



UNITED STATES DEPARTMENT OF
AGRICULTURE

AGE
DISCRIMINATION
ACT REPORT
For Fiscal Year 2023

UNITED STATES DEPARTMENT OF AGRICULTURE AGE DISCRIMINATION ACT REPORT

The United States Department of Agriculture (USDA) Fiscal Year (FY) 2023 report on the Age Discrimination Act of 1975 (the Age Act), as amended, provides complaint and departmental compliance review activity per the requirements of Section 308(a) of the Age Act. Activities for FY 2023 are summarized below and in the attached data tables¹.

SUMMARY OF ACTIVITIES

I. Status of Agencies Regulations

The Age Act regulation, 7 CFR Part 15c, “*Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the U.S. Department of Agriculture*,” was finalized and published on January 1, 2016. The regulation can be found at <https://www.govinfo.gov/app/details/CFR-2023-title7-vol1/CFR-2023-title7-vol1-part15c>. The regulation prohibits discrimination on the basis of age in programs and activities receiving Federal financial assistance from USDA. All USDA Mission Areas and agencies are required to adhere to the provisions set forth in the regulation and related guidance on nondiscrimination on the basis of age.

II. Complaint Activity

During FY 2023, USDA received 55 complaints citing or alleging age as a basis of discrimination (age complaints) in its Federally assisted programs. In addition, 44 age complaints were carried over from FY 2022, resulting in a total inventory of 99 age complaints for FY 2023. Table 1 below illustrates USDA’s FY 2023 age discrimination complaint activity:

Table 1: Age Discrimination Complaint Activity

Agency	Carried Over from FY 2022	Received in FY 2023	Total Workload
USDA Total	44	55	99

Of the 55 age complaints received in FY 2023, 45 (82%) originated from Food and Nutrition Service (FNS) programs, 9 (16%) originated from Rural Development (RD), and 1 (2%) originated from the Agricultural Marketing Service (AMS).

FNS’ complaint activity for FY 2023 was attributed to communication and customer service issues between program users and staff at state and local agencies receiving Federal financial assistance from FNS’ Supplemental Nutrition Assistance Program (SNAP), The Emergency Food Assistance Program, and the Commodity Supplemental Food Program. There were no patterns or practices of discrimination identified in the age-based complaints received in FY 2023. RD’s complaint activity for FY 2023 is related to multi-family rental housing. Additionally, age is included with other protective bases as a result the complaint activity does not make a clear, separate, or distinct statement specifically relating to age.

¹ See Attachment I.

AMS had one age complaint submitted in FY 2023. An applicant filed an application for funds through a federally assisted program and received an email with no explanation stating their program application was unfunded; the case is currently open in Adjudication status.

USDA resolved 79 (80%) of the 99 total age complaints inventory in FY 2023. Of the 79 complaints resolved, 10 (13%) were resolved based on insufficient evidence of a violation and 69 (87%) were resolved administratively. Table 2 below illustrates USDA FY 2023 complaint resolution activity:

Table 2: Age Discrimination Complaint Resolution Activity

Cases Resolved Based on Insufficient Evidence of a Violation	Cases Resolved w/ Agreement for Corrective Action/Other Change Without a Specific Finding of a Violation	Resolved Based on Specific Finding of Violation	Cases Resolved Administratively	Total Cases Resolved in FY 2023
10	0	0	69	79

III. Significant Cases

USDA had no significant cases to report in FY 2023.

IV. Mediation

Under the Administrative Dispute Resolution Act of 1996, the Federal Mediation and Conciliation Service (FMCS) was officially authorized to share its expertise in all aspects of dispute resolution with Federal agencies, including third-party dispute resolution assistance, dispute resolution training for agency personnel, and consultation/systems design. As stated above in Section II, Complaint Activity, in FY 2023, USDA received a total of 55 age-based complaints in federally assisted program discrimination complaints. Overall, 46 complaints were referred to FMCS for ADR services; however, (9) complaints were not referred to FMCS, six (6) due to the lapse of funding, two (2) were resolved through administrative closure, and one (1) was mediated by FNS. Table 3 below illustrates USDA’s referral activity:

