



United States Department of Agriculture



OFFICE OF INSPECTOR GENERAL

Infrastructure Funding for Substantially Underserved Trust Areas (SUTA)

Audit Report 09601-0002-41

We reviewed whether RUS rural infrastructure programs ensured that Native American communities were informed of and appropriately received community-specific benefits.

OBJECTIVE

To determine whether RUS had adequate controls in place to ensure that: (1) SUTAs are informed of the additional benefits they may qualify for under the SUTA provisions, and (2) only qualified applicants receive SUTA benefits.

REVIEWED

We reviewed applicable laws, regulations, policies, and procedures related to RUS' implementation of the SUTA provisions for its rural infrastructure programs; interviewed key RUS and Rural Development personnel at the Rural Development national and selected State offices; and selected and reviewed four SUTA-related loans and grants from fiscal years 2016–2018. We performed fieldwork at the Rural Development national office in Washington, D.C., from August through December 2018.

RECOMMENDS

For its new online application system, RUS should incorporate the ability to track: (1) loans and grants made to Native American communities in SUTAs, and (2) whether SUTA provisions were applied to these loans and grants. All Rural Development State offices should also be required to enter outreach activities in their system of record.

WHAT OIG FOUND

The Rural Utilities Service (RUS) and Rural Development administer rural infrastructure programs that provide assistance to Native American governments and communities, also known as Substantially Underserved Trust Areas (SUTA). The Office of Inspector General (OIG) concluded that RUS has adequate controls in place regarding its implementation of the SUTA provisions and did not identify any instances of ineligible applicants receiving benefits designated for the SUTAs.

OIG also identified areas where RUS and Rural Development can better track their efforts to meet this vital goal. Specifically, we found that RUS' application system does not track: (1) the number of loans and grants made specifically to Native American communities in SUTAs, or (2) whether SUTA provisions were applied to these loans and grants. Additionally, in two States we reviewed, Rural Development officials did not document their outreach activities to SUTAs in their designated system of record.

According to RUS, implementing SUTA provisions is critical to its broader efforts to make all programs more accessible to tribal governments and communities. RUS and Rural Development can more easily demonstrate progress in making loans and grants to SUTAs and demonstrate that outreach was conducted in a timely and equitable manner by improving their ability to track activities in their information systems.

RUS generally agreed with our finding and recommendations, and we accepted management decision on two of the three recommendations. Management decision on the remaining recommendation is under review.



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



DATE: June 27, 2019

AUDIT
NUMBER: 09601-0002-41

TO: Chad Rupe
Administrator
Rural Utilities Service

ATTN: Jacqueline Ponti
Chief Risk Officer
Office of the Chief Risk Officer

FROM: Gil H. Harden
Assistant Inspector General for Audit

SUBJECT: Infrastructure Funding for Substantially Underserved Trust Areas (SUTA)

This report presents the results of the subject review. Your written response to the official draft is included in its entirety at the end of the report. We have incorporated excerpts from your response, and the Office of Inspector General's (OIG) position, into the relevant sections of the report. Based on your written response, we are accepting management decision for Recommendations 1 and 2. Please follow your internal agency procedures in forwarding final action correspondence to the Office of the Chief Financial Officer.

Based on your written response, management decision has not been reached on Recommendation 3. The information needed to reach management decision on the recommendation is set forth in the OIG Position section following the recommendation. In accordance with Departmental Regulation 1720-1, please furnish a reply within 60 days describing the corrective action taken or planned, and the timeframe for implementing the recommendation for which management decision has not been reached. Please note that the regulation requires management decision to be reached on all recommendations within 6 months from report issuance, and final action to be taken within 1 year of each management decision to prevent being listed in the Department's annual Agency Financial Report.

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

The Rural Utilities Service (RUS) is an agency within USDA's Rural Development.¹ Rural Development's mission is to help improve the economy and quality of life in rural America. RUS administers the Electric and Telecommunications Programs and the Water and Environmental Programs within Rural Development. The purpose of these programs is to provide infrastructure improvements to rural communities.

The Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill),² established certain provisions to make RUS infrastructure financing more accessible to, and affordable for, Native Americans in trust areas.³ These trust areas may also be referred to as Substantially Underserved Trust Areas (SUTA). A SUTA is a community in a trust area that the Secretary of Agriculture determines has a high need for assistance.

The provisions in the 2008 Farm Bill give RUS the flexibility to finance SUTA infrastructure improvements through loans and grants through its Electric and Telecommunications Programs and its Water and Environmental Programs. The SUTA provisions established by the 2008 Farm Bill include providing the highest priority for funding to eligible projects that serve trust areas, offering loan interest rates as low as 2 percent, waiving certain documentation requirements, and extending the time period in which loans are repaid.

According to RUS, implementing SUTA provisions is critical to its broader efforts to make all programs more accessible to tribal governments and communities. SUTA implementation is part of a long-term strategy to assist tribes in meeting their unique utility infrastructure needs and improve economic development and quality of life.

RUS has established a centralized, web-based application intake system, called RD Apply, to process applications for RUS programs. Applicants select the program that they want to apply for and, based on applicants' selection, RD Apply presents applicants with the appropriate set of questions and explanations to complete the application for the selected type of loan or grant for that program. Applicants are also required to notify RUS, in writing, that they are seeking

¹ RUS is one of three agencies within USDA's Rural Development mission area. The other two agencies are the Rural Business-Cooperative Service and the Rural Housing Service.

² P.L. 110-246, Section 6105, dated June 18, 2008.

³ Trust areas are land that: (1) is held in trust by the United States for Native Americans; (2) is subject to restrictions on alienation imposed by the United States on Indian lands (including native Hawaiian homelands); (3) is owned by a regional corporation or a village corporation, as such terms are defined in section 3(g) and 3(j) of the Alaska Native Claims Settlement Act, respectively (43 U.S.C. Sections 1602(g), (j)); or (4) is on any island in the Pacific Ocean if such land is, by cultural tradition, communally-owned land, as determined by the Secretary. 38 U.S.C. Section 3765, June 15, 2006.

SUTA consideration and to include the SUTA provisions for which they would like to be considered in their application.

Once RUS receives completed applications, RUS officials conduct reviews to determine if the applicants are eligible to receive the SUTA provisions they requested. Once the applicants have addressed all the questions and provided all the necessary documentation to complete their applications, the information is electronically transmitted to the processing system titled the Commercial Loan Servicing System (CLSS).⁴

Outreach is conducted to inform Native American communities in trust areas of the additional benefits they may qualify for under the SUTA provisions. RUS uses General Field Representatives (GFR) to conduct the outreach for its Electric and Telecommunications Programs. Staff from the Rural Development State offices conduct the outreach for the Water and Environmental Programs. To document and track outreach activities to the trust areas, both RUS and Rural Development use automated systems designed to input, track, and report such activities. RUS uses the Commercial Program Application Processing (CPAP); Rural Development uses Resource One.

Objectives

Our objective was to evaluate RUS' implementation of the provisions designated for SUTAs. Specifically, our objective was to determine whether RUS had adequate controls in place to ensure that: (1) SUTAs are informed of the additional benefits they may qualify for under the SUTA provisions, and (2) only qualified applicants receive SUTA benefits. Regarding the latter, OIG concluded that RUS has adequate controls in place regarding its implementation of the SUTA provisions and did not identify any instances of ineligible applicants receiving benefits designated for the SUTAs.

⁴ CLSS is the system used to process the application for the RUS loan or grant. CLSS tracks and services the application, approval, obligation, and payments made on each loan or grant to the borrower or grant recipient. CLSS provides program management information and integrates the financial information system to enable the approval of funds to borrowers or grant recipients. Once the funds have been awarded to the borrower, CLSS would also process the payment collection and manage the loan servicing actions.

