



United States Department of Agriculture

Market Facilitation Program— Interim Report



Audit Report

03601-0003-31 (1)

September 2020

OFFICE OF INSPECTOR GENERAL

Market Facilitation Program—Interim Report

Audit Report 03601-0003-31 (1)

The objective of our ongoing audit is to evaluate FSA's administration of MFP—this report provides interim results related to FSA's demographic data collection policies.

OBJECTIVE

The objective of our ongoing audit is to evaluate FSA's administration of MFP. Specifically, we are evaluating FSA's oversight of producer eligibility and certifications, the accuracy of MFP payments, and the distribution of MFP payments by demographic and geographic area. This report provides interim results related to FSA's demographic data collection policies.

REVIEWED

We reviewed applicable laws, regulations, and agency policies and procedures related to MFP; reviewed Departmental regulations and agency policies and procedures related to demographics collection; interviewed FSA officials; and reviewed payment and demographic data.

RECOMMENDS

We recommend that FSA immediately discontinue the practice of having employees determine producer race, ethnicity, and gender through visual assessment. We also recommend that FSA update or review all relevant guidance, forms, and data systems, as well as evaluate how to manage its improperly collected data.

WHAT OIG FOUND

In July 2018, and again in May 2019, the U.S. Department of Agriculture (USDA) announced that, in response to trade damage caused by increased tariffs by foreign trading partners, it would be offering trade mitigation packages to assist producers impacted by these tariffs.

USDA authorized its Farm Service Agency (FSA) to distribute up to \$25.1 billion in trade mitigation package funding through the Market Facilitation Program (MFP). This program provides payments to assist producers directly impacted by retaliatory tariffs that result in the loss of traditional exports. USDA's Office of Inspector General (OIG) received a Congressional request for oversight work with questions involving the trade mitigation packages and the programs within them, including MFP.

We found that the manner in which FSA collected demographic information for programs it administers, including MFP, did not always follow USDA policy. Departmental regulation prohibits the collection of race, ethnicity, and gender data based on a visual assessment, yet FSA county office employees assigned race, ethnicity, and/or gender to producers through such means. This occurred because FSA's policy and customer data management system continued to require entry of the data after the Departmental regulation was implemented. As a result, the system contains race, ethnicity, and gender data not provided by producers. In addition, FSA shared this data with third parties, and it may not accurately represent demographic information for over 530,000 producers within the agency's programs.

FSA concurred with our findings and recommendations and we accepted management decision on all recommendations.



United States Department of Agriculture
Office of Inspector General
Washington, D.C. 20250



DATE: September 30, 2020

AUDIT
NUMBER: 03601-0003-31 (1)

TO: Richard Fordyce
Administrator
Farm Service Agency

ATTN: Gary Weishaar
Branch Chief
External Audits and Investigation Division

FROM: Gil H. Harden
Assistant Inspector General for Audit

SUBJECT: Market Facilitation Program – Interim Report

This report presents the results of the subject interim review. Your written response to the official draft report is included in its entirety at the end of this report. Your response and the Office of Inspector General's (OIG) position are incorporated into the relevant sections of the report. Based on your written response, we are accepting management decision for all audit recommendations in the report, and no further response to this office is necessary.

In accordance with Departmental Regulation 1720-1, final action needs to be taken within 1 year of each management decision to prevent being listed in the Department's annual Agency Financial Report. Please follow your internal agency procedures in forwarding final action correspondence to the Office of the Chief Financial Officer.

We appreciate the courtesies and cooperation extended to us by members of your staff during our audit fieldwork and subsequent discussions. This report contains publicly available information and will be posted in its entirety to our website (<http://www.usda.gov/oig>) in the near future.

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Background and Objectives

Background

On July 24, 2018, the U.S. Department of Agriculture (USDA) announced that, in response to trade damage caused by increased tariffs by foreign trading partners, it would be offering a trade mitigation package of up to \$12 billion to assist producers impacted by these tariffs.¹ As the tariffs continued into the following year, on May 23, 2019, the Secretary announced a second trade mitigation package.² This second iteration was authorized to provide up to \$16 billion in additional support.

Within USDA, the Farm Service Agency's (FSA) mission is to equitably serve all producers and agricultural partners by delivering effective, efficient agricultural programs to all Americans. The agency administers farm loan, commodity, conservation, and disaster assistance programs. USDA authorized FSA to distribute up to \$25.1 billion in trade mitigation package funding through the Market Facilitation Program (MFP).³ This program provides payments to assist producers directly affected by retaliatory tariffs that result in the loss of traditional exports. USDA authorized MFP to distribute up to \$10.6 billion for program year 2018 and up to \$14.5 billion for program year 2019.

USDA's Office of Inspector General (OIG) received a Congressional request with questions involving the trade mitigation packages and the programs within them, including MFP.⁴ In May 2020, we issued a report detailing the results of our review of the 2018 and 2019 trade mitigation packages.⁵ Regarding MFP, we were asked whether there was a fair and equitable process for determining which producers would receive payments. The request included a question about which demographic groups received MFP payments, including the amount and percentage of funding that each group received. Additionally, in response to the Congressional request, we included a review of the geographic disbursement of MFP funds as a part of this engagement. The request also asked OIG to review the eligibility of recipients, as well as whether any producers received more than the payment limitation.⁶

¹ USDA Press Release No. 0151.18, "USDA Assists Farmers Impacted by Unjustified Retaliation" (July 24, 2018). The "trade mitigation packages" are short-term protections to ensure that U.S. agricultural producers do not bear the brunt of retaliatory tariffs imposed by foreign nations.

² USDA Press Release No. 0078.19, "USDA Announces Support for Farmers Impacted by Unjustified Retaliation and Trade Disruption" (May 23, 2019).

³ The Food Purchase and Distribution Program, within the Agricultural Marketing Service, and the Agricultural Trade Promotion Program, within the Foreign Agricultural Service, were also used to distribute trade mitigation package funds.

⁴ Waters, The Honorable Maxine M., Letter to The Honorable Phyllis K. Fong (June 27, 2019). This request also involved the two other trade mitigation package programs: the Agricultural Trade Promotion Program and the Food Purchase and Distribution Program. We are reviewing these programs under Audit 07601-0001-24 and Audit 01601-0003-41, respectively.

⁵ Audit Report 50601-0009-31, *USDA's 2018 and 2019 Trade Mitigation Packages*, May 2020. Copies are available on the OIG website at: <https://www.usda.gov/sites/default/files/audit-reports/50601-0009-31.pdf>.

⁶ Our work in this area is ongoing; therefore, the results of this interim report will be included in our final report.

FSA's Payment Process for the Market Facilitation Program

For producers, the process for receiving an MFP payment involved applying for the program within the required timeframe and demonstrating eligibility to FSA.^{7, 8} FSA made MFP applications available to all producers via its farmers.gov website. Additionally, FSA instructed its county offices to publicize MFP. Information required from producers on MFP applications included which commodities were planted, produced, or owned, as well as the amount of production or number of eligible acres.⁹ Producers who both completed an MFP application and met the program's requirements were eligible to receive a payment.

While there were some differences between the 2018 and 2019 program years (for example, payment caps for each person or legal entity, eligible commodities), in both years, payment amounts depended on which eligible commodities producers planted, produced, or owned. Payment limits were capped for individuals and legal entities (excluding joint ventures or general partnerships). Payments made to joint ventures or general partnerships could not exceed the amount determined by multiplying the maximum payment amount by the number of persons who own the joint venture or general partnership.¹⁰

Collection of Demographic Information

The 2008 Farm Bill states that the Secretary of Agriculture shall periodically compile demographic data on applicants and participants for each program that serves agricultural producers and landowners.¹¹ This data should include the number and percentage of applicants and participants by race, ethnicity, and gender and should be made available to the public. As a result of this provision, USDA issued a Departmental regulation stating that agencies must biannually compile data on the number and percentage of program applicants and participants by race, ethnicity, and gender.¹² The Departmental regulation

⁷ The sign-up period for program year 2018 was September 4, 2018, through February 14, 2019. The sign-up period for program year 2019 was July 29, 2019, through December 20, 2019.

⁸ Specifically, to be eligible for an MFP payment, producers had to have met the following criteria: (1) had an ownership interest in an eligible commodity; (2) had an adjusted gross income that did not exceed \$900,000 or an adjusted gross income exceeding \$900,000 with at least 75 percent being derived from farming, ranching, or forestry-related activities; and (3) had compliance with conservation provisions. 7 C.F.R. §§ 1400 (payment limitation and payment eligibility) and 1409 (amending MFP regulations for 2019 program assistance). Conservation provisions include highly erodible land and wetland conservation requirements. In addition to these requirements, producers of certain commodities were required to provide significant contributions to the farming operation in order to be considered actively engaged.

