

**NOMINATION OF CHAVONDA J. JACOBS-YOUNG
TO BE UNDER SECRETARY OF AGRICULTURE
FOR RESEARCH, EDUCATION, AND ECONOMICS,
USDA AND MARGO SCHLANGER TO BE AN
ASSISTANT SECRETARY OF AGRICULTURE, USDA**

HEARING

BEFORE THE

**COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY**

UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

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C O N T E N T S

Wednesday, November 17, 2021

| | Page |
|--|------|
| HEARING: | |
| Nomination of Chavonda J. Jacobs-Young to be Under Secretary of Agriculture for Research, Education, and Economics, USDA and Margo Schlanger to be an Assistant Secretary of Agriculture, USDA | 1 |
| STATEMENTS PRESENTED BY SENATORS | |
| Stabenow, Hon. Debbie, U.S. Senator from the State of Michigan | 1 |
| Boozman, Hon. John, U.S. Senator from the State of Arkansas | 2 |
| WITNESSES | |
| Jacobs-Young, Chavonda J., Ph.D., to be Under Secretary of Agriculture for Research, Education, and Economics, USDA | 5 |
| Schlanger, Margo, to be an Assistant Secretary of Agriculture, USDA | 6 |
| APPENDIX | |
| PREPARED STATEMENTS: | |
| Jacobs-Young, Chavonda J., Ph.D. | 24 |
| Schlanger, Margo | 26 |
| DOCUMENT(S) SUBMITTED FOR THE RECORD: | |
| Stabenow, Hon. Debbie: | |
| National Coalition for Food and Agriculture Research, letter of support | 30 |
| Civil Rights Organizations, letters of support | 37 |
| The Leadership Conference, letter of support | 39 |
| Jacobs-Young, Chavonda J., Ph.D.: | |
| Committee questionnaire, Office of Government Ethics Executive Branch Personnel Public Financial Disclosure Report and 5-day letter filed by Jacobs-Young, Chavonda J. | 41 |
| Schlanger, Margo: | |
| Committee questionnaire, Office of Government Ethics Executive Branch Personnel Public Financial Disclosure Report and 5-day letter filed by Schlanger, Margo | 73 |
| QUESTION AND ANSWER: | |
| Jacobs-Young, Chavonda J., Ph.D.: | |
| Written response to questions from Hon. Debbie Stabenow | 120 |
| Written response to questions from Hon. John Boozman | 122 |
| Written response to questions from Hon. Amy Klobuchar | 126 |
| Written response to questions from Hon. Kirsten E. Gillibrand | 126 |
| Written response to questions from Hon. Tina Smith | 127 |
| Written response to questions from Hon. Cory Booker | 129 |
| Written response to questions from Hon. John Hoeven | 129 |
| Written response to questions from Hon. Joni Ernst | 132 |
| Written response to questions from Hon. Roger Marshall | 134 |
| Written response to questions from Hon. Charles Grassley | 135 |
| Written response to questions from Hon. Deb Fischer | 136 |
| Schlanger, Margo: | |
| Written response to questions from Hon. Debbie Stabenow | 138 |

IV

| | Page |
|--|------|
| Schlanger, Margo—Continued | |
| Written response to questions from Hon. John Boozman | 139 |
| Written response to questions from Hon. Amy Klobuchar | 142 |
| Written response to questions from Hon. Cory Booker | 142 |
| Written response to questions from Hon. Roger Marshall | 142 |

NOMINATION OF CHAVONDA J. JACOBS-YOUNG TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS, USDA AND MARGO SCHLANGER TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, USDA

WEDNESDAY, NOVEMBER 17, 2021

U.S. SENATE,
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC.

The Committee met, pursuant to notice, at 10:19 a.m., via Webex and in room 301, Russell Senate Office Building, Hon. Debbie Stabenow, Chairwoman of the Committee, presiding.

Present or submitting a statement: Senators Stabenow, Brown, Klobuchar, Bennet, Gillibrand, Smith, Booker, Warnock, Boozman, Hoeven, Ernst, Marshall, Tuberville, Grassley, Thune, Fischer, and Braun.

STATEMENT OF HON. DEBBIE STABENOW, U.S. SENATOR FROM THE STATE OF MICHIGAN, CHAIRWOMAN, U.S. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Chairwoman STABENOW. Good morning. I call this hearing of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry to order, and we are so pleased today to be here to consider the nominations of Dr. Chavonda Jacobs-Young for Under Secretary for Research, Education, and Economics, and Margo Schlanger for Assistant Secretary for Civil Rights at the U.S. Department of Agriculture. Welcome to both of you.

The roles they have been nominated to fill are fundamental to supporting farmers and ranchers and fostering trust in the Department. American farmers and ranchers have had a competitive advantage on the world stage, thanks in no small part to the quality of our agricultural research sector. In fact, every dollar invested in agriculture research returns over \$17 to our economy.

If confirmed as Under Secretary of Research, Education, and Economics, Dr. Jacobs-Young would oversee USDA's major research agencies, including the Office of the Chief Scientist, the Agricultural Research Service (ARS), the National Institute of Food and Agriculture, the Economic Research Service, and the National Agricultural Statistics Service.

Whether it is Michigan State University—Go Green—finding ways to increase cherry yields, or the University of Arkansas opti-

mizing water use in rice production, agricultural research, education, and extension is fundamental to ensuring an abundant food supply and building resiliency in the agriculture system.

The need for research does not stop there. Farmers rely on USDA economics and statistics for insights into markets, costs and trade, to make informed decisions about their business operations. Congressional and USDA leaders use data to better support farmers and ranchers who grow different products in different parts of the country.

Sadly, over the past few years, USDA's research agencies have had high employee vacancy rates, struggle to find the researchers they need with scientific expertise in agricultural sciences. If confirmed, Dr. Jacobs-Young will need to rebuild a diverse work force and talent pool.

As a long-time leader at the USDA, Dr. Jacobs-Young is perfectly situated for the role of leading research, education, and economics. She is well respected by her peers, the academic community, and the agricultural industry.

Just as there is work to be done within USDA's research programs, there is much to be done within the Office of Civil Rights as well. It is no secret that the USDA has had a troubled history when it comes to civil rights. As the arbiter of equal opportunity across the Department, the Assistant Secretary for Civil Rights plays a critical role in making good on Secretary Vilsack's promise to build a culture of inclusion for USDA staff and the public that the USDA serves.

For farmers and communities historically left out of the USDA's work, improving equity, accountability, and access in USDA employment and USDA programs will be a game-changer.

Diversity broadens our horizons of what is possible, and more participants contributing to our farm economy builds our economic strength. If confirmed as Assistant Secretary for Civil Rights, Ms. Schlanger is well suited to lead these efforts. She is a leading authority on civil rights issues. She is a strong advocate for protecting the civil rights of employees and customers within Federal agencies. She is also experienced as a top civil rights official in the Obama Administration, and has practical experience implementing civil rights protections.

Thank you to Dr. Jacobs-Young and Ms. Schlanger for joining us today. I look forward to hearing your visions for the Department in your respective mission areas, if confirmed.

I would note that you both have received letters of support from multiple agencies, and I ask unanimous consent that these letters be entered into the record. Without objection, so ordered.

[The letters can be found on pages 30-40 in the appendix.]

Chairwoman STABENOW. With that I will turn to my colleague and Ranking Member, Senator Boozman, for any opening comments that he would like to make.

**STATEMENT OF HON. SENATOR JOHN BOOZMAN, U.S.
SENATOR FROM THE STATE OF ARKANSAS**

Senator BOOZMAN. Thank you, Madam Chair, and I am pleased to welcome Chavonda Jacobs-Young, the President's nominee for Under Secretary for Research, Education, and Economics, and Ms.

Margo Schlanger, nominated to be the Department of Agriculture's Assistant Secretary for Civil Rights.

Dr. Jacobs-Young has already had a long and storied career in the Department of Agriculture, serving in various leadership roles, including Administrator of the Agricultural Research Service, Acting Director of the National Institute of Food and Agriculture, and she has even served in an acting capacity twice for the position in which she is nominated.

She is a proud alum of a distinguished land-grant institution, North Carolina State University, where she earned her baccalaureate, master's, and Ph.D. She began her career as an assistant professor at University of Washington before moving to Washington, DC, to become a national program leader at the Agricultural Research Service. She has served American agriculture very well in her career, and I am pleased she is willing to continue her service in this role.

The Research, Education, and Economics (REE) mission area plays a vital role in spearheading the Nation's agricultural research enterprise through the National Institute of Food and Agriculture. It is the Federal leg of the three-legged stool that funds our land-grant universities which support American farmers, ranchers, and consumers through county-level cooperative extension services, regional and State experiment stations, and first-rate academics.

It leads the Department of Agriculture's chief scientific agency, the Agricultural Research Service, and the Economic Research Service. Finally, it houses the National Agricultural Statistics Service, the hardworking, dedicated staff tasked with the challenging job of documenting the successes of American agriculture through various surveys and the census of agriculture. That is a lot.

Dr. Jacobs-Young, you have been asked to lead one of the most important and foundational mission areas of the Department. I am confident that you have the experience and knowledge to lead it well. Congratulations on your nomination, and I look forward to your comments today.

Ms. Margo Schlanger has an equally long and distinguished career in public service, specifically in the field of civil rights. She has held positions at the Department of Homeland Security and the Department of Justice. She has taught at Harvard Law School, Washington University in St. Louis, the University of California, and in her current post at the University of Michigan School of Law. She served as a law clerk for the late Associate Justice of the U.S. Supreme Court, Ruth Bader Ginsburg.

The position of Assistant Secretary for Civil Rights leads the Department of Agriculture's civil rights programs, including matters related to program delivery, compliance, and equal employment opportunity. The Assistant Secretary is responsible for ensuring the fair and equitable treatment of both customers and employees.

Professor, you are taking on a challenging office that handles very sensitive issues. Numerous Office of Inspector General and Government Accountability Office reports outline ongoing challenges at the Department that need to be addressed. If you are fortunate enough to be confirmed, you will need to focus on how USDA handles civil rights cases or claims efficiently and effec-

tively. In addition, I challenge you to give measured thought about how civil rights are woven into the fabric of all that the Department does prospectively, and to work to ensure that no USDA program or employee or contractor acts in a discriminatory manner.

Further, what is important is that when USDA develops programs to address civil rights that it does so in a manner that ensures transparency and predictability. This has been a problem, as the Administration's attempts in the American Rescue Plan to provide debt relief for certain classes of farmers is now caught up in the courts as a result of numerous lawsuits. Ham-handed efforts such as these help no one.

Ms. Schlanger, congratulations on your nomination and thank you for your willingness to serve the country once again. I also look forward to your comments.

With that I yield back, Madam Chair.

Chairwoman STABENOW. Thank you very much, and I would now like to officially welcome you and officially introduce each of you.

Dr. Chavonda Jacobs-Young has held leadership roles at multiple research agencies at USDA, including Director of the Office of the Chief Scientist and Acting Director for the National Institute of Food and Agriculture. She has also served as an advisor to the Obama Administration in a variety of agricultural scientific activities while at the White House Office of Science and Technology Policy. If confirmed, Dr. Jacobs-Young will be the first woman of color to serve as Under Secretary for Research, Education, and Economics, which is the Department's highest scientific post.

This is just one of many impressive firsts for Dr. Jacobs-Young. She was the first African American woman in the country to receive a Ph.D. in wood and paper science, and the first woman of color to serve as the administrator for the Agricultural Research Service.

Dr. Jacobs-Young is a native of Augusta, Georgia. She received her BS, MS, and Ph.D. from North Carolina State University, where she was also a three-time ACC track champion. That is very impressive.

Dr. Jacobs-Young has dedicated her career to public service. Her commitment to science, research, and education in service to the American people should be an inspiration to the next generation of students, scientists, and leaders in the research space. If confirmed, she will be tasked with protecting scientific integrity and helping USDA build a diverse and resilient scientific work force.

Margo Schlanger, welcome to the Committee, officially, as well. Margo Schlanger is a leading authority on civil rights issues. She is currently the Wade H. and Dores M. McCree Collegiate Professor of Law at the University of Michigan Law School—Go Blue—and she founded and directs the Civil Rights Litigation Clearinghouse, a national repository of information about large-scale civil rights cases. She is the author of dozens of law review and other scholarly articles.

Ms. Schlanger was appointed by President Obama in 2010 and 2011, to serve as Officer for Civil Rights and Civil Liberties at the U.S. Department of Homeland Security. As the Head of Civil Rights and Civil Liberties for DHS, she was the Secretary's lead advisor on civil rights and civil liberties issues. If confirmed, Ms.

Schlanger brings valuable practical experience in implementing procedural solutions for agency oversight and enforcement of civil rights protections.

A graduate of Yale College and Yale Law School, Ms. Schlanger clerked for Justice Ruth Bader Ginsburg for her first two terms on the U.S. Supreme Court.

I would now like to ask both of you to rise, and we need to ask a couple of questions.

Do you swear or affirm that the testimony you are about provide is the truth, the whole truth, and nothing but the truth, so help you God?

Dr. JACOBS-YOUNG. I do.

Ms. SCHLANGER. I do.

Chairwoman STABENOW. Thank you. Second, do you agree that, if confirmed, you will appear before any duly constituted committee of Congress if asked to appear?

Dr. JACOBS-YOUNG. I do.

Ms. SCHLANGER. I do.

Chairwoman STABENOW. Thank you very much.

Your testimony will be made part of the record in its entirety, and you may proceed as you so desire. We will start with Dr. Jacobs-Young for five minutes of testimony, followed by Ms. Schlanger. Welcome again.

STATEMENT OF CHAVONDA J. JACOBS-YOUNG, PH.D., NOMINEE TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS, USDA

Dr. JACOBS-YOUNG. Chairwoman Stabenow, Ranking Member Boozman, and members of this Committee, thank you for the opportunity to appear before you today in consideration of my nomination. I have served the American people for two decades at the United States Department of Agriculture. It is now my honor to be nominated by President Biden to lead the Research, Education, and Economics mission area as Under Secretary. If confirmed, I look forward to supporting Secretary Vilsack to meet the high-priority challenges before us.

I want to thank my husband, Arland Young, and my children, Autumn and Arland Junior, for their unwavering support over the years as I dedicated myself to public service and the mission of USDA.

Most would say this little girl, with her early start in a place called the "Bottom" in Augusta, Georgia, is an unlikely candidate to be here before you today. My mom, Clide Coppin, was a first-generation college graduate of the Medical College of Georgia and a divorced single parent. She taught me, through demonstration and elevated expectations, the value of education, persistence, and hard work on improving my quality of life. She successfully broke the cycle of poverty and ensured that my sisters and I were all college graduates.

My passion for science and fascination with understanding how things work have been constants in my life. From receiving my first chemistry set in elementary school, to running my own laboratory as a faculty member at the University of Washington, and to

leading the world's finest agricultural research institution, seeking solutions to challenges is in my blood.

To get here I have had to blaze several new trails. I am a lot of "firsts": first African American Ph.D. in the country in my field, first African American faculty member in my department at the University of Washington, and now the first female and first African American Administrator of the Agricultural Research Service.

Being many "firsts" has taught me humility as well as given me strength and confidence. While being the first has been defining thus far, it is more important to me now that I am not the last. That is why I have a personal commitment to paying it forward and paving the way for others.

Over the course of my career, as I have successfully led efforts both nationally and globally, I hope I have expanded the perception of what an agricultural scientist looks like. I am thankful for this opportunity.

I have had the best experience working at USDA. I have learned the power of applying collaboration and innovation to pressing agricultural challenges and how to focus in and deliver impactful scientific solutions. The United States is blessed with one of the safest, most abundant, and diverse food supplies in the world. Science and innovation have been key to making it so.

If confirmed as REE Under Secretary, I will bring to the role considerable agricultural research expertise and leadership experience, as well as an unquenchable enthusiasm for the scientific endeavor, which I have had since my mom bought me that first chemistry set. I will bring my proven background as an innovator and creative problem-solver. Most exciting to me, I will bring my commitment to inspire, mentor, and develop the next generation of agricultural professionals.

Thank you for having me here today. I am looking forward to our discussion.

[The prepared statement of Dr. Jacobs-Young can be found on page 24 in the appendix.]

Chairwoman STABENOW. Thank you so much. Ms. Schlanger, welcome.

STATEMENT OF MARGO SCHLANGER, NOMINEE TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, USDA

Ms. SCHLANGER. Thank you so much, Chairwoman Stabenow, Ranking Member Boozman, and members of the Committee. I am honored to be with you today and am grateful and humbled by President Biden's nomination of me to serve as Assistant Secretary for Civil Rights for the U.S. Department of Agriculture. I am grateful, too, for Secretary Vilsack's support.

I come before you buoyed by abundant love and support from my family. With me is my husband, Sam Bagenstos. Sam and I met as young civil rights lawyers at the Department of Justice and I have relied on his wisdom and encouragement ever since. Watching remotely, I think, are our two amazing children, Harry and Leila, who are seniors in college. I lean, as well, on the support and love of my father, sister, and two brothers. One of my brothers has been especially excited by the possibility that I might work at the Department of Agriculture because of nearly 10 years that he spent

as a vegetable farmer, an experience I learned a great deal from as well, vicariously.

I wish to honor, as well, Ruth Bader Ginsburg, for whom I clerked and whose memory is a blessing. I learned more than I can say from Justice Ginsburg.

Civil rights have been the core of my professional life since law school, and what I mean by that is that I have focused my work on expanding equality and fairness. My whole career has been about building tools and processes within complex organizations to help them respect civil rights. If I am privileged to be confirmed, I would be excited to bring my experience to USDA.

I have learned many relevant lessons from my past efforts as a civil rights lawyer and as a professor, as the head of a different Federal cabinet department's civil rights office and as a court-appointed independent monitor in a civil rights statewide case.

Among those lessons affected individuals have enormous insight into the problems they face and the solutions they need. Providing them a route to share their experience and taking their input seriously is necessary for solving those problems. Change requires will and collaborative problem solving, and I am committed to that. Finally, transparency and information sharing are powerful tools.

If confirmed, I will work to use those lessons to address a number of urgent priorities. The first one is addressing distrust. I understand that distrust exists toward USDA's Civil Rights Office among communities and individuals who have been excluded from access to USDA programs. I believe that those affected individuals and communities have wisdom to share, and I look forward to spending a lot of time listening to them and to building trust by being responsive to what I learn.

Second priority is addressing the criticisms of the programmatic complaint program. I believe that this process, this complaint process, must be open and easy to access. It must be fair and competent and able to accurately assess complaints. It must be speedy enough to actually solve violations when they are found. Where violations are not found, speed is necessary, too, to enable the agency and the complainant to move on. The complaint process must offer effective remediation.

Third, a priority of helping to build a civil rights culture. Secretary Vilsack has committed to build a culture that supports and reinforces civil rights at USDA. That means assessing the hundreds of programs the Department runs and thinking about barriers to access, and it means embedding civil rights in the Department's important decisions.

Secretary Vilsack has pledged to eliminate discrimination at USDA, and he has promised a system of rigorous reporting, accountability, and oversight in all of the Department's efforts. He has said this is a top priority. I agree that there is no place at USDA for discrimination. We need both backward-and forward-looking action, to repair past mistakes and to ensure that there are no new ones.

In 1864, President Lincoln called USDA, the Department he had founded, "The People's Department," and that should not merely be an aspiration. USDA can and should be a Department for all people, removing barriers to access and committing to equality and

fairness in all its activities. I am honored to be considered to play a role in this mission.

I look forward to your questions, and if I am confirmed, to working with you in the future.

[The prepared statement of Ms. Schlanger can be found on page 26 in the appendix.]

Chairwoman STABENOW. Thank you very much to both of you, and so we will begin five-minute rounds now in questioning. First I would start with Dr. Jacobs-Young.

The most pressing issue in agriculture right now are the incredible weather swings and the threats posed by the climate crisis. Farmers want to be part of the solution, and certainly have already been part in terms of conservation practices, and they are eager to do more. Agriculture research plays an important part in giving them the critical tools to mitigate and adapt to the extreme changes in our climate.

Can you please describe your vision for USDA's research enterprise in addressing these threats and possible solutions?

Dr. JACOBS-YOUNG. Senator Stabenow, thank you for your question.

Chairwoman STABENOW. I think we may need, just to make sure your volume is on. Is your mic on?

Take two. Oh great. All right.

Dr. JACOBS-YOUNG. Thank you for your question. USDA has been a leader in climate science. I am very proud of the long-term infrastructure we have inside of USDA, our 18 LTAR sites across the country, our Long-Term Agroecosystem Research network sites, where we invite the farmers and producers in to be a part of the development process for climate-smart practices, to be able to test those climate-smart practices to de-risk some of those practices for them. More importantly, to increase adoption of the technologies.

We are also coupled with the capacity of the land-grant university system, and I think together we bring decades of expertise to this topic. We have seen that our severe weather events are becoming more frequent, more extreme. Innovation and technology have been the answer to our biggest challenges in the past, and I believe that the REE agencies and the land-grant universities together are positioned to be able to support the priorities of the Congress and of the Administration, and if confirmed, I look forward to continuing our impactful work that we have underway inside of USDA and working with our land-grant partners.

Chairwoman STABENOW. Thank you.

Professor Schlanger, the USDA, as you know, has a long history of discrimination, unfortunately, in both delivery of programs and among employees of the Department. In recognition of the issues—longstanding issues in the Department—how will you work to address discrimination, moving forward?

Ms. SCHLANGER. Thank you for the question, Madam Chairwoman. I think that we have to be relentless about a dual focus, one that is remedial and one that is forward-looking. What I mean by that—and that is true for both programmatic and employment discrimination, and I look forward, if confirmed, to bringing that perspective to the Office of Civil Rights.

What I mean by that is that there has to be a backward-looking, a working, backward-looking process, one that can take complaints, address them fairly, efficiently, and effectively, solve the problems that the complainants bring forward, offer them a solution, or if there turns out to not be a discriminatory problem, tell them that so that they and the agency can move on. That is a necessary, backward-looking component of the program.

In addition, both that set of inputs and many other sets of inputs have to inform a forward-looking solution that examines programs and makes sure that they are set up to succeed with respect to inclusion as well as all the other things that they are trying to accomplish. We have to do a forward-looking barrier analysis and understand solutions that way.

Chairwoman STABENOW. Thank you.

Dr. Jacobs-Young, Michigan is the second-most-diverse State in agricultural production, from specialty crops and organics to local food systems and extensive urban agriculture as well. What are the biggest research challenges facing these farmers, and how can USDA better support the diversity of agricultural production through research and extension?

Dr. JACOBS-YOUNG. Thank you, Senator Stabenow. In urban agriculture, what we find is that we have the same issues we face in other parts of our agriculture production practices. We have pest and disease management research, breed development for indoor growth, and more importantly, energy consumption. We in USDA ARS we have developed software to help be able to predict how much energy an indoor agriculture process may need, for example. We are working very hard to make sure that urban agriculture is a significant component of our food production in America.

Chairwoman STABENOW. I think it is so important, as we go forward. One of the successes we have had with the farm bill is representing and embracing all parts of agriculture, all regions, all sizes, from very large to very small, and the important contributions from each of those sectors. I look forward to working with you on this.

Senator Boozman.

Senator BOOZMAN. Thank you, Madam Chair, and Dr. Jacobs-Young, thank you for a very informative meeting yesterday. The topic that we covered was the importance of the National Agricultural Law Center, a distinguished enterprise housed at the University of Arkansas. As you know, this center serves a vital role not only for congressional members and their staff but for agricultural producers and stakeholders across the country. Their partnership with the National Agricultural Library, which, of course, you are familiar with from your time at the Agricultural Research Service, is very important to me and very important to agriculture, in general. I appreciate you noting that in our conversation yesterday.

