

2025 USDA EXPLANATORY NOTES – OFFICE OF CIVIL RIGHTS

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PREFACE

This publication summarizes the fiscal year (FY) 2025 Budget for the U.S. Department of Agriculture (USDA). Throughout this publication any reference to the “Budget” is in regard to the 2025 Budget, unless otherwise noted. All references to years refer to fiscal year, except where specifically noted. The budgetary tables throughout this document show actual amounts for 2022 and 2023, annualized Continuing Resolution levels for 2024, and the President’s Budget request for 2025. Amounts for 2024 estimated levels include: non-enacted amounts such as Full-Time Equivalent levels, fleet levels, information technology investment levels, recovery levels, transfers in and out, balances available end of year, and obligation levels.

Throughout this publication, the “2018 Farm Bill” is used to refer to the Agriculture Improvement Act of 2018. Most programs funded by the 2018 Farm Bill are funded through 2023. Amounts shown in 2024 and 2025 for most Farm Bill programs reflect those confirmed in the baseline.

Pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, sequestration is included in the numbers for mandatory programs in 2022, 2023, 2024 and 2025.

In tables throughout this document, amounts equal to zero (0) are displayed as dashes (-). Amounts less than 0.5 and greater than zero are rounded and shown as a zero (0). This display treatment is used to prevent the masking of non-zero amounts that do not round up to one (1).

AGENCY-WIDE

PURPOSE STATEMENT

The Office of Civil Rights (OCR) mission is to provide leadership and direction for the fair and equitable treatment of all USDA customers and employees while ensuring quality delivery of programs and enforcement of civil rights. OCR seeks innovative methods to make progress toward meeting the regulatory standards for processing the Department’s Equal Employment Opportunity (EEO) and program complaints and to become a more efficient and effective operation. OCR utilizes assigned staff and contract attorneys to assist with processing the final agency decision inventory. In addition, OCR utilizes contract services and detailed staff to assist with processing program and EEO complaint inventory.

OCR reviews agency standard operating procedures and employee performance standards quarterly to ensure systems and workload analyses are in place to prevent future backlogs while maintaining a manageable complaint inventory to meet all regulatory processing requirements. OCR utilizes Alternative Dispute Resolution (ADR) efforts for EEO and program conflicts that could result in discrimination complaints. ADR serves as a tool to resolve conflicts and disputes before they become formal discrimination complaints. Non-EEO conflicts are addressed outside of OCR to ensure that all parties productively manage conflicts.

As of September 30, 2023, there were 147 full-time permanent employees, 100 located in Washington, D.C., and 47 with a remote duty station.

OIG AND GAO REPORTS

Table OCR-1. Closed, Implemented OIG Reports

| ID | Date | Title | Result |
|---------------|-----------|--|---|
| 50801-0006-12 | 9/26/2023 | Security Over USDA Mobile Applications | OCR closed recommendation 4 – OCR’s newly hired IT liaison, in collaboration with the Civil Rights application developer addressed future security concerns. The vendor has remediated all vulnerabilities identified in the scan assessment and provided a detailed report on the mitigation and remediation of the vulnerabilities. |

Table OCR-2. Closed, Implemented GAO Reports

| ID | Date | Title | Result |
|--------|------------|--|-----------------------------------|
| 20-187 | 03/19/2020 | Sexual Harassment in STEM Research: Agencies Have Taken Actions but Need Compliant Procedures, Overall Plans, and Better Collaboration | OCR closed all 5 recommendations. |

AVAILABLE FUNDS AND FTEs

Table OCR-3. Available Funds and FTEs (thousands of dollars, FTEs)

| Item | 2022 | | 2023 | | 2024 | | 2025 | |
|----------------------------------|----------|------|----------|------|-----------|------|-----------|------|
| | Actual | FTEs | Actual | FTEs | Estimated | FTEs | Estimated | FTEs |
| Salaries and Expenses: | | | | | | | | |
| Discretionary Appropriations.... | \$33,918 | 119 | \$37,595 | 135 | \$37,595 | 135 | \$38,362 | 135 |
| Total Obligations, OCR | 33,918 | 119 | 37,595 | 135 | 37,595 | 135 | 38,362 | 135 |
| Total Available, OCR | 33,918 | 119 | 37,595 | 135 | 37,595 | 135 | 38,362 | 135 |