⁹ Requests for demographic information were not included on MFP applications. The Department collects demographic data in order to meet biannual compilation requirements overall.

¹⁰ For example, with the payment limitation of \$125,000 and assuming the partnership is comprised of ten individuals, the partnership could potentially have received a maximum of \$1.25 million.

¹¹ Food, Conservation and Energy Act of 2008, Pub. L. No. 110-234, § 14006-14007, 122 Stat. 923, 1445 (2008 Farm Bill).

¹² USDA Departmental Regulation 4370-001, Collection of Race, Ethnicity, and Gender Data for Civil Rights Compliance and Other Purposes in Regard to Participation in the Programs Administered by the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency, the Rural Business Service, the Rural Housing Service, and the Rural Utilities Service (Oct. 11, 2011).

further stipulates that agencies must not collect data based on a visual assessment. FSA issued an internal notice to implement the Departmental regulation and to provide State and county offices with instructions for entering the data collected into the Service Center Information Management System (SCIMS).¹³ FSA uses SCIMS to manage customer data for several of its programs, including MFP.

FSA uses seven forms, approved by the Office of Management and Budget (OMB), to collect information regarding the race, ethnicity, and gender of its applicants and participants.¹⁴ FSA then provides the race, ethnicity, and gender information it collects to the National Agricultural Statistics Service (NASS) for inclusion in the USDA Race, Ethnicity, and Gender Program Statistics site, known as REGStats.¹⁵ REGStats is USDA's official tool for making program application and participation rate data available to the public on the internet.

As part of addressing the Congressional request, we analyzed MFP payment and demographic data for the period audited. This analysis included a review of race, ethnicity, gender, socially disadvantaged status, limited resource status, beginning farmer status, and veteran status. See Exhibit A through Exhibit D.

Market Facilitation Program Payment Distribution by Geographic Area

Across the 2 program years, FSA distributed over \$23 billion in MFP payments. MFP payments were made to producers in all 50 States and in Puerto Rico. These payments were made to over 715,000 producers of 38 eligible commodities, including non-specialty crops (grains and oilseeds), specialty crops (nuts and fruits), and livestock products (hogs and dairy).

2018 Market Facilitation Program

For program year 2018, commodities covered by MFP included five non-specialty crops, two types of livestock, and two specialty crops.¹⁶ Payments for this year were capped such that a person or legal entity could receive payments totaling up to: (1) a combined \$125,000 for non-specialty crop payments; (2) a combined \$125,000 for livestock payments; and (3) a combined \$125,000 for specialty crop payments. Overall, a person or legal entity could receive up to \$375,000.

¹³ USDA FSA, *Implementing DR 4370-001 About Collecting Race, Ethnicity, and Gender Data*, Notice CM-695 (Jan. 2012).

¹⁴ The seven forms are: AD-2035, *USDA Minority Farm Register*; AD-2106, *Form to Assist in Assessment of USDA Compliance With Civil Rights Laws*; FSA-2001, *Request for Direct Loan Assistance*; FSA-2211, *Application for Guarantee*; FSA-2212, *Preferred Lender Application for Guarantee*; FSA-2301, *Request for Youth Loan*; and FSA-2683, *Request for Land Contract Guarantee Assistance*.

¹⁵ REGStats is publicly available at: <https://www.regstats.usda.gov/>.

¹⁶ The five non-specialty crops were: corn, cotton, sorghum, soybeans, and wheat. The two types of livestock were dairy and hogs. The two specialty crops were almonds and fresh sweet cherries.

MFP payment rates for the covered commodities in 2018 were determined by USDA's Office of the Chief Economist. The payment rates for program year 2018 were as follows:

Commodity	Payment Rate	Unit
Corn	\$0.01	bushel
Cotton	\$0.06	pound
Sorghum	\$0.86	bushel
Soybeans	\$1.65	bushel
Wheat	\$0.14	bushel
Dairy	\$0.12	hundredweight
Hogs	\$8.00	head
Shelled Almonds	\$0.03	pound
Fresh Sweet Cherries	\$0.16	pound

As of April 27, 2020, FSA had issued over \$8.6 billion in MFP payments for program year 2018. These payments were issued to more than 590,000 producers. For example, FSA paid a total of over \$683 million to over 34,600 producers in Minnesota, for an average payment of more than \$19,700.

Figure 1 shows the total 2018 MFP payments provided in each State and territory, with additional detail available in Exhibit E through Exhibit H.

Figure 1: Geographic Disbursement of Total 2018 MFP Payments
Figure by OIG.

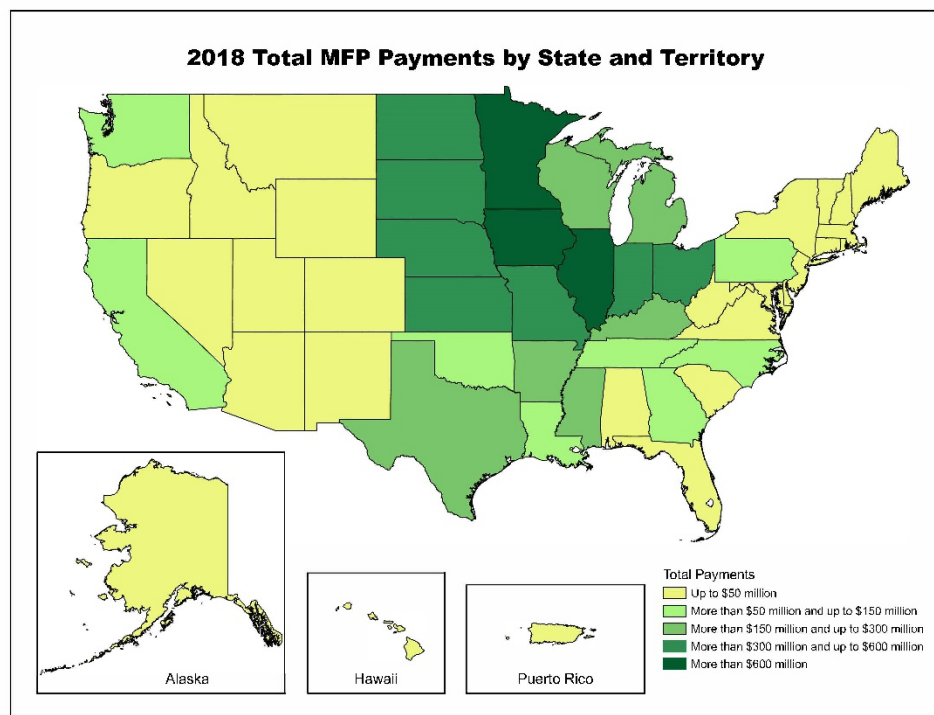
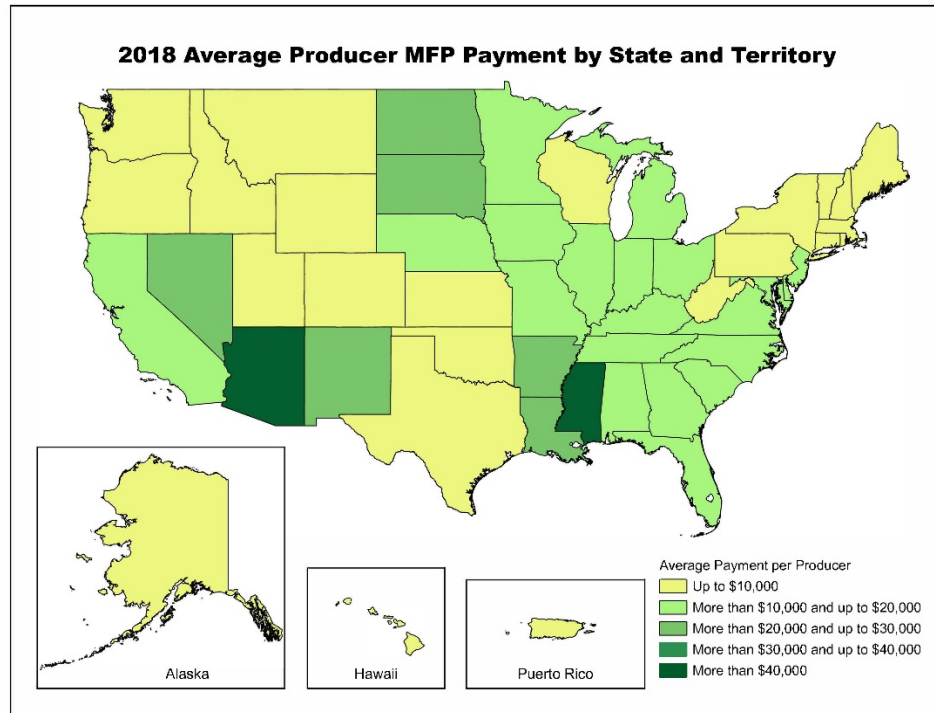


Figure 2 shows the average 2018 MFP payments producers received by State and territory, with additional detail available in Exhibit E through Exhibit H.