Another issue that is very important to me is biotechnology. The United States should be the tip of the spear in driving advancements in both plant and animal biotechnology. While these technologies face a troubling regulatory environment with other agencies, the Department of Agriculture has traditionally proven to take a risk-based and science-driven approach to facilitating, rather than impeding, these technologies. I believe the REE mission

area has a critical role to play in the development and adoption of new tools.

Dr. Jacobs-Young, please share with us your thoughts on the role of newer technologies in the future of U.S. agriculture, and if confirmed, how will you lead the mission area in this critical work?

Dr. JACOBS-YOUNG. Thank you for your question, Senator Boozman. Very importantly, we know that the population is growing. You know, we are expected to be somewhere near 10 billion by the year 2050. We have a need to grow more food at the same time we have a need to protect the environment.

We know, historically, that innovation, the Green Revolution, for example, were the only way we were able to meet these types of challenges. We have to have every tool in our arsenal to be able to meet the challenges before us. There is not an either/or. We cannot grow more food or protect the environment. We have to be able to do both. In order to do that, we need to use advanced technologies.

In the Agriculture Research Service we are pushing the envelope on innovation, using advanced tools and techniques, bringing those techniques to crops, specialty crops that typically would not use the advanced tools and techniques. Being able to spread that information will shorten the time from discovery to dissemination. We must have advanced tools and technologies in our toolbox in order to meet the needs.

I know that globally we have also shared this message on the global stage. If confirmed, I look forward to continuing to really impress upon others the importance of using biotech, gene editing, when appropriate, when needed, in our toolbox.

Senator BOOZMAN. Very good. Dr. Jacobs-Young, you know, first-hand, the importance of the land-grant university system. You are the product of a land-grant. I am also the product of a land-grant in Arkansas. We have two distinguished land-grant institutions, my alma mater, the University of Arkansas, and the University of Arkansas at Pine Bluff, both of which do great work in agricultural academics, research, and cooperative extension.

Arkansas Pine Bluff, in particular, has done some great work through their Aquaculture and Fisheries Center of Excellence. As a member of the Appropriations Committee, we have invested as much as we can into our land-grant institutions, and the return on that investment is always very, very high.

However, there never seems to be enough resources. If confirmed, what will you do to help our land-grant universities focus their resources to make the best use of taxpayer dollars?

Dr. JACOBS-YOUNG. Thank you again. You know, I joined USDA two decades ago with the Cooperative State Research, Education, and Extension Service, and it was then that I learned the power of the partnership between USDA and our land-grant university system. In fact, one-third of ARS's labs are located on land-grant university campuses, so we work side by side.

If confirmed, I commit to continuing the engagement and working with our land-grant partners to prioritize and seek partnerships and collaborations around leveraging our resources to meet our biggest challenges.

Senator BOOZMAN. Very good. Thank you, Madam Chair.

Chairwoman STABENOW. Thank you very much. Speaking of technology, we will turn to Senator Smith virtually, and then go to Senator Fischer.

Senator SMITH. Thank you, Madam Chair and Ranking Member. I am glad to be with you. I want to thank both of our nominees, Dr. Jacobs-Young and Ms. Schlanger, for your willingness to serve our country in the USDA. Thank you so much, Dr. Jacobs-Young, for our meeting yesterday. It was wonderful to have a chance to visit with you. As we discussed, I think that your deep knowledge of the Department and your long experience there will make you an excellent leader in this role that you are being considered for.

Before I begin my questions I want to just start out by inviting you both to Minnesota. I suspect that my colleague, Senator Klobuchar, will join in this invitation. Dr. Jacobs-Young, we would love to have you come visit the Agriculture Research Service facility in Morris, Minnesota. That Morris facility houses the North Central Soil Conservation Research Lab and was slated for closure by the Trump administration. Luckily, the Minnesota congressional delegation, appreciating the importance of this facility, worked to keep it open and funded, and I think you would really appreciate the work that is being done there and the research that has been done there. We would love to have you come and visit us.

[Pause.]

Dr. JACOBS-YOUNG. Thank you.

Senator SMITH. Awkwardness of virtual discussions. Pardon me.

Dr. JACOBS-YOUNG. I look forward to visiting our teams at Morris, Minnesota. Every March, when we are in person, their supporters and many of the scientists come into Washington, DC, and I get to visit with them often. Thank you for the support of that laboratory. We really appreciate it.

Senator SMITH. Thank you. We touched on this a little bit yesterday, Dr. Jacobs-Young. Minnesota has a diverse farming community. Hmong, Native, Latino, Somalia, and Black farmers all play a really integral role in the Minnesota agricultural sector and in our State's small business community. I often hear from them, as I said to you yesterday, how the USDA does not do enough to provide support to farmers of color and communities of color, and I have asked many of the nominees before this Committee what they think, what you think the USDA can and should be doing, both internally and externally, to remove barriers facing farmers of color, as well as business owners of color.

I see my colleague, Senator Booker, on the screen, as well as Senator Warnock, who have been such strong advocates of this issue as well.

Let me ask both of you, Dr. Jacobs-Young and Ms. Schlanger, we can acknowledge that the USDA has historically had a blind spot when it comes to communities of color. What do you think the USDA should be doing to acknowledge this and to help farmers of color and business owners of color in the ag sector get access to all USDA programs?

Dr. JACOBS-YOUNG. Thank you, Senator Smith. Absolutely. Secretary Vilsack has a priority to remove the barriers and increase inclusion in our programs, and that includes our scientific programs. We recognize that we need to take a look at our scientific

programs through a more inclusive lens. We prioritize, you know, certain segments of the agriculture industry. We need to listen to our farmers of color to find out what are their highest priorities.

I met with the National Bison Association about a week ago, and I learned a lot about what we need to do in terms of protecting and helping to produce products that are specific to bison, and because they typically use products that are slated for cattle.

There are things that we can do. We can store germ plasm. We can share germ plasm. There are a number of efforts that we need to put in place, and it starts by listening. If confirmed, I plan to do a lot of listening to find out what are the highest priority efforts we can undertake.

Senator SMITH. Thank you. Ms. Schlanger?

Ms. SCHLANGER. Thank you, Senator. As you know, I think that addressing the problem that you have just brought up is about the most important thing that I can do, if I am confirmed. Reaching out to communities that have been and have felt excluded from USDA programs and learning what they see as the barriers to access, and making sure that they have the information they need to get full and equal access is just vitally important.

We need to not only listen, we need to pay attention to what we learn, and we need to check in often as we are implementing change, to make sure that that change is not just aspirational but it is being felt on the ground.

Senator SMITH. Thank you very much. I know that I am out of time. I will yield back. Thank you, Madam Chair.

Chairwoman STABENOW. Thank you very much. Senator Fischer.

Senator FISCHER. Thank you, Madam Chairman. Dr. Jacobs-Young, as you know, the University of Nebraska at Lincoln is currently working with the Agriculture Research Service to create the National Center for Resilience and Regenerative Precision Agriculture at Nebraska Innovation Campus in Lincoln. The center is an example of how public-private partnerships can be created to accelerate the translation of science into practice and ensure that American agriculture remains the leader in feeding and fueling a growing world sustainably.

I am very appreciative of the excellent partnership between ARS and UNL and am excited to continue working together to bring the center online.

Would you speak to how the center aligns with the USDA's science blueprint? Specifically, what science gaps currently exist that ARS recognizes must be addressed for the future success of our agriculture in this country?

Dr. JACOBS-YOUNG. Thank you so much, Senator Fischer. I am very excited about the new facilities, and we are engaging in discussions with the University of Nebraska to talk about the specifics for the facility and the specifics for the program. We are still in discussions with Nebraska about the program.

What is advantageous for us is the co-location that we have, those campuses across the country, and UNL is just a great example of that, not only on your Lincoln campus but also at our Clay Center facility, at our Meat and Animal Research Center (MARC). Without those partnerships we could not be successful. I think the head of University of Nebraska is an ARS alumnus, and so we are

very excited to work with Dr. Ronnie Green and the team there as we plan to move forward.

I would love to followup with you, if confirmed, to talk about our very specific details of that plan as it moves along.

Senator FISCHER. Great. I appreciate that. You brought up the U.S. Meat Animal Research Center that we do have at Clay Center. With the current Administration's focus on sustainability and climate change, do you agree that agriculture, especially livestock, can play a positive role in helping to meet the climate goals that we have set?

Dr. JACOBS-YOUNG. I believe that farmers and producers must be a part of the solution to meet the challenges that we face, and some of the important research that is happening there at MARC will be a part of that equation. They are doing some very important work on sustainability and environmental impact.

Senator FISCHER. Thank you. I am happy to hear that. I think anyone who has had experience, especially looking at rangeland, sees the positive effects that animal impact have on the land itself and also the vegetation on that land if it is managed correctly. I appreciate that. Thank you.

Also, as the Administration continues to focus on addressing climate change concerns through agriculture, one concern that I have heard as it relates to carbon markets is how early adopters of certain conservation practices fit within those markets. Take Nebraska, for example, which has long been using practices like no-till to improve soil health, while also decreasing water and fertilizer usage.

Can you discuss what research USDA is doing, or that you hope for USDA to do, that would help to quantify the impacts that early and long-term adopters of conservation practices have already had? You mentioned earlier farmers need to be a part of this. It comes as no surprise to people who live on the land and manage the land that many, for decades, have participated in conservation stewardship. What do you see being able to move that positive story into the future?

Dr. JACOBS-YOUNG. Right. Thank you. You know, the words that come to my mind when we think about the conservation and role of farmers and producers is voluntary, it is incentives, it is engagement. I think, honestly, bringing them into the process is going to be the best solution.

We have the Long-Term Agroecosystem Research network, the 18 sites, and we have the 10 climate hubs, where we are involving the producers in the discussions and the scientific process, that we can reduce the risk, from a research basis.

We want to be able to also better quantify the impact, so we are looking at technology. Technology, again, is developing sensors to be able to measure, have we made an impact? Have we made a difference? We are conducting that research every day, and, if confirmed, I hope to be able to come back and talk about where we are.

Senator FISCHER. Great. Thank you very much. Thank you, Madam Chair.

Chairwoman STABENOW. Thank you. I believe we have Senator Booker with us electronically.

Senator BOOKER. Yes. I hope you can hear me, Chairwoman.

Chairwoman STABENOW. Yes, absolutely.

Senator BOOKER. Fantastic. I just want to say good morning to both of our extraordinary witnesses testifying today for their confirmations.

I want to just jump right in. I know it has been mentioned already, but the USDA has well-documented, really terrible history of discrimination against Black farmers and other farmers of color. Over the past 100 years, discrimination against Black farmers by the USDA has caused these farmers to lose millions of acres of land, robbing these farmers and their families of billions and billions of dollars' worth of generational wealth.

For farmers who have suffered USDA direct discrimination and then filed civil rights complaints to ask for help, these farmers have very often been mistreated a second time by the USDA and had their complaints ignored or dismissed by the Office of Civil Rights. Despite the fact that we know that discrimination has been rampant, the Civil Rights Office almost never makes findings of discrimination.

Ms. Schlanger, you will have your work cut out for you, and I know you understand this. You have a challenge to reform the office that has really proven resistant to change over the years. I guess my first question, very directly, is if you are confirmed, what will you do, not just to speed up the process which is critical but to ensure that equitable investigation and education of civil rights complaints happens?

Ms. SCHLANGER. Thank you, Senator. I appreciate that question very much. The complaints against the complaint process at USDA are pretty longstanding, and I think the principles for solution are pretty clear. The process has to be open and easy to access. It has to be fair. It has to be competent. It has to be able to accurately assess complaints, and it has to be speedy enough to actually solve violations if they are found and remediate. It has to be speedy enough that if violations are not found it can tell the complainants and have both them and the agency move on. It has to offer effective remediation.

It is also super important that complaints be used to understand where problems exist and to inform forward-looking problem-solving. I am entirely committed, if I am privileged to be confirmed, to bringing these principles to bear on the existing process and to understanding it and understand what is really going on with it as very best I can. I have some experience revamping civil rights complaint processes, and so I can commit to working very hard and in, I think, an experienced way to get that done.

I am going to need to get behind the walls to understand what is really going on and say exactly what the problems are and how they should be solved. I do not think I can commit right now to exactly what the solutions are because I need better information on the source of the problems that have been complained about for so many years.

Senator BOOKER. I really appreciate that, and another sort of area of complaint which I know you are aware of is the serious concerns raised, for many years, that the staff at the USDA's General Counsel's Office have been improperly reviewing and resolving dis-

crimination complaints. If you are confirmed, can you commit to ensuring that there will be a substantive firewall maintained between the General Counsel's Office and the Civil Rights Office for all civil rights complaints?

Ms. SCHLANGER. Thank you for that question as well, Senator. I know from experience that the relationship between the Office of General Counsel and the Civil Rights Office is really important. What is key is to be clear about the roles. The General Counsel's Office provides legal advice, and the Civil Rights Office needs to get that legal advice. It is the Civil Rights Office that adjudicates complaints, and it is the Civil Rights Office that offers policy advice for going forward. The Civil Rights Office needs OGC support when it needs legal advice, but it needs independence and respect as well.

Exactly how to make those lanes clear is going to require some future conversations. I have been lucky enough to have a couple of conversations, not about the nitty-gritty of it but just about the ideas, with the general counsel, Janie Hipp, and I am confident that we will be able to work this out. I think the principle that I can commit to you is that the Civil Rights Office needs independence and it needs respect, and I will do everything I can to make that happen.

Senator BOOKER. I am grateful for that, and I know my time is up. I will just say that, you know, things like training and outreach that the Civil Rights Office has done in the past really have not amounted to cultural change toward the resolution of complaints, toward making sure, frankly, that corrective actions are taken. I just really appreciate your focus here, and there are a number of us on the Committee that this is a very serious concern of ours, and I am excited about the prospect of you getting confirmed and being a real impact player in changing what has been a very long, awful history of discrimination, lack of action, over-bureaucracy, and more.

Thank you very much. Thank you, Chairwoman.

Chairwoman STABENOW. Thank you very much. Senator Marshall.

Senator MARSHALL. Thank you so much, Madam Chair, and welcome to both of our guests.

One of my big concerns is people in the Federal Government working remotely. Whether it is an FSA office or folks that work for ERS or for NIFA, I do not think people are nearly as efficient. That is true in the private world. I think studies are starting to show that people working remotely are probably 80, 85 percent as efficient as they were beforehand.

My first questions will go to Dr. Jacobs-Young, of course, regarding ERS and NIFA. These offices were moved to Kansas City, getting us closer to where the action is. We do not grow a lot of wheat here in the bubble. Not many cattle are raised here in the Washington, DC. bubble, so I think it is great these USDA employees are out there on the front line. Ninety percent of USDA employees are located outside of the D.C. Area.

Dr. Jacobs-Young, on the annual hiring data available on the H.R. dashboards for the most recent pay period, for ERS and NIFA

employees in Kansas City, what is listed currently as their duty station? Is it Kansas City or is it Washington, DC.?

Dr. JACOBS-YOUNG. Currently we have ERS and NIFA employees in Kansas City, and ERS and NIFA has also some representatives in Washington, DC.. The administrators, the heads of the agencies are stationed in Washington, DC, and some auxiliary team members, I hear. We have employees for those agencies in—

Senator MARSHALL. Are their official duty station listed as Kansas City and they are working remotely, or is their official duty station still listed, for the ones here that are in D.C., is the duty station listed as here?

Dr. JACOBS-YOUNG. Sir, I do not have that data at top of mind, but I would be happy to followup with you on that.

Senator MARSHALL. Great. We would appreciate that. I am hoping that the answer is going to be is that the duty station is listed as Kansas City, and assuming that is the case I would hope you would let this Committee know if there is a change in that permanent duty station as well. Again, the emphasis is remote work just does not work as well. The local community, Kansas City, put up incentives to have those employees working in Kansas City, and I hope that there is a contingency plan if we end up letting those people work remotely, to help reimburse those cities as well. We want to stay attuned to that great opportunity.

You know, no agriculture committee would be complete without talking about NBAF, the National Bio and Agro-Defense Facility in Manhattan, Kansas, my alma mater, home of the ever-fighting Wildcats. My question for you is, are you committed to ensuring the mission at NBAF is safe, effective, and properly funded?

Dr. JACOBS-YOUNG. I am completely engaged in the NBAF process and have been working with our team for the past seven or eight years, and I know there are others who have been at it much longer. I am committed to staying engaged with the transition of NBAF from Department of Homeland Security to USDA. We are committed to hiring. We have done a fantastic job hiring for NBAF, and the facility has been designed to be extremely safe. I trust the safety of that facility, and I am committed to staying engaged with your teams as well as DHS and our USDA teams as we move forward on meeting the milestones.

Senator MARSHALL. That sounds great.

This question is, I guess, for both of you who can answer it. What type of impact will the vaccine mandate have on USDA? Any idea of what percentage of your employees at USDA are not vaccinated yet, and how that is going to impact the Department going forward?

Dr. JACOBS-YOUNG. Thank you for that question. Since I am in USDA I am probably in a better position, Margo, to answer. You know, I can speak for ARS, where I am the Administrator. We have a small portion of our agency that has either not been vaccinated or has not finished the reasonable accommodation process. Actually, we do not see a significant impact in terms of what will be the impact of the mandate on our agency.

Senator MARSHALL. I mean, not having a significant impact to me would mean like only two or three percent of your folks are not vaccinated, versus in most national places, every organization I

talk to, it is more like 30 percent of folks are not vaccinated. Our FSA officers, ERS officers, those people out in the field, I am going to expect that a third of them are not vaccinated. Are you telling me that 98, 99 percent of the people at USDA across the country are vaccinated?

Dr. JACOBS-YOUNG. What I am sharing is that in ARS, a science agency, that we have—I do not see us being significantly impacted by the number of people not vaccinated or not receiving reasonable accommodation.

Senator MARSHALL. Okay. Thank you, Chairwoman. I yield back.

Chairwoman STABENOW. Thank you very much. Next we have Senator Warnock and then Senator Tuberville.

Senator WARNOCK. Well, thank you so very much, Madam Chair, and Ms. Schlanger, congratulations on your nomination to this important position, and it is so important for so many reasons.

Let me be very blunt. The track record of the USDA with respect to civil rights has been abysmal, and the Department has historically failed to provide justice to farmers of color, in general, but particularly Black farmers. Black farmers have literally suffered at the hands of their own government, and we are living with that legacy now. I spent some time in Byromville, Georgia, talking to Black farmers, and all across Georgia, for that matter, and I have heard this directly from them. Discriminatory practices by USDA have cost them financially. It has caused a lot of distress for them and their families, pushed them off their land.

If confirmed, what will you do differently? What will you do? Will you be the tip of the spear for dealing with discrimination claims against the Department?

Ms. SCHLANGER. Thank you, Senator, for that question. As you know, this is among the very highest priorities for anyone who is leading Civil Rights at USDA. What I think needs to be emphasized is that there has to be both a backward-looking and a forward-looking solution, that we have to have a working complaint process so that people who have experienced problems have a place to turn to get remediation, and a system that addresses their complaint in a fair, efficient, and effective way, and addresses it speedily enough that there is some hope that they can actually get the remediation that they need, which means not three years, say, or four years.

In addition, we need a forward-looking solution. We need to take the wisdom of the people who have experienced problems, both the ones who have been denied completely access, so they have not been participants in USDA programs, and the ones who have been partial participants. They have been participants but they have felt barriers to their flourishing by way of those programs.

We need to take their wisdom and we need to use that as part of the civil rights culture that we need to build, going forward. If confirmed, I pledge to do both of those things.

Senator WARNOCK. Well, you know how serious this issue is, and we are talking about folks who have been disappointed time and time again. I think about the Pigford settlements, for example. Could you be more specific? What specific actions will you take to make sure that farmers of color, and Black farmers, in particular, are treated fairly?

Ms. SCHLANGER. Yes. Thank you, Senator. I hesitate to give very many specifics, for two reasons. One is I really think it is important to learn from the communities that have been affected, and I do not want to commit to a path forward without having them be included in building that path. I feel that it is a little premature to say this is the solution until I have heard officially from communities of color what they think the path forward should look like. But—

Senator WARNOCK. Do you agree that these concerns should be prioritized in your work?

Ms. SCHLANGER. Absolutely, Senator. Yes, I do.

Senator WARNOCK. You will agree to commit to working with me on this to make sure that these farmers get justice?

Ms. SCHLANGER. Yes, I will.

Senator WARNOCK. That their families are made whole.

Ms. SCHLANGER. I will absolutely commit to you to work with you and to work with them, as well, to solve the problems that they have experienced. Absolutely.

Senator WARNOCK. Thank you.

Dr. Jacobs-Young, congratulations, and it is always good to welcome somebody from Georgia. USDA's National Institute of Food and Agriculture provides funding for 1890 land-grant universities. These historically Black colleges and universities, like Fort Valley State University in Georgia, one of our rivals when I was a student at Morehouse, they support diversity within the agriculture sector and provide valuable services to historically underserved communities.

I have been proud to work with Senator Brown and other members of this Committee to push for more funding for the 1890 land-grant universities. If confirmed, how will you uplift our 1890 institutions and ensure that they have the resources they need to prepare students for careers in agriculture?

Dr. JACOBS-YOUNG. I have been working with the 1890's for two decades now, when I first joined the Cooperative State Research Education Extension Service in 2002. I was just with them last week, got to Paul Jones and the research directors for the 1890's. If confirmed, I commit to continuing those conversations with the leadership for the 1890's to build on the legacy of our partnerships and expand on the potential that we know is there.

We depend on them for a critical part of training the next generation of ag professionals, being a conduit to the community so that we can have our ears to the ground. I commit to continuing to build and expand those partnerships.

Senator WARNOCK. Well. Well, I am always impressed when I am down at Fort Valley. It is not an easy thing for a Morehouse man to say. These students are impressive, the faculty are impressive, and I think we should do everything we can to expand their pathway for involvement in the ag sector.

Thank you so much and good luck to both of you.

Chairwoman STABENOW. Thank you very much. Senator Tuberville, you have been bumped by Senator Thune. He is on remotely, and then we will turn to you. Thank you.

Senator THUNE.

Senator THUNE. Thanks, Madam Chair, and I just want Senator Tuberville to know, I did not choose to bump him. That is not my call.

Let me start—and I want to thank our nominees for their willingness to serve and for appearing before the Committee to answer our questions.

Before I turn to my questions for the nominees I want to voice my concern that we are nearly a year into the Biden administration and we still do not have a chief ag negotiator in place at the Office of the U.S. Trade Rep. In addition, the Administration has not even announced a nominee to serve as the USDA's Under Secretary for Trade and Foreign Agricultural Affairs. It is becoming clear that this Administration is not prioritizing our agricultural trade interests, and I urge the Administration to make filling these roles in order to advance our U.S. ag trade interests a top priority going forward.

Dr. Jacobs-Young, I recognize that climate is a top priority at USDA under this Administration, but we need to make sure that we are focusing attention to resources on efforts to advance the production agriculture capabilities of farmers and ranchers as they continue working to feed, clothe, and fuel a growing global population.

If confirmed, what actions would you take to make sure that various research, education, and economic needs of production agriculture are made a priority?

Dr. JACOBS-YOUNG. Thank you, Senator Thune, for your question. In line with our history in the agricultural industry in terms of the research, in the impact for research that has been conducted with ARS, if confirmed, I commit to working with NIFA, ERS, NASS, and ARS to make sure that we continue to hear from our ag producers and to conduct research that is the highest priority for them.

I believe that this is a window of opportunity to be transformational in the work that we are doing for agriculture. Ag is a high-tech industry, and we are pushing the envelope on technologies like artificial intelligence, machine learning. We talked a little bit about advanced techniques like biotechnology and gene editing. I think that there are opportunities to do even more than we have done in the past, and I am very proud of the past, of the impact that we have had on productivity in agriculture.

For example, I use this example because it was just so impressive to me. I had Louisiana's sugar cane growers who came in and talked about having an extremely cold winter, and in the past they would have lost their production. Instead they had a record crop because of the varieties, the breed varieties that had been developed in our Houma, Louisiana, laboratory. That is just one example of many.