Finding 1: RUS Needs to More Efficiently and Effectively Track Its SUTA-Related Loans and Grants

RUS' current online application system used for its Electric and Telecommunications Programs and its Water and Environmental Programs, RD Apply, does not track: (1) the number of loans and grants made specifically to Native American communities in SUTAs, or (2) whether SUTA provisions were applied to these loans and grants. This occurred because RD Apply was not initially designed to track this information and, currently, it would be cost prohibitive for RUS to modify. As a result, RUS is unable to readily determine and report its progress in making loans and grants to Native American communities in SUTAs or its implementation of the SUTA provisions.

According to the *Standards for Internal Control in the Federal Government*, management must design control activities to ensure that transactions are promptly and accurately recorded. This, in turn, maintains transactions' relevance and value to management in controlling operations and making decisions.⁵ Automated control activities tend to be more reliable because they are less susceptible to human error and are typically more efficient and timely.^{6, 7}

According to RUS, RD Apply cannot currently track: (1) the number of loans and grants made to Native American communities in SUTAs, or (2) whether SUTA provisions were applied to the loans and grants. We asked RUS to provide us with the number of loans and grants made to Native American communities where SUTA provisions were applied. Although RUS was ultimately able to provide us with this information for fiscal years (FY) 2016–2018, the information was not readily available in RD Apply, which could more easily track this information. Instead, RUS currently manages this information manually.

While manual information gathering may have once been adequate for past enrollment in the programs, future years could see a significant increase in program participation. As RUS' programs expand, its IT systems should adapt to keep track of increased loan and grant information. Depending on the size of each program area and its total number of loans and grants, it could take a considerable amount of time for RUS staff to manually go through each case file to first determine the total number of loans and grants made to SUTAs, and then determine whether SUTA provisions were applied. For example, the largest RUS program area we reviewed was the Water and Environmental Programs, which had over 700 loans and grants in 2018. All three program areas combined had over 800 loans and grants. Although the Water and Environmental Programs currently had no loans and grants in which SUTA provisions were applied, RUS could not readily determine how many of these loans and grants that were made to SUTAs.

According to a RUS official, tracking this information has not been a priority and there is currently no requirement that RUS track and report this information. However, tracking this

⁵ GAO Green Book—*Standards for Internal Control in the Federal Government*, Sept. 2014 (10.03).

⁶ GAO Green Book—*Standards for Internal Control in the Federal Government*, Sept. 2014 (10.06).

⁷ GAO Green Book—*Standards for Internal Control in the Federal Government*, Sept. 2014 (11.04).

information in an automated system such as RD Apply would not only be more efficient, but produce more reliable results. Timely, automated results would be greatly beneficial in responding to Congressional inquiries regarding such loans and grants to Native American communities or in assessing whether RUS' outreach efforts to these communities are adequate and effective.

According to RUS officials, Rural Development was appropriated \$600 million in 2018 for three of its telecommunications programs: Distance Learning, Telemedicine, and Broadband. A portion of the funding is being used to develop a new online application system specific to its Broadband program. RUS officials agreed that this would be an opportune time to incorporate into the new online application system the ability to track loans and grants made to SUTAs and whether SUTA provisions were applied. RUS officials also noted that if the new online application system for Broadband is successful, they would ultimately replace RD Apply so that all of RUS' programs use the same online application system.

To more efficiently and effectively track its SUTA-related loans and grants, the Broadband program's proposed new online application system should incorporate the ability to track: (1) loans and grants made to Native American communities in SUTAs, and (2) whether the SUTA provisions were applied to these loans and grants. If the new online application system is ultimately expanded to include RUS' Electric, Water and Environmental, and other Telecommunication Programs, RUS should establish a timeline to incorporate the same automated tracking capabilities for these programs in the new online application system.

Recommendation 1

In the new online application system for Broadband within the Telecommunications Programs area, incorporate the ability to identify and track: (1) loans and grants made to Native American communities in SUTAs, and (2) whether SUTA provisions were applied to these loans and grants.