Table 3: Age Complaints Referred to FMCS

Referred to FMCS in FY 2023	Not Referred to FMCS in FY 2023
46	9

Specifically, FNS referred 39 of the 46 age-based complaints in federal assisted programs to FMCS for mediation. Of the nine (9) not referred to FMCS, six (6) of the complaints filed with FNS were not referred due to a lapse of funding, two (2) of the complaints filed

with RD were resolved through administrative closure, and one (1) case filed with AMS was mediated in-house. Regarding the six (6) complaints filed with FNS that were not referred to FMCS due to a lack of funding, the issue arose due to a lack of funding in a contract. The Department of Health and Human Services had a contract with FMCS to mediate complaints. FNS had an agreement with HHS for FMCS to provide ADR services, but there was a lapse in funding in the contract between HHS and FMCS, and the six (6) complaints were processed internally at FNS.

V. Compliance Reviews

USDA agencies total compliance review workload was 579 for Federally assisted programs. In FY 2023, Mission Areas and agencies developed and implemented plans to accomplish compliance review goals. Encompassed in those plans were interviews of recipients, examination of documents, and assessments of activities and the effectiveness of the enforcement of civil rights laws, Executive Orders and Departmental and agency regulations. The assessment of recipients' compliance with the Age Act was one component of several components reviewed for compliance with Federal civil rights laws.

Based on the compliance reviews conducted, no pattern, practice, or findings of any age-related discrimination was found. Table 4 below illustrates USDA's compliance review activity:

Table 4: Compliance Review Activity

Agency	Carried Over from FY 2022	Initiated in FY 2023	Total Workload in FY 2023	Total Reviews Closed in FY 2023	Reviews Pending at the End of FY 2023
USDA Total	47	532	579	521	58

VI. Technical Assistance, Staff Training, Outreach and Distribution of Information

A. Technical Assistance

USDA consists of 8 Mission Areas² and 18 agencies³ which have federally assisted programs. The following technical assistance was provided by Mission Areas and agencies to its recipients in compliance with the Age Act:

- The National Institute of Food and Agriculture (NIFA) conducted a webinar for its grantees on the Age Act, which included an overview of the language of the Age Act, and its requirements; permissible use of age distinctions; and best practices. Additionally, NIFA continued to routinely provide technical assistance and oversight to its grantees to ensure the Age Act requirements are aligned with NIFA's equal opportunity and civil rights compliance and training activities;

² Information on USDA Mission Areas can be found at <https://www.usda.gov/our-agency/about-usda/mission-areas>.

³ Information on USDA Agencies can be found at <https://www.usda.gov/our-agency/agencies>.

- Foreign Agricultural Service (FAS), as required of all USDA Mission Areas and Agencies per [Departmental Regulation 4300-003](#), *Equal Opportunity Public Notification*, enforces the prominent display of the “And Justice for All” poster, listing “Age” as a protected basis at all of its offices and recipients. Additionally, FAS continues to require its recipients to publish this non-discrimination statement on public information and keep their employees informed about the USDA non-discrimination statement that includes “Age” as a protected basis;
- FNS’ Civil Rights staff implemented the requirements of the Age Act through training, meetings, conferences, technical assistance, and compliance reviews. The Civil Rights Office continues to conduct training for FNS regional program staff, State Directors, and State and local agency staff at national, regional, and tri-regional conferences. For FY 2023, FNS successfully trained over 5,000 state agency attendees and 500 regional program attendees. Program recipients received training on the Age Act as part of specialized training conducted on Meal Modification requirements for the National School Lunch Program, the Child and Adult Care Food Program, the Summer Food Service Program, SNAP, Disaster, and Complaint Processing;
- Farm Production and Conservation (FPAC) continues to share information on the Age Act in the full non-discrimination statement on all outreach training materials, brochures, advertisements, and training presentations at farmers’ meetings and conferences, broadcasts, and other visual and audio media, as required. FPAC frequently ensures program participants and the public are aware that its farm loan and farm programs have no age minimum nor maximum thresholds. Recipients are provided direct technical assistance regarding equal opportunity including the Age Act, and they must establish, maintain, and carry out an effective Equal Employment Opportunity Program. In addition, their recipients are required to comply with age mandates when producing marketing materials and providing community outreach for their programs;
- Food Safety and Inspection Service (FSIS) provided technical assistance and outreach to its federally assisted State Meat and Poultry Inspection (MPI) programs by ensuring its [“at least equal to” guidelines](#) were made available to the State MPI programs through the Agency’s website. This guidance addresses Civil Rights requirements for State programs to include the prohibition of discrimination on the basis of age. USDA’s Civil Rights Policy Statement which addresses USDA’s non-discrimination policy including age, was also made available to the State MPI programs via the FSIS website on August 10, 2023, and through email to all State Directors. FSIS continued to reenforce the requirement for all 29 states that receive financial assistance to conduct annual self-assessments of their civil rights programs, nondiscrimination policy, public notification efforts, and all 29 states were compliant; and
- Forest Service (FS) Special Use Permit Administrators and Grants and Agreements Specialists continued to issue the “Partner-in-Service” resource package to recipients at the time of pre-award and post-award compliance reviews. The