Figure 2: Geographic Disbursement of Average 2018 MFP Payments
Figure by OIG.



2019 Market Facilitation Program

For program year 2019, commodities covered by MFP included 26 non-specialty crops, 2 types of livestock, and 10 specialty crops.¹⁷ Payments for this year were capped at a different amount from program year 2018. For program year 2019, a person or entity could receive payments totaling up to: (1) a combined \$250,000 for non-specialty crop payments; (2) a combined \$250,000 for dairy production and hog payments; and (3) a combined \$250,000 for specialty crop payments. No producer could receive more than \$500,000 combined across all three commodity groups.

MFP payment rates for the covered commodities in 2019 were also determined by the Office of the Chief Economist. The payment rates for program year 2019 were:

¹⁷ The 26 non-specialty crops were: alfalfa hay, barley, canola, chickpeas-large and small, corn, cotton, crambe, dried beans, dry peas, flaxseed, lentils, millet, mustard seed, oats, peanuts, rapeseed, rice-long and medium grain, rye, safflower, sesame seed, sorghum, soybeans, sunflower seed, temperate japonica rice, triticale, and wheat. The two types of livestock were dairy and hogs. The ten specialty crops were: almonds, cranberries, cultivated ginseng, fresh grapes, fresh sweet cherries, hazelnuts, macadamia nuts, pecans, pistachios, and walnuts.

Commodity	Payment Rate	Unit
Non-specialty crops	\$15.00 to \$150.00	acre
Dairy	\$0.20	hundredweight
Hogs	\$11.00	head
Nuts	\$146.00	acre
Cranberries	\$641.14	acre
Cultivated Ginseng	\$340.00	acre
Fresh Grapes	\$624.60	acre
Fresh Sweet Cherries	\$1,463.68	acre

As of April 27, 2020, FSA had issued over \$14.4 billion in MFP payments for program year 2019. These payments were issued to more than 657,000 producers. For example, FSA paid a total of over \$1 billion to over 36,600 producers in Minnesota, for an average payment of more than \$29,000.

Figure 3 shows the total 2019 MFP payments provided in each State and territory, with additional detail available in Exhibit E through Exhibit H.

Figure 3: Geographic Disbursement of Total 2019 MFP Payments
Figure by OIG.

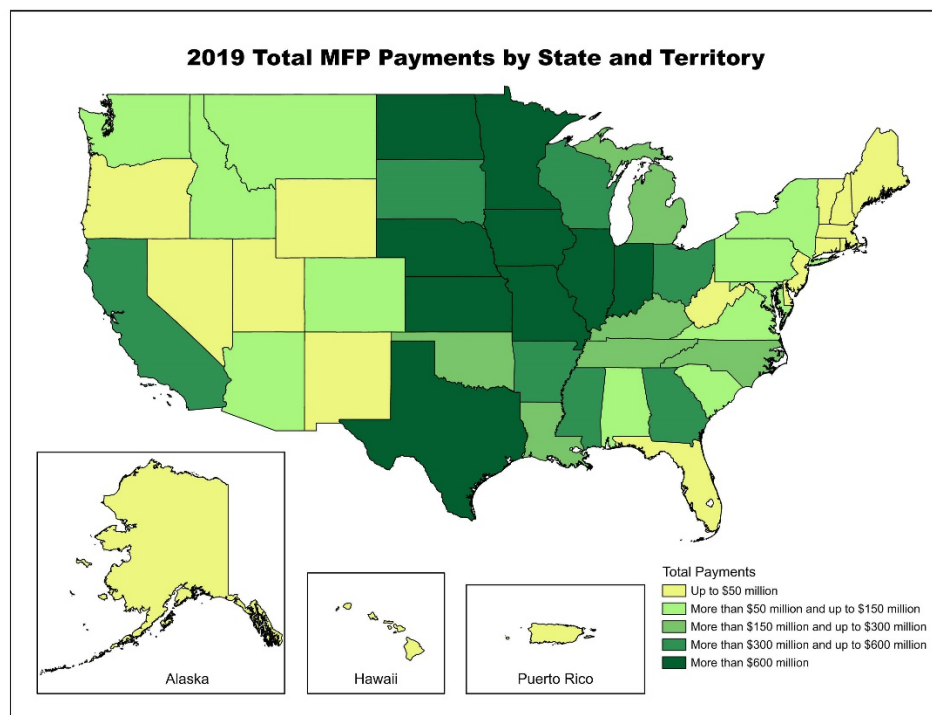
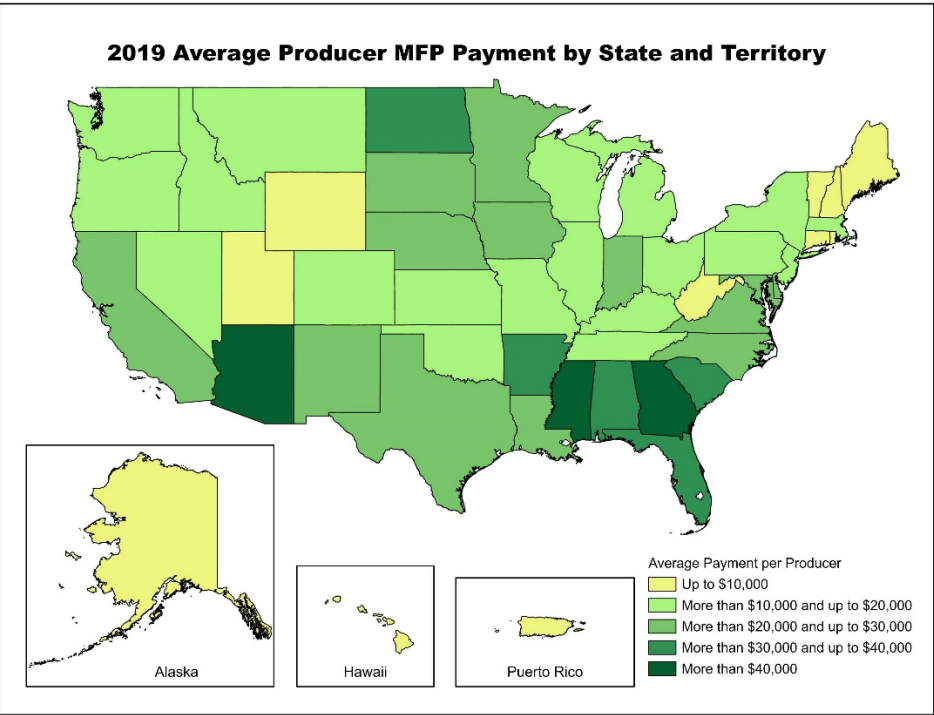


Figure 4 shows the average 2019 MFP payments producers received by State and territory, with additional detail available in Exhibit E through Exhibit H.

Figure 4: Geographic Disbursement of Average 2019 MFP Payments
Figure by OIG.



Objectives

The objective of our ongoing audit is to evaluate FSA’s administration of MFP. Specifically, we are evaluating FSA’s oversight of producer eligibility and certifications, as well as the accuracy of MFP payments. In addition, we are determining the distribution of MFP payments by demographic and geographic area. This report provides interim results from our audit related to FSA’s demographic data collection policies and policies, as well as demographic and geographic statistics.

Finding 1: FSA Demographic Information Collection Guidance Conflicts With Departmental Regulation

We found that the manner in which FSA collected demographic information for programs it administers, including MFP, did not always follow USDA policy. Departmental regulation prohibits the collection of race, ethnicity, and gender data based on a visual assessment, yet FSA county office employees assigned race, ethnicity, and/or gender to producers through such means. This occurred because, although the forms used to collect demographic information were voluntary, FSA's policy and customer data management system continued to require entry of the data after the Departmental regulation was implemented. As a result, FSA's system contains race, ethnicity, and gender data not provided by producers; and data shared by FSA with third parties, such as NASS, may not accurately represent demographic information for over 530,000 producers within the agency's programs.