I think about dairy cows and the increased production of milk with fewer cows, which means a small environmental footprint. Those are the types of stories that I get to hear from the producers every year on the impact that science has had on their production. I commit to even expanding on that, if confirmed.

Senator THUNE. Let me ask, if confirmed, you would be tasked with overseeing the National Agricultural Statistics Service, or

NASS, which provides data on U.S. agricultural production. In the past, South Dakota producers have raised concerns about the accuracy of NASS reports.

If confirmed, what actions would you take to strengthen the integrity and accuracy of NASS reports that producers rely on?

Dr. JACOBS-YOUNG. Well, thank you for that question. In terms of working with NASS, I have worked with Administrator Hamer for the last seven years as leaders of sister agencies, and I know that Administrator Hamer is committed to listening. I know that he is committed to continuous process improvement and modernization. If confirmed, I look forward to working very closely with Mr. Hamer and the agriculture community to ensure that we are listening and responding, as appropriate.

Senator THUNE. That would be great. That has been kind of a chronic issue that producers in my State have dealt with, just accuracy, reliability, and I hope that you would make that a focus.

Ms. Schlanger, I do not have much time left but one of the greatest challenges in delivering USDA programs is the exceptionally broad range of program recipients from underserved areas with little or no technical capability to producers with the latest in technology and equipment. One area I would like you to review is USDA program delivery on our Native American reservations. If confirmed, do you commit to looking into ways for USDA to provide additional extension agents and educational opportunities in Indian Country?

Ms. SCHLANGER. Thank you for that question, Senator. I do not think that my office, if I am confirmed, has the authority to do what you are proposing, but I absolutely commit to discussing with the people who would benefit from that change what they need, how they need it, and then to working within the Department to remove the barrier to access that you have just identified. Yes, I do.

Senator THUNE. Thank you, Madam Chair. My time has expired. Thanks.

Chairwoman STABENOW. Thank you very much. We are just discussing timing since I need to adjourn the meeting here in just a couple of moments. I am going to—I can recognize Senator Braun and ask unanimous consent that he be our last questioner. I am sorry to do that. Anyone else is certainly welcome to put it in the record. If there is no objection I will ask Senator Braun to ask his questions and then we will adjourn the meeting.

Senator HOEVEN. Madam Chair, if I could make a very brief statement then I would certainly agree to that.

I just want to greet our witnesses and particularly thank them. I just have to make one quick point that there were two great athletes on the Hill yesterday. One, of course, was Max Scherzer, obviously a great pitcher, but the other is our candidate for ARS director. She actually is an at least one-time record holder in the high jump at North Carolina State University, 5 feet, 10.5 inches. To be able to do that and get a Ph.D. in engineering is something I just felt I had to mention at this hearing.

Thank you, Madam Chairman.

Chairwoman STABENOW. Points worth making, so thank you. Senator Braun, I will let you be our last Senator to ask questions today. Thank you so much.

Senator BRAUN. Thank you, Madam Chair. I enjoyed my conversation with both of you just yesterday, and I will start with Dr. Jacobs-Young. I have been an outspoken member of this Committee about how important it is to make sure the family farm maintains its viability over time, because there has not been an enterprise that is more difficult, where the risk financially is heightened every year. It seems like when we do get good markets all of a sudden input prices keep going up.

I am interested in knowing whether, as Acting Under Secretary for the research side of it, education, and economics, and especially farm economics, you recognized that problem. Does it have to do with, like many other industries, we are getting too concentrated at the top, and how will you develop, or how will you aim your focus at what I consider to be an increasingly significant problem year after year?

Dr. JACOBS-YOUNG. Senator Braun, thank you for that question, and thank you for our visit yesterday. If confirmed, I have an opportunity to work with Dr. Spiro Stefanou and the Economic Research Service, who has their mission to anticipate trends and emerging issues, and more importantly, they have an opportunity to tell us what impacts certain policies will have on agriculture and the ag industry.

You know, I commit, if confirmed, to working with Dr. Stefanou to really take a look at what you are bringing up, in terms of the cost to farmers. I think about the Secretary's priority, to create economic opportunities. We are conducting research every day to really try to find added value, agricultural products for our producers, our small farmers, specialty crops, for example, you know, targeted community systems.

I commit to doing that, and if confirmed, I would love to followup with you after working with Dr. Stefanou.

Senator BRAUN. Well, thank you for the intention to put focus on it, and I will always be there because I keep my ear to the pavement when it comes to those issues, and it is growing in concern every year. Thank you.

Ms. Schlanger, we had an interesting conversation, and I did ask you about the fact that in 2020 we were seeing cases actually reduced when it comes to civil rights and discrimination as it relates to farming. We you able to look into that any further to see if that was because they were being remediated in a beneficial way? Was it a good trend that we were going toward? Then I have got one other question, so reserve about a minute at the end of this answer here.

Ms. SCHLANGER. Thank you, Senator Braun. It was good to talk with you yesterday and I appreciate the question today. No, because I am not yet within USDA I do not have access to any information that is not public. I did review the report that you referred to, and it does not have enough information to answer your question, which is, is the reduction in complaints a sign of improved program delivery or is it a sign of extra barriers to access to the

complaint system. I do not know the answer, but I do pledge to figure it out.

Senator BRAUN. I would just ask that if, in fact, we were moving in the right direction, and just because it was maybe under a different administration, that it would be good not to reflexively maybe be against something that is already showing some merit.

The USDA, this Committee, has historically had a very kind of low-key, bipartisan kind of tone to it, and I do know that prior to applying for this job you have been outspoken, you know, through the public media, for example, COVID-19 nursing home deaths during the Trump administration, border family separation, Supreme Court cases. Is that something you would continue to be out there with, or would you moderate it, given the fact that this has generally not been the forum for that?

Ms. SCHLANGER. Thank you for the question, Senator. I appreciate it. If I am confirmed to this job I plan for it to get 100 percent of my efforts, and I will not be writing the kinds of articles that you refer to or making the kinds of appearances that you refer to.

Senator BRAUN. I think that is a wise course of action, and I am glad that you have indicated that that will be the case. Thank you.

Ms. SCHLANGER. I appreciate the question.

Senator BOOZMAN.

[Presiding.] Thank you all for being here today. That concludes today's hearing. The record will remain open until tomorrow at 5 p.m. for members to submit additional questions or statements. With that the hearing is adjourned.

[Whereupon, at 11:32 a.m., the Committee was adjourned.]

A P P E N D I X

NOVEMBER 17, 2021

**Opening Statement of Chavonda Jacobs-Young, Nominee for Under Secretary for
Research, Education and Economics,
Before the Senate Committee on Agriculture, Nutrition, and Forestry
November 17, 2021
Remarks as Prepared**

Chairwoman Stabenow, Ranking Member Boozman, and members of this Committee. Thank you for the opportunity to appear before you today in consideration of my nomination. I have served the American people for two decades at the United States Department of Agriculture. It is now my honor to be nominated by President Biden to lead the Research, Education, and Economics Mission Area as Under Secretary. If confirmed, I look forward to supporting Secretary Vilsack to meet the high priority challenges before us.

I want to thank my husband, Arland Young, and my children Autumn and Arland Junior for their unwavering support over the years as I dedicated myself to public service and the mission of USDA.

Most would say this little girl, with her early start in a place called the “Bottom” in Augusta, Georgia, is an unlikely candidate to be here before you today. My mom, Clide Coppin, was a first-generation college graduate of the Medical College of Georgia and a divorced single parent. She taught me, through demonstration and elevated expectations, the value of education, persistence, and hard work on improving my quality of life. She successfully broke the cycle of poverty and ensured that my sisters and I were all college graduates.

My passion for science and fascination with understanding how things work have been constants in my life. From receiving my first chemistry set in elementary school, to running my own laboratory as a faculty member at the University of Washington, and to leading the world’s finest agricultural research institution, seeking solutions to challenges is in my blood.

To get here I’ve had to blaze several new trails. I’m a lot of “firsts”: first African American Ph.D. in the country in my field, first African American faculty member in my department at the University of Washington, and now the first female and first African American Administrator of the Agricultural Research Service.

Being many “firsts” has taught me humility as well as given me strength and confidence. While being the first has been defining thus far, it is more important to me now that I am not the last. That’s why I have a personal commitment to paying it forward and paving the way for others.

Over the course of my career, as I’ve successfully led efforts both nationally and globally, I hope I have expanded the perception of what an agricultural scientist looks like. I am thankful for this opportunity.

I have had the best experience working at USDA! I’ve learned the power of applying collaboration and innovation to pressing agricultural challenges and how to focus in and deliver impactful scientific solutions. The United States is blessed with one of the safest, most abundant, and diverse food supplies in the world. Science and innovation have been key in making it so.

If confirmed as REE Under Secretary, I will bring to the role considerable agricultural research expertise and leadership experience, as well as an unquenchable enthusiasm for the scientific endeavor—which I've had since my mom bought me that first chemistry set. I'll bring my proven background as an innovator and creative problem-solver. And, most exciting to me, I'll bring my commitment to inspire, mentor, and develop the next generation of agricultural professionals.

Thank you for having me here today. I am looking forward to our discussion.

**Opening Statement of Margo Schlanger, Nominee for Assistant Secretary for Civil Rights,
Before the Senate Committee on Agriculture, Nutrition, and Forestry**

Remarks as Prepared

Nov. 17, 2021

Thank you, Chairwoman Stabenow, Ranking Member Boozman, and members of the Committee. I am honored to be with you today and am grateful and humbled by President Biden's nomination of me to serve as Assistant Secretary for Civil Rights for the United States Department of Agriculture. I am grateful, too, for Secretary Vilsack's support.

I come before you buoyed by abundant love and support from my family. With me is my husband, Sam Bagenstos. Sam and I met as young civil rights lawyers at the Department of Justice and I have relied on his wisdom and encouragement ever since. Watching remotely are our two amazing children, Harry and Leila, who are seniors in college. And I lean, as well, on the support and love of my father, sister, and two brothers.

One of my brothers has been especially excited by the possibility that I might work at the Department of Agriculture because of nearly 10 years he spent as a vegetable farmer—an experience I learned a great deal from as well, vicariously. I also wish to honor Ruth Bader Ginsburg, for whom I clerked, whose memory is a blessing. I learned more than I can say from Justice Ginsburg.

Civil rights have been the core of my professional life since law school. What I mean by that is that I have focused my work on expanding equality and fairness. My whole career has been about building tools and processes within complex organizations to help them respect civil rights. If I am privileged to be confirmed, I would be excited to bring my experience to USDA.

I've learned many relevant lessons from my past efforts as a civil rights lawyer and professor, as the head of a different federal cabinet department's civil rights office, and as a court-appointed independent monitor. Among those lessons:

- Affected individuals have enormous insight into the problems they face and the solutions they need. Providing them a route to share their experience and taking their input seriously is necessary for solving those problems.
- Change requires will and collaborative problem solving.
- Transparency and information sharing are powerful tool.

If confirmed, I will work to use those lessons to address a number of urgent priorities:

- 1) **Addressing distrust.** I understand distrust exists towards the civil rights office among communities and individuals who have been excluded from access to USDA programs. I believe affected individuals have wisdom to share; I look forward to spending a lot of time listening and to building trust by being responsive to what I learn.

- 2) **Addressing the criticisms of the programmatic complaint program.** I believe the process must be open and easy to access. It must be fair and competent, able to accurately assess complaints. It must be speedy enough to actually solve violations when found. Where violations are *not* found, speed is necessary, too, to enable the agency and complainant to move on. And the complaint process must offer effective remediation.
- 3) **Helping to build a civil rights culture.** Secretary Vilsack has committed to build a culture that supports and reinforces civil rights at USDA. That means assessing the hundreds of programs the Department runs and thinking about barriers to access, and it means embedding civil rights in the Department's important decisions.

Secretary Vilsack has pledged to eliminate discrimination at USDA. He has promised a system of rigorous reporting, accountability, and oversight in all of the Department's efforts, and he has said this is a top priority. I agree there is no place at USDA for discrimination. We need both backward- and forward-looking action—to repair past mistakes and to ensure there are no new ones.

In 1864, President Lincoln called USDA—the Department he had founded—“The People's Department.” That should not be merely an aspiration; USDA can and should be a Department for *all* people, removing barriers to access and committing to equality and fairness in all its activities. I am honored to be considered to play a role in this mission. I look forward to your questions, and if I am confirmed, to working with you in the future.

**DOCUMENTS SUBMITTED FOR THE
RECORD**

NOVEMBER 17, 2021



November 16, 2021

The Honorable Debbie Stabenow
Chairwoman
Committee on Agriculture, Nutrition,
and Forestry
United States Senate
328A Russell Senate Office Building
Washington, DC 20510

The Honorable John Boozman
Ranking Member
Committee on Agriculture, Nutrition,
and Forestry
United States Senate
328A Russell Senate Office Building
Washington, DC 20510

Dear Chairwoman Stabenow and Ranking Member Boozman,

We write to express our fervent support for Dr. Chavonda Jacobs-Young, who has been nominated by President Biden to serve as Under Secretary for Research, Education, and Economics (REE) at the United States Department of Agriculture (USDA).

As the Administrator for the Agricultural Research Service (ARS), Acting Deputy Under Secretary for REE, Acting USDA Chief Scientist, and former Acting Director for USDA's National Institute of Food and Agriculture, Dr. Jacobs-Young has the experience and scientific expertise to lead U.S. research, education, and economics into a new era of innovation.

Dr. Jacobs-Young understands the immense challenges facing research, education, and the Extension enterprise, the envy of the world. As the Under Secretary for the REE Mission Area, Dr. Jacobs-Young will bring exceptional qualifications, including strengthening ARS, where she led initiatives in bioenergy, agroecosystems, livestock and specialty crops, as well as climate and nutrition research. During her tenure at USDA, she has worked tirelessly to prioritize investments and optimize outcomes.

As a nationally recognized leader of agricultural research, education, Extension, and innovation, Dr. Jacobs-Young is the ideal nominee to lead the REE mission area. We wholly endorse her for Under Secretary for Research, Education, and Economics.

Sincerely,

Academy of Nutrition and Dietetics

African Food Revolution

Agricultural & Applied Economics Association

Agricultural Retailers Association

American Association of Mycobacterial Diseases

American Association of Veterinary Medical Colleges

American Farmland Trust

American Feed Industry Association

American Institute of Biological Sciences

American Malting Barley Association

American Mushroom Institute

American Pulse Association

American Phytopathological Society

American Seed Trade Association

American Society for Horticultural Science

American Society for Microbiology

American Society for Nutrition

American Society of Agronomy

American Society of Animal Science

American Society of Plant Biologists

American Soybean Association

AmericanHort

Animal Health Institute

Aquatic Plant Management Society

ASCC-ACNR (Land Grant Program)

Association of 1890 Research Directors

Association of Northeast Extension Directors

Association of Public and Land-Grant Universities Board on Agriculture Assembly

Biotechnology Innovation Organization

Corn Refiners Association

Cornell University College of Agriculture and Life Sciences

Council for Agricultural Science and Technology

Crop Science Society of America

CropLife America

Donald Danforth Plant Science Center

Ecological Society of America

Entomological Society of America

Eversole Associates

Experiment Station Committee on Organization and Policy

Farm Journal Foundation

Glenn Family Farm

International Wheat Genome Sequencing Consortium (IWGSC)

IR-4 Project

Johnson Farm

Michigan State University AgBioResearch

Mycobacterial Diseases of Animals – Multistate Initiative

National Association for the Advancement of Animal Science

National Association of Federal Veterinarians

National Association of State Departments of Agriculture

National Association of Wheat Growers

National Barley Growers Association

National Barley Improvement Committee

National Bison Association

National Cattlemen's Beef Association

National Center for Appropriate Technology

National Coalition for Food and Agricultural Research

National Cotton Council

National Grain and Feed Association

National Milk Producers Federation

National Pork Producers Council

National Sorghum Producers

National Sunflower Association

National Turfgrass Federation

NC State University

North American Meat Institute

North American Millers' Association

North Carolina A&T State University

Northeastern Regional Association of State Agricultural Experiment Station Directors

Oklahoma State University Agriculture

Oregon Cattlemen's Association

Organic Farming Research Foundation

Phytobiomes Alliance

Plant Based Products Council

Produce Marketing Association

Rochester Institute of Technology

Soil Science Society of America

South Dakota State University

Southern Association of Agricultural Experiment Station Directors

Supporters of Agricultural Research (SoAR) Foundation

Tennessee State University

Texas A&M AgriLife

The University of Tennessee

Tufts University

U.S. Apple Association

U.S. Canola Association

Union of Concerned Scientists

United Fresh Produce Association

University of California, Agriculture and Natural Resources

University of Florida

University of Illinois Urbana-Champaign, College of Agricultural, Consumer and Environmental Sciences

University of Nebraska-Lincoln

University of Nebraska-Lincoln, Institute of Agriculture and Natural Resources

USA Dry Pea & Lentil Council

USA Rice

Washington State University

Weed Science Society of America

Western Association of Agricultural Experiment Station Directors

Western Growers

The Honorable Debbie Stabenow
Chairwoman
U.S. Senate Committee on Agriculture, Nutrition, and Forestry
328-A Russell Senate Office Building
Washington, DC 20510

The Honorable John Boozman
Ranking Member
U.S. Senate Committee on Agriculture, Nutrition, and Forestry
328-A Russell Senate Office Building
Washington, DC 20510

Dear Chairwoman Stabenow and Ranking Member Boozman:

On behalf of the Civil Rights Education and Enforcement Center, the Prison Law Office, the Roderick and Solange MacArthur Justice Center, the Sentencing Project, the Uptown People's Law Center, and the Washington Lawyers' Committee for Civil Rights and Urban Affairs, we write to express our wholehearted support for the nomination of Margo Schlanger as Assistant Secretary for Civil Rights at the U.S. Department of Agriculture. Members of our staff and leadership have worked many times with Ms. Schlanger over many years, and know her to be both brilliant and fair-minded without exception. We have the deepest respect for her work ethic, rigor, determination, leadership, fairness, and courage.

Ms. Schlanger excels in many areas, all centered on the protection of civil rights. As an accomplished public servant, she has already held important leadership positions in the federal government. She is the Wade H. and Dores M. McCree Collegiate Professor of Law at the University of Michigan and a leading legal scholar on civil rights law. And in the trenches of civil rights litigation, she is a pragmatic, committed, and tireless advocate for fairness, justice, and equality.

Standing alone, Ms. Schlanger's achievements in any one of these spheres would be impressive. In combination, they are an extraordinary set of accomplishments. Those accomplishments deserve amplification:

Ms. Schlanger is a seasoned public servant. She has devoted major portions of her career to government service. After graduating from Yale Law School, she served as a law clerk for U.S. Supreme Court Justice Ruth Bader Ginsburg. After clerking, Ms. Schlanger worked to secure civil rights through litigation as a trial attorney with the Civil Rights Division of the U.S. Department of Justice. She distinguished herself in this position, receiving two separate awards for special achievement.

In 2010, President Obama appointed Ms. Schlanger as Officer for Civil Rights and Civil Liberties at the Department of Homeland Security. In this position, she worked to ensure that over 200,000 employees in the third-largest cabinet department complied with a complex set of civil rights laws and mandates.

Ms. Schlanger is a well-regarded scholar and teacher. She holds a chair at the University of Michigan Law School, where she teaches courses on a range of civil rights topics, including constitutional law and the law governing prison and jail conditions. Ms. Schlanger is one of the leading authorities on civil rights in the United States. Her scholarship is highly regarded and has appeared regularly in the top law journals, including the *Harvard Law Review*. She also is the principal author of the leading casebook on the law of incarceration, *Incarceration and the Law: Cases and Materials*. Prior to joining the University of Michigan Law School, she worked as a professor at Washington University and an assistant professor at Harvard.

Ms. Schlanger is an advocate for civil rights. We know her as a capable advisor on complex civil rights cases. She is always available for guidance and support on some of the most sophisticated and difficult prisoner rights cases around the country.

In sum, Ms. Schlanger is a brilliant and accomplished leader in the field of civil rights who will serve the United States with distinction if confirmed as Assistant Secretary. We therefore urge her expeditious confirmation to the position.

Sincerely,

Elizabeth Jordan
Director, Immigration Detention Accountability Project of the Civil Rights Education and Enforcement Center

Donald Specter
Executive Director, Prison Law Office

Locke E. Bowman
Executive Director, Roderick and Solange MacArthur Justice Center

Amy Fettig
Executive Director, The Sentencing Project

Alan Mills
Executive Director, Uptown People's Law Center

Jonathan M. Smith
Executive Director, Washington Lawyers' Committee for Civil Rights and Urban Affairs

**The Leadership Conference
on Civil and Human Rights**

1620 L Street, NW
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20036

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 Asian Americans Advancing Justice |
 AAJC

Interim President & CEO
 Wade Henderson

November 8, 2021

The Honorable Debbie Stabenow
Chairwoman
 U. S. Senate Committee on Agriculture, Nutrition, and Forestry
 328-A Russell Senate Office Building
 Washington, DC 20510

The Honorable John Boozman
Ranking Member
 U. S. Senate Committee on Agriculture, Nutrition, and Forestry
 328-A Russell Senate Office Building
 Washington, DC 20510

Dear Chairwoman Stabenow and Ranking Member Boozman:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 organizations that promote and protect the civil and human rights of all people in America, we write to express our support for the nomination of Margo Schlanger to the position of Assistant Secretary for Civil Rights at the U.S. Department of Agriculture (USDA).

The USDA's Office of the Assistant Secretary for Civil Rights is in urgent need of leadership to protect civil rights and rectify past wrongs against Black and socially disadvantaged farmers as well as people who live in rural and low-income communities. Ms. Schlanger is eminently qualified for the position by her prior federal government experience and her record as a civil rights scholar. Her commitment to diversity, equity, and inclusion will be crucial to fulfilling the Civil Rights Office's mission of providing fair and equitable treatment to USDA's customers and employees. We urge her speedy confirmation.

Ms. Schlanger is one of the nation's leading civil rights scholars and has extensive experience and expertise on civil rights issues, particularly as they relate to the federal government. She began her legal career as a Supreme Court law clerk for Justice Ruth Bader Ginsburg. Currently, Ms. Schlanger is the Wade H. and Dores M. McCree Collegiate Professor of Law at the University of Michigan.

During the Obama administration, Ms. Schlanger served as the Department of Homeland Security's (DHS) Officer for Civil Rights and Civil Liberties. As a result of her role at DHS, she will bring a high-level of experience on oversight of civil rights in federal agencies and how best to use agency processes to rectify and prevent federal civil rights violations. At DHS, Ms. Schlanger was well-known to members



of our coalition as a fair and effective leader, anxious to learn from advocacy groups about problems their constituencies were experiencing and to work on solutions. For example, when she was informed of flaws in DHS's civil rights complaint process. In response, she revised the process to create more transparency and provide timely responses to complaints. She also led an overhaul of the DHS Civil Rights Office's congressional reporting practice to be more informative and useful both to Congress and members of the public. Furthermore, she managed a complex multi-office process to develop and introduce new rules significantly limiting the use of solitary confinement in immigration detention.

After she left DHS, Ms. Schlanger was appointed as settlement monitor in a large prison conditions case in Kentucky. The settlement in that case governed treatment of deaf and hard-of-hearing prisoners statewide. In her role as settlement monitor, Ms. Schlanger worked tirelessly with the state to provide technical assistance and monitor the results of the settlement. She demonstrated a remarkable ability to work collaboratively with both plaintiffs' counsel, government officials, and staff to improve conditions of confinement and help build compliance capacity for the period after settlement monitoring ended. She has also provided expertise on institutional oversight mechanisms to members of The Leadership Conference coalition.

Ms. Schlanger has spent considerable time working in the areas of the criminal-legal and immigration systems, and she has also demonstrated a much broader level of expertise and ability to engineer civil rights compliance processes and to work collaboratively with outside advocacy organizations to solve problems.