PERMANENT POSITIONS BY GRADE AND FTEs

Table OCR-4. Permanent Positions by Grade and FTEs

| Item | 2022 | | | 2023 | | | 2024 | | | 2025 | | |
|-----------------------|------|-------|--------------|------|-------|--------------|------|-------|-----------------|------|-------|-----------------|
| | D.C. | Field | Actual Total | D.C. | Field | Actual Total | D.C. | Field | Estimated Total | D.C. | Field | Estimated Total |
| SES..... | 3 | - | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | - | 3 |
| GS-15 | 7 | .2 | 9 | 6 | 3 | 9 | 6 | 3 | 9 | 6 | 3 | 9 |
| GS-14 | 13 | 3 | 16 | 14 | 8 | 22 | 14 | 8 | 22 | 14 | 8 | 22 |
| GS-13 | 44 | 3 | 47 | 37 | 12 | 49 | 37 | 12 | 49 | 37 | 12 | 49 |
| GS-12 | 9 | - | 9 | 7 | 4 | 11 | 7 | 4 | 11 | 7 | 4 | 11 |
| GS-11 | 3 | 1 | 4 | 5 | 6 | 11 | 5 | 6 | 11 | 5 | 6 | 11 |
| GS-9 | 11 | 6 | 17 | 17 | 11 | 28 | 17 | 11 | 28 | 17 | 11 | 28 |
| GS-8 | 7 | 1 | 8 | 8 | 3 | 11 | 8 | 3 | 11 | 8 | 3 | 11 |
| GS-7 | 5 | - | 5 | 2 | - | 2 | 2 | - | 2 | 2 | - | 2 |
| GS-6 | 1 | - | 1 | 1 | - | 1 | 1 | - | 1 | 1 | - | 1 |
| Total Permanent | 103 | 16 | 119 | 100 | 47 | 147 | 100 | 47 | 147 | 100 | 47 | 147 |
| Total Perm. FT EOY. | 103 | 16 | 119 | 100 | 47 | 147 | 100 | 47 | 147 | 100 | 47 | 147 |
| FTE* | 108 | 16 | 128 | 100 | 35 | 135 | 100 | 35 | 135 | 100 | 35 | 135 |

*Total FTEs are all inclusive of workforce categories including temporary positions.

SHARED FUNDING PROJECTS

Table OCR-5. Shared Funding Projects (thousands of dollars)

| Item | 2022 Actual | 2023 Actual | 2024 Estimated | 2025 Estimated |
|------------------------------|-------------|-------------|----------------|----------------|
| Working Capital Fund: | | | | |
| Administrative Services: | | | | |
| AskUSDA Contact Center | - | \$13 | \$17 | \$18 |