information disseminated contained valuable tools to help partners understand their roles and responsibilities under the Age Discrimination Act, Title VI of the Civil Rights Act, Title IX of the Education Amendments Act, and Section 504 of the Rehabilitation Act.

A. Staff Training

USDA emphasized and performed the following staff training on the Age Act:

- Beginning March 2023, RD on a monthly basis, conducted a comprehensive Civil Rights and Compliance Review training for approximately 2,000 Agency staff that oversee Assisted Programs. On an annual basis, the Civil Rights training team updates its training work plan, which focuses on measures to train internal and external customers on all the Regulations overseen by the Agency, including the Age Act;
- FS Civil Rights Specialists expanded their Equal Opportunity training to over 156 employees nationwide. The training included policy guidance of Title VI of the Civil Rights Act, Title IX of the Education Amendments Act, Age Discrimination Act, Executive Order 13166, Section 504 and 508, and Architectural Barriers Act;
- APHIS conducted three training courses for new probationary supervisors and current supervisors. Overall, the trainings included efforts to foster a better understanding of how the Age Act and other civil rights laws are applicable in interactions among internal staff and recipients. A 28-hour training was provided to 189 participants during FY 2023. APHIS also held two additional courses for a total of 150 managers and supervisors in FY 2023;
- FNS' Civil Rights staff provided 83 training sessions to Agency program staff, and age is a basis applicable to all nutrition assistance programs. Regional program staff also attended training conducted for State Directors and State and local agency staff. The Age Act is covered during training including scenarios to illustrate age issues;
- FAS continues to train employees on nondiscrimination based on age and shared additional resources including FAS Civil Rights and Diversity Policy Statement; Anti-Harassment Policy Statement and Procedures; USDA Non-Discrimination Statement; and the Civil Rights Policy for the Department of Agriculture;
- FSIS staff continue to attend numerous civil rights-related webinars, conferences, and trainings that emphasized age as a prohibited protected base; and
- FPAC, specifically the Natural Resources Conservation Service (NRCS), Civil Rights offers a Program Delivery course which covers the Age Act as part of the founding laws and regulations for civil rights compliance. This three-day comprehensive course is an in-person, interactive course offered several times

per year at several locations around the United States to NRCS employees with class sizes of 30-35 employees per offering, and was offered 15 times in FY 2023, to a total of 464 employees.

B. Outreach and Distribution of Information

USDA provided educational information to its recipients in accordance with the Age Act. USDA also issued Senior Passes to U.S. citizens over 62 years of age and accompanying passengers in a private non-commercial vehicle. FS remains the sponsor of interagency Senior Pass for National Park Service, Bureau of Land Management, Bureau of Reclamation, and Fish and Wildlife Service sites that charge entrance or standard amenity fees.

VII. Other Agency Efforts to Reduce Age Discrimination

In FY 2023, USDA conducted the following additional efforts to reduce age discrimination:

- Conducted Civil Rights Impact Analyses on proposed rules and regulations for assisted programs to ensure recipients protected under the Age Act were not impacted by agency decisions; and
- Drafted the USDA, *Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan* for Fiscal Years 2022 – 2026, in support of Executive Order 14035, *DEIA in the Federal Workforce*. This plan outlines actions USDA will take to help ensure equitable experiences and service to the American people and USDA’s global constituents and partners in an effort to reduce age discrimination.