The USDA's Office of the Assistant Secretary for Civil Rights has long been the topic of criticism. Its complaint processes are slow and unwieldy and its capacity to promote equity throughout the department has been questioned. Ms. Schlanger is uniquely qualified to institute much-needed change at the USDA, and I highly recommend her for this position.

If you have any questions, please contact Jesselyn McCurdy, executive vice president for government affairs, at mccurdy@civilrights.org.

Sincerely,

Wade Henderson
Interim President and CEO

**U.S. SENATE COMMITTEE ON AGRICULTURE, NUTRITION & FORESTRY
Questions for Executive Nominees
117th Congress**

1. Basic Biographical Information

Please provide the following information.

| <i>Position to Which You Have Been Nominated</i> | |
|--|---------------------------|
| <u>Name of Position</u> | <u>Date of Nomination</u> |
| Under Secretary, REE | |

| <i>Current Legal Name</i> | | | |
|---------------------------|--------------------|------------------|---------------|
| <u>First Name</u> | <u>Middle Name</u> | <u>Last Name</u> | <u>Suffix</u> |
| Chavonda | Janeva | Jacobs-Young | |

| <i>Addresses</i> | | | | | |
|---|-----------|------------|---|-----------|------------|
| <u>Residential Address</u> (do not include street address) | | | <u>Office Address</u> (include street address) | | |
| | | | Street: 1400 Independence Ave, SW | | |
| City: Gaithersburg | State: MD | Zip: 20877 | City: Washington | State: DC | Zip: 20250 |

| <i>Other Names Used</i> | | | | | | |
|-------------------------|--------------------|------------------|---------------|-------------------------|--|--|
| <u>First Name</u> | <u>Middle Name</u> | <u>Last Name</u> | <u>Suffix</u> | Check if Maiden Name | <u>Name Used From</u> (Month/Year) (Check box if estimate) | <u>Name Used To</u> (Month/Year) (Check box if estimate) |
| Chavonda | Janeva | Jacobs | | x | 7/67 Est <input type="checkbox"/> | 7/96 Est <input type="checkbox"/> |
| | | | | | Est <input type="checkbox"/> | Est <input type="checkbox"/> |

| <i>Birth Year and Place</i> | |
|---|-----------------------|
| Year of Birth (Do not include month and day.) | Place of Birth |
| 1967 | Augusta, GA |

| <i>Marital Status</i> | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Check All That Describe Your Current Situation: | | | | | |
| Never Married | Married | Separated | Annulled | Divorced | Widowed |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| <i>Spouse's Name</i> (current spouse only) | | | |
|---|-----------------------------|---------------------------|------------------------|
| Spouse's First Name | Spouse's Middle Name | Spouse's Last Name | Spouse's Suffix |
| Arland | Keith | Young | |

| <i>Spouse's Other Names Used</i> (current spouse only) | | | | | | |
|---|--------------------|------------------|---------------|---|--|--|
| First Name | Middle Name | Last Name | Suffix | <small>Check if Maiden Name</small> | Name Used From (Month/Year) (Check box if estimate) | Name Used To (Month/Year) (Check box if estimate) |
| | | | | | Est <input type="checkbox"/> | Est <input type="checkbox"/> |
| | | | | | Est <input type="checkbox"/> | Est <input type="checkbox"/> |

| <i>Children's Names (if over 18)</i> | | | |
|--------------------------------------|--------------------|------------------|---------------|
| <u>First Name</u> | <u>Middle Name</u> | <u>Last Name</u> | <u>Suffix</u> |
| Autumn | Krystina | Young | |
| Arland | Keith | Young | Jr. |
| | | | |
| | | | |
| | | | |

2. Education

List all post-secondary schools attended.

| <u>Name of School</u> | <u>Type of School</u> <small>(vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)</small> | <u>Date Began School</u> <small>(month/year) (check box if estimate)</small> | | <u>Date Ended School</u> <small>(month/year) (check box if estimate) (check "present" box if still in school)</small> | | <u>Degree</u> | <u>Date Awarded</u> | <u>Est</u> <input type="checkbox"/> | <u>Present</u> <input type="checkbox"/> |
|---------------------------------|---|---|---|--|--|---------------|-----------------------|--|--|
| | | <small>8/2019</small> | <small>Est x</small> | <small>05/2020</small> | <small>Est x</small> | | | | |
| American University | University/ Executive Development | <small>8/2019</small> | <small>Est x</small> | <small>05/2020</small> | <small>Est x</small> | | <small>9/2008</small> | <input type="checkbox"/> | <input type="checkbox"/> |
| American University | University/Executive Development | <small>9/2007</small> | <small>Est x</small> | <small>9/2008</small> | <small>Est Present x <input type="checkbox"/></small> | | | | |
| North Carolina State University | University | <small>1/1994</small> | <small>Est x</small> | <small>5/1998</small> | <small>Est Present x <input type="checkbox"/></small> | Ph.D. | 1998 | | |
| North Carolina State University | University | <small>1/1990</small> | <small>Est x</small> | <small>5/1992</small> | <small>Est Present x <input type="checkbox"/></small> | MS | 1994 | | |
| North Carolina State University | University | <small>8/1985</small> | <small>Est <input type="checkbox"/></small> | <small>12/1989</small> | <small>Est Present <input type="checkbox"/> <input type="checkbox"/></small> | BS | 1989 | | |

3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

| Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other) | Name of Your Employer/Assigned Duty Station | Most Recent Position Title/Rank | Location (City and State only) | Date Employment Began (month/year) (check box if estimate) | Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed) |
|---|--|---|--|---|--|
| Federal Government | U.S. Department of Agriculture | Acting Under Secretary, REE (detail assignment) | Washington, DC | 01/2021 Est <input type="checkbox"/> | 07/2021 Est <input type="checkbox"/> |
| Federal Government | U.S. Department of Agriculture | Acting Chief Scientist (detail assignment) | Washington, DC | 09/2017 Est <input type="checkbox"/> | 07/2021 Est <input type="checkbox"/> |
| Federal Government | U.S. Department of Agriculture | Acting Deputy Under Secretary, REE (detail assignment) | Washington, DC | 09/2017 Est <input type="checkbox"/> | 01/2019 Est <input type="checkbox"/> |
| Federal Government | U.S. Department of Agriculture | Administrator, Agricultural Research Service | Washington, DC | 02/2014 Est <input type="checkbox"/> | Present Est <input type="checkbox"/> |
| Federal Government | U.S. Department of Agriculture | Associate Administrator, Agricultural Research Service | Washington, DC | 06/2012 Est <input type="checkbox"/> | 02/2014 Est <input type="checkbox"/> |
| Federal Government | U.S. Department of Agriculture | Acting Director, National Institute of Food and Agriculture (detail assignment) | Washington, DC | 05/2011 Est <input type="checkbox"/> | 05/2012 Est <input type="checkbox"/> |
| Federal Government | U.S. Department of Agriculture | Director, Office of USDA Chief Scientist | Washington, DC | 01/2010 Est <input type="checkbox"/> | 06/2012 Est <input type="checkbox"/> |
| Federal Government | U.S. Department of Agriculture | Director, Senior Leadership and Outreach, REE | Washington, DC | 08/2009 Est <input type="checkbox"/> | 01/2010 Est <input type="checkbox"/> |

| | | | | | | |
|--------------------|--|---|-----------------|---------|------------------------------|---|
| | | (detail assignment) | | | | |
| Federal Government | Executive Office of the President, Office of Science and Technology Policy | Senior Policy Analyst (detail assignment) | Washington, DC | 05/2008 | Est <input type="checkbox"/> | 05/2010 <input type="checkbox"/> Est <input type="checkbox"/> |
| Federal Government | U.S. Department of Agriculture | National Program Leader | Washington, DC | 07/2002 | Est <input type="checkbox"/> | 01/2010 <input type="checkbox"/> Est <input type="checkbox"/> |
| Non-Government | Weyerhaeuser Company | Consultant | Federal Way, WA | 06/1997 | Est <input type="checkbox"/> | 09/2000 <input type="checkbox"/> Est <input type="checkbox"/> |
| Non-Government | University of Washington | Assistant Professor | Seattle, WA | 09/1995 | Est <input type="checkbox"/> | 09/2004 <input type="checkbox"/> Est <input type="checkbox"/> |
| | | | | | Est <input type="checkbox"/> | Est <input type="checkbox"/> |
| | | | | | Est <input type="checkbox"/> | Est <input type="checkbox"/> |
| | | | | | Est <input type="checkbox"/> | Est <input type="checkbox"/> |
| | | | | | Est <input type="checkbox"/> | Est <input type="checkbox"/> |
| | | | | | Est <input type="checkbox"/> | Est <input type="checkbox"/> |

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

| <u>Name of Government Entity</u> | <u>Name of Position</u> | <u>Date Service Began</u> (month/year) (check box if estimate) | <u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving) |
|----------------------------------|-------------------------|--|--|
| | | Est <input type="checkbox"/> | Est <input type="checkbox"/> Present <input type="checkbox"/> |
| | | Est <input type="checkbox"/> | Est <input type="checkbox"/> Present <input type="checkbox"/> |
| | | Est <input type="checkbox"/> | Est <input type="checkbox"/> Present <input type="checkbox"/> |

4. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

- Women of Color in STEM, Federal Government Career Award, 2020
- Fellow, National Academy of Public Administration, 2019
- Fellow, American Association for the Advancement of Science, 2017
- Presidential Meritorious Rank Award, U.S. Office of Personnel Management, 2016
- Laboratory Director of the Year, Federal Laboratory Consortium Mid-Atlantic Region, 2016.
- Abraham Lincoln Honor Award “For outstanding efforts in implementing a creative, cost-effective mechanism for two-way communications between the Administrator’s team and ARS employees.” United States Department of Agriculture, 2015.
- Certificate of Merit “For implementation of the USDA Scientific Integrity Policy.” United States Department of Agriculture, 2013.C. Jacobs-Young, Page 5 of 7
- Certificate of Appreciation “For exemplary and dynamic leadership while serving as the Acting Director of the National Institute of Food and Agriculture May 22, 2011 through May 5, 2012.” United States Department of Agriculture, 2012.
- Outstanding Alumnus Award, North Carolina State University, College of Natural Resources, 2008.
- Certificate of Merit “For leadership and coordination of the agency’s National Program Leader Liaisons to States effort, resulting in improved communication and stronger partnerships with Land-Grant Universities.” United States Department of Agriculture, 2007.
- Certificate of Merit for “Commitment to educating prospective applicants about CSREES programs, especially young scientists new to grant processes.” United States Department of Agriculture, 2007.
- Award of Recognition for “Outstanding Achievement in Government.” GEM National Consortium for Minorities in Engineering, 2006.
- Certificate of Merit for “Improving outreach to the scientific community through grantsmanship workshops.” United States Department of Agriculture, 2006.
- Certificate of Merit for “Leading new collaboration in bioenergy with Department of Energy.” United States Department of Agriculture, 2006.
- Certificate of Merit and Extra Effort Award for “Acting as the Research Director for Competitive Programs.” United States Department of Agriculture, 2005.
- Certificate of Merit and Extra Effort/Spot Award for “Ground-breaking work in the design and delivery of CSREES’ first portfolio assessments. Conducted under severe time constraints, this superb effort established protocols that will render all subsequent reviews more effective and efficient.” United States Department of Agriculture, 2004.
- Certificate of Merit and Extra Effort/Spot Award for “Facilitating integration of research, education, and extension through an open, inclusive RFA development process for National Research Initiative Programs.” United States Department of Agriculture, 2004.
- Certificate of Merit for official performance appraisal rating of “Outstanding.” United States Department of Agriculture, 2006, 2007, 2011, 2012, 2014, 2015, 2016, 2017, 2018, 2019, 2020.
- Certificate of Merit for official performance appraisal rating of “Superior.” United States Department of Agriculture, 2003, 2004, 2005, 2008, 2009, 2010, 2013.
- Featured On: “The Faces of Science: African Americans in the Sciences Web Page,” Princeton University, 2001.

- Featured In: “African American Scientist and Inventors (Black Stars)”, Eds. Otha Sullivan and Jim
- Haskins, John Wiley & Sons, 2001.
- Award of Recognition for “Most Outstanding African American Graduate Student for the College of Forest Resources.” North Carolina State University, 1990, 1991, and 1992.
- Atlantic Coast Conference Women’s High Jump Champion, 1987, 1988, and 1989.

5. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam’s Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

| <u>Name of Organization</u> | <u>Dates of Your Membership</u> (You may approximate.) | <u>Position(s) Held</u> |
|--|---|-------------------------|
| Council of Advisors, World Food Prize Foundation | 2021-present | Member |
| Board of Visitors, North Carolina State University | 2021-present | Member |
| Institute for the Advancement of Food and Nutrition Sciences | 2018-present | Government Liaison |
| Foundation for Food and Agricultural Research | 2014-present | Ex-Officio Board Member |
| American Association for the Advancement of Science and Lyda Hill Foundation | 2019-present | AAAS IF/Then Ambassador |
| American Association for the Advancement of Science | 2009-present | Fellow (2017) |
| US-Israel Binational Agricultural Research & Development Fund | 2014- Present, 2015-17 Chair | Board Member |
| Meeting of G20 Agricultural Chief Scientists | 2012- Present, U.S. Head of Delegation 2013, 2015, 2018, and 2019, 2020, 2021 | U.S. Delegate |

| | | |
|---|--|--|
| U.S.-Panama Screwworm Eradication Commission | 2014-present | U.S. Commissioner |
| National Bio and Agro Defense Facility/Plum Island Animal Disease Center | 2014-Present | Board Member |
| WH National Science and Technology Council Committee on Scientific Integrity | 2021-present 2018-2019 2011-2016 | Member; Co-Chair Subcommittee on Food and Agriculture; Co-Chair Subcommittee on Life Sciences; |
| US – South Africa Joint Commission Meeting on Science and Technology Pretoria | 2013 | SA -Co-Chair Agriculture, Sustainability, and Energy Platform |
| National Academies of Science Institute of Medicine Committee for the Review of NASA Human Research Program’s Scientific Merit Assessment Processes | 2012 | Member |
| USDA Forest Resource Coordinating Committee | 2012 | Member |
| USDA Secretary Executive Resources Board | 2010-2016 | Member |
| USDA Science Council | 2010 – Present, Chair 2017-2021 | Member and Chair |
| President’s Food Safety Working Group | 2009-2010 | Member |
| President’s Biofuels Working Group | 2009-2010 | Member |
| Biomass Research & Development Board | 2010-2011, 2018 | Co-Chair (2018); Operations Committee Co-Chair (2010-2011) |
| WH Environmental Health and Safety Risks for Children Task Force | 2010 | Member |
| WH National Science and Technology Council Committee on Technology | 2010-2011 | Member |
| USDA Energy Council Coordinating Committee | 2010-2011 | Member |
| WH Emerging Technologies Interagency Policy Council | 2010 | Member |
| US-EC Biotechnology Taskforce | 2008-2010 | Member |
| National Science and Technology Council National Plant Genome Initiative | 2008-2009 | Member |

| | | |
|---|--------------|--------|
| National Science and Technology Council Aquaculture Subcommittee | 2009 | Member |
| National Science and Technology Council Microbe Project Interagency Working Group | 2009 | Member |
| Senior Executive Association | 2009-present | Member |
| Delta Sigma Theta Sorority, Inc | 1996-present | Member |

6. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

Yes No (If yes, please complete the chart below)

| <u>Name of Office</u> | <u>Elected/Appointed/Candidate Only</u> | <u>Year(s) Election Held or Appointment Made</u> | <u>Term of Service (if applicable)</u> |
|-----------------------|---|--|--|
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(B) List any offices held in or services rendered, including volunteer services, to a political party or election committee during the last 10 years that you have not listed elsewhere.

| <u>Name of Party/Election Committee</u> | <u>Office/Services Rendered</u> | <u>Responsibilities</u> | <u>Dates of Service</u> |
|---|---------------------------------|-------------------------|-------------------------|
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(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

| <u>Name of Recipient</u> | <u>Amount</u> | <u>Year of Contribution</u> |
|--------------------------|---------------|-----------------------------|
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7. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with all listed publications via email or other digital format and list all required publications even if no copy of the publication is available to provide.

| <u>Title</u> | <u>Publisher</u> | <u>Date(s) of Publication</u> |
|---|--|-------------------------------|
| Scientific Integrity Principles and Best Practices: Recommendations from a Scientific Integrity Consortium Scientific Integrity Principles and Best Practices: Recommendations from a Scientific Integrity Consortium SpringerLink | Science and Engineering Ethics/Springer | February 27, 2019 |
| USDA-CSREES National Research Initiative: Support for Agricultural Research – The competitive grants program in the United States USDA-CSREES National Research Initiative: Support for Agricultural Research – The competitive grants program in the United States SpringerLink | Springer, Dordrecht | 2007 |
| ARS's "One Health" Antibiotic Awareness ARS's "One Health" Antibiotic Awareness - ProQuest | Agricultural Research; Washington | Nov 2016 |
| Use of enzymes to enhance conventional kraft pulping Use of enzymes to enhance conventional kraft pulping - ProQuest | ProQuest Dissertations Publishing | 1998 |
| A Performance Assessment of the North American Paper Industry | <i>Solutions Journal (formerly TAPPI Journal)</i> | 2001 |
| Overview of USDA-CSREES Support for Biobased Products and Bioenergy," In: Industrial Crops and Rural Development | Instituto Murciano de Investigacion y Desarrollo Agrario y Alimentario | 2005 |
| Conventional kraft pulping using enzyme pretreatment technology: Role of diffusivity in enhancing pulp uniformity | <i>Paperi ja Puu</i> | 2000 |
| A Financial Performance Review of North American | <i>Technical Association of the Pulp and Paper Industry Journal</i> | 2000 |

| | | |
|--|---|----------------|
| Pulp, Paper, and Packaging Firms A financial analysis of North American pulp and paper companies Request PDF (researchgate.net) | | |
| Effect of Enzymatic Pretreatment on the Diffusion of Sodium Hydroxide in Wood | <i>Technical Association of the Pulp and Paper Industry Journal</i> | 1998 |
| Enzyme Applications in Conventional Kraft Pulping | <i>Technical Association of the Pulp and Paper Industry Journal</i> | 1998 |
| Enzyme Applications in Conventional Kraft Pulping ACS Symposium Series (ACS Publications) | American Chemical Society Books | March 31, 1998 |
| Conventional Kraft Pulping Using Enzyme Pretreatment Technology: Role of Chip Thickness, Specie and Enzyme Combinations | AICHE Books | 1998 |
| An Analysis of Financial Performance, Capital Expenditures, and International Activity in the North American Pulp and Paper Industry | <i>Technical Association of the Pulp and Paper Industry Journal</i> | 1997 |

(B) List any formal speeches you have delivered during the last 10 years relevant to the position to which you have been nominated, and all speeches you have delivered related to any topic for the last five years. Include any testimony to Congress or any other legislative or administrative body. Please provide the Committee with copies of all listed speeches via email or other digital format and list all known required speeches even if no copy is available to provide.

| <u>Title/Topic</u> | <u>Place/Audience</u> | <u>Date(s) of Speech</u> |
|--------------------------------|-----------------------|--------------------------|
| Compiling under separate cover | | |
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8. Lobbying

In the past 10 years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

No

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



August 13, 2021

The Honorable Debbie Stabenow
Chairwoman
Committee on Agriculture, Nutrition,
and Forestry
United States Senate
Washington, DC 20510

Dear Madam Chairwoman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Chavonda Jacobs-Young, who has been nominated by President Biden for the position of Under Secretary for Research, Education and Economics, Department of Agriculture.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

DAVID APOL

Digitally signed by DAVID
APOL
Date: 2021.08.13 10:28:16
-04'00'

David J. Apol
General Counsel

Enclosures



July 26, 2021

Mr. Stuart Bender
Designated Agency Ethics Official
U.S. Department of Agriculture
J.L. Whitten Building
Room 347-W
1400 Independence Avenue, SW
Washington, DC 20250

Dear Mr. Bender:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Under Secretary for Research, Education and Economics of the U.S. Department of Agriculture. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

Page 2

I will receive a live ethics briefing from a member of the Office of Ethics after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13989) and that I will be bound by it. Among other obligations, I will be required to recuse from particular matters involving specific parties involving my former employer or former clients for a period of two years after I am appointed, with the exception of federal, state and local government.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

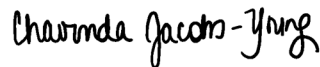
SECTION 2 – SPOUSE EMPLOYMENT

My spouse is employed by WWC Global LLC, a private company, in a position for which he receives a fixed annual salary. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for as long as my spouse continues to work for WWC Global LLC, I will not participate personally and substantially in any particular matter involving specific parties in which I know that WWC Global LLC is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, I also will not participate personally and substantially in any particular matter involving specific parties in which I know a client of my spouse is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 3 – PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,



Chavonda Jacobs Young

Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

Filer's Information

Jacobs-Young, Chavonda

Under Secretary for Research, Education, and Economics, Department of Agriculture

Other Federal Government Positions Held During the Preceding 12 Months:

Administrator, Agricultural Research Service, U.S. Department of Agriculture (2/2014 - Present)

Acting USDA Chief Scientist, Agricultural Research Service, U.S. Department of Agriculture (9/2017 - Present)

Acting Under Secretary, REE Mission Area, U.S. Department of Agriculture (1/2021 - Present)

Names of Congressional Committees Considering Nomination:

- Committee on Agriculture, Nutrition, and Forestry

Electronic Signature - I certify that the statements I have made in this form are true, complete and correct to the best of my knowledge.

/s/ Jacobs-Young, Chavonda [electronically signed on 06/04/2021 by Jacobs-Young, Chavonda in Integrity.gov]

Agency Ethics Official's Opinion - On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below).