| Item | 2022 Actual | 2023 Actual | 2024 Estimated | 2025 Estimated |
|---|----------------|----------------|-------------------|-------------------|
| Human Resources Enterprise System Management | \$1 | 2 | 2 | 2 |
| Integrated Procurement Systems | 47 | 58 | 50 | - |
| Mail and Reproduction Services | 316 | 446 | 526 | 518 |
| Material Management Service Center | 20 | 19 | 20 | 19 |
| Procurement Operations and Programs | 93 | 142 | 163 | 208 |
| Subtotal | 477 | 680 | 778 | 765 |
| Communications: | | | | |
| Creative Media & Broadcast Center | 51 | 46 | 66 | 44 |
| Correspondence Management Services: | | | | |
| Office of the Executive Secretariat | 22 | 63 | 66 | 61 |
| Finance and Management: | | | | |
| Financial Shared Services | 40 | 45 | 49 | 46 |
| Internal Control Support Services | - | - | 13 | 11 |
| National Finance Center | 31 | 32 | 36 | 34 |
| Personnel and Document Security | - | 6 | 7 | 7 |
| Subtotal | 71 | 83 | 105 | 98 |
| Information Technology: | | | | |
| Client Experience Center | 809 | 984 | 981 | 968 |
| Department Administration Information Technology Office | 193 | 593 | 299 | 430 |
| Digital Infrastructure Services Center | 514 | 594 | 975 | 921 |
| Enterprise Cybersecurity Services | - | 37 | 80 | 88 |
| Enterprise Data and Analytics Services | - | 424 | 19 | 18 |
| Enterprise Network Services | 29 | 41 | 70 | 80 |
| Subtotal | 1,545 | 2,673 | 2,424 | 2,505 |
| Total, Working Capital Fund | 2,166 | 3,545 | 3,439 | 3,473 |
| Department-Wide Shared Cost Programs: | | | | |
| Personnel and Document Security | 6 | - | - | - |
| Agency Partnership Outreach | 8 | 9 | 12 | 12 |
| Diversity, Equity, Inclusion and Accessibility | - | 2 | 4 | 4 |
| Medical Service | 29 | 34 | 42 | 42 |
| National Capital Region Interpreting Services | 6 | 11 | 19 | 19 |
| Office of Customer Experience | 11 | 4 | 5 | 5 |
| Physical Security | 5 | 6 | 7 | 7 |
| Security Detail | 6 | 6 | 9 | 9 |
| Security Operations | 8 | 8 | 12 | 12 |
| Talent Group | - | 4 | 5 | 5 |
| TARGET Center | 2 | 2 | 3 | 3 |
| USDA Enterprise Data Analytics Services | 6 | - | - | - |
| Employee Experience | - | 4 | 6 | 6 |
| Total, Department-Wide Reimbursable Programs | 87 | 90 | 124 | 124 |
| E-Gov: | | | | |
| Enterprise-Wide Initiatives | | | | |
| Budget Formulation & Execution LoB | 80 | 79 | 106 | 110 |
| Financial Management LOB | 50 | 67 | 67 | 67 |
| HR Management LOB | 365 | 360 | 464 | 464 |
| Hiring Assessment Tool | 289 | - | - | - |
| Total, E-Gov | 784 | 506 | 637 | 641 |
| Agency Total | 3,037 | 4,141 | 4,200 | 4,238 |

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ACCOUNT 1: SALARIES AND EXPENSES

APPROPRIATIONS LANGUAGE

The appropriations language follows (new language underscored; deleted matter enclosed in brackets):

Office of Civil Rights

For necessary expenses of the Office of Civil Rights, [~~\$38,617,000~~]\$38,362,000.

LEAD-OFF TABULAR STATEMENT

Table OCR-6. Lead-Off Tabular Statement (In dollars)

| Item | Amount |
|-------------------------|-------------------|
| Estimate, 2024 | \$37,595,000 |
| Change in Appropriation | +767,000 |
| Budget Estimate, 2025 | <u>38,362,000</u> |

PROJECT STATEMENTS

Table OCR-7. Project Statement on Basis of Appropriations (thousands of dollars, FTEs)

| Item | 2022 | | 2023 | | 2024 | | 2025 | | FTE | | |
|-------------------------------|----------|------|----------|------|-----------|------|-----------|------|--------------|--------------|---------|
| | Actual | FTEs | Actual | FTEs | Estimated | FTEs | Estimated | FTEs | Inc. or Dec. | Inc. or Dec. | Chg Key |
| Discretionary Appropriations: | | | | | | | | | | | |
| Salaries and Expenses..... | \$33,918 | 119 | \$37,595 | 135 | \$37,595 | 135 | \$38,362 | 135 | +\$767 | | (1) |
| Total Adjusted Approp | 33,918 | 119 | 37,595 | 135 | 37,595 | 135 | 38,362 | 135 | +767 | | - |
| Add back: | | | | | | | | | | | |
| Transfers In and Out | 1,410 | - | - | - | - | - | - | - | - | - | - |
| Total Appropriation | 35,328 | 119 | 37,595 | 135 | 37,595 | 135 | 38,362 | 135 | +767 | | - |
| Transfers Out: | | | | | | | | | | | |
| Working Capital Funds | -1,410 | - | - | - | - | - | - | - | - | - | - |
| Total Available | 33,918 | 119 | 37,595 | 135 | 37,595 | 135 | 38,362 | 135 | +767 | | - |
| Total Obligations | 33,918 | 119 | 37,595 | 135 | 37,595 | 135 | 38,362 | 135 | +767 | | - |

