11) As described in section 4, a broad cross-section of the population will be sought in the nomination process for the EC. Nominations are made by individuals themselves, public, agency officials, current or past USDA or FACA committee members.
- 12) Key staff who were involved in determining balance on the Committee are:
 - a. Deputy Secretary
 - b. Designated Federal Officer
 - c. USDA's Internal Equity Team
- 13) Vacancies on the Committee will be filled as soon as practicable in the same manner as the original appointment.

The DFO will assemble a team that's diverse in background and experience to evaluate all nominees and make recommendations to the Secretary on Committee appointments. Once potential candidates have been identified, their names and background data will be submitted to the USDA White House Liaison's office for vetting. The vetting process includes a background check to determine if any of the candidates have a conflict of interest that would prohibit them from serving on the EC due to criminal or ethical violations.

7. Subcommittee Balance

Any EC subcommittees will have a fair and balanced representation of viewpoints and backgrounds as is sought and achieved for the full EC.

The Subcommittee on Agriculture is comprised of 15 members, two of which are members of the Equity Commission. The majority of subcommittee members represent historically underserved populations or communities and 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;

2 members of the EC (as explained above). The RCED Subcommittee is comprised of 15 members, two of which also serve on the Equity Commission. Most subcommittee members represent historically underserved populations or communities and 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).

8. Quorum Requirements

There will be a quorum when the majority of the EC is present.

9. Other

Legal Background

Section 5(b)(2) of the Federal Advisory Committee Act (FACA) requires "...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that: (1) the purpose of the membership balance plan is to ensure "that, in the selection of members for the advisory committee, the agency will consider a cross section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;" and (2) "advisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed" (41 CFR § 102-3.60(b)(3)).

FACA mandates that Federal Advisory Committees be balanced in the points of view represented by the members but leaves it to the discretion of each agency on how to do this. The FACA regulations offer guidance in achieving a balanced Federal Advisory Committee Membership, which include considering:

- a. The Federal Advisory Committee's Mission;
- b. The geographic, ethnic, social, economic, or scientific impact of the Federal Advisory Committee's recommendations;
- c. The types of specific perspectives required, such as those of consumers, technical experts, the public at-large, academia, business, or other sectors;
- d. The need to obtain divergent points of view on the issues before the Federal Advisory Committee; and
- e. The relevance of State, local, or tribal governments to the development of the Federal Advisory Committee's recommendations" (41 CFR § III of App. A to Subpart B). FACA

Subcommittees are not subject to the requirements of FACA.

10. Date prepared/updated

July 20, 2023