/s/ Bender, Stuart, Certifying Official [electronically signed on 08/08/2021 by Bender, Stuart in Integrity.gov]

Other review conducted by

U.S. Office of Government Ethics Certification
/s/ Apol, David, Certifying Official [electronically signed on 08/11/2021 by Apol, David in Integrity.gov]

1. Filer's Positions Held Outside United States Government

None

2. Filer's Employment Assets & Income and Retirement Accounts

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|-----|--|-----|-----------------------------|-------------|---------------------------|
| 1 | University of Washington (Defined Contribution Plan) | No | | | |
| 1.1 | TIAA Traditional (Annuity) | N/A | \$1,001 - \$15,000 | | None (or less than \$201) |
| 1.2 | CREF Stock R3 Fund | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |
| 1.3 | CREF Growth R3 Fund | Yes | \$50,001 - \$100,000 | | None (or less than \$201) |
| 1.4 | CREF Global Equities R3 Fund | Yes | \$50,001 - \$100,000 | | None (or less than \$201) |
| 1.5 | TIAA Real Estate Fund | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 1.6 | CREF Bond Market R3 Fund | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 1.7 | CREF Money Market R3 | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 1.8 | Vanguard Federal Money Market Fund Investor Shares (VMFXX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |

3. Filer's Employment Agreements and Arrangements

| # | EMPLOYER OR PARTY | CITY, STATE | STATUS AND TERMS | DATE |
|---|--------------------------|---------------------|---|--------|
| 1 | University of Washington | Seattle, Washington | I will continue to participate in this defined contribution plan, but the plan sponsor no longer makes contributions. | 9/1995 |

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

None

5. Spouse's Employment Assets & Income and Retirement Accounts

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|-----|---|-------------|-------------------------|-------------|---------------------------|
| 1 | Information Technology Coalition Incorporated (IT Consulting Firm) | N/A | | salary | |
| 2 | WWC Global (Management Consulting Firm) | N/A | | salary | |
| 3 | Boeing Stock | N/A | \$1,001 - \$15,000 | | None (or less than \$201) |
| 4 | Boeing Company 401K Plan | No | | | |
| 4.1 | Boeing Company Voluntary Investment Plan - Stable Value Fund | See Endnote | \$500,001 - \$1,000,000 | | None (or less than \$201) |
| 5 | WWC Global LLC 401K Profit Sharing Plan (Defined Contribution Plan) | No | | | |
| 5.1 | Fidelity Large Cap Growth Index Fund (FSPGX) | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 5.2 | Fidelity Mid Cap Growth Index Fund (FMDGX) | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|--------|---|-----|-----------------------------|-------------|---------------------------|
| 5.3 | Risk 1 - CP Conservative Model | No | | | |
| 5.3.1 | DFA Inflation-Protected Securities Portfolio Institutional Class Shares (DIPSX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.3.2 | Fidelity Small Cap Value Index Fund (FISVX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.3.3 | Vanguard Intermediate Terms Bond Index Fund (VBILX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.3.4 | Vanguard Emerging Markets Index Fund (VEMAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.3.5 | Vanguard FTSE All Mid ex US Small Cap Index Fund (VFSAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.3.6 | Vanguard Real Estate Index Admiral Fund (VGSLX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.3.7 | Vanguard Mid Cap Index Admiral Fund (VIMAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.3.8 | Vanguard Small-Cap Index Admiral Fund (VSMAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.3.9 | Vanguard Developed Markets Index Fund (VTMGX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.3.10 | iShares S&P 500 Index Fund (WFSPX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.4 | Risk 2 - CP Conservative Moderate Model | No | | | |
| 5.4.1 | DFA Inflation-Protected Securities Portfolio Institutional Class Shares (DIPSX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.4.2 | Fidelity Small Cap Value Index Fund (FISVX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.4.3 | Vanguard Intermediate Term Bond Index Fund (VBILX) | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|--------|---|-----|-----------------------------|-------------|---------------------------|
| 5.4.4 | Vanguard Emerging Markets Stock Index Fund (VEMAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.4.5 | Vanguard FTSE All-World ex-US Small-Cap Index Fund Admiral Shares (VFSAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.4.6 | Vanguard Real Estate Index Admiral Fund (VGSLX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.4.7 | Vanguard Mid Cap Index Admiral (VIMAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.4.8 | Vanguard Small Cap Index Admiral (VSMAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.4.9 | Vanguard Developed Markets Index Fund (VTMGX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.4.10 | iShares S&P 500 Index Fund (WFSPX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.5 | Risk 3 - CP Balanced Model | No | | | |
| 5.5.1 | DFA Inflation Protected Securities (DIPSX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.5.2 | Fidelity Small Cap Value Index Fund (FISVX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.5.3 | Vanguard Intermediate Term Bond Index Fund (VBILX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.5.4 | Vanguard Emerging Markets Stock Index Fund Admiral (VEMAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.5.5 | Vanguard FTSE All-World ex-US Small-Cap Index Fund Admiral Shares (VFSAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.5.6 | Vanguard Real Estate Index Admiral Fund (VGSLX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.5.7 | Vanguard Mid-Cap Index Admiral Fund (VIMAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|--------|---|-----|-----------------------------|-------------|---------------------------|
| 5.5.8 | Vanguard Small Cap Index Admiral (VSMAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.5.9 | Vanguard Developed Markets Index Fund (VTMGX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.5.10 | iShares S&P 500 Index Fund (WFSPIX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.6 | Risk 4 - CP Moderate Model | No | | | |
| 5.6.1 | DFA Inflation Protected Securities Fund | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.6.2 | Fidelity Small Cap Value Index Fund (FECGX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.6.3 | Vanguard Intermediate Term Bond Index Fund (VBILX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.6.4 | Vanguard Emerging Markets Stock Index Admiral (VEMAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.6.5 | Vanguard FTSE All-World ex-US Small-Cap Index Fund Admiral Shares (VFSAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.6.6 | Vanguard Real Estate Index Admiral Fund (VGSIX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.6.7 | Vanguard Mid-Cap Index Fund (VIMAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.6.8 | Vanguard Small-Cap Index Fund (VSMAX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.6.9 | Vanguard Developed Market Index Fund (VTMGX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |
| 5.6.10 | iShares S&P 500 Index Fund (WFSPIX) | Yes | None (or less than \$1,001) | | None (or less than \$201) |

6. Other Assets and Income

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|-----|---|-----|----------------------|-------------|---------------------------|
| 1 | Putnam Growth and Income A | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 2 | Putnam Investors Fund - A | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 3 | Putnam Voyager Fund A | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 4 | U.S. credit union #1 (cash) | N/A | \$50,001 - \$100,000 | | None (or less than \$201) |
| 5 | U.S. credit union #2 (cash) | N/A | \$50,001 - \$100,000 | | None (or less than \$201) |
| 6 | U.S. bank (cash) | N/A | \$50,001 - \$100,000 | | None (or less than \$201) |
| 7 | Union Security Insurance Company (Variable Universal Life Insurance Policy) | No | | | |
| 7.1 | Hartford Balanced HLS Fund | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 7.2 | Blackrock S&P 500 Index | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |
| 8 | Maryland College 529 Investment Plan | No | | | |
| 8.1 | Portfolio 2021 | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |

7. Transactions

(N/A) - Not required for this type of report

8. Liabilities

| # | CREDITOR NAME | TYPE | AMOUNT | YEAR INCURRED | RATE | TERM |
|---|--|--------------------------------|-----------------------|---------------|--------|--------------------------------------|
| 1 | PNC Bank | Mortgage on Personal Residence | \$100,001 - \$250,000 | 2016 | 3.375% | 15 years |
| 2 | Moheba, a loan servicer for the U.S. Department of Education | Student Loan | \$15,001 - \$50,000 | 2020 | 4.66% | 176 months starting after graduation |
| 3 | PNC Bank (Home Equity Loan) | Personal Loan | \$15,001 - \$50,000 | 2016 | 2.74% | Open Ended |

9. Gifts and Travel Reimbursements

(N/A) - Not required for this type of report

Endnotes

| PART | # | ENDNOTE |
|------|-----|--|
| 5. | 4.1 | The Boeing Company Voluntary Investment Plan - Stable Value Fund is independently administered and managed by the Newport Trust Company and my spouse does not participate in the selection of the Fund's investments. The Retirement Plan is not a profit sharing nor a stock bonus plan. |

Summary of Contents

1. Filer's Positions Held Outside United States Government

Part 1 discloses positions that the filer held at any time during the reporting period (excluding positions with the United States Government). Positions are reportable even if the filer did not receive compensation.

This section does not include the following: (1) positions with religious, social, fraternal, or political organizations; (2) positions solely of an honorary nature; (3) positions held as part of the filer's official duties with the United States Government; (4) mere membership in an organization; and (5) passive investment interests as a limited partner or non-managing member of a limited liability company.

2. Filer's Employment Assets & Income and Retirement Accounts

Part 2 discloses the following:

- Sources of earned and other non-investment income of the filer totaling more than \$200 during the reporting period (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes)
- Assets related to the filer's business, employment, or other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

3. Filer's Employment Agreements and Arrangements

Part 3 discloses agreements or arrangements that the filer had during the reporting period with an employer or former employer (except the United States Government), such as the following:

- Future employment
- Leave of absence
- Continuing payments from an employer, including severance and payments not yet received for previous work (excluding ordinary salary from a current employer)
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan
- Retention or disposition of employer-awarded equity, sharing in profits or earned interests (e.g., vested and unvested stock options, restricted stock, future share of a company's profits, etc.)

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

Part 4 discloses sources (except the United States Government) that paid more than \$5,000 in a calendar year for the filer's services during any year of the reporting period.

The filer discloses payments both from employers and from any clients to whom the filer personally provided services. The filer discloses a source even if the source made its payment to the filer's employer and not to the filer. The filer does not disclose a client's payment to the filer's employer if the filer did not provide the services for which the client is paying.

5. Spouse's Employment Assets & Income and Retirement Accounts

Part 5 discloses the following:

- Sources of earned income (excluding honoraria) for the filer's spouse totaling more than \$1,000 during the reporting period (e.g., salary, consulting fees, and partnership share)
- Sources of honoraria for the filer's spouse greater than \$200 during the reporting period
- Assets related to the filer's spouse's employment, business activities, other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's spouse's business employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF). Amounts of income are not required for a spouse's earned income (excluding honoraria).

6. Other Assets and Income

Part 6 discloses each asset, not already reported, (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in investment income was received during the reporting period. For purposes of the value and income thresholds, the filer aggregates the filer's interests with those of the filer's spouse and dependent children.

This section does not include the following types of assets: (1) a personal residence (unless it was rented out during the reporting period); (2) income or retirement benefits associated with United States Government employment (e.g., Thrift Savings Plan); and (3) cash accounts (e.g., checking, savings, money market accounts) at a single financial institution with a value of \$5,000 or less (unless more than \$200 in income was received). Additional exceptions apply. Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

7. Transactions

Part 7 discloses purchases, sales, or exchanges of real property or securities in excess of \$1,000 made on behalf of the filer, the filer's spouse or dependent child during the reporting period.

This section does not include transactions that concern the following: (1) a personal residence, unless rented out; (2) cash accounts (e.g., checking, savings, CDs, money market accounts) and money market mutual funds; (3) Treasury bills, bonds, and notes; and (4) holdings within a federal Thrift Savings Plan account. Additional exceptions apply.

8. Liabilities

Part 8 discloses liabilities over \$10,000 that the filer, the filer's spouse or dependent child owed at any time during the reporting period.

This section does not include the following types of liabilities: (1) mortgages on a personal residence, unless rented out (limitations apply for PAS filers); (2) loans secured by a personal motor vehicle, household furniture, or appliances, unless the loan exceeds the item's purchase price; and (3) revolving charge accounts, such as credit card balances, if the outstanding liability did not exceed \$10,000 at the end of the reporting period. Additional exceptions apply.

9. Gifts and Travel Reimbursements

This section discloses:

- Gifts totaling more than \$415 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than \$415 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.

For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of \$166 or less. Regardless of the value, this section does not include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, or local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official travel; (5) gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent children totally independent of their relationship to the filer. Additional exceptions apply.

Privacy Act Statement

Title I of the Ethics in Government Act of 1978, as amended (the Act), 5 U.S.C. app. § 101 et seq., as amended by the Stop Trading on Congressional Knowledge Act of 2012 (Pub. L. 112-105) (STOCK Act), and 5 C.F.R. Part 2634 of the U. S. Office of Government Ethics regulations require the reporting of this information. Failure to provide the requested information may result in separation, disciplinary action, or civil action. The primary use of the information on this report is for review by Government officials to determine compliance with applicable Federal laws and regulations. This report may also be disclosed upon request to any requesting person in accordance with sections 105 and 402(b)(1) of the Act or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. Additional disclosures of the information on this report may be made: (1) to any requesting person, subject to the limitation contained in section 208(d)(1) of title 18, any determination granting an exemption pursuant to sections 208(b)(1) and 208(b)(3) of title 18; (2) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of violations or potential violations of law or regulation; (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or determination; (4) to the National Archives and Records Administration or the General Services Administration in records management inspections; (5) to the Office of Management and Budget during legislative coordination on private relief legislation; (6) when the disclosing agency determines that the records are arguably relevant to a proceeding before a court, grand jury, or administrative or adjudicative body, or in a proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding; (7) to reviewing officials in a new office, department or agency when an employee transfers or is detailed from one covered position to another, a public financial disclosure report and any accompanying documents, including statements notifying an employee's supervising ethics office of the commencement of negotiations for future employment or compensation or of an agreement for future employment or compensation; (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of and at the request of an individual who is the subject of the record; (9) to contractors and other non-Government employees working on a contract, service or assignment for the Federal Government when necessary to accomplish a function related to this system of records; (10) on the OGE Website and to any person, department or agency, any written ethics agreement, including certifications of ethics agreement compliance, filed with OGE by an individual nominated by the President to a position requiring Senate confirmation; (11) on the OGE Website and to any person, department or agency, any certificate of divestiture issued by OGE; (12) on the OGE Website and to any person, department or agency, any waiver of the restrictions contained in Executive Order 13770 or any superseding executive order; (13) to appropriate agencies, entities and persons when there has been a suspected or confirmed breach of the system of records, the agency maintaining the records has determined that there is a risk of harm to individuals, the agency, the Federal Government, or national security, and the disclosure is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and (14) to another Federal agency or Federal entity, when the agency maintaining the record determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in responding to a suspected or confirmed breach or in preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity, the Federal Government, or national security. See also the OGE/GOVT-1 executive branch-wide Privacy Act system of records.

Public Burden Information

This collection of information is estimated to take an average of ten hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Program Counsel, U.S. Office of Government Ethics (OGE), Suite 500, 1201 New York Avenue, N.W., Washington, DC 20005-3917.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number, 3209-0001, is displayed here and at the top of the first page of this OGE Form 278e).

November 15, 2021

The Honorable Debbie Stabenow, Chairwoman Committee on
Agriculture, Nutrition & Forestry
United States Senate
Washington, D.C. 20510

The Honorable John Boozman, Ranking Member
Committee on Agriculture, Nutrition & Forestry
United States Senate
Washington, DC 20510

Dear Chairwoman Stabenow and Ranking Member Boozman:

Please be advised that pursuant to section 101(b) of the Ethics in Government Act of 1978, as amended, I have informed the appropriate ethics officials that the information required by section 102(a)(1)(A) of the Act with respect to income and honoraria contained in OGE Form 278e (Executive Branch Public Financial Disclosure Report) executed by me on July 26, 2021 is correct.

This information is current as of Monday, November 15, 2021. This date is within five days prior to the date of the first hearing scheduled to consider my nomination.

Sincerely,


Chavonda Jacobs Young

**U.S. SENATE COMMITTEE ON AGRICULTURE, NUTRITION & FORESTRY
Questions for Executive Nominees
117th Congress**

1. Basic Biographical Information

Please provide the following information.

| <i>Position to Which You Have Been Nominated</i> | |
|--|---------------------------|
| Name of Position | Date of Nomination |
| Assistant Secretary for Civil Rights | |

| <i>Current Legal Name</i> | | | |
|---------------------------|--------------------|------------------|---------------|
| First Name | Middle Name | Last Name | Suffix |
| Margo | Jane | Schlanger | |

| <i>Addresses</i> | | | | | |
|---|---------------------|----------------------|---|---------------------|----------------------|
| Residential Address (do not include street address) | | | Office Address (include street address) | | |
| | | | Street: 625 So. State Street | | |
| City: Ann Arbor | State: MI | Zip: 48104 | City: Ann Arbor | State: MI | Zip: 48109 |

| <i>Other Names Used</i> | | | | | | |
|-------------------------|--------------------|------------------|---------------|---|--|--|
| First Name | Middle Name | Last Name | Suffix | <small>Check if Maiden Name</small> | Name Used From (Year) (Check box if estimate) | Name Used To (Month/Year) (Check box if estimate) |
| | | | | | Est <input type="checkbox"/> | Est <input type="checkbox"/> |
| | | | | | Est <input type="checkbox"/> | Est <input type="checkbox"/> |

| <i>Birth Year and Place</i> | |
|---|-----------------------|
| Year of Birth (Do not include month and day.) | Place of Birth |
| 1967 | New York, NY |

| <i>Marital Status</i> | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Check All That Describe Your Current Situation: | | | | | |
| Never Married | Married | Separated | Annulled | Divorced | Widowed |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| <i>Spouse's Name</i> (current spouse only) | | | |
|---|-----------------------------|---------------------------|------------------------|
| <u>Spouse's First Name</u> | <u>Spouse's Middle Name</u> | <u>Spouse's Last Name</u> | <u>Spouse's Suffix</u> |
| Samuel | Robert | Bagenstos | |

| <i>Spouse's Other Names Used</i> (current spouse only) | | | | | | |
|---|--------------------|------------------|---------------|--|---|--|
| <u>First Name</u> | <u>Middle Name</u> | <u>Last Name</u> | <u>Suffix</u> | <small>Check if Multiple Names</small> | <u>Name Used From</u> (Year) (Check box if estimate) | <u>Name Used To</u> (Month/Year) (Check box if estimate) |
| | | | | | Est <input type="checkbox"/> | Est <input type="checkbox"/> |
| | | | | | Est <input type="checkbox"/> | Est <input type="checkbox"/> |

| <i>Children's Names (if over 18)</i> | | | |
|--------------------------------------|--------------------|------------------|---------------|
| First Name | Middle Name | Last Name | Suffix |
| Harry | Jacob | Bagenstos | |
| Leila | Frances | Bagenstos | |
| | | | |
| | | | |
| | | | |

2. Education

List all post-secondary schools attended.

| <u>Name of School</u> | <u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school) | <u>Date Began School</u> (month/year) (check box if estimate) | <u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school) | <u>Degree</u> | <u>Date Awarded</u> |
|------------------------------|---|--|---|----------------------|----------------------------|
| Yale Law School | Law School | Est <input type="checkbox"/> September 1990 | Est Present <input type="checkbox"/> <input type="checkbox"/> May 1993 | J.D. | May 1993 |
| Yale College | University | Est <input type="checkbox"/> September 1985 | Est Present <input type="checkbox"/> <input type="checkbox"/> May 1989 | B.A. | May 1989 |
| | | Est <input type="checkbox"/> | Est Present <input type="checkbox"/> <input type="checkbox"/> | | |

3. Employment

(A) In reverse chronological order, list all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

| Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other) | Name of Your Employer/Assigned Duty Station | Most Recent Position Title/Rank | Location (City and State only) | Date Employment Began (month/year) (check box if estimate) | Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed) |
|---|---|--|--|---|--|
| State government | University of Michigan Law School | Professor of Law and Director, Civil Rights Litigation Clearinghouse | Ann Arbor, MI | Sept. 2009 <input type="checkbox"/> | Present Est <input type="checkbox"/> |
| State government | University of Michigan Forensic Psychiatry Program | Legal Advisor | Ann Arbor, MI | May 2017 <input type="checkbox"/> | Present <input type="checkbox"/> |
| Non-government employment | ACLU of Michigan | Cooperating Attorney, Hamama v. Adducci and ACRL v. Trump | Ann Arbor, MI | Jan. 2017 | Present |
| Self-employment | Cases: Fraihat v. ICE Sabata v. Nebraska Novoa v. GEO Group | Expert | Ann Arbor, MI | Oct. 2017 | Present |
| Self-employment | Adams v. Kentucky | Settlement Monitor | Ann Arbor, MI | June 2015 | Dec. 2020 |
| Federal employment | Department of Homeland Security, Advisory Committee on Family Residential Confinement | Member | Washington, DC | Nov. 2015 <input type="checkbox"/> | Oct. 2016 <input type="checkbox"/> |
| Federal employment (SGE) | Department of Homeland Security | Counsel to the Secretary | Washington, DC | Jan. 2012 <input type="checkbox"/> | Dec. 2013 <input type="checkbox"/> |
| Federal employment | Department of Homeland Security | Officer for Civil Rights and Civil Liberties | Washington, DC | Jan. 2010 <input type="checkbox"/> | Dec. 2011 <input type="checkbox"/> |

| Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other) | Name of Your Employer/Assigned Duty Station | Most Recent Position Title/Rank | Location (City and State only) | Date Employment Began (month/year) (check box if estimate) | Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed) |
|---|--|--|--|---|--|
| State Government | UCLA Law School | Visiting Professor of Law | Los Angeles, CA | Jan. 2009 | May 2009 |
| State Government | University of Michigan Law School | Visiting Professor of Law | Ann Arbor, MI | Sept. 2008 | December 2008 |
| Non-government | Washington University School of Law | Professor of Law | St. Louis, MO | July 2004 | June 2009 |
| Non-government | Vera Institute of Justice, Commission on Safety and Abuse in America's Prisons | Commissioner | Washington, DC | 2006 | 2008 |
| Non-government | American Bar Association, Criminal Justice Section | Reporter, Criminal Justice Standards on Treatment of Prisoners | Washington, DC | 2007 | Jan. 2010 |
| Non-government | Harvard Law School | Assistant Professor of Law | Cambridge, MA | July 1998 | June 2003 |
| Non-government | Harvard Center for Ethics in the Professors | Faculty Fellow | Cambridge, MA | Sept. 2000 | June 2001 |
| Federal employment | U.S. Department of Justice Civil Rights Division | Senior Trial Attorney | Washington, DC | October 1995 | June 1998 |
| Federal employment | U.S. Supreme Court, Chambers of Justice Ruth Bader Ginsburg | Law clerk | Washington, DC | July 1993 | Sept. 1995 |
| Federal employment | U.S. Department of Justice Civil Division, Commercial Litigation Branch | Honors Intern | Washington DC | May 1993 | July 1993 |
| Unemployment | | | | August 1992 | May 1993 |
| Non-government | Paul Weiss Rifkind Wharton & Garrison | Summer Associate | New York, NY | June 1992 | August 1992 |

| Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other) | Name of Your Employer/Assigned Duty Station | Most Recent Position Title/Rank | Location (City and State only) | Date Employment Began (month/year) (check box if estimate) | Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed) |
|---|---|--|--|---|--|
| Unemployment | | | | August 1991 | June 1992 |
| Non-government | Yale Legal Services Organization | Student Attorney | New Haven, CT | June 1991 | August 1991 |
| Non-government | Yale Law School | Research assistant, Peter Schuck | New Haven, CT | June 1991 | August 1991 |
| Unemployment | | | | September 1990 | May 1991 |
| Non-government | New Yorker Magazine | Fact checker | New York, NY | June 1989 | August 1990 |
| Unemployment | | | | Sept. 1988 | May 1989 |
| City Government | NYC Mayor's Office for the Handicapped | Intern | New York, NY | June 1988 | Aug. 1988 |
| Non-government | MacNeil/Lehrer Newshour | Intern | New York, NY | Jan. 1988 | May 1988 |
| Unemployment | | | | August 1986 | December 1988 |
| Federal Government | U.S. House of Representatives, Office of Gerry Studds | Intern | Washington, DC | June 1986 | August 1986 |

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

| Name of Government Entity | Name of Position | Date Service Began (month/year) (check box if estimate) | Date Service Ended (month/year) (check box if estimate) (check "present" box if still serving) |
|----------------------------------|-------------------------|--|--|
|----------------------------------|-------------------------|--|--|

| | | | |
|---------------------------------|-------------------------------------|----------|----------|
| U.S. Commission on Civil Rights | Member, Michigan Advisory Committee | May 2017 | May 2021 |
|---------------------------------|-------------------------------------|----------|----------|

4. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

Yale College, 1989: B.A. magna cum laude, distinction in the History Major

Yale Law School, 1993: Vinson Prize for excellence in clinical casework.

U.S. Department of Justice, Civil Rights Division Special Achievement Awards, 1996 and 1997

Washington University School of Law, David M. Becker Professor of the Year, 2008

As part of plaintiffs' team, Hamama v. Adducci: American Immigration Lawyers Association, Pro Bono Champion Award (2018).

As part of plaintiffs' team, Hamama v. Adducci: Criminal Defense Attorneys of Michigan, Extraordinary Achievement Award (2018).

2021 Fastcase 50, <https://www.fastcase.com/fastcase50/> ("Honoring the law's smartest, most courageous innovators, techies, visionaries, & leaders.").

5. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

| <u>Name of Organization</u> | <u>Dates of Your Membership</u> (You may approximate.) | <u>Position(s) Held</u> |
|-----------------------------------|---|-------------------------|
| Civil Rights Division Association | 2020-present | Co-President |

| <u>Name of Organization</u> | <u>Dates of Your Membership</u> <u>(You may approximate.)</u> | <u>Position(s) Held</u> |
|---|--|---|
| Michigan Bar | 2018-present | Member |
| Missouri Bar | entire period (last 10 years) | Member |
| DC Bar (inactive) | entire period | Member |
| New York Bar | entire period | Member |
| American Constitution Society | On and off through period | Member |
| National Police Accountability Project | 2020 to present | Member |
| Association of American Law Schools | Entire period | Member, conference speaker, Chair of the Remedies Section (2015) |
| Law and Society Association | 2010, 2013 & 2020 | Member. I have served on at least one committee (the dissertation prize committee), some years ago. |
| Journal of National Security Law & Policy | 2015 to present | Editorial board member |
| Society for Empirical Legal Studies | 2015 | Member |
| Ann Arbor Reconstructionist Congregation | 2011 to present | Member. I served several terms on the board, including as chair. |
| Associated Chamber Music Player | 2013-present | Member |
| D.C. Chamber Musicians | March 2021 to present | Member |
| Dexter Community Orchestra | 2015 | Member |
| Capital City Symphony | September 2021-present | Member |

6. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

 Yes x No (If yes, please complete the chart below)

| <u>Name of Office</u> | <u>Elected/Appointed/ Candidate Only</u> | <u>Year(s) Election Held or Appointment Made</u> | <u>Term of Service (if applicable)</u> |
|-----------------------|--|--|--|
| | | | |
| | | | |
| | | | |
| | | | |

(B) List any offices held in or services rendered, including volunteer services, to a political party or election committee during the last 10 years that you have not listed elsewhere.

| <u>Name of Party/Election Committee</u> | <u>Office/Services Rendered</u> | <u>Responsibilities</u> | <u>Dates of Service</u> |
|---|---------------------------------|--|------------------------------------|
| Democratic Party | Voter protection | Poll watching, meetings with city clerks, "boiler room" facilitation. | 2008 election, 2014-2020 elections |
| Committee to elect Samuel Bagenstos [to the Michigan Supreme Court] | Sam is my husband. | I put together his election website, did literature design, gave speeches, helped coordinate volunteers, took pictures | Election season 2018 |
| | | | |

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

| <u>Name of Recipient</u> | <u>Amount</u> | <u>Year of Contribution</u> |
|--------------------------------|---------------|-----------------------------|
| Biden for President | \$500 | 2020 |
| Biden Victory Fund | \$500 | 2020 |
| Scholten for Congress | \$500 | 2020 |
| Heidi for Senate | \$500 | 2018 |
| Samuel Bagenstos | \$5,000 | 2018 |
| January Contreras | \$250 | 2017 |
| Steven Dettelbach | \$300 | 2017 |
| Steven Dettelbach | \$500 | 2016 |
| Gretchen Driskell for Congress | \$500 | 2016 |
| Gretchen Driskell for Congress | \$250 | 2015 |

7. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with all listed publications via email or other digital format and list all required publications even if no copy of the publication is available to provide.

| <u>Title</u> | <u>Publisher</u> | <u>Date(s) of Publication</u> |
|---|------------------|-------------------------------|
| <i>Accommodating Disabilities</i> , in PUBLIC HEALTH BEHIND BARS—FROM PRISONS TO COMMUNITIES. | Springer | (forthcoming 2021) |

| Title | Publisher | Date(s) of Publication |
|--|---|-------------------------------|
| Slamming the Courthouse Door: 25 Years of Evidence for Repealing the Prison Litigation Reform Act (with Andrea Fenster), Prison Policy Initiative (Apr. 26, 2021) and a technical appendix | Prison Policy Initiative | Apr. 26, 2021 |
| <i>Narrowing the Remedial Gap: Damages for Disability Discrimination in Outsourced Federal Programs</i> , 88 U. CHICAGO L. REV. ONLINE (2021) | Chicago Law Review | March 2021 |
| <i>Memoriam: Justice Ruth Bader Ginsburg</i> , 134 HARV. L. REV. 894 (2021). | Harvard Law Review | Jan. 2021 |
| <i>Maximalist vs. Incrementalist Reform Strategies: Solitary Confinement Case Studies</i> , 115 NW. L. REV. 273 (2020). | Northwestern Law Review | Aug. 2020 |
| <i>Mapping the Iceberg: The Impact of Data Sources on the Study of District Courts</i> , 17 J. EMP. LEGAL STUD. 466 (2020) (with Christina Boyd and Pauline Kim). | Society of Empirical Legal Studies | Aug. 2020 |
| INCARCERATION AND THE LAW: CASES AND MATERIALS (2020) (with David Shapiro and Sheila Bedi); also associated website, http://incarcerationlaw.com . | West Academic | May 2020 |
| <i>The Civil Rights Litigation Clearinghouse: Origins and Goals</i> , KULA: KNOWLEDGE CREATION, DISSEMINATION, AND PRESERVATION STUDIES (2018). | University of Victoria Libraries | Nov. 2018 |
| <i>The Constitutional Law of Incarceration, Reconfigured</i> , 103 CORNELL L. REV. 357 (2018). | Cornell L. Rev. | March 2018 |
| <i>Prisoners with Disabilities</i> , in 4 REFORMING CRIMINAL JUSTICE: PUNISHMENT, INCARCERATION AND RELEASE (Erik Luna ed., 2017). | Sandra Day O'Connor College of Law (Academy of Justice) | Oct. 2017 |
| <i>Anti-Incarcerative Remedies for Illegal Conditions of Confinement</i> , 6 U. MIAMI RACE & SOCIAL JUSTICE L. REV. 1 (2016). | University of Miami Law School | Aug. 2016 |
| <i>How the ADA Regulates and Restricts Solitary Confinement for People with Mental Disabilities</i> , ACS Issue Brief (May 19, 2016). | American Constitution Society | May 2016 |
| <i>The Just-Barely-Sustainable California Prisoners' Rights Ecosystem</i> , 64 ANNALS OF THE AM. ACAD. POL. & SOC. SCI. 62 (2016). | Sage | March 2016 |
| <i>No Reason To Blame Liberals (Or, The Unbearable Lightness of Perversity Arguments)</i> , THE NEW RAMBLER REVIEW (online, June 15, 2015) (reviewing NAOMI MURAKAWA, THE FIRST CIVIL RIGHT: HOW LIBERALS BUILT PRISON AMERICA). | The New Rambler | June 2015 |
| <i>Against Solitary Confinement: Jonah's Redemption and Our Need for Mercy</i> , 16 RUTGERS J. LAW & RELIGION 345 (2015) (symposium: People of the Book). | Rutgers Law School | May 2015 |
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| <i>Inmate Litigation: Results of a National Survey</i> , NATIONAL INSTITUTE OF CORRECTIONS LARGE JAIL NETWORK EXCHANGE, July 2003, at 1. | National Institute of Corrections Large Jail Network Exchange | July 2003 |

(B) List any formal speeches you have delivered during the last 10 years relevant to the position to which you have been nominated, and all speeches you have delivered related to any topic for the last five years. Include any testimony to Congress or any other legislative or administrative body. Please provide the Committee with copies of all listed speeches via email or other digital format and list all known required speeches even if no copy is available to provide.

| <u>Title/Topic</u> | <u>Place/Audience</u> | <u>Date(s) of Speech</u> |
|--|---|--------------------------|
| Written Testimony: Raised Bill No. 1059. In support of An Act Concerning the Correction Accountability Commission, the Office of the Correction Ombuds, the Use of Isolated Confinement, Seclusion and Restraints, Social Contacts for Incarcerated Persons and Training and Workers' Compensation Benefits for Correction Officers. | Connecticut Judiciary Committee. | March 18, 2021 |
| Narrowing the Remedial Gap: Damages for Disability Discrimination in Outsourced Federal Programs | Faculty workshop, American University and Washington College of Law | March 2021 |
| Korematsu Day | Michigan Law Asian Pacific American Law Students Association | January 2021 |
| 5 years after Obergefell: Queer Rights and Gender Freedom | University of Michigan (moderator) | October 2020 |
| Implications of the Charging Decision in the Breonna Taylor Case | University of Michigan | September 2020 |
| Careers in civil rights law | University of Michigan student organization | March 2020 |
| Gender issues in law school classrooms | University of Michigan student organization | April 2019 |

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| Women and the legal profession | University of Michigan student organization | March 2019 |
| Transgender advocacy in Japan and the U.S. | University of Michigan student organization | March 2019 |
| Testimony: Increasing the Internal Influence of Civil Rights Offices | U.S. Commission on Civil Rights | Nov. 2, 2018 |
| The Trump Administration's policy on transgender | University of Michigan student organization | October 2018 |
| The Kavanaugh hearings | University of Michigan student organization | September 2018 |
| Civil rights in the Trump Era | Youtube - https://www.youtube.com/playlist?list=PL5-TkQAFaZFYIA5QRJUMbAaQvVWLuEoec | May 2018 |
| Gender Discrimination Law in the Age of #MeToo | Michigan Society of Active Retirees | April 2018 |
| Teaching Civil Rights: The Constitution on the Ground | James Madison Legacy Project, Michigan Center for Civic Education Professional Learning Conference | July 2017 |
| Teaching Civil Rights: The Constitution on the Ground | Institute for Innovation in Education | June 2017 |
| Women Law Students Association, Women Who Lead: Cross-School Viewpoint | University of Michigan student organization | February 2017 |
| American Constitution Society, The President and the Courts | University of Michigan student organization | February 2017 |
| Women's rights and the presidential election | University of Michigan student organization | November 2016 |
| Testimony: Privatized Immigration Detention | Homeland Security Advisory Council, Subcommittee on Privatized Immigration Detention Facilities Subcommittee | Oct. 17, 2016 |
| Teaching Civil Rights: The Constitution on the Ground | Oakland County, day-long workshop for high school | October 2016 |
| OUTLAWS, LGBT issues facing the next president | University of Michigan student organization | September 2016 |
| The Civil Rights Litigation Clearinghouse: Teaching Students About the Continuing Struggle for Civil Rights | Michigan Council on Social Studies | October 2014 |
| The Equal Employment Opportunity Commission and Structural Reform of the American Workplace | EEOC Datanet Conference | May 2014 |

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| Offices of Goodness: Influence without Authority in Federal Agencies | Emory Law School | March 2014 |
| Offices of Goodness: Influence without Authority in Federal Agencies | Cardozo Law School | February 2014 |
| The Equal Employment Opportunity Commission and Structural Reform of the American Workplace | Labor Law Research Network | June 2013 |
| Offices of Goodness: Influence without Authority in Federal Agencies | Law and Society Association | May 2013 |
| Testimony: Working with Communities to Disrupt Terror Plots | House Homeland Security, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment | March 17, 2010 |

8. Lobbying

In the past 10 years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

I have not registered as a lobbyist.

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



September 27, 2021

The Honorable Debbie Stabenow
Chairwoman
Committee on Agriculture, Nutrition,
and Forestry
United States Senate
Washington, DC 20510

Dear Madam Chairwoman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Margo Schlanger, who has been nominated by President Biden for the position of Assistant Secretary for Civil Rights, Department of Agriculture.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

DAVID APOL

David J. Apol
General Counsel

Digitally signed by DAVID
APOL
Date: 2021.09.27 16:49:15
-0400

Enclosures



September 9, 2021

Mr. Stuart Bender
Designated Agency Ethics Official
U.S. Department of Agriculture
J.L. Whitten Building
Room347-W
1400 Independence Avenue, SW
Washington, DC 20250

Dear Mr. Bender:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Assistant Secretary of Agriculture for Civil Rights. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

Page 2 of 4

I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13989) and that I will be bound by it. Among other obligations, I will be required to recuse from particular matters involving specific parties involving my former employer or former clients for a period of two years after I am appointed, with the exception of federal, state, and local government.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

SECTION 2 – UNIVERSITY OF MICHIGAN

Upon confirmation, I will take an unpaid leave of absence from my position as Wade H. and Dores M. McCree Collegiate Professor of Law at the University of Michigan. In addition, I will resign from my position as legal advisor to a program of the University of Michigan School of Medicine. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of the University of Michigan, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for either the exemption for employees on leave from institutions of higher learning allowing participation in certain particular matters of general applicability at 5 C.F.R. § 2640.203(b), or another regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

SECTION 3 – FAMILY TRUST

I will retain my position as a trustee of Family Trust #1. I will not receive any fees for the services that I provide as a trustee during my appointment to the position of Assistant Secretary. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of this trust, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

SECTION 4 – BOOK ROYALTIES

I receive royalties from West Academic Publishing, for sales of my book, *Incarceration and the Law, Cases and Materials*. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, I will not participate personally and substantially in any particular matter involving specific parties in which I know West Academic Publishing is

Page 3 of 4

a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 5 – RESIGNATIONS

Upon confirmation, I will resign from my positions with the following entities (in addition to the University of Michigan School of Medicine, as noted above in Section 2):

- ACLU of Michigan
- Southern Poverty Law Center
- Burn Charest LLP
- SSRN (Elsevier)
- Civil Rights Division Association

I also recently resigned from a position with Rosen, Bien, Galvan & Grunfeld LLP. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which I know that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

My work for the entities listed above included participation in four lawsuits:

- *Fraihat v. ICE*
- *Novoa v. GEO Group*
- *Hammama v. Adducci Class Counsel*
- *Sabata v. Nebraska Department of Corrections*

Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after I last provided services in each of these lawsuits, I will not participate personally and substantially in any particular matter involving specific parties in which I know that any plaintiff in the lawsuit is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

In addition, I recently served as the court-appointed settlement monitor in *Adams v. Kentucky*. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after I last provided services to the Kentucky Department of Corrections, I will not participate personally and substantially in any particular matter involving specific parties in which I know the Kentucky Department of Corrections or the Washington Lawyers' Committee or any of its clients in the case of *Adams v. Kentucky* is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 6 – PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics

Page 4 of 4

Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

A handwritten signature in blue ink that reads "Margo Schlanger". The signature is written in a cursive, flowing style.

MARGO SCHLANGER

Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

Filer's Information

Schlanger, Margo

Assistant Secretary for Civil Rights, Department of Agriculture

Other Federal Government Positions Held During the Preceding 12 Months:
None

Names of Congressional Committees Considering Nomination:

- Committee on Agriculture, Nutrition, and Forestry

98

Electronic Signature - I certify that the statements I have made in this form are true, complete and correct to the best of my knowledge.

/s/ Schlanger, Margo [electronically signed on 08/03/2021 by Schlanger, Margo in integrity.gov]

Agency Ethics Official's Opinion - On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below).

/s/ Bender, Stuart, Certifying Official [electronically signed on 09/21/2021 by Bender, Stuart in integrity.gov]

Other review conducted by

U.S. Office of Government Ethics Certification

/s/ Apol, David, Certifying Official [electronically signed on 09/27/2021 by Apol, David in Integrity.gov]

1. Filer's Positions Held Outside United States Government

| # | ORGANIZATION NAME | CITY, STATE | ORGANIZATION TYPE | POSITION HELD | FROM | TO |
|----|---|----------------------------------|--------------------|---|---------|---------|
| 1 | University of Michigan Law School | Ann Arbor, Michigan | University/College | Professor of Law | 9/2009 | Present |
| 2 | Civil Rights Litigation Clearinghouse, University of Michigan Law | Ann Arbor, Michigan | University/College | Director | 9/2009 | Present |
| 3 | Forensic Psychiatry Fellowship, UM School of Medicine | Ann Arbor, Michigan | University/College | Legal Advisor | 5/2017 | Present |
| 4 | ACLU of Michigan | Detroit, Michigan | Non-Profit | Cooperating attorney, Hammama v. Adducci Class Counsel | 6/2017 | Present |
| 5 | Southern Poverty Law Center | Montgomery, Alabama | Non-Profit | Litigating Expert, Friahat v. ICE | 3/2019 | Present |
| 6 | Burns Charrest | Dallas, Texas | Law Firm | Litigating Expert, Novoa v. GEO Group | 10/2019 | Present |
| 7 | Rosen, Bien, Galvan & Grunfeld | San Francisco, California | Law Firm | Litigating expert, Sabata v. Nebraska Dep't of Corr. Services | 10/2017 | 11/2020 |
| 8 | Washington Lawyers' Committee | Washington, District of Columbia | Non-Profit | Settlement Monitor, Adams v. Kentucky | 6/2015 | 6/2020 |
| 9 | Kentucky Department of Corrections | Frankfort, Kentucky | State government | Settlement Monitor, Adams v. Kentucky | 7/2020 | 12/2020 |
| 10 | SSRN (Elsevier) | See Endnote | Corporation | E-journal "editor" | 1/2005 | Present |

| # | ORGANIZATION NAME | CITY, STATE | ORGANIZATION TYPE | POSITION HELD | FROM | TO |
|----|-----------------------------------|----------------------------------|-------------------|---------------|--------|---------|
| 11 | Family Trust #1 | Cambridge, Massachusetts | Trust | Trustee | 6/2001 | Present |
| | | See Endnote | | | | |
| 12 | Civil Rights Division Association | Washington, District of Columbia | Non-Profit | Co-President | 3/2020 | Present |
| | | See Endnote | | | | |

2. Filer's Employment Assets & Income and Retirement Accounts

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|----|---|-----|--------------------|---------------------|---------------------------|
| 1 | University of Michigan Law School | N/A | | Salary | \$497,000 |
| 2 | Forensic Psychiatry Fellowship, UM School of Medicine | N/A | | Salary | \$4,500 |
| 3 | Southern Poverty Law Center | N/A | | Expert Witness Fees | \$5,070 |
| 4 | Burns Charest | N/A | | Expert Witness Fees | \$17,725 |
| 5 | Kentucky Department of Corrections | N/A | | Consultant Fees | \$17,121 |
| 6 | Corrections & Sentencing e-journal (SSRN/Elsevier) | N/A | | Editing Fees | \$300 |
| 7 | ScottsBlog - February and June 2020 | N/A | | Honorarium | \$200 |
| 8 | "Incarceration and the Law, Cases and Materials," 10th ed., LEG, Inc., d/b/a West Academic Publishing (value not readily ascertainable) | N/A | | Rent or Royalties | \$1,001 - \$2,500 |
| 9 | Lexis/Nexis (anticipated honorarium) - 6/16/2021 | N/A | \$1,001 - \$15,000 | | None (or less than \$201) |
| 10 | Roth IRA | No | | | |

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|------|---|-----|-----------------------|-------------|---------------------------|
| 10.1 | Vanguard Total Stock Market Admiral | Yes | \$50,001 - \$100,000 | | None (or less than \$201) |
| 11 | University of Michigan 457(b) Deferred Compensation Plan | No | | | |
| 11.1 | Fidelity Total Market Index Fund | Yes | \$100,001 - \$250,000 | | None (or less than \$201) |
| 11.2 | Fidelity International Index | Yes | \$50,001 - \$100,000 | | None (or less than \$201) |
| 11.3 | Fidelity US Bond Index | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 12 | University of Michigan 403(b) Supplemental Plan (Supplemental Retirement Account) | No | | | |
| 12.1 | Fidelity Extended Market Index | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |
| 12.2 | Fidelity International Index | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |
| 12.3 | Fidelity 500 Index | Yes | \$50,001 - \$100,000 | | None (or less than \$201) |
| 12.4 | Fidelity US Bond Index | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 13 | University of Michigan 403(b) Basic Retirement Plan | No | | | |
| 13.1 | Fidelity Extended Market Index | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |
| 13.2 | Fidelity International Index | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |
| 13.3 | Fidelity 500 Index | Yes | \$50,001 - \$100,000 | | None (or less than \$201) |

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|------|---|-----|-----------------------|-------------|---------------------------|
| 13.4 | Fidelity US Bond Index | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 14 | University of Michigan 401(a) Basic Retirement Plan | No | | | |
| 14.1 | Fidelity Extended Market Index | Yes | \$100,001 - \$250,000 | | None (or less than \$201) |
| 14.2 | Fidelity International Index | Yes | \$100,001 - \$250,000 | | None (or less than \$201) |
| 14.3 | Fidelity 500 Index | Yes | \$250,001 - \$500,000 | | None (or less than \$201) |
| 14.4 | Fidelity US Bond Index | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |
| 15 | Harvard University, Retirement Income Plan for Teaching Faculty of Harvard University | No | | | |
| 15.1 | Vanguard Total Bond Fund Institutional Plus | Yes | \$100,001 - \$250,000 | | None (or less than \$201) |
| 16 | Harvard University Tax-Deferred Annuity Plan | No | | | |
| 16.1 | Vanguard Total Bond Market Institutional Plus | Yes | \$100,001 - \$250,000 | | None (or less than \$201) |
| 17 | Washington University Retirement Savings Plan | No | | | |
| 17.1 | Vanguard Institutional Index Fund Institutional Plus | Yes | \$250,001 - \$500,000 | | None (or less than \$201) |
| 17.2 | Vanguard Small Cap Index Fund Institutional Plus | Yes | \$100,001 - \$250,000 | | None (or less than \$201) |
| 17.3 | Vanguard Total Bond Market Fund Institutional Plus | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|----|--|-----|-------|-------------|----------------------------|
| 18 | University of Michigan Civil Rights Litigation Cleaninghouse Website (http://cleaninghouse.net)(Value not readily ascertainable) | N/A | | | Nones (or less than \$201) |

3. Filer's Employment Agreements and Arrangements

| # | EMPLOYER OR PARTY | CITY, STATE | STATUS AND TERMS | DATE |
|---|-----------------------------------|---------------------|--|--------|
| 1 | University of Michigan Law School | Ann Arbor, Michigan | It has not yet started, but I will take an unpaid leave of absence. Pursuant to University leave policy, the duration begins at 1 year, subject to renewal by the Regents. | 8/2021 |
| 2 | University of Michigan | Ann Arbor, Michigan | I will continue to participate in the 401(a) Basic Retirement Plan. The University will not make contributions during my leave. | 9/2009 |
| 3 | University of Michigan | Ann Arbor, Michigan | I will continue to participate in the 403(b) Basic Retirement Plan. The University will not make contributions during my leave. | 9/2009 |
| 4 | University of Michigan | Ann Arbor, Michigan | I will continue to participate in the 403(b) Supplemental Plan (Supplemental Retirement Account). The University will not make contributions during my leave. | 9/2009 |
| 5 | University of Michigan | Ann Arbor, Michigan | I will continue to participate in the 457(b) Deferred Compensation Plan. The University will not make contributions during my leave. | 9/2009 |
| 6 | Washington University | St. Louis, Missouri | I will continue to participate in the Washington University Retirement Savings Plan, but the plan sponsor no longer makes contributions. | 7/2004 |
| 7 | Harvard University | Cambridge, Michigan | I will continue to participate in the Retirement Income Plan for Teaching Faculty of Harvard University, but the plan sponsor no longer makes contributions. | 7/1998 |

| # | EMPLOYER OR PARTY | CITY, STATE | STATUS AND TERMS | DATE |
|---|--------------------|--------------------------|---|--------|
| 8 | Harvard University | Cambridge, Massachusetts | I will continue to participate in the Harvard University Tax-Deferred Annuity Plan, but the plan sponsor no longer makes contributions. | 7/1998 |

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

| # | SOURCE NAME | CITY, STATE | BRIEF DESCRIPTION OF DUTIES |
|---|------------------------------------|----------------------------------|---|
| 1 | University of Michigan Law School | Ann Arbor, Michigan | Teaching, research, governance |
| 2 | Southern Poverty Law Center | Montgomery, Alabama | Expert, <i>Fralhat v. ICE</i> |
| 3 | Burns Charest | Dallas, Texas | Expert, <i>Novoa v. GEO Group</i> |
| 4 | Kentucky Department of Corrections | Frankfort, Kentucky | Settlement monitor, <i>Adams v. Kentucky</i> |
| 5 | Washington Lawyers' Committee | Washington, District of Columbia | Settlement monitor, <i>Adams v. Kentucky</i> |
| 6 | Rosen, Bien, Galvan & Grunfeld | San Francisco, California | Expert, <i>Sabata v. Nebraska Department of Corrections</i> |

5. Spouse's Employment Assets & Income and Retirement Accounts

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|---|--|-----|-------|-----------------|---------------|
| 1 | University of Michigan | N/A | | salary | |
| 2 | Michigan Employment Relations Commission | N/A | | salary | |
| 3 | Economic Policy Institute | N/A | | consulting fees | |