The 2008 Farm Bill requires the Secretary of Agriculture both to periodically compile data on the number and percentage of applicants and participants by race, ethnicity, and gender for each program that serves agricultural producers and landowners, and to make this data available to the public.¹⁸ As a result, USDA issued a Departmental regulation which requires agencies to biannually compile data on the number and percentage of applicants and participants by race, ethnicity, and gender. It states that agencies must not "[c]ollect data based on a visual assessment that is not provided by the respondent."¹⁹ However, FSA guidance states, "[i]f the customer chooses not to provide race, ethnicity, and gender data, entries will be made using the 'Employee Observed' determination code until further notice."²⁰ In addition, an FSA handbook explains that race and ethnicity determinations are required to be entered into SCIMS for individuals and gender determinations are required to be entered for all producers.²¹

Our review identified that, if a producer does not voluntarily provide their race, ethnicity, or gender and that information is required by SCIMS, then FSA county office employees assigned that information through a visual assessment of the producer. This practice is part of the agency's normal business operations, and also relevant to the administration of MFP.²² FSA uses seven OMB-approved forms to collect race, ethnicity, and gender data from all producers,

¹⁸ Food, Conservation and Energy Act of 2008, Pub. L. No. 110-234, § 14006-14007, 122 Stat. 923, 1445 (2008 Farm Bill)

¹⁹ USDA Departmental Regulation 4370-001, Collection of Race, Ethnicity, and Gender Data for Civil Rights Compliance and Other Purposes in Regard to Participation in the Programs Administered by the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency, the Rural Business Service, the Rural Housing Service, and the Rural Utilities Service (Oct. 11, 2011).

²⁰ USDA FSA, Implementing DR 4370-001 About Collecting Race, Ethnicity, and Gender Data, Notice CM-695 (Jan. 2012).

²¹ USDA FSA, *Customer Data Management*, 11-CM (Oct. 2019). Race and ethnicity determinations can be entered into SCIMS for producers classified as "entities," but are not required. Therefore, race and ethnicity could be left blank for some producers.

²² Requests for demographic information were not included on MFP applications and, as such, eligibility and payment calculations were not based on the producers' demographics. However, this information is required when a producer first registers with FSA. As a result, MFP recipients who had previously registered with FSA already had demographic information in SCIMS, whereas recipients who registered with FSA for the first time as a part of applying for MFP had to either provide their race, ethnicity, and race or FSA assigned that information by visual assessment.

regardless of the program that the producer participates in.²³ All seven forms indicate that the applicant is encouraged, but not required, to furnish race, ethnicity, and gender information. However, the forms and FSA's customer data management system do not provide an option to document a circumstance in which producers decided to not provide their demographic information. Furthermore, FSA's customer data management system required data entries for demographic information. As a result, when producers did not provide their demographic information, FSA county office employees used a visual assessment to generate the information.

As a result of this policy, we found that, based on visual assessments, FSA county officials assigned race to over 69 percent of MFP recipients, ethnicity to over 60 percent of MFP recipients, and gender to over 75 percent of MFP recipients. Within its customer data management system, FSA designates this demographic data as "not verified." We recognize that not all FSA-assigned demographic information was collected in violation of USDA policy, as the Department regulation was issued on October 11, 2011. However, we are unable to determine how many producers have had their demographic data visually assessed after the Departmental regulation was issued. As such, we did not rely on FSA-assigned race, ethnicity, and gender data (i.e. data classified as "not verified" within FSA's customer data management system) when we analyzed the demographics of MFP payments. With the majority of this demographic data "not verified," the remaining, customer-provided data provides only a limited basis for analysis about MFP payment distribution among demographic groups. Exhibit A through Exhibit C present our analysis of MFP payments as they relate to race, ethnicity, and gender.

We also noted that the practice of assigning demographic information to applicants and participants may result in the misidentification of race, ethnicity, and gender. Thus, aggregated data that FSA shares with stakeholders such as NASS for inclusion in REGStats may be largely based on information collected by FSA county officials through visual assessment and not on information provided by producers.

An FSA national official stated that they were unaware of the conflict between the FSA notice and the Departmental regulation until OIG brought it to their attention. Another FSA national official said that the agency has collected demographic information in a similar manner for 30 years. Overall, FSA national officials acknowledged that the policy of assigning race, ethnicity, and gender through a visual assessment of producers is an issue, and the agency plans to look into corrective actions.

Although the information presented in this report is limited to MFP, we understand that this issue is not MFP-specific, as the FSA policy of having employees visually assess demographic information is a practice applied to all programs for which FSA uses the SCIMS customer data management system. As such, we believe that FSA should discontinue its practice of having employees assign race, ethnicity, and gender to producers and make updates to its data system to accommodate producer decisions to not provide such data. The agency should also update all relevant handbooks, notices, forms, and data systems accordingly, as well as provide the new form(s) to producers and update producer records within its data system. Lastly, FSA should evaluate the improperly collected data and determine how to manage it appropriately.

²³ See Footnote 14 for a list of the seven forms used by FSA to collect demographic information.

Recommendation 1

Immediately discontinue the policy and practice of having employees determine producer race, ethnicity, and gender through visual assessment.

Agency Response

In its September 29, 2020, response, FSA stated:

A large majority of the demographic information in FSA systems are based on “employee “observed.” To ensure a smooth transition policy is created, [a] USDA taskforce will be formed to address FSA customer data processes and policy, develop an implementation plan for managing customer data appropriately and review and revise Department Regulation 4370-001 from 2012.

The estimated completion date is June 30, 2021.

OIG Position

We accept FSA’s management decision on this recommendation.

Recommendation 2

Update all relevant forms, handbooks, and notices to implement the requirements of the Departmental regulation for collecting only producer-provided race, ethnicity, and gender information and to allow producers the option of not providing that information.

Agency Response

In its September 29, 2020, response, FSA stated:

The aforementioned USDA taskforce from recommendation 1, will address FSA customer data processes and policy, develop an implementation plan for managing customer data appropriately and review and revise Department Regulation 4370-001 from 2012. The Agency is currently reviewing all relevant forms, handbooks, and notices to implement any new requirements.

The estimated completion date is June 30, 2021.

OIG Position

We accept FSA’s management decision on this recommendation.

Recommendation 3

Update the customer management data system used to collect race, ethnicity, and gender to document if producers decided to not provide their demographic information.

Agency Response

In its September 29, 2020, response, FSA stated:

Current software operations do not require demographic data for legal entities. Updates to the Business Partner customer management data system for individuals is a long-term project that will take several months to complete after evaluating other systems dependent upon demographic data.

The estimated completion date is June 30, 2021.

OIG Position

We accept FSA's management decision on this recommendation.

Recommendation 4

Once all demographic information collection forms are updated, use the appropriate form to update producer records in FSA's customer management data system.

Agency Response

In its September 29, 2020, response, FSA stated:

This is currently underway with the use of form AD-2106 for active programs, such as the Seafood Trade Assistance Program. Field offices are being instructed to provide the form to the customer when they are submitting a request for a program or services and offer the customer the opportunity to update their Business Partner record. This will be an ongoing function of customer operations similar to when customers are offered the opportunity to update their farm, program, and payment eligibility records.

The estimated completion date is June 30, 2021.

OIG Position

We accept FSA's management decision on this recommendation.

Recommendation 5

Evaluate the improperly collected data and determine how to manage it appropriately.

Agency Response

In its September 29, 2020, response, FSA stated:

The USDA taskforce mentioned in recommendation 2 will analyze and develop an implementation plan to determine how to manage previously collected data appropriately.

The estimated completion date is June 30, 2021.

OIG Position

We accept FSA's management decision on this recommendation.

Scope and Methodology

We conducted our audit with the FSA national office and NASS office in Washington, D.C. Our audit covered MFP payments, as well as the demographic information of payment recipients, for program years 2018 and 2019.²⁴ As of April 27, 2020, FSA had issued over \$23 billion in MFP payments to over 715,000 producers for this period. We performed fieldwork between March 2020 and August 2020.

To accomplish our objectives, we performed the following audit procedures:

- reviewed applicable laws, regulations, and agency policies and procedures concerning the administration of MFP;
- reviewed Departmental regulations and agency policies and procedures related to the collection of demographic information;
- interviewed FSA officials to gain an understanding of the administration of MFP and manner in which agency officials collect demographic data;
- reviewed payment and demographic data; and
- discussed the results of our fieldwork with FSA officials.

We relied on the work of specialists from OIG's Office of Analytics and Innovation to develop the analytical maps presenting the geographic disbursement of MFP payments as well as the exhibits presenting MFP average and total payment data by State and Territory. We obtained documentation to ensure these specialists were qualified professionally, competent in the work we relied upon, and met independence standards.

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence we obtained provides a reasonable basis for our interim finding and conclusions based on our audit objectives. As this is an interim report, we have not completed our information technology and internal control work at this time; therefore, we will include our conclusions on this area in our final report.

²⁴ The sign-up period for program year 2018 was September 4, 2018, through February 14, 2019. The sign-up period for program year 2019 was July 29, 2019, through December 20, 2019. Applications had to be submitted during these periods; however, supporting information, such as production and acreage, could be submitted at a later date, and, as such, payments would not be made until all necessary information was made available to FSA.