Table OCR-8. Project Statement on Basis of Obligations (thousands of dollars, FTEs)

| Item | 2022 | | 2023 | | 2024 | | 2025 | | Inc. or FTE Inc. | |
|----------------------------|----------|------|----------|------|-----------|------|-----------|------|------------------|---------|
| | Actual | FTEs | Actual | FTEs | Estimated | FTEs | Estimated | FTEs | Dec. | or Dec. |
| Discretionary Obligations: | | | | | | | | | | |
| Salaries and Expenses..... | \$33,918 | 119 | \$37,595 | 135 | \$37,595 | 135 | \$38,362 | 135 | +\$767 | - |
| Total Available | 33,918 | 119 | 37,595 | 135 | 37,595 | 135 | 38,362 | 135 | +767 | - |
| Less: | | | | | | | | | | |
| Total Transfers Out | 1,410 | - | - | - | - | - | - | - | - | - |
| Total Appropriation | 35,328 | 119 | 37,595 | 135 | 37,595 | 135 | 38,362 | 135 | +767 | - |

JUSTIFICATION OF CHANGES

Office of Civil Rights

Base funds for OCR continue to provide Department-wide activities, including EEO, program non-discrimination policy development, civil rights enforcement, coordination, analysis, adjudication, alternative dispute resolution, and compliance. OCR's responsibility is to provide services to all USDA agencies to conduct Equal Employment Opportunity investigations, final agency decisions, and conflict of interest cases.

Justification of Increases and Decreases:

(1) An increase of \$767,000 in salaries and expenses for Office of Civil Rights (\$37,595,000 and 135 FTEs available in 2024).

A) An increase of \$767,000 for pay costs.

This increase consists of \$767,000 in 2025 pay and employee costs, for continuation of the 2024 pay cost increase of 5.2 percent and the 2025 pay cost increase of 2 percent. If this funding is not provided, OCR will have a limited ability to conduct proactive civil rights activities and initiatives, there will be continued delays in processing program complaints by the U.S. Department of Housing and Urban Development (HUD) and Rural Development (RD), and the ability to fund the required fixed Departmental programs. OCR may risk being able to meet the requirements as set forth by the Delegations of Authority under 7 C.F.R. Section 2.25 and may be subject to Congressional oversight for civil rights deficiencies by the Department of Justice and the U.S. Equal Employment Opportunity Commission for failure to comply with federal civil rights laws.

GEOGRAPHIC BREAKDOWN OF OBLIGATIONS AND FTEs

Table OCR-9. Geographic Breakdown of Obligations and FTEs (thousands of dollars, FTEs)

| State/Territory/Country | 2022 | | 2023 | | 2024 | | 2025 | |
|----------------------------|--------|------|--------|------|-----------|------|-----------|------|
| | Actual | FTEs | Actual | FTEs | Estimated | FTEs | Estimated | FTEs |
| Alabama | 285 | 1 | 505 | 2 | 448 | 2 | 457 | 2 |
| Arizona..... | - | - | 252 | 1 | 224 | 1 | 228 | 1 |
| California | 570 | 2 | 757 | 3 | 671 | 3 | 685 | 3 |
| Delaware | 570 | 2 | 252 | 1 | 224 | 1 | 228 | 1 |
| District of Columbia | 8,552 | 30 | 7,822 | 25 | 11,189 | 25 | 11,417 | 25 |
| Florida | - | - | 1,009 | 4 | 895 | 4 | 913 | 4 |
| Georgia..... | 1,140 | 4 | 1,262 | 5 | 1,119 | 5 | 1,142 | 5 |
| Illinois | - | - | 505 | 2 | 448 | 2 | 457 | 2 |
| Kansas | - | - | 252 | 1 | 224 | 1 | 228 | 1 |
| Kentucky | - | - | 252 | 1 | 224 | 1 | 228 | 1 |
| Maryland..... | 15,106 | 53 | 15,139 | 52 | 13,427 | 52 | 13,701 | 52 |
| Mississippi | 285 | 1 | 505 | 2 | 448 | 2 | 457 | 2 |
| Missouri | - | - | 252 | 1 | 224 | 1 | 228 | 1 |
| Nevada | 285 | 1 | 252 | 1 | 224 | 1 | 228 | 1 |
| New Jersey | 570 | 2 | 757 | 3 | 671 | 3 | 685 | 3 |
| North Carolina | 570 | 2 | 505 | 2 | 448 | 2 | 457 | 2 |
| Ohio..... | 285 | 1 | 757 | 3 | 671 | 3 | 685 | 3 |
| Pennsylvania | 285 | 1 | - | - | - | - | - | - |
| Texas..... | 1,425 | 5 | 1,766 | 7 | 1,566 | 7 | 1,598 | 7 |
| Utah..... | - | - | 252 | 1 | 224 | 1 | 228 | 1 |
| Virginia | 3,990 | 14 | 4,289 | 17 | 3,804 | 17 | 3,882 | 17 |
| West Virginia..... | - | - | 252 | 1 | 224 | 1 | 228 | 1 |
| Obligations..... | 33,918 | 119 | 37,595 | 135 | 37,595 | 135 | 38,362 | 135 |