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|-----|---|-----|-------------------------|-------------|---------------------------|
| 4 | University of Michigan 401(a) Basic Retirement Plan | No | | | |
| 4.1 | Fidelity Total Market Index Fund | Yes | \$500,001 - \$1,000,000 | | None (or less than \$201) |
| 4.2 | Fidelity International Index | Yes | \$100,001 - \$250,000 | | None (or less than \$201) |
| 4.3 | Fidelity US Bond Index | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |
| 5 | Roth IRA | No | | | |
| 5.1 | Vanguard Total Stock Market Index Fund - Admiral Shares (VTSAX) | Yes | \$50,001 - \$100,000 | | None (or less than \$201) |
| 6 | University of Michigan 403(b) Basic Retirement Plan | No | | | |
| 6.1 | Fidelity Total Market Index Fund | Yes | \$100,001 - \$250,000 | | None (or less than \$201) |
| 6.2 | Fidelity International Index | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |
| 6.3 | Fidelity US Bond Index | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 7 | Univ. of Michigan 403(b) Supplemental Plan (Supp. Retirement Account) | No | | | |
| 7.1 | Fidelity Total Market Index Fund | Yes | \$50,001 - \$100,000 | | None (or less than \$201) |
| 7.2 | Fidelity International Index | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |
| 7.3 | Fidelity US Bond Index | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 7.4 | TIAA Traditional | N/A | \$50,001 - \$100,000 | | None (or less than \$201) |

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|------|---|-----|-----------------------|-------------|---------------------------|
| 8 | University of Michigan 457(b) Deferred Compensation Plan | No | | | |
| 8.1 | Fidelity Total Market Index Fund | Yes | \$100,001 - \$250,000 | | None (or less than \$201) |
| 8.2 | Fidelity International Index | Yes | \$50,001 - \$100,000 | | None (or less than \$201) |
| 8.3 | Fidelity US Bond Index | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |
| 8.4 | TIAA Traditional | N/A | \$100,001 - \$250,000 | | None (or less than \$201) |
| 9 | Washington University Retirement Savings Plan | No | | | |
| 9.1 | TIAA-CREF International Equity Index Institutional | Yes | \$50,001 - \$100,000 | | None (or less than \$201) |
| 9.2 | Vanguard Institutional Index Institutional Plus | Yes | \$250,001 - \$500,000 | | None (or less than \$201) |
| 9.3 | Vanguard Total Bond Market Index Institutional Plus | Yes | \$50,001 - \$100,000 | | None (or less than \$201) |
| 9.4 | Vanguard Inflation Protected Securities Institutional | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |
| 10 | Harvard Univ., Retirement Income Plan for Teaching Faculty of Harvard Univ. | No | | | |
| 10.1 | Vanguard Total Bond Market Index Institutional Plus | Yes | \$100,001 - \$250,000 | | None (or less than \$201) |
| 11 | Harvard University Tax-Deferred Annuity Plan | No | | | |
| 11.1 | Vanguard Total Bond Market Index Institutional Plus | Yes | \$50,001 - \$100,000 | | None (or less than \$201) |

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|----|---|-----|-----------------------------|-------------------|---------------------------|
| 12 | "Disability Rights Law, Cases and Materials," 3d ed., LEG, Inc., d/b/a Foundation Press (Value Not Readily Ascertainable) | N/A | | Rent or Royalties | \$201 - \$1,000 |
| 13 | "Law and the Contradictions of the Disability Rights Movement," Yale University Press (Value Not Readily Ascertainable) | N/A | | | None (or less than \$201) |
| 14 | Solo legal practice | N/A | None (or less than \$1,001) | Legal Fees | |

6. Other Assets and Income

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|-----|---|-----|-----------------------|-------------|---------------------------|
| 1 | U.S. Brokerage Account #1 | No | | | |
| 1.1 | Fidelity ZERO Total Market Index Fund (FZROX) | Yes | \$15,001 - \$50,000 | | \$201 - \$1,000 |
| 2 | U.S. Brokerage cash account | N/A | \$1,001 - \$15,000 | | None (or less than \$201) |
| 3 | U.Fund College Investing Plan #1 (Massachusetts 529 college savings plan) | No | | | |
| 3.1 | MA College Portfolio (Fidelity Funds) | Yes | \$1,001 - \$15,000 | | \$1,001 - \$2,500 |
| 4 | U.S. Brokerage Account #2 | No | | | |
| 4.1 | Vanguard Cash Reserves Federal Money Market Fund - Admiral Shares (VMRXX) | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 4.2 | Vanguard Total International Stock Index Fund - Admiral Shares (VTIAX) | Yes | \$15,001 - \$50,000 | | \$15,001 - \$50,000 |
| 4.3 | Vanguard Total Stock Market Index Fund - Admiral Shares (VTSAX) | Yes | \$100,001 - \$250,000 | | \$100,001 - \$1,000,000 |

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|------|--|-----|-----------------------------|--------------|---------------------------|
| 5 | MOST—Missouri's 529 Education Plan #1, no remaining assets. | N/A | None (or less than \$1,001) | Cash payment | \$55,925 |
| 6 | Michigan Education Savings Program #1 | No | | Cash Payment | \$40,343 |
| 6.1 | Principal Plus Interest Option | Yes | \$50,001 - \$100,000 | | None (or less than \$201) |
| 7 | Michigan Education Savings Program #2 | No | | | |
| 7.1 | Principal Plus Interest Option | Yes | \$50,001 - \$100,000 | | None (or less than \$201) |
| 8 | U.S. bank #1 (cash) | N/A | \$50,001 - \$100,000 | | None (or less than \$201) |
| 9 | U.S. bank # 2 (cash) | N/A | \$100,001 - \$250,000 | Interest | \$201 - \$1,000 |
| 10 | U.S. bank #3 (cash) | N/A | \$1,001 - \$15,000 | | None (or less than \$201) |
| 11 | MOST—Missouri's 529 Education Plan #2, no remaining assets | N/A | None (or less than \$1,001) | Cash payment | \$55,802 |
| 12 | U.Fund College Investing Plan #2 (Massachusetts 529 college savings plan), no remaining assets | N/A | None (or less than \$1,001) | Cash Payment | \$5,042 |
| 13 | DC College Savings Plan #1, no remaining assets | N/A | None (or less than \$1,001) | Cash Payment | \$2,494 |
| 14 | DC College Savings Plan #2, no remaining assets | N/A | None (or less than \$1,001) | Cash Payment | \$2,517 |
| 15 | New York 529 College Savings Program Direct Plan #1 | No | | Cash Payment | \$10,138 |
| 15.1 | Aggressive Age-Based Option: Conservative Portfolio | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 16 | New York 529 College Savings Program Direct Plan #2 | No | | Cash Payment | \$17,385 |

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|------|--|-----|-----------------------------|-------------------|---------------------------|
| 16.1 | Aggressive Age-Based Option: Conservative Portfolio | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 17 | Residential real estate, Ann Arbor, MI | N/A | \$500,001 - \$1,000,000 | Rent or Royalties | \$5,001 - \$15,000 |
| 18 | Roth IRA (Dependent Child #1) | No | | | |
| 18.1 | Fidelity Zero Total Market Index | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 19 | Roth IRA (Dependent Child #2) | No | | | |
| 19.1 | Fidelity Zero Total Market Index | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |
| 20 | U.S. Savings Bonds | N/A | \$15,001 - \$50,000 | | None (or less than \$201) |
| 21 | U.S. Savings Bonds | N/A | \$1,001 - \$15,000 | | None (or less than \$201) |
| 22 | MOST—Missouri's 529 Education Plan #3, no remaining assets | N/A | None (or less than \$1,001) | Cash payment | \$40,942 |
| 23 | MOST—Missouri's 529 Education Plan #4, no remaining assets | N/A | None (or less than \$1,001) | Cash payment | \$34,666 |

7. Transactions

(N/A) - Not required for this type of report

8. Liabilities

| # | CREDITOR NAME | TYPE | AMOUNT | YEAR INCURRED | RATE | TERM |
|---|-------------------------------|---|-------------------------|---------------|-------|----------|
| 1 | TRUE Community Credit Union | State-Subsidized Loan to Finance Home Solar Project | \$15,001 - \$50,000 | 2021 | 4.25 | 10 years |
| 2 | J.P. Morgan Chase Bank, N.A. | Mortgage on Personal Residence | \$100,001 - \$250,000 | 2012 | 3.125 | 15 years |
| 3 | Pentagon Federal Credit Union | Exercised Line of Credit | \$15,001 - \$50,000 | 2020 | 4.125 | 7 years |
| 4 | Mr. Cooper | Mortgage on Personal Residence | \$500,001 - \$1,000,000 | 2021 | 2.625 | 30 years |

9. Gifts and Travel Reimbursements

(N/A) - Not required for this type of report

Endnotes

| PART | # | ENDNOTE |
|------|----|---|
| 1. | 2 | No additional pay |
| 1. | 10 | I was not an e-journal editor with this journal for the time period from 2010 to 2013. |
| 1. | 11 | I am a beneficiary of this trust. Its sole asset is a cash account with a value below the reporting threshold. |
| 1. | 12 | This is a non-profit organization open to current and former employees of the DOJ Civil Rights Division; it puts on occasional informational and reunion-type events. |
| 2. | 18 | The University of Michigan owns this website and database. I have the option to take ownership in the event that I permanently separate from the University. |

| # | DESCRIPTION | EIF | VALUE | INCOME TYPE | INCOME AMOUNT |
|------|--|-----|-----------------------------|-------------------|---------------------------|
| 16.1 | Aggressive Age-Based Option: Conservative Portfolio | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 17 | Residential real estate, Ann Arbor, MI | N/A | \$500,001 - \$1,000,000 | Rent or Royalties | \$5,001 - \$15,000 |
| 18 | Roth IRA (Dependent Child #1) | No | | | |
| 18.1 | Fidelity Zero Total Market Index | Yes | \$1,001 - \$15,000 | | None (or less than \$201) |
| 19 | Roth IRA (Dependent Child #2) | No | | | |
| 19.1 | Fidelity Zero Total Market Index | Yes | \$15,001 - \$50,000 | | None (or less than \$201) |
| 20 | U.S. Savings Bonds | N/A | \$15,001 - \$50,000 | | None (or less than \$201) |
| 21 | U.S. Savings Bonds | N/A | \$1,001 - \$15,000 | | None (or less than \$201) |
| 22 | MOST—Missouri's 529 Education Plan #3, no remaining assets | N/A | None (or less than \$1,001) | Cash payment | \$40,942 |
| 23 | MOST—Missouri's 529 Education Plan #4, no remaining assets | N/A | None (or less than \$1,001) | Cash payment | \$34,666 |

7. Transactions

(N/A) - Not required for this type of report

8. Liabilities

| # | CREDITOR NAME | TYPE | AMOUNT | YEAR INCURRED | RATE | TERM |
|---|-------------------------------|---|-------------------------|---------------|-------|----------|
| 1 | TRUE Community Credit Union | State-Subsidized Loan to Finance Home Solar Project | \$15,001 - \$50,000 | 2021 | 4.25 | 10 years |
| 2 | J.P. Morgan Chase Bank, N.A. | Mortgage on Personal Residence | \$100,001 - \$250,000 | 2012 | 3.125 | 15 years |
| 3 | Pentagon Federal Credit Union | Exercised Line of Credit | \$15,001 - \$50,000 | 2020 | 4.125 | 7 years |
| 4 | Mr. Cooper | Mortgage on Personal Residence | \$500,001 - \$1,000,000 | 2021 | 2.625 | 30 years |

9. Gifts and Travel Reimbursements

(N/A) - Not required for this type of report

Endnotes

| PART | # | ENDNOTE |
|------|----|---|
| 1. | 2 | No additional pay |
| 1. | 10 | I was not an e-journal editor with this journal for the time period from 2010 to 2013. |
| 1. | 11 | I am a beneficiary of this trust. Its sole asset is a cash account with a value below the reporting threshold. |
| 1. | 12 | This is a non-profit organization open to current and former employees of the DOJ Civil Rights Division; it puts on occasional informational and reunion-type events. |
| 2. | 18 | The University of Michigan owns this website and database. I have the option to take ownership in the event that I permanently separate from the University. |

Summary of Contents

1. Filer's Positions Held Outside United States Government

Part 1 discloses positions that the filer held at any time during the reporting period (excluding positions with the United States Government). Positions are reportable even if the filer did not receive compensation.

This section does not include the following: (1) positions with religious, social, fraternal, or political organizations; (2) positions solely of an honorary nature; (3) positions held as part of the filer's official duties with the United States Government; (4) mere membership in an organization; and (5) passive investment interests as a limited partner or non-managing member of a limited liability company.

2. Filer's Employment Assets & Income and Retirement Accounts

Part 2 discloses the following:

- Sources of earned and other non-investment income of the filer totaling more than \$200 during the reporting period (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes)
- Assets related to the filer's business, employment, or other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

3. Filer's Employment Agreements and Arrangements

Part 3 discloses agreements or arrangements that the filer had during the reporting period with an employer or former employer (except the United States Government), such as the following:

- Future employment
- Leave of absence
- Continuing payments from an employer, including severance and payments not yet received for previous work (excluding ordinary salary from a current employer)
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan
- Retention or disposition of employer-awarded equity, sharing in profits or earned interests (e.g., vested and unvested stock options, restricted stock, future share of a company's profits, etc.)

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

Part 4 discloses sources (except the United States Government) that paid more than \$5,000 in a calendar year for the filer's services during any year of the reporting period.

The filer discloses payments both from employers and from any clients to whom the filer personally provided services. The filer discloses a source even if the source made its payment to the filer's employer and not to the filer. The filer does not disclose a client's payment to the filer's employer if the filer did not provide the services for which the client is paying.

5. Spouse's Employment Assets & Income and Retirement Accounts

Part 5 discloses the following:

- Sources of earned income (excluding honoraria) for the filer's spouse totaling more than \$1,000 during the reporting period (e.g., salary, consulting fees, and partnership share)
- Sources of honoraria for the filer's spouse greater than \$200 during the reporting period
- Assets related to the filer's spouse's employment, business activities, other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's spouse's business employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF). Amounts of income are not required for a spouse's earned income (excluding honoraria).

6. Other Assets and Income

Part 6 discloses each asset, not already reported, (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in investment income was received during the reporting period. For purposes of the value and income thresholds, the filer aggregates the filer's interests with those of the filer's spouse and dependent children.

This section does not include the following types of assets: (1) a personal residence (unless it was rented out during the reporting period); (2) income or retirement benefits associated with United States Government employment (e.g., Thrift Savings Plan); and (3) cash accounts (e.g., checking, savings, money market accounts) at a single financial institution with a value of \$5,000 or less (unless more than \$200 in income was received). Additional exceptions apply. Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

7. Transactions

Part 7 discloses purchases, sales, or exchanges of real property or securities in excess of \$1,000 made on behalf of the filer, the filer's spouse or dependent child during the reporting period.

This section does not include transactions that concern the following: (1) a personal residence, unless rented out; (2) cash accounts (e.g., checking, savings, CDs, money market accounts) and money market mutual funds; (3) Treasury bills, bonds, and notes; and (4) holdings within a federal Thrift Savings Plan account. Additional exceptions apply.

8. Liabilities

Part 8 discloses liabilities over \$10,000 that the filer, the filer's spouse or dependent child owed at any time during the reporting period.

This section does not include the following types of liabilities: (1) mortgages on a personal residence, unless rented out (limitations apply for PAS filers); (2) loans secured by a personal motor vehicle, household furniture, or appliances, unless the loan exceeds the item's purchase price; and (3) revolving charge accounts, such as credit card balances, if the outstanding liability did not exceed \$10,000 at the end of the reporting period. Additional exceptions apply.

9. Gifts and Travel Reimbursements

This section discloses:

- Gifts totaling more than \$415 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than \$415 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.

For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of \$166 or less. Regardless of the value, this section does not include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, or local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official travel; (5) gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent children totally independent of their relationship to the filer. Additional exceptions apply.

Privacy Act Statement

Title I of the Ethics in Government Act of 1978, as amended (the Act), 5 U.S.C. app. § 101 et seq., as amended by the Stop Trading on Congressional Knowledge Act of 2012 (Pub. L. 112-105) (STOCK Act), and 5 C.F.R. Part 2634 of the U. S. Office of Government Ethics regulations require the reporting of this information. Failure to provide the requested information may result in separation, disciplinary action, or civil action. The primary use of the information on this report is for review by Government officials to determine compliance with applicable Federal laws and regulations. This report may also be disclosed upon request to any requesting person in accordance with sections 105 and 402(b)(1) of the Act or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. Additional disclosures of the information on this report may be made: (1) to any requesting person, subject to the limitation contained in section 208(d)(1) of title 18, any determination granting an exemption pursuant to sections 208(b)(1) and 208(b)(3) of title 18; (2) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of violations or potential violations of law or regulation; (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or determination; (4) to the National Archives and Records Administration or the General Services Administration in records management inspections; (5) to the Office of Management and Budget during legislative coordination on private relief legislation; (6) when the disclosing agency determines that the records are arguably relevant to a proceeding before a court, grand jury, or administrative or adjudicative body, or in a proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding; (7) to reviewing officials in a new office, department or agency when an employee transfers or is detailed from one covered position to another, a public financial disclosure report and any accompanying documents, including statements notifying an employee's supervising ethics office of the commencement of negotiations for future employment or compensation or an agreement for future employment or compensation; (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of and at the request of an individual who is the subject of the record; (9) to contractors and other non-Government employees working on a contract, service or assignment for the Federal Government when necessary to accomplish a function related to this system of records; (10) on the OGE Website and to any person, department or agency, any written ethics agreement, including certifications of ethics agreement compliance, filed with OGE by an individual nominated by the President to a position requiring Senate confirmation; (11) on the OGE Website and to any person, department or agency, any certificate of divestiture issued by OGE; (12) on the OGE Website and to any person, department or agency, any waiver of the restrictions contained in Executive Order 13770 or any superseding executive order; (13) to appropriate agencies, entities and persons when there has been a suspected or confirmed breach of the system of records, the agency maintaining the records has determined that there is a risk of harm to individuals, the agency, the Federal Government, or national security, and the disclosure is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and (14) to another Federal agency or Federal entity, when the agency maintaining the record determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in responding to a suspected or confirmed breach or in preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity, the Federal Government, or national security. See also the OGE/GOVT-1 executive branch-wide Privacy Act system of records.

Public Burden Information

This collection of information is estimated to take an average of ten hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Program Counsel, U.S. Office of Government Ethics (OGE), Suite 500, 1201 New York Avenue, N.W., Washington, DC 20005-3917.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number, 3209-0001, is displayed here and at the top of the first page of this OGE Form 278e).

November 15, 2021

The Honorable Debbie Stabenow, Chairwoman Committee on
Agriculture, Nutrition & Forestry
United States Senate
Washington, D.C. 20510

The Honorable John Boozman, Ranking Member
Committee on Agriculture, Nutrition & Forestry
United States Senate
Washington, DC 20510

Dear Chairwoman Stabenow and Ranking Member Boozman:

Please be advised that pursuant to section 101(b) of the Ethics in Government Act of 1978, as amended, I have informed the appropriate ethics officials that the information required by section 102(a)(1)(A) of the Act with respect to income and honoraria contained in OGE Form 278e (Executive Branch Public Financial Disclosure Report) executed by me on September 9, 2021 is correct.

This information is current as of Monday, November 15, 2021. This date is within five days prior to the date of the first hearing scheduled to consider my nomination.

Sincerely,



Margo Schlanger

QUESTIONS AND ANSWERS

NOVEMBER 17, 2021

U.S. Senate Committee on Agriculture, Nutrition, and Forestry

Nomination Hearing

Chavonda Jacobs-Young, of Georgia, to be Under Secretary of Agriculture for Research,
Education, and Economics

November 17, 2021

Questions for the Record

Chairwoman Debbie Stabenow

- 1) For several years, USDA research agencies have had significant vacancy rates and the need for the next generation of agricultural scientists couldn't be greater. Will you commit to look for opportunities to support the next generation of agricultural scientists and quickly staff up the agencies?

Yes, if confirmed I look forward to nurturing the next generation of scientists, and to working to get the right people in place within agencies to help the Department advance its research priorities.

- 2) If you are confirmed, I look forward to working with you. If confirmed, do you agree, without reservation, to:
 - a. Promptly reply to any request for information from me or any duly constituted committee of the Congress and provide the requested information?

Yes, if confirmed I commit to responding to requests for information.

- b. Respond to my requests for data and technical assistance in informing or drafting legislation or implementation of the law?

Yes, if confirmed I commit to responding to requests for data and technical assistance.

- c. Notify me or my staff in advance of any public announcement of any major changes made by you or within the Department of Agriculture during your tenure?

Yes, if confirmed I commit to notifying you and your staff in advance of major changes.

- 3) COVID-19 has created significant challenges for farmers and ranchers and has stressed the mental health of many rural residents. Extension systems throughout the country have responded in a variety of ways to educate community members and provide farm stress management resources to those impacted. Given their unique position in rural and urban communities, how can the Extension system expand its role to help alleviate farm stress?

When Congress reauthorized the Farm and Ranch Stress Assistance Network in the 2018 Farm Bill, Congress provided a roadmap for Cooperative Extension, tribal partners, and non-governmental organizations for providing the support needed to make those challenges more manageable for producers and their families. As a result, Cooperative Extension and its partners are providing farm stress management resources in every U.S. state and territory. Some of the positive outcomes include connecting producers to financial and crop insurance programs offered by USDA's Farm Service Agency and Risk Management Agency. These positive outcomes are growing because of the infusion of COVID relief funds, which allowed 50 state departments of agriculture to join the Farm and Ranch Stress Assistance Network this year to partner with Cooperative Extension and 4-H in many states.

- 4) In the face of the climate crisis, having adequate plant varieties that are suitable for specific regions and environmental conditions is especially important to organic producers. If confirmed, will you commit to supporting organic research, traditional seed breeding, and ensuring there are adequate scientists to produce new seed varieties and lines of animals that are not genetically engineered?

Organic production is a key component to creating more and better markets for producers. USDA supports research on organic production that increases the diversity of crops and animals available to American farmers and producers. USDA scientists have pioneered advances in genetic and genomic selection for plants and animals, cutting-edge breeding techniques, and germplasm preservation and utilization, to produce new varieties that optimize productivity, efficiency, and product quality. ARS breeding efforts integrate complex scientific approaches and cutting-edge innovation to ensure that US producers and consumers have a diversity of options. If confirmed, I commit to continuing support for the high priority genetic improvement of crops and animals research in support of organic production.

- 5) The COVID-19 pandemic has exposed a lot of vulnerabilities in the food supply. How can USDA's research enterprise be utilized to support building resiliency in the food supply chain?

The pandemic has highlighted many vulnerabilities in the food supply chain and opportunities for the United States to strengthen and build a more resilient supply chain. Doing so is going to require a comprehensive approach involving multiple mission areas as well as the resources and investments of both the public and private sectors. If I am confirmed, I will work to focus the Research, Education, and Economics mission area to better establish research and data on the direct vulnerabilities to the supply chain related to livestock impacts from disease. Our research functions and partnerships also will play a major role in building defenses into both animal populations and fully understanding the pressure points and potential countermeasures that technology, detection, and response can provide. I am also interested in developing better market analysis from our economists to fully understand the lessons learned from consumer behavior under lockdown, the upstream ramifications in terms of on farm production, as well as the downstream ramifications in terms of warehousing, trucking, retailer, and other supply issues. There is also room for more research and analysis of ports issues and the kinds of

investments that could help prevent future difficulties in supply chain movement. If confirmed, I will work diligently to unpack the multiple aspects of the supply chain issues and work with our experts to develop a long-term plan to apply our knowhow toward seeking solutions.

- 6) The Chief Scientist has the responsibility for all aspects of scientific integrity in USDA's scientific research and statistical programs, and in program and policy decisions informed by science. Will you commit to maintain the integrity of the scientific record as you perform the role of the Chief Scientist?