Abbreviations

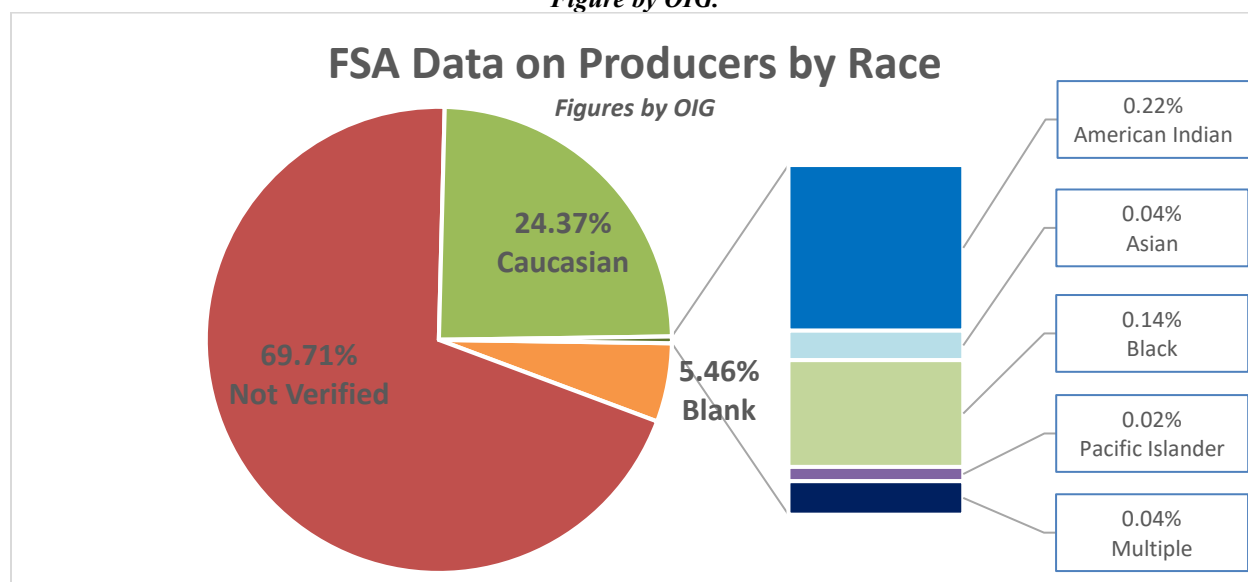
FSA	Farm Service Agency
MFP.....	Market Facilitation Program
NASS	National Agricultural Statistics Service
OIG	Office of Inspector General
OMB	Office of Management and Budget
REGStats.....	Race, Ethnicity, and Gender Program Statistics
SCIMS.....	Service Center Information Management System
USDA.....	U.S. Department of Agriculture

Exhibit A: MFP Data by Race

A total of 715,442 producers received MFP payments in programs years 2018 and/or 2019. Based on FSA data, 177,660 of these producers declared their race to FSA. These producers received over \$6.1 billion out of over \$23.0 billion in MFP payments. The remaining 537,782 producers did not declare their race to FSA. FSA county office employees assigned race to 498,703 producers based on a visual assessment of the producer and race was blank in the data for 39,079 producers.²⁵

Figure 5 presents the proportions of MFP producers by race.

Figure 5: MFP Producer Demographics by Race
Figure by OIG.



²⁵ The race data element is not required for entities (e.g., corporations).

Figure 6 presents the proportions of MFP payments made by race.

Figure 6: MFP Payments by Race
Figure by OIG.

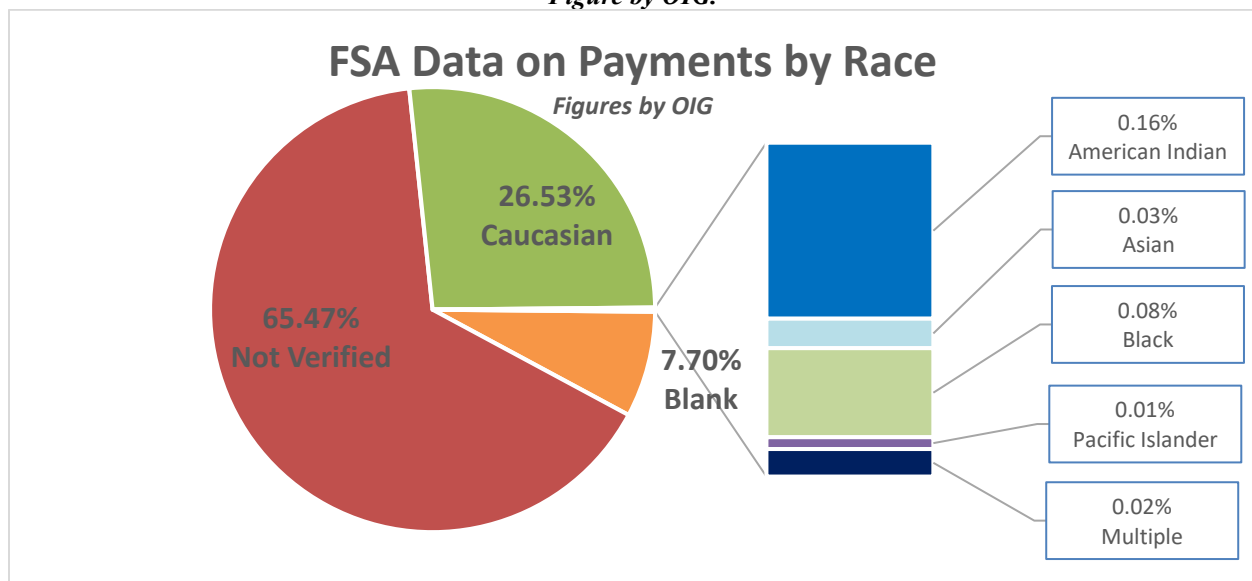
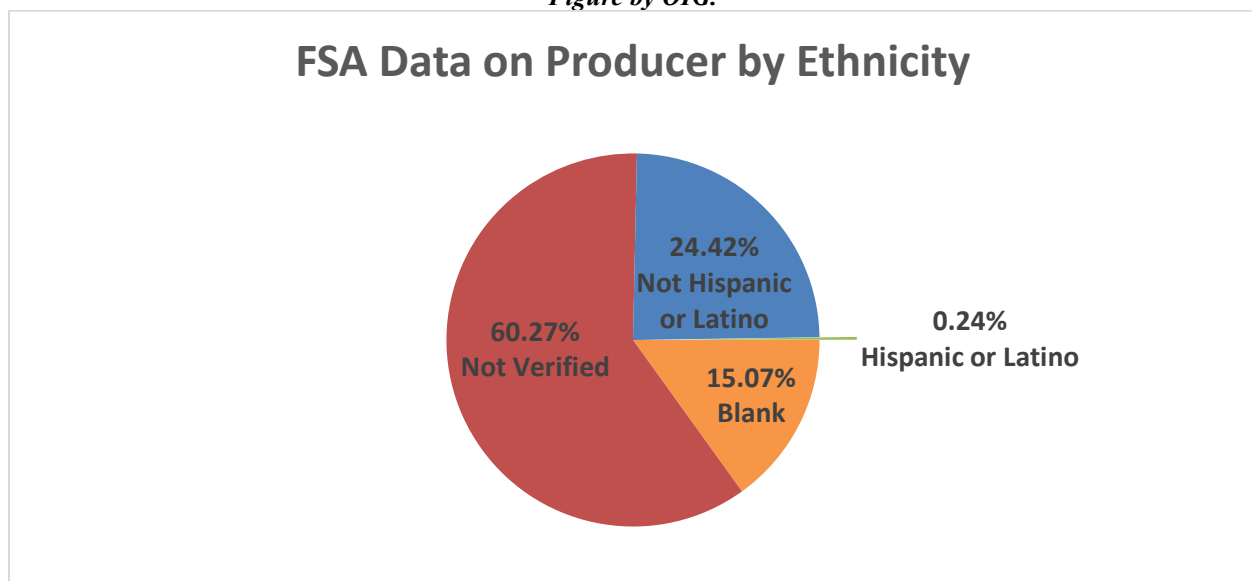


Exhibit B: MFP Data by Ethnicity

A total of 715,442 producers received MFP payments in programs years 2018 and/or 2019. Based on FSA data, 176,377 of these producers declared their ethnicity to FSA. These producers received over \$6.0 billion out of over \$23.0 billion in MFP payments. The remaining 539,065 producers did not declare their ethnicity to FSA. FSA county office employees assigned ethnicity to 431,225 producers based on a visual assessment of the producer and ethnicity was blank in the data for 107,840 producers.²⁶

Figure 7 presents the proportions of MFP producers by ethnicity.

Figure 7: MFP Producer Demographics by Ethnicity
Figure by OIG.



²⁶ The ethnicity data element is not required for entities (e.g., corporations).

Figure 8 presents the proportions of MFP payments made by ethnicity.

Figure 8: MFP Payments by Ethnicity
Figure by OIG.