Agency Response

In its May 29, 2019, response, RUS stated:

The new online application system for the pilot Broadband ReConnect Program was made operational in April 2019. The system has the ability today to identify if a loan or grant application is applying for consideration. We agree with the recommendation and, as funding is made available, will make enhancements where reports can be generated to identify which applications received SUTA considerations and the amount of the award. It is estimated that these enhancements will be completed by June 30, 2020, however it is dependent on IT funding.

OIG Position

We accept management decision on this recommendation.

Recommendation 2

If the new online application system developed in Recommendation 1 is ultimately expanded to include RUS' Electric, Water and Environmental, and other Telecommunications Programs, establish a timeline to incorporate the same automated tracking capabilities specified in the prior recommendation.

Agency Response

In its May 29, 2019, response, RUS stated:

Expansion of the use of the new Salesforce platform is dependent upon availability of funding. The Agency can commit to including the SUTA tracking components in any future RUS system developed on the new platform should funding become available. The RUS Administrator will draft a memorandum to RD's Technology Office Director advising that the SUTA enhancement is a critical requirement for all future RD systems implemented going forward. Implementation is dependent on receiving funds to complete the incorporation of these programs onto the platform. The memorandum will be drafted by June 30, 2020.

OIG Position

We accept management decision on this recommendation.

Finding 2: Rural Development State Offices Were Not Adequately Documenting Their Outreach Activities for the Water and Environmental Programs

We found that, although Rural Development officials did perform outreach in two States we reviewed, they did not document their outreach activities for the Water and Environmental Programs in their designated system of record, Resource One. This occurred because, according to the State officials, recording their outreach activities in Resource One was neither required nor a priority. According to RUS, implementing SUTA provisions is critical to RUS' broader efforts to make all programs more accessible to tribal governments and communities. By tracking activities in Resource One, Rural Development can more easily demonstrate that it conducted outreach in a timely and equitable manner.

The 2008 Farm Bill established certain provisions to make RUS infrastructure financing more accessible to, and affordable for, Native Americans in trust areas.⁸ To address this goal in their programs, RUS and Rural Development have established outreach efforts. RUS uses GFRs to conduct the outreach for its Electric and Telecommunications Programs, while Rural Development State offices conduct the outreach for the Water and Environmental Programs. While the CPAP system tracks RUS outreach to both the Electric and Telecommunications Programs, Resource One tracks Rural Development State outreach related to the Water and Environmental Programs. Information entered into these two systems can then be generated at both the local and national level to assess the overall adequacy of the agency's outreach efforts.

We found that RUS' GFRs in the States we reviewed conduct and document their outreach activities for both the Electric and Telecommunications Programs in CPAP.⁹ However, Rural Development State officials were not documenting their outreach efforts in Resource One for the Water and Environmental Programs. According to a nationwide report from Resource One we obtained for FYs 2016–2018, 18 of the 32 States with Native American communities in trust areas showed that no outreach was conducted during this 3-year period. We followed up with Rural Development officials at two of these States, Idaho and Montana, and determined that although Rural Development officials conducted outreach, they did not enter it into Resource One.¹⁰

This occurred because, according to Rural Development State officials at both the Idaho and Montana State offices, inputting outreach activities into Resource One was not a priority due to Rural Development's limited resources. Both Rural Development State officials also noted that there was no requirement that they enter their outreach activities in Resource One. According to a Rural Development national office official, because there is currently no requirement that staff

⁸ P.L. 110-246, Section 6105, dated June 18, 2008.

⁹ GFRs are stationed around the country and are an integral part of RUS' outreach delivery system by serving as the local information conduit for the borrowers and headquarters staff. GFRs meet regularly with borrowers at the borrowers' locations.