CLASSIFICATION BY OBJECTS

Table OCR-10 Classification by Objects (thousands of dollars)

| Item No. | Item | 2022 Actual | 2023 Actual | 2024 Estimated | 2025 Estimated |
|----------|---|----------------|----------------|-------------------|-------------------|
| | Personnel Compensation: | | | | |
| | Washington D.C..... | \$9,833 | \$10,806 | \$11,367 | \$11,821 |
| | Personnel Compensation, Field | 3,847 | 5,295 | 5,570 | 5,793 |
| 11 | Total personnel compensation | 13,680 | 16,101 | 16,937 | 17,614 |
| 12 | Personal benefits | 4,715 | 5,692 | 5,988 | 6,228 |
| 13.0 | Benefits for former personnel | 4 | - | 98 | 100 |
| | Total, personnel comp., and benefits | 18,399 | 21,793 | 23,023 | 23,942 |
| | Other Objects: | | | | |
| 21.0 | Travel and transportation of persons..... | 14 | 53 | 130 | 130 |
| 22.0 | Transportation of things..... | - | - | 15 | 15 |
| 23.1 | Rental payments to GSA..... | 736 | - | - | - |
| 23.2 | Rental payments to others..... | - | 10 | 16 | 16 |
| 23.3 | Communications, utilities, and misc. charges..... | 154 | 582 | 565 | 565 |
| 24.0 | Printing and reproduction | 33 | 33 | 33 | 33 |
| 25.0 | Other contractual services..... | 13,713 | 15,107 | 13,483 | 13,331 |
| 26.0 | Supplies and materials | 18 | 15 | 130 | 130 |
| 31.0 | Equipment..... | 1 | 2 | - | - |
| 42.0 | Insurance Claims and Indemnities..... | 850 | - | 200 | 200 |
| | Total, Other Objects..... | 15,519 | 15,802 | 14,572 | 14,420 |
| 99.9 | Total, new obligations..... | 33,918 | 37,595 | 37,595 | 38,362 |
| | DHS Building Security Payments (included in 25.3) | \$18 | - | \$11 | \$11 |
| | Information Technology Investments: | | | | |
| | Enterprise Legal Case Management | | | | |
| 25.2 | Outside Services (Consulting) | 2 | 1 | 1 | 1 |
| | Total IT Investments..... | 2 | 1 | 1 | 1 |
| | Position Data: | | | | |
| | Average Salary (dollars), ES Position | \$230,700 | \$213,070 | \$258,978 | \$258,978 |
| | Average Salary (dollars), GS Position | \$121,065 | \$126,633 | \$150,511 | \$150,511 |
| | Average Grade, GS Position..... | 13.5 | 13.5 | 14.5 | 14.5 |

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STATUS OF PROGRAMS

The Office of Civil Rights (OCR) programs include: 1) implementing six elements of a model EEO program; (Demonstrated commitment from OCR leadership, integration of EEO into the OCR's strategic mission, management and program accountability, proactive prevention of unlawful discrimination, efficiency, and responsiveness and legal compliance to include timely processing of EEO complaints); 2) managing compliance with civil rights in agricultural programs including timely processing of program complaints; 3) implementing proactive prevention measures including anti-harassment program and training, special emphasis programs, implementing the OCR Equity Action Plan, overseeing the Limited English Proficiency Program; and providing EEO, policy, Alternate Dispute Resolution methodology, and compliance training; and 4) providing leadership and oversight to USDA Mission Areas, agencies, and staff offices to ensure a unified approach to effectively managing EEO, civil rights and equal opportunity efforts throughout USDA.