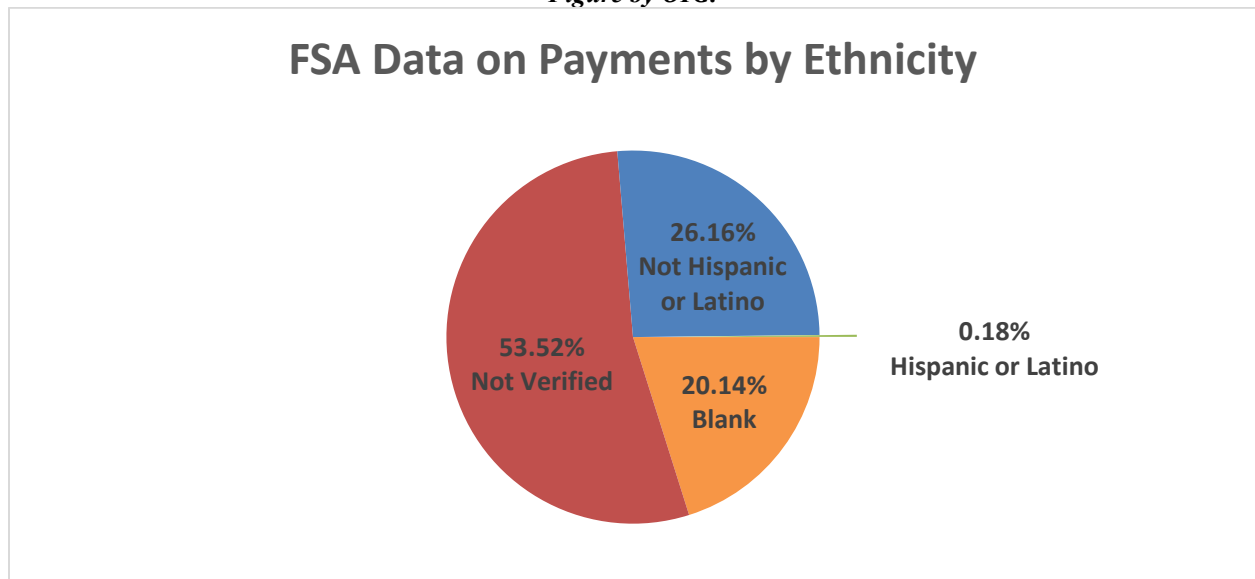
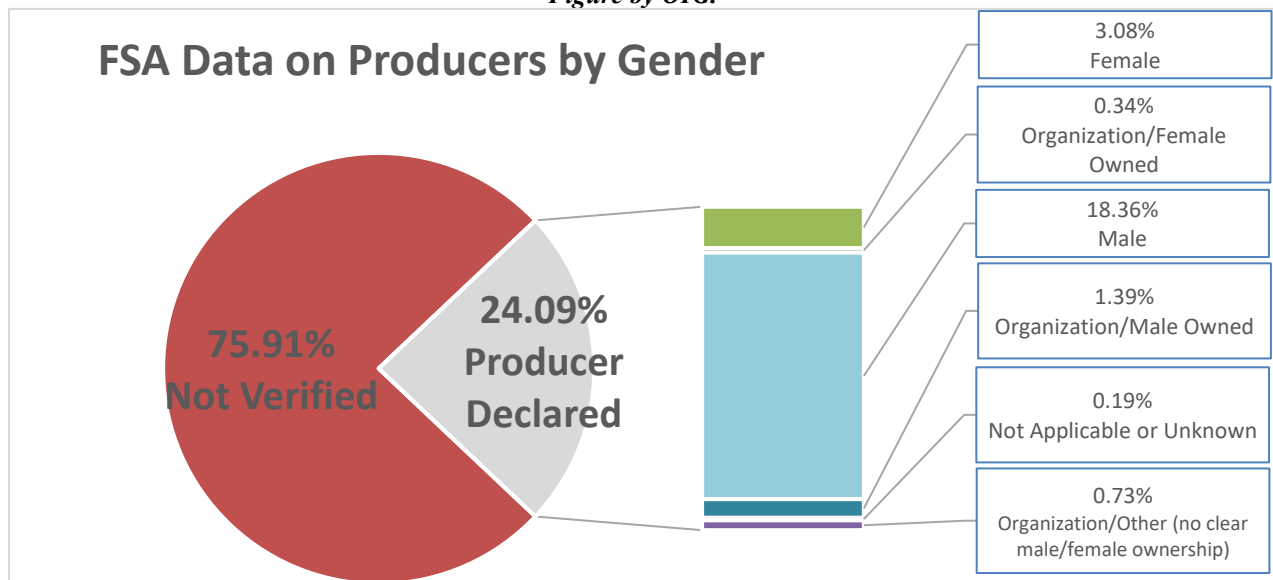


Exhibit C: MFP Data by Gender

A total of 715,442 producers received MFP payments in programs years 2018 and/or 2019. Based on FSA data, 172,320 of these producers declared their gender to FSA. These producers received over \$5.9 billion out of over \$23.0 billion in MFP payments. The remaining 543,122 producers did not declare their gender to FSA. FSA county office employees assigned gender to the 543,122 producers.²⁷

Figure 9 below presents the proportions of MFP producers by gender.

Figure 9: MFP Producer Demographics by Gender
Figure by OIG.



²⁷ The gender data element is required for entities (e.g., corporations).

Figure 10 presents the proportions of MFP payments made by gender.

Figure 10: MFP Payments by Gender
Figure by OIG.

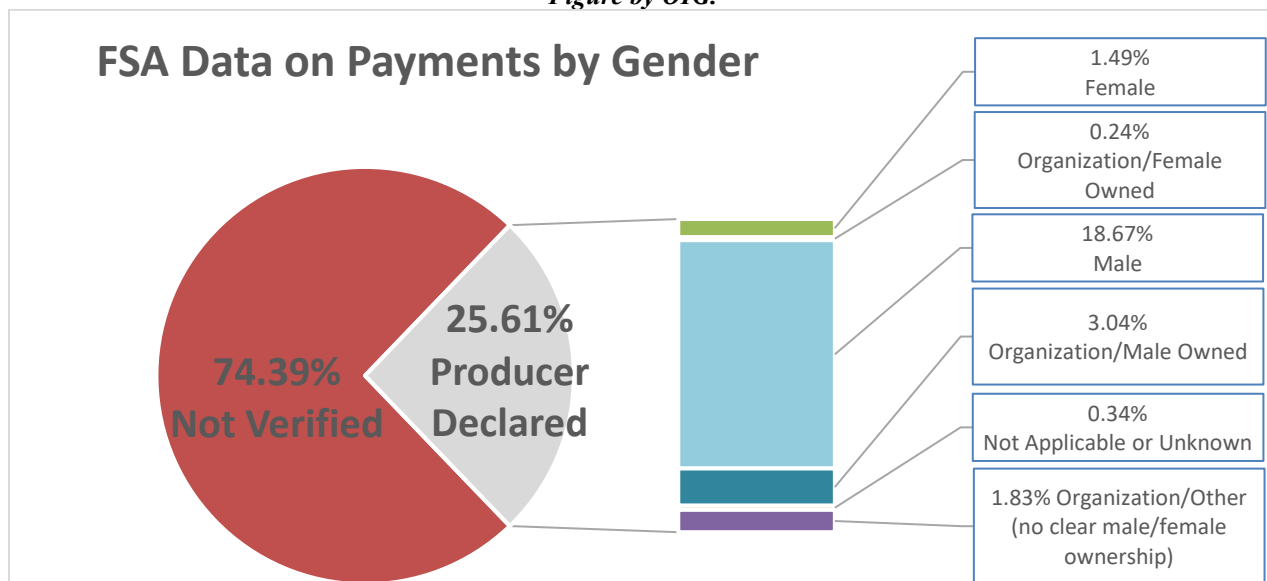


Exhibit D: MFP Data by Category

Certain FSA programs require producers to indicate if they are a beginning farmer, limited resource farmer, socially disadvantaged farmer, or veteran farmer, to meet applicable eligibility requirements. The table below presents information about how many of the 715,442 producers that received MFP payments in programs years 2018 and/or 2019 were in these categories.

Category	Status Claimed	Number of Producers	Percent of Payments	Total Payment Amount
Beginning Farmer	Yes (1.12%)	7,989	0.63%	\$145,386,080
	No (98.88%)	707,453	99.37%	\$22,900,755,227
Limited Resource Farmer	Yes (0.06%)	424	0.01%	\$1,829,606
	No (99.94%)	715,018	99.99%	\$23,044,311,701
Socially Disadvantaged Farmer	Yes (2.53%)	18,134	1.62%	\$374,007,695
	No (97.47%)	697,308	98.38%	\$22,672,133,612
Veteran Farmer	Yes (0.90%)	6,467	0.80%	\$185,031,844
	No (15.63%)	111,816	19.81%	\$4,565,695,646
	Not Applicable or Unknown (83.47%)	597,159	79.39%	\$18,295,413,817

Exhibit E: MFP Average and Total Payment Data

The table below presents total 2018 and 2019 MFP payment information by State and territory, including payments for livestock, non-specialty crops, and specialty crops.