¹⁰ According to Rural Development and RUS officials we interviewed, they conducted the outreach through emails, phone calls, and meetings with Native American community members in the trust areas.

document their outreach activities in Resource One, each State's use of Resource One varies. Some States use Resource One and generate reports from it, whereas others do not.

RUS' and Rural Development's outreach efforts to SUTAs fulfills a vital mission of Rural Development's infrastructure programs as outlined in the Farm Bill. By recording all outreach activities for the Water and Environmental Programs in Resource One, Rural Development will be able to readily and timely demonstrate and report that its outreach efforts are conducted equitably.

We therefore concluded that guidance should be issued requiring all Rural Development State offices to enter their outreach activities for the Water and Environmental Programs in Resource One. During the course of our audit survey, RUS' Acting Administrator agreed with OIG that guidance was needed requiring all Rural Development State offices to enter their outreach activities in Resource One.

Recommendation 3

Issue guidance requiring all Rural Development State offices to enter their outreach activities in Resource One.

Agency Response

In its May 29, 2019, response, RUS stated:

The Agency's Resource One platform is one of multiple reporting options available for use by Rural Development field offices to enter outreach activities. The Agency will send communication to State offices encouraging the use of Resource One. It is estimated that this communication will be issued by December 31, 2019.

OIG Position

To accept management decision on this recommendation, RUS needs to require all Rural Development State offices to enter their outreach activities for the Water and Environmental Programs in Resource One. Resource One is the only automated system currently available for Rural Development State offices to officially track and report their outreach activities for the Water and Environmental Programs. Without requiring Rural Development State offices to enter their outreach activities in Resource One, RUS lacks the ability to more efficiently and effectively track and report its outreach activities for the Water and Environmental Programs. Neither of the Rural Development State office officials we interviewed were tracking their outreach activities for the Water and Environmental Programs in Resource One or any other automated system.

Scope and Methodology

We conducted an audit survey of RUS' implementation of the SUTA provisions. The primary purpose of the survey was to evaluate RUS' control environment surrounding its implementation of the SUTA provisions prior to initiating any future audit work. The scope of our survey work covered FYs 2016–2018. To accomplish our objectives, we performed fieldwork at the Rural Development national office in Washington, D.C., from August through December 2018. During the course of the survey, we performed sufficient audit work to identify areas where RUS could improve its ability to track loans, grants, and outreach activities related to SUTAs, which are presented in this audit report.

During our scope period, RUS issued 2 loans under the Telecommunications Programs and 1 loan and 15 grants under the Electric Programs in which SUTA provisions were applied.¹¹ The Water and Environmental Programs issued no loans or grants during our scope period in which SUTA provisions were applied. To assess RUS' implementation of the SUTA provisions, we non-statistically selected four loans and grants issued during our scope period where SUTA provisions were applied: both loans from the Telecommunications Programs and the only loan and largest grant from the Electric Programs.

We also obtained a nationwide report from Resource One for FYs 2016–2018 that showed that, for 18 of the 32 States with Native American communities in trust areas, no outreach was conducted during the 3-year period. We selected 2 of these 18 States, Idaho and Montana, for further review because they had the largest trust areas.¹² We interviewed Rural Development State officials from both Idaho and Montana.

At the Rural Development national office, we:

- Reviewed the pertinent laws, regulations, policies, and procedures related to the SUTA provisions;
- Interviewed key personnel, including RUS' Acting Administrator, to gain an understanding of roles and responsibilities relating to the utilization of the SUTA provisions in RUS' infrastructure programs;
- Interviewed key personnel to gain an understanding of RUS' processes for determining eligibility and approving applications for SUTA benefits;
- Selected and reviewed a non-statistical sample of loans and grants in which SUTA provisions were applied;

¹¹ During FYs 2016–2018, RUS issued 2 loans under the Telecommunications Programs valued at \$19.6 million and 1 loan and 15 grants under the Electric Programs valued at \$30.8 million and \$20.5 million, respectively, where SUTA provisions were applied.