VIII. Analysis and Conclusion

USDA continues to work collaboratively with its Mission Areas, agencies, and recipients to reduce the number of age complaints. Activities cited above indicate our demonstrated commitment to implement the USDA’s Age Act regulation, which provides guidance to all USDA employees and enhances the Department’s prevention of age discrimination in federally assisted programs. In addition, USDA continues to ensure recipients are compliant with the Age Act requirements and employees are educated regarding the Age Act.

The DEIA Strategic Plan also serves as USDA’s roadmap in creating and nurturing a workplace culture that consistently places equity at the center of our workforce. The goals, objectives, and strategies of the Strategic Plan are designed to create an environment in which DEIA, civil rights, and the Age Act are integrated into the programs and activities that USDA operates.

Moving forward, USDA strives to continue utilizing proactive strategies to train management, employees, and recipients on the Age Act. Additionally, USDA will ensure all Mission Areas and agencies disseminate information, monitor complaint activity, and focus on the prevention of age discrimination in its federally assisted programs and activities.

ATTACHMENT I

TABLE I: INVENTORY OF AGE DISCRIMINATION ACT COMPLAINTS

TABLE II: INVENTORY OF AGE DISCRIMINATION ACT COMPLIANCE REVIEWS

TABLE III: INVENTORY OF AGE DISCRIMINATION ACT MEDIATION ACTIVITIES

**TABLE I:
INVENTORY OF AGE DISCRIMINATION ACT COMPLAINTS
(Carried Into and Received During FY 2023)**

(1) Age Act Complaint Workload FY 2023		
(a) Age Act Complaints Carried Over from FY 2022	44	
(b) Age Act Complaints Received in FY 2023	55	
(c) Total Workload FY 2023	SUM (a) plus (b)	99
(2) Age Act Complaints Closed in FY 2023		
(a) Resolved based on insufficient evidence of a violation or no violation	10	
(b) Resolved based on agreement to implement corrective action or other change, without a specific finding of a violation	0	
(c) Resolved based on a specific finding of a violation, issuance of a Letter of Findings, and agreement to take corrective action	0	
(d) Resolved administratively (e.g., no jurisdiction, complaint withdrawn, etc.)	69	
(e) Total Closures FY 2023	SUM (a) through (d)	79
(3) Age Act Cases Pending at the End of FY 2023	Line (1)(c) minus Line (2)(e)	20

**TABLE II:
INVENTORY OF AGE DISCRIMINATION ACT COMPLIANCE REVIEWS
(Carried Into and Initiated During FY 2023)**

(1) Age Act Compliance Review Workload FY 2023		
(a) Compliance Reviews Carried Over from FY 2022	47	
(b) Compliance Reviews Initiated in FY 2023	532	
(c) Total Compliance Review Workload FY 2023	SUM (a) plus (b)	579
(2) Age Act Compliance Reviews Closed in FY 2023		
(a) Resolved based on insufficient evidence of a violation or no violation	513	
(b) Resolved based on agreement to implement corrective action or other change, without a specific finding of a violation	0	
(c) Resolved based on a specific finding of a violation, issuance of a Letter of Findings, and agreement to take corrective action	8	
(d) Resolved administratively or other closure (explain below)	0	
(e) Total Closures FY 2023	SUM (a) through (d)	521
* (3) Age Act Compliance Reviews Pending at the End of FY 2023	Line (1)(c) minus Line (2)(e)	58

**TABLE III:
INVENTORY OF AGE DISCRIMINATION ACT MEDIATION ACTIVITIES
(Carried Into and Initiated During FY 2023)**

(1) Age Act Complaints Referred to FMCS in FY 2023			46
(2) Age Act Complaints Not Referred to FMCS in FY 2023			
	(a) ...because referred to another mediator	0	
	(b) ...because mediated in-house	1	
	(c) ...because referred in a previous year	0	
	(d) ...because complaint was resolved through administrative closure (e.g., no jurisdiction, etc.)	2	
	(e) ...for another reason; please explain below	6 ⁴	
	(f) Total Complaints Not Referred in FY 2023	Sum (a) though (e)	9

⁴ Six (6) age complaints were not referred to FMCS for processing in accordance with USDA’s Departmental Regulations due to the lapse of funding with FMCS. The Department of Health and Human Services had a contract with FMCS to mediate complaints. FNS had an agreement with HHS to refer cases to FMCS for ADR services; because of the lapse of funding of the contract between HHS and FMCS, the six (6) complaints were processed internally at FNS.