State/Territory	Total Payments (rounded)	Total Producers	Total Average Payment (rounded)
Alabama	\$170,150,494	3,941	\$43,174
Alaska	\$98,861	12	\$8,238
Arizona	\$72,272,926	658	\$109,837
Arkansas	\$725,642,559	15,032	\$48,273
California	\$436,116,178	12,441	\$35,055
Colorado	\$129,172,665	9,194	\$14,050
Connecticut	\$1,560,777	133	\$11,735
Delaware	\$29,738,579	776	\$38,323
Florida	\$29,520,592	787	\$37,510
Georgia	\$373,699,473	5,858	\$63,793
Hawaii	\$230,581	31	\$7,438
Idaho	\$100,141,011	6,828	\$14,666
Illinois	\$2,568,659,145	84,669	\$30,338
Indiana	\$1,301,656,734	38,834	\$33,518
Iowa	\$2,573,885,155	65,963	\$39,020
Kansas	\$1,554,934,485	65,545	\$23,723
Kentucky	\$385,792,240	16,246	\$23,747
Louisiana	\$269,095,679	8,013	\$33,582
Maine	\$3,079,799	451	\$6,829
Maryland	\$92,764,216	2,837	\$32,698
Massachusetts	\$7,471,878	491	\$15,218
Michigan	\$453,631,390	15,740	\$28,820
Minnesota	\$1,750,346,541	39,015	\$44,863
Mississippi	\$541,695,712	5,512	\$98,276
Missouri	\$1,079,885,527	36,638	\$29,474
Montana	\$157,563,938	10,853	\$14,518
Nebraska	\$1,539,412,810	46,106	\$33,389
Nevada	\$4,820,690	391	\$12,329
New Hampshire	\$911,221	114	\$7,993
New Jersey	\$16,624,747	658	\$25,266
New Mexico	\$50,683,186	1,380	\$36,727
New York	\$106,873,983	5,347	\$19,988
North Carolina	\$301,109,127	8,086	\$37,238

North Dakota	\$1,141,440,681	20,143	\$56,667
Ohio	\$997,332,478	33,579	\$29,701
Oklahoma	\$272,853,545	18,131	\$15,049
Oregon	\$58,448,347	4,543	\$12,866
Pennsylvania	\$130,785,207	7,705	\$16,974
Puerto Rico	\$2,304,678	282	\$8,173
Rhode Island	\$135,357	42	\$3,223
South Carolina	\$84,311,886	2,002	\$42,114
South Dakota	\$954,900,039	23,306	\$40,972
Tennessee	\$370,511,936	13,341	\$27,772
Texas	\$1,324,074,167	40,787	\$32,463
Utah	\$13,654,558	1,982	\$6,889
Vermont	\$9,410,223	734	\$12,820
Virginia	\$118,335,824	3,218	\$36,773
Washington	\$172,854,563	9,867	\$17,518
West Virginia	\$5,432,175	466	\$11,657
Wisconsin	\$551,592,506	25,148	\$21,934
Wyoming	\$8,520,237	1,787	\$4,768
Totals	\$23,046,141,307	715,442²⁸	\$32,212

²⁸ This column totals to 715,643; however, only 715,442 unique producers received an MFP payment in program year 2018 and/or 2019 after adjusting for producers who received payments in more than one State and/or category (livestock, non-specialty, or specialty).

Exhibit F: MFP Average and Total Livestock Payment Data

The table below presents total 2018 and 2019 MFP livestock payment information by State and territory. Livestock payments include payments for animal products (hogs and dairy).

State/Territory	Total Livestock Payments (rounded)	Total Livestock Producers	Total Livestock Average Payment (rounded)
Alabama	\$368,312	60	\$6,139
Alaska	\$15,712	3	\$5,237
Arizona	\$9,657,672	59	\$163,689
Arkansas	\$1,385,774	71	\$19,518
California	\$111,721,899	1,114	\$100,289
Colorado	\$9,994,401	126	\$79,321
Connecticut	\$1,157,152	93	\$12,442
Delaware	\$255,951	23	\$11,128
Florida	\$4,757,569	75	\$63,434
Georgia	\$3,941,280	195	\$20,212
Hawaii	\$100,842	15	\$6,723
Idaho	\$30,641,478	403	\$76,033
Illinois	\$50,004,606	1,479	\$33,810
Indiana	\$32,786,296	1,072	\$30,584
Iowa	\$140,732,726	3,422	\$41,126
Kansas	\$13,802,637	531	\$25,994
Kentucky	\$5,944,958	492	\$12,083
Louisiana	\$522,636	107	\$4,884
Maine	\$1,870,391	272	\$6,876
Maryland	\$2,475,935	276	\$8,971
Massachusetts	\$790,628	150	\$5,271
Michigan	\$30,988,954	1,316	\$23,548
Minnesota	\$114,849,648	4,271	\$26,891
Mississippi	\$661,477	71	\$9,317
Missouri	\$13,132,271	1,063	\$12,354
Montana	\$4,866,150	101	\$48,180
Nebraska	\$27,546,931	807	\$34,135
Nevada	\$1,780,223	16	\$111,264
New Hampshire	\$756,643	95	\$7,965
New Jersey	\$395,780	58	\$6,824
New Mexico	\$20,832,351	126	\$165,336
New York	\$36,789,267	3,005	\$12,243
North Carolina	\$6,787,050	254	\$26,721

North Dakota	\$2,854,173	193	\$14,788
Ohio	\$30,818,161	1,684	\$18,301
Oklahoma	\$1,624,751	156	\$10,415
Oregon	\$5,415,317	199	\$27,213
Pennsylvania	\$25,742,342	2,825	\$9,112
Puerto Rico	\$2,169,967	278	\$7,806
Rhode Island	\$47,997	25	\$1,920
South Carolina	\$974,598	89	\$10,951
South Dakota	\$29,836,634	548	\$54,446
Tennessee	\$2,518,604	275	\$9,159
Texas	\$23,904,600	399	\$59,911
Utah	\$5,586,766	193	\$28,947
Vermont	\$7,610,540	669	\$11,376
Virginia	\$4,055,653	408	\$9,940
Washington	\$15,264,494	319	\$47,851
West Virginia	\$296,771	86	\$3,451
Wisconsin	\$79,391,544	7,382	\$10,755
Wyoming	\$385,918	14	\$27,566
Totals	\$920,814,426	36,956²⁹	\$24,917

²⁹ This column totals to 36,963; however, only 36,956 unique producers received an MFP livestock payment in program year 2018 and/or 2019 after adjusting for producers who received payments in more than one State and/or category (livestock, non-specialty, or specialty).

Exhibit G: MFP Average and Total Non-Specialty Crop Payment Data

The table below presents total 2018 and 2019 MFP non-specialty crop payment information by State and territory. Non-specialty crop payments include payments for crops such as grains and oilseeds.

State/Territory	Total Non-Specialty Crop Payments (rounded)	Total Non-Specialty Crop Producers	Total Non-Specialty Crop Average Payment (rounded)
Alabama	\$169,207,008	3,836	\$44,110
Alaska	\$83,149	9	\$9,239
Arizona	\$61,918,159	569	\$108,819
Arkansas	\$723,251,020	14,922	\$48,469
California	\$115,331,886	4,517	\$25,533
Colorado	\$118,762,193	9,105	\$13,044
Connecticut	\$396,618	110	\$3,606
Delaware	\$29,479,798	773	\$38,137
Florida	\$24,492,403	705	\$34,741
Georgia	\$354,466,733	4,928	\$71,929
Hawaii	\$0	0	\$0
Idaho	\$68,669,466	6,640	\$10,342
Illinois	\$2,518,525,972	84,407	\$29,838
Indiana	\$1,268,838,760	38,607	\$32,866
Iowa	\$2,433,051,179	65,250	\$37,288
Kansas	\$1,540,445,543	65,388	\$23,559
Kentucky	\$379,825,521	16,065	\$23,643
Louisiana	\$267,495,112	7,807	\$34,264
Maine	\$1,165,577	259	\$4,500
Maryland	\$90,238,274	2,778	\$32,483
Massachusetts	\$287,999	119	\$2,420
Michigan	\$421,588,119	15,435	\$27,314
Minnesota	\$1,635,437,836	38,158	\$42,860
Mississippi	\$540,348,078	5,428	\$99,548
Missouri	\$1,065,712,214	36,049	\$29,563
Montana	\$152,014,382	10,777	\$14,105
Nebraska	\$1,511,815,732	45,881	\$32,951
Nevada	\$3,005,427	387	\$7,766
New Hampshire	\$149,871	63	\$2,379
New Jersey	\$15,174,141	620	\$24,474