Current Initiatives

In 2023, OCR published Departmental Regulation: 4200-003 (DR 4200-003), establishing USDA's Anti-Harassment Program. In 2024, OCR published the Anti-Harassment Departmental Manual and will establish mandatory annual training. The USDA Anti-Harassment Program will complement the EEO process as USDA continues to build a safe, healthy, and inclusive workplace for USDA employees and contractors, volunteers, and those with formal partnership agreements performing work on behalf of USDA.

In 2024, OCR will introduce an annual Civil Rights Performance Assessment (CRPA) for Mission Areas, agencies, and staff offices. OCR oversees the CRPA to ensure Mission Area and agency leadership comply with civil rights laws and regulations (7 CFR § 15d.4, 29 CFR § 1614). These regulations ensure compliance in USDA-conducted and assisted programs through OCR oversight of the Equal Employment Opportunity Commission's (EEOC) Management Directive-715 Report (MD-715).

Selected Examples of Recent Progress

EEO Program – The number of EEO complaints filed increased from 263 in 2022 to 306 in 2023. This slight increase reflects the Return to the Workplace initiative, where employees have returned in person to their duty locations, increasing EEO complaints filed based on reasonable accommodations. The average number of days to conduct an EEO investigation increased slightly from 124 days to 128 days but remained under the 180-day regulatory requirement.

| FORMAL EEO COMPLAINTS | 2022 Actual | 2023 Actual | 2024 Estimate | 2025 Estimate |
|------------------------------|--------------------|--------------------|----------------------|----------------------|
| Number of Complaints | 253 | 306 | 312 | 312 |
| Average Days: Investigation | 126 | 128 | 128 | 128 |

Civil Rights Program – Strengthening civil rights in agricultural programs is OCR's top customer service priority. The inventory of program complaints decreased by 64 percent, from 293 complaints to 105 complaints between 2022 and 2023. The days to investigate program complaints have decreased by 14 percent during this period. OCR implemented a task force to reduce aged inventory and processing times of program complaints. Additionally, in 2024, OCR will introduce a pilot program to attempt early resolution of program complaints and enhance the complaint management system to process program complaints more efficiently.

| PROGRAM COMPLAINTS | 2022 Actual | 2023 Actual | 2024 Estimate | 2025 Estimate |
|------------------------------|--------------------|--------------------|----------------------|----------------------|
| Number of Program Complaints | 293 | 105 | 100 | 100 |
| Average Days: Investigation | 246 | 211 | 120 | 120 |

Proactive Prevention – OCR is implementing an aggressive approach in proactive prevention to prevent complaints and increase compliance with a model EEO program.

Compliance – OCR’s Compliance Division continues its compliance review efforts and submits timely mandatory reports such as the No Fear Act, Age Act, and MD-715 Report. OCR’s Compliance Division also provides technical assistance in developing Civil Rights Impact Analyses (CRIAs), reviews CRIAs for sufficiency, and develops and revises Departmental Regulations and Departmental Manuals. In 2023, the Compliance Division reviewed 45 CRIAs for sufficiency, provided technical assistance to staff offices in developing 7 CRIAs, and reviewed 20 actions for interagency review. On July 25, 2023, OCR issued the USDA Equal Employment Opportunity Policy Statement.

Civil Rights Training - The requirement for Civil Rights Training is outlined in (1) the Equal Employment Opportunity Commission's regulations at 29 CFR § 1614 and its Management Directive 715 governing affirmative employment programs, (2) The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR), and (3) The Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020. The mandatory training for 2023 was Unconscious Bias training, Anti-Harassment, and No-Fear Act and Reasonable Accommodation, which will be the mandatory training for 2024. In 2025, OCR will increase civil rights training and civil rights awareness of persons with disabilities and targeted disabilities at all levels of USDA.