¹² Although Oregon had the highest number of trust areas, Idaho and Montana had the largest trust areas.

- Assessed RUS' controls to ensure only eligible applicants received SUTA benefits;
- Ascertained RUS' ability to efficiently and effectively track and report its SUTA loans and grants;
- Interviewed key personnel, including the Rural Development Native American Coordinator, to gain an understanding of roles and responsibilities relating to outreach to Native American communities in trust areas regarding SUTA provisions; and
- Obtained and reviewed reports from CPAP and Resource One documenting the outreach RUS and Rural Development conducted related to the trust areas.

During the course of the audit survey, we obtained and reviewed information from the following agency computer systems: RD Apply, Resource One, and CPAP. For RD Apply, we obtained and reviewed the applications for the selected loans and grants we reviewed. We also assessed the system's ability to track and report loans and grants specific to SUTAs. For Resource One and CPAP, we obtained and reviewed reports documenting the outreach RUS and Rural Development conducted related to the trust areas. Aside from the above, we did not evaluate the information technology controls surrounding these agency computer systems since it was not one of the audit's objectives.

We conducted this audit survey 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 objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Abbreviations

CLSS.....	Commercial Loan Servicing System
CPAP.....	Commercial Program Application Processing
FY	fiscal year
GAO.....	Government Accountability Office
GFR.....	General Field Representative
OIG	Office of Inspector General
RUS.....	Rural Utilities Service
OIG	Office of Inspector General
SUTA	Substantially Underserved Trust Areas
USDA.....	Department of Agriculture

**AGENCY'S
RESPONSE TO AUDIT REPORT**



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DATE: May 29, 2019

TO: Gil H. Harden
Assistant Inspector General for Audit

FROM: Chad Rupe /S/ Chad Rupe
Acting Administrator
Rural Utilities Service

SUBJECT: OIG Audit Official Draft: Infrastructure Funding for Substantially
Underserved Trust Areas (SUTA) - Audit Number: 09601-002-41

Thank you for providing Rural Development (RD) Rural Utilities Service (RUS) the opportunity to respond to the subject Official Draft Report dated April 25, 2019. Our responses to the recommendations below represent our proposed corrective action plan and estimated completion dates.

Recommendation 1

In the new online application system for within the Telecommunications Programs area, incorporate the ability to identify and track: (1) loans and grants made to Native American communities in SUTAs; and (2) whether SUTA provisions were applied to these loans and grants.

Agency Response

The new online application system for the pilot Broadband ReConnect Program was made operational in April 2019. The system has the ability today to identify if a loan or grant application is applying for consideration. We agree with the recommendation and, as funding is made available, will make enhancements where reports can be generated to identify which applications received SUTA considerations and the amount of the award.

Estimated Completion Date

It is estimated that these enhancements will be completed by June 30, 2020, however it is dependent on IT funding.

Recommendation 2

If the new online application system developed in Recommendation 1 is ultimately expanded to include RUS' Electric, Water and Environmental, and other Telecommunications Programs, establish a timeline to incorporate the same automated tracking capabilities specified in the prior recommendation.

Agency Response

Expansion of the use of the new Salesforce platform is dependent upon availability of funding. The Agency can commit to including the SUTA tracking components in any future RUS system developed on the new platform should funding become available. The RUS Administrator will draft a memorandum to RD's Technology Office Director advising that the SUTA enhancement is a critical requirement for all future RD systems implemented going forward.

Estimated Completion Date

Implementation is dependent on receiving funds to complete the incorporation of these programs onto the platform. The memorandum will be drafted by June 30, 2020.

Recommendation 3

Issue guidance requiring all Rural Development State offices to enter their outreach activities in Resource One.

Agency Response

The Agency's Resource One platform is one of multiple reporting options available for use by Rural Development field offices to enter outreach activities. The Agency will send communication to State offices encouraging the use of Resource One.

Estimated Completion Date

It is estimated that this communication will be issued by December 31, 2019.

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