New Mexico	\$26,263,812	1,085	\$24,206
New York	\$69,557,185	4,201	\$16,557
North Carolina	\$294,027,635	7,971	\$36,887
North Dakota	\$1,138,580,677	20,092	\$56,668
Ohio	\$966,412,231	33,208	\$29,102
Oklahoma	\$261,493,921	16,963	\$15,416
Oregon	\$26,288,363	3,516	\$7,477
Pennsylvania	\$104,859,785	6,625	\$15,828
Puerto Rico	\$134,711	4	\$33,678
Rhode Island	\$15,022	20	\$751
South Carolina	\$83,151,106	1,946	\$42,729
South Dakota	\$925,056,274	23,177	\$39,913
Tennessee	\$367,936,840	13,237	\$27,796
Texas	\$1,290,471,166	39,843	\$32,389
Utah	\$7,787,824	1,911	\$4,075
Vermont	\$1,799,684	329	\$5,470
Virginia	\$114,231,657	3,087	\$37,004
Washington	\$86,135,137	8,485	\$10,151
West Virginia	\$5,132,294	425	\$12,076
Wisconsin	\$459,852,439	23,598	\$19,487
Wyoming	\$8,134,319	1,783	\$4,562
Totals	\$21,748,500,253	690,906³⁰	\$31,478

³⁰ This column totals to 691,098; however, only 690,906 unique producers received an MFP non-specialty crop payment in program year 2018 and/or 2019 after adjusting for producers who received payments in more than one State and/or category (livestock, non-specialty, or specialty).

Exhibit H: MFP Average and Total Specialty Crop Payment Data

The table below presents total 2018 and 2019 MFP specialty crop payment information by State and territory. Specialty crop payments include payments for crops such as nuts and fruits.

State/Territory	Total Specialty Crop Payments (rounded)	Total Specialty Crop Producers	Total Specialty Crop Average Payment (rounded)
Alabama	\$575,174	102	\$5,639
Alaska	\$0	0	\$0
Arizona	\$697,095	46	\$15,154
Arkansas	\$1,005,765	115	\$8,746
California	\$209,062,394	8,529	\$24,512
Colorado	\$416,072	36	\$11,558
Connecticut	\$7,006	1	\$7,006
Delaware	\$2,830	1	\$2,830
Florida	\$270,620	20	\$13,531
Georgia	\$15,291,461	1,249	\$12,243
Hawaii	\$129,739	16	\$8,109
Idaho	\$830,068	19	\$43,688
Illinois	\$128,567	25	\$5,143
Indiana	\$31,678	17	\$1,863
Iowa	\$101,250	35	\$2,893
Kansas	\$686,306	134	\$5,122
Kentucky	\$21,760	9	\$2,418
Louisiana	\$1,077,931	144	\$7,486
Maine	\$43,832	14	\$3,131
Maryland	\$50,006	6	\$8,334
Massachusetts	\$6,393,251	303	\$21,100
Michigan	\$1,054,317	61	\$17,284
Minnesota	\$59,056	15	\$3,937
Mississippi	\$686,157	85	\$8,072
Missouri	\$1,041,042	195	\$5,339
Montana	\$683,406	59	\$11,583
Nebraska	\$50,147	20	\$2,507
Nevada	\$35,040	1	\$35,040
New Hampshire	\$4,707	2	\$2,354
New Jersey	\$1,054,827	27	\$39,068
New Mexico	\$3,587,023	323	\$11,105
New York	\$527,531	66	\$7,993
North Carolina	\$294,442	58	\$5,077

North Dakota	\$5,830	4	\$1,458
Ohio	\$102,086	28	\$3,646
Oklahoma	\$9,734,874	1,321	\$7,369
Oregon	\$26,744,667	961	\$27,830
Pennsylvania	\$183,080	27	\$6,781
Puerto Rico	\$0	0	\$0
Rhode Island	\$72,338	3	\$24,113
South Carolina	\$186,183	29	\$6,420
South Dakota	\$7,131	5	\$1,426
Tennessee	\$56,492	19	\$2,973
Texas	\$9,698,401	1,004	\$9,660
Utah	\$279,967	7	\$39,995
Vermont	\$0	0	\$0
Virginia	\$48,514	13	\$3,732
Washington	\$71,454,932	1,243	\$57,486
West Virginia	\$3,110	1	\$3,110
Wisconsin	\$12,348,523	389	\$31,744
Wyoming	\$0	0	\$0
Totals	\$376,826,628	16,784³¹	\$22,452

³¹ This column totals to 16,787; however, only 16,784 unique producers received an MFP specialty crop payment in program year 2018 and/or 2019 after adjusting for producers who received payments in more than one State and/or category (livestock, non-specialty, or specialty).

**FSA'S
RESPONSE TO AUDIT REPORT**



Farm
Production
and
Conservation

Farm
Service
Agency

Farm Programs
1400 Independence,
SW
Room 3612
Washington DC
20250-0510

Voice: 202-720-3175

DATE September 29, 2020

TO Gil H. Harden
Assistant Inspector General for Audits

ATTN Gary Weisharr
Branch Chief, External Audits and Investigations

FROM Richard L. Fordyce /s/ **Richard Fordyce**
Administrator, Farm Service Agency

SUBJECT **Agency Response to MFP Interim Report 03601-0003-31**

This memo is FSA's response to Interim Report 03601-0003-31 for OIG's ongoing audit of FSA's administration of the Market Facilitation Program (MFP), and the proposed corrective action plan related to how demographic data is recorded in FSA's Business Partner (BP) system (referred to in the audit by "SCIMS") as "employee observed" if it was not provided on a voluntary basis by the FSA customer. Although the finding applies to the MFP audit, FSA will address each recommendation across all programs.

Recommendation 1 - "Immediately discontinue the policy and practice of having employees determine producer race, ethnicity, and gender through visual assessment."

FSA Response to Recommendation 1: A large majority of the demographic information in FSA systems are based on "employee "observed." To ensure a smooth transition policy is created, A USDA taskforce will be formed to address FSA customer data processes and policy, develop an implementation plan for managing customer data appropriately and review and revise Department Regulation 4370-001 from 2012. Target date for the formation of the taskforce is October 30, 2020, which will develop an Agency-wide plan for revisions to FSA current forms, handbooks, and notices expected by December 1, 2020.

Implementation is targeted for June 30, 2021.

FSA will be providing guidance to FSA State Offices and field staff through our communications channels regarding any policy change. The completion of this effort is expected by June 2021.

Recommendation 2 – "Update all relevant forms, handbooks, and notices to implement the requirements of the Departmental regulation for collecting only producer-provided race, ethnicity, and gender information and to allow producers the option of not providing that information."

FSA Response to Recommendation 2 – The aforementioned USDA taskforce from recommendation 1, will address FSA customer data processes and policy, develop an implementation plan for managing customer data appropriately and review and revise Department Regulation 4370-001 from 2012. The Agency is currently reviewing all relevant forms, handbooks, and notices to implement any new requirements.

Target date for the formulation of the taskforce is October 30, 2020. The Agency-wide plan for revisions to FSA current forms, handbooks, and notices expected by December 1, 2020. Implementation is targeted for June 30, 2021.

Recommendation 3 – “Update the customer management data system used to collect race, ethnicity, and gender to document if producers decided to not provide their demographic information.”

FSA Response to Recommendation 3 – Current software operations do not require demographic data for legal entities. Updates to the Business Partner customer management data system for individuals is a long-term project that will take several months to complete after evaluating other systems dependent upon demographic data. Expected completion is by June 30, 2021.

Recommendation 4 – “Once all demographic information collection forms are updated, use the appropriate form to update producer records in FSA’s customer management data system.”

FSA Response to Recommendation 4 – This is currently underway with the use of form AD-2106 for active programs, such as the Seafood Trade Assistance Program. Field offices are being instructed to provide the form to the customer when they are submitting a request for a program or services and offer the customer the opportunity to update their Business Partner record. This will be an ongoing function of customer operations similar to when customers are offered the opportunity to update their farm, program, and payment eligibility records. Expected completion is by June 30, 2021 for the majority of the annual participants. However, this will be an ongoing process as producers apply for programs and provide the updated forms.

Recommendation 5 – “Evaluate the improperly collected data and determine how to manage it appropriately.”

FSA Response to Recommendation 5 - The USDA taskforce mentioned in recommendation 2 will analyze and develop an implementation plan to

Gil H. Harden

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determine how to manage previously collected data appropriately. The process is targeted to be completed by June 30, 2021.

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