If confirmed, I commit to the responsibility of safeguarding scientific integrity across USDA. As the first Director of the Office of the Chief Scientist in USDA, I was instrumental in crafting the Department's first Scientific Integrity policy. As ARS Administrator, I have maintained my commitment and practice in the area, and I am currently serving as a member of the White House Task Force on Scientific Integrity.

- 7) The Research, Education, and Economics (REE) mission area is rapidly expanding its sphere of partnerships to include the broader academic community, industry, as well as other federal departments and agencies. What are your approaches to managing complex cross-agency and public-private programs and relationships? How will you integrate these research activities?

The U.S. is fortunate to have one of the world's safest, most abundant, affordable, and nutritious food supplies. However, the challenges we face in agriculture, food, and public health today are so complex that we mostly cannot solve them with one researcher, one laboratory, or one discipline. No one organization, whether public or private, can meet these challenges alone. Close, coordinated partnerships and collaborations allow us to leverage resources and ensure we are complementing each other's' efforts, not significantly overlapping or duplicating each other. If confirmed, I will continue to build strong partnerships and capitalize on USDA's ability to serve as a coalescing platform to bring together public intramural, public extramural, and private research efforts to meet the challenges before us.

Ranking Member John Boozman

- 1) If confirmed, do you agree to reply promptly, with any requested information, to any request from me or my staff, and to notify me or my staff in advance of making public any significant policy positions USDA takes during your tenure?

Yes, if confirmed I commit to providing prompt responses to requests for information and advance notice of policy changes.

- 2) There is a longstanding history of USDA providing technical assistance to the Committee as we write legislation. This assistance has been provided to ensure the pragmatic workability of the legislation, without regard to whether the bill reflects the

Administration's priorities. Will you commit to continuing to provide agency resources and subject matter experts towards any technical assistance requested by me or my staff?

Yes, if confirmed I commit to providing technical assistance on legislative proposals.

- 3) The legislative process, for instance, the farm bill, sometimes yields results where the Secretary is delegated significant authority. During implementation of legislation, including when engaging in the rule-making process, will you commit to consulting with Congress if statutory language has rendered legislative intent unclear?

Yes, if confirmed I commit to consulting with relevant policymakers as legislation is implemented.

- 4) The Dietary Reference Intakes (DRIs) are essential to nutrition policy, functioning as the scientific backbone to the U.S. and Canadian dietary guidelines and federal feeding programs. DRIs also serve as the foundation for Daily Values (DV) for the Nutrition Facts Label, indicating to consumers how much of a daily nutrient requirement a serving of a food or beverage provides. However, most of the DRIs are 20 years old, meaning our dietary guidelines and policies are not based on the most recent science. Furthermore, the failure to update the DRIs is effectively undermining the tens of billions of dollars the federal government has spent on nutrition research. How will you work with your colleagues at the Department of Health and Human Services and the National Academies of Sciences, Engineering, and Medicine to establish a plan that makes updating the DRIs a priority?

DRIs serve as the scientific basis in the development of national dietary guidelines and nutrition education and are important to the food industry and FDA for fortification and labelling. Thus, these values support many different priority areas for USDA. If confirmed, I commit to work with the federal DRI Steering committee which includes representatives from USDA, NIH, FDA, CDC, DOD and Health Canada. I will also work collaboratively with the National Academies of Sciences, Engineering, and Medicine in support of the Standing Committee on Review of the Dietary Reference Intake Framework.

- 5) In your opinion, what does agricultural research related to climate include? And what role should the REE mission area play in preparing U.S. agriculture for climate impacts and maybe even preventing or reversing future climate impacts?

USDA is a leader in conservation, climate science, and research. The REE infrastructure is built for long term support with the Long Term Agroecosystem Network, the Climate Hubs, labs across the country and our long standing partnership with the Land Grant University System. Together we bring decades of experience in research, data and technology to advance climate smart agricultural practices such as land use, conservation, precision agriculture, and carbon

sequestration in support of meeting climate challenges. If confirmed, I look forward to delivering scientific solutions in support of the climate plan.

- 6) The National Agricultural Law Center (NALC), a unit of the University of Arkansas System Division of Agriculture, is the nation's leading source of agricultural and food law research and information. The Center serves the nation's agricultural community, Cooperative Extension Service personnel, state and federal policymakers, attorneys, consumers, and others. While operating on a national scale, the Center conducts objective and scholarly agricultural and food law research and information. It is also a formal partner of the USDA National Agricultural Library (NAL), helping fulfill NAL's mission of "advancing access to global information for agriculture.

If confirmed, what measures will you undertake to ensure the NALC continues to receive the full support and cooperation from USDA to continue their critical work, as mandated by Congress?

The National Agricultural Law Center is an important partner in informing agricultural law. If confirmed, I commit to providing information and assistance necessary for NALC to carry out its mission.

- 7) What is USDA's role in spurring private research investment? What role do you envision FFAR playing in this discussion and how should USDA work with FFAR?

USDA science has been at the heart of innovation and discovery in the agricultural enterprise. Our success is bolstered by the strong partnerships with industry. USDA's partnership with industry moves our discoveries beyond the laboratory, spurring private research investment into end point technologies that make it into the hands of the American farmers, producers, and consumers. FFAR was astutely established by Congress to advance the research mission of USDA by supporting agricultural research activities focused on addressing key problems of national and international significance, and to foster collaboration among agricultural researchers, the Federal government, State governments, higher education institutions, industry, and nonprofit organizations. Our teams have worked together productively since FFAR's inception. In my role as ARS Administrator, I serve as an ex-officio board member of FFAR and if confirmed, I will continue to serve as an ex-officio board member in my role as REE Under Secretary.

- 8) The Consolidated Appropriations Act, 2021 included the Clean Up the Code Act of 2019 which repealed section 707 of Title 18 United States Code relating to fraudulent use of the 4-H club emblem. What action, if any, should the Department take to address this? Do you believe the emblem needs to be protected? If confirmed, will you commit to reviewing the Act and keeping the Committee informed of any action taken relating to the protection of the 4-H club emblem?

If confirmed, I commit to keeping the Committee informed of any actions necessary to protect the 4-H club emblem.

- 9) Staffing levels at REE agencies remains a concern. What are your plans, if confirmed, to make sure these agencies are fully staffed and by when will the agencies be fully staffed?

In ARS we've done a lot of hiring recently. Last year is the first year hiring outpaced attrition. We commit to continue hiring at this pace. We completed nearly 1000 recruitments last year. REE is actively hiring to rebuild scientific and technical staff within NIFA and ERS. ERS and NIFA have done an amazing job staffing up. NIFA and ERS made great strides toward their ambitious hiring targets by fiscal year's end. If confirmed, I'm looking forward to welcoming and developing the new employees. It will be a priority then to keep succession planning and hiring apace to keep ahead of separations.

- 10) I continue to hear significant stakeholder concerns with the administration's vaccine mandate for Federal employees and contractors. Specifically, I have heard concerns that it will have detrimental impacts on USDA-funded research. While at the hearing you said nearly all USDA personnel in the REE mission area are indeed vaccinated, you did not comment on contractors. If there is a sudden reduced workforce – from animal caretaking staff to university scientists – agricultural research outcomes would be delayed. If confirmed, what will you do as Under Secretary to evaluate the potential impacts of this mandate?

If confirmed I will monitor the ongoing needs of our partner research community and commit to working through any potential impacts on ongoing ag research.

- 11) The National Bio and Agro-Defense Facility (NBAF) is a state-of-the-art facility that will provide significant benefit to U.S. animal agriculture and our food security. USDA's oversight and management of NBAF is key to maximizing these benefits.
- a. What is the current status of the operational buildout of NBAF?

USDA continues to work closely with our partners at the U.S. Department of Homeland Security Science and Technology Directorate to finalize construction and commissioning activities for this state-of-the-art facility and transfer the science, diagnostic, and research mission from Plum Island Animal Disease Center. As a result of COVID-19 disruptions, USDA and DHS continue collaborating to realign NBAF's schedule to minimize the effects of the pandemic and delays to the overall program.

As part of that realignment last year, USDA and DHS announced they would address necessary technology upgrades identified since the design was completed in 2012 as well as installation of USDA-funded equipment as part of the construction timeline. DHS S&T is currently estimating that construction will be complete in spring 2022.

DHS S&T is also responsible for NBAF's commissioning, which is another way to say a performance review for the building and its systems. The testing and retesting of NBAF's unique and complex building systems is linked to the completion of construction and the commissioning completion date is estimated for summer 2022.

- b. What is the expected timeline in which you expect USDA to take full operational control of the facility?

At NBAF, employees at both departments are participating in commissioning alongside the contractor so that everyone is on the same page about the facility's innerworkings and unique abilities. The two departments agreed to a phased transition, where USDA employees would start taking over operations of the facility one piece at a time — before the construction and commissioning milestones are complete. Currently, USDA employees are operating the transshipping building, central utility and wastewater pre-treatment plants, managing operations and maintenance for the campus and overseeing the security guard services.

Senator Amy Klobuchar

The University of Minnesota is a leading agricultural research and extension institution—and yet, like so many other land-grant universities, the University of Minnesota has tens of millions of dollars of critical infrastructure needs. Many agricultural researchers work in conditions that many of us would consider substandard. Without addressing these issues, our land-grant universities will not be able to keep up with international competition or address the future challenges.

- Will you commit to working with me and the land-grant community to find a path forward to address these infrastructure needs?

Many land grant universities across the nation are facing critical infrastructure needs to continue doing their important research. If confirmed, I commit to working with these institutions to identify creative solutions to the issues they are facing, and work to help set them on a long-term path to success.

Senator Kirsten Gillibrand

- 1) I have a question about one of the agencies in the Research, Education, and Economics mission area, the Economics Research Service, and how ERS research could help to address some challenges facing organic farms. New York has more than 600 organic dairy farms and we are fourth in the country for organic milk sales. But the economic viability of many organic dairy farms in New York and across the country is in question, in part because of differences in how the organic standards are being enforced. This

discrepancy has led to the growth of very large organic dairy operations across the country that can undercut small organic farmers in the Northeast.

- a. If confirmed, will you commit to having ERS examine the differences in cost of production for organic milk in different regions of the country, taking into account the production practices and scales used in different regions?

ERS and USDA's National Agricultural Statistical Service (NASS) are collaborating to conduct a sample of organic dairy producers in the 2021 Agricultural Resource Management Survey (ARMS). This survey will be implemented in early 2022 using a questionnaire that is similar to surveys used previously, providing an opportunity to examine trends in the sector. ERS will analyze structural changes in the organic dairy sector over time, as well as costs and returns over time. If confirmed, I commit to work closely with ERS and NASS in support of these efforts.

- 2) In addition to consistent enforcement of the organic standards that would create a level playing field, organic dairy farms also need to be able to access safety net programs that work for their operations. But they currently cannot receive dairy margin coverage based on the margins for organic systems.
 - a. If confirmed, will you commit to having ERS provide an analysis of what a dairy margin coverage program based on organic feed and organic milk prices would have paid to organic farmers in the last five years?

ERS will evaluate the feasibility of such an analysis given current data availability and limitations. If confirmed, I commit to following up with an update.

Senator Tina Smith

- 1) While there are more than 3,100 extension offices available to farmers nationwide, most of these extension agents are not available to Tribes. For those Tribes that do not have access to Tribal Colleges and Universities they have limited or no access to Extension services. The Federally Recognized Tribal Extension Program was created 30 years ago to alleviate this problem but it has never received more than \$3 million in funding. In fact it started at \$1 million in 1990 and only increased by \$2 million over 30 years. On average, each reservation has less than one extension agent, compared to three extension agents for every county in the country. Will you work with me to increase the number of tribal extension offices?

Yes, I am committed to working with you to ensure our Tribal communities have access to Cooperative Extension. In addition to the Federally Recognized Tribal Extension Program you mentioned, the 1994 Extension program, which provides Extension services through the 1994 land-grant universities, is currently funded at \$8.5 million. These programs complement each other to provide the much-needed informal learning to support youth development, nutrition security, and agricultural productivity across our Tribal nations.

2) The Equity in Educational Land-Grant Status Act, which designated Tribal Colleges as the 1994 Land-grant institutions, was enacted more than 25 years ago. In Minnesota, we are fortunate to have four 1994 institutions. From the beginning, funding for the 1994s has remained inadequate to address growing agricultural and land needs and opportunities in Indian Country. Throughout the Land-grant system, stark inequities in federal funding and resources exist. In Fiscal Year 2021, the 50 state, 1862 Land-grant institutions received \$259 million in research funding from NIFA. In comparison, the 35 Tribal Colleges and Universities Land-grant institutions received \$4 million. This \$4 million is just 1 percent of NIFA's Land-grant research funding.

- a) Do you believe USDA research funding is equitably distributed? If not, please share with the Committee what you will do to ensure that the 1994 Land-grants receive a more equitable share of Land-grant research funding.

If confirmed, I commit to supporting USDA's high priority efforts to remove barriers and increase participation in USDA programs. This includes research, education, and extension funding programs. I will work to build on the legacy programs and address gaps in support. I believe this starts by continuing to engage with the 1994 community and identifying the highest priority needs and developing strategies for being the most impactful.

- b) How can USDA's research agencies better support Tribal Colleges and Universities in developing their research capacity?

In my engagement with leadership from Tribal Colleges and Universities, I learned that there are many barriers related to research infrastructure, such as lack of clean water and inconsistent power to the tribal colleges and universities. If confirmed, I commit to continuing to engage with the 1994 community to identify the highest priority needs for capacity building and developing strategies for being the most impactful.

3) The JBS cyber-attack highlighted the concentration in the meat processing industry. The cyber-attack resulted in meatpackers slaughtering 22 percent fewer cattle than the prior week. One month before the cyber-attack, the University of Minnesota Food Protection and Defense Institute warned the Agriculture Department about the dangers that cyber-crimes could play on our food supply chains. The work of the University of Minnesota Food Protection and Defense Institute shows how important investments in academic research is to showing how even small kinks in the supply chain can wreak havoc on the entire system – from farm to packer to grocery store or restaurant. The federal government uses research to decide where to make future investments in order to protect farmers and supply chains. Do you think the USDA should prioritize research on how consolidation has impacted farmers and consumers?

The Economic Research Service is a leader in research on important economic issues in agriculture, including consolidation. If confirmed, I look forward to working with Administrator

Spiro Stefanou to provide economic analysis to support the Department's work to address consolidation in the industry.

Senator Cory Booker

- 1) Do you view additional investment in alternative protein research as an important element of helping the US meet its' climate goals?

Alternative proteins include a variety of foods, including insects, legumes, and lab-created meat. USDA has scientific expertise across relevant fields, including crop breeding and genetics, plant processing, and nutrition and is well positioned to lead alternative protein research. ARS scientists conduct research to understand the nutritional value of foods and certain foods and how dietary patterns may lead to the reduction of chronic disease risk. ARS genetic databases are a vast resource that can be tapped for alternative protein breeding efforts and can support breeders and growers in their efforts to produce higher value crops and address the growing alternative protein market. If confirmed, I look forward to continuing to work with our scientists on research efforts in alternative proteins.

Senator John Hoeven

- 1) Our land-grant institutions, like North Dakota State University (NDSU) in Fargo, are critical to advancing agricultural research that benefits producers and consumers alike. NDSU conducts ground-breaking research on multiple crops important to North Dakota, including sugarbeets, wheat, barley, canola, sunflowers, and potatoes, among others.
 - a. What role do you believe our land-grant institutions play in ensuring farmers and ranchers can continue to be the most productive in the world?

The land-grant university system is a key partner of USDA. For over a century USDA and our land grant partners have conducted the critical research that has undergirded the increases in plant and animal agricultural productivity. This work includes creating a safe, sustainable, competitive U.S. food and fiber system, as well as build strong communities, families, and youth. If confirmed, I commit to continue our long-standing partnership in meeting the complex agricultural challenges before us.

- b. If confirmed, will you work with us to support and advance research that helps maintain our nation's highest quality, lowest cost food supply?

Yes, absolutely. If confirmed, I look forward to working with you and our partners to support and advance agricultural research that will help maintain our country's highest quality, lowest cost food supply. As mentioned, our land-grant institutions are a key partner in these efforts.

2) As you know, my state is the proud home of three Agricultural Research Service (ARS) research facilities located in Fargo, Grand Forks and Mandan. You mentioned that you've had the opportunity to visit all three facilities during your time at ARS. I'd like to invite you for a return visit to get an update on the excellent research underway in our state, as I know you'll be impressed with the work being done in North Dakota.

a. If confirmed, will you commit to visiting North Dakota's ARS facilities?

Shortly after joining ARS in 2012, I had the honor of visiting ARS laboratories in Fargo, Grand Forks, and Mandan, ND. I look forward to future opportunities to engage with our scientists and stakeholders.

b. Can you speak to the importance of facility maintenance and ensuring adequate staffing levels?

I firmly believe that cutting edge science is driven by cutting edge infrastructure, defined as people, facilities, and information technology. To address staffing needs and our aging workforce, we conducted significant hiring efforts in ERS, NIFA, and ARS over the past couple of years. Those efforts have resulted in filling key vacancies and fortifying our workforce. We work to attract the best and the brightest to the REE agencies and to retain those professionals we must resource them with modernized facilities and infrastructure. In ARS these efforts include strategic investments in IT infrastructure and the \$5B buildings and facilities portfolio with an average age of over 47 years. Investments are also important to address the \$605 million in deferred maintenance in ARS facilities. As ARS Administrator, I am thankful for the support received from Congress to date, investing \$1.1 billion in new facilities for ARS, fully funding 21 new projects and design for 3 new projects.

3) Along with ag research, I've supported enhanced collaboration between North Dakota's agriculture industry and our growing technology sector, particularly in the Red River Valley. Grand Farm, an initiative focused on creating an advanced agriculture technology ecosystem in North Dakota, is a great example of the intersection of agriculture and technology.

In fiscal year (FY) 2022 Senate Agriculture Appropriations legislation, we worked to include \$1 million for ARS to establish cooperative agreements with land grant universities, non-profits, and other entities to support the research, development, and acceleration of agriculture technology.

a. If confirmed, will you support this type of innovative public-private partnership as a way to advance ag research?

The U.S. is fortunate to have one of the world's safest, most abundant, affordable, and nutritious food supplies. However, the challenges we face in agriculture, food, and public health

today are so complex that we mostly cannot solve them with one researcher, one laboratory, or one discipline. No one organization, whether public or private, can meet these challenges alone. Close, coordinated partnerships and collaborations allow us to leverage resources and ensure we are complementing each other's' efforts, not significantly overlapping or duplicating each other. If confirmed, I will continue to build strong partnerships and capitalize on USDA's ability to serve as a coalescing platform to bring together public intramural, public extramural, and private research efforts to meet the challenges before us.

- b. Given your lengthy career in ag research, are there additional areas we should consider as we look to continue support for precision ag research?

The research landscape for precision agriculture technologies is constantly evolving and expanding. It is important that USDA research remain current and relevant in this area. That means staying in close contact with our stakeholders and with growers across the country so that our precision tools and technologies continue to solve the most pressing challenges they are facing. Future efforts include applying data driven and precision technologies to food systems – a systems approach. USDA's work demonstrates the impact of leveraging the copious amounts of data generated by ag researchers with powerful software and tools from leading technology companies. Examples include the award-winning Partnership for Data Innovation initiative, a public-private partnership that partners USDA scientists, university scientists, and farmers and producers with leading technology companies to advance precision agriculture. The flexibility and support from Congress to facilitate these partnerships is appreciated.

- 4) For years, I have heard concerns from producers about the accuracy of National Agricultural Statistics Service (NASS) reports. As you know, these reports often move markets and are used by farmers to make marketing and planting decisions. As producer confidence in reports declines, so too does their participation in the surveys used by the agency to collect data, compounding the overall problem.

In FY 2022 Senate Agriculture Appropriations, we included language directing NASS to provide information on how the agency can improve report accuracy and rebuild trust with growers.

- a. If confirmed, will you commit to improving the accuracy of NASS reports?

If confirmed, I look forward to working with NASS Administrator Hubert Hamer to ensure that data collection is timely and accurate, and that NASS continues to seek out feedback from producers to improve data-collection processes.

- 5) The Dietary Reference Intakes (DRIs) are recognized as the standard for nutrient recommendations, particularly for federal food programs and dietary guidance. The DRIs are developed by expert panels appointed by and convened under the National Academies of Sciences, Engineering, and Medicine (NASEM), and funded by the U.S. and

Canadian Governments.

If confirmed, you will serve as the Co-Chair of the Interagency Committee for Human Research, overseeing the activities of the DRI Steering Committee.

- a. Many DRIs are over 20 years old. Should updating the DRIs be a priority?

DRIs serve as the scientific basis in the development of national dietary guidelines and nutrition education and are important to the food industry and FDA for fortification and labelling. Thus, these values support many different priority areas for USDA. If confirmed, I commit to working with scientists to learn more about the current status and needs for facilitating a path forward.

- b. If confirmed, will you provide transparency and appropriate oversight of the activities of the DRI Steering Committee?

Yes. If confirmed I commit to providing transparency and appropriate oversight of the DRI Steering Committee.

- c. Will you commit to working with the Department of Health and Human Services (HHS) and NASEM to provide this committee with a plan for updating the DRIs?

I commit to work with the federal DRI Steering committee which includes representatives from USDA, NIH, FDA, CDC, DOD and Health Canada. I will also work collaboratively with the National Academies of Sciences, Engineering, and Medicine in support of the Standing Committee on Review of the Dietary Reference Intake Framework. If confirmed, I will consult with expert staff on the DRI update process, and should such an update be advised, we will be sure to brief the committee on that process

Senator Joni Ernst

This year has been a challenge for our agriculture sector and the challenges of COVID have brought light to the vulnerabilities in our supply chain and the need for continued research to protect our food supply in the future from farm to fork.

- 1) Dr. Jacobs-Young, Iowa is our nation's top pork producer and our pork producers at home are ever vigilant when it comes to the threat of African Swine Fever. It's important that we as a country are also prepared.
 - a. From your experience, are there ways that the government can better invest our resources into work on a vaccine, better diagnostic testing across the country, or other best practices in order to be more prepared for any possible outbreak?

USDA has made great strides to address issues related to emergency preparedness and response. One example includes the newly formed Animal and Plant Inspection Service (APHIS) Emergency Compliance and Regulatory Services that bridges science with the need for long-

term planning, policy oversight, and cooperative stakeholder engagement. Another is the APHIS-coordinated National Animal Health Laboratory Network (NAHLN) built to provide early detection of significant animal diseases such as African swine fever, rapid response to the presence of a confirmed disease and appropriate recovery from an outbreak. Importantly, USDA is fully engaged with other federal partners in the implementation of the National Biodefense Strategy (NBS), which guides the U.S. government's efforts to reduce the risk of, prepare for, respond to, and recover from biological incidents.

- 2) Dr. Jacobs-Young, Iowa farmers recognize the significant biosecurity challenges and recent cybersecurity attacks on Iowa's agriculture sector have exposed vulnerabilities.
 - a. What role can land-grant universities play in both research and extension to address these challenges?

Land-grant universities are critical partners to help public and private entities to protect farmers, ranchers, and consumers from biosecurity threats. If confirmed, I look forward to deepening our relationship with these important partners to improve cybersecurity in the agricultural industry.

- b. How do you see USDA REE coordinating with the recently authorized Ag-ARDA program to address some of these significant challenges in collaboration with university and industry partnerships?

If confirmed, I look forward to stewarding any appropriations that Ag-ARDA may receive from Congress, as well as increasing coordination among our Ag-ARDA partners.

- 3) Dr. Jacobs-Young, you are probably aware that Wells Blue Bunny is the largest family-owned ice cream processor in the United States and they're based out of LeMars, Iowa. For the last three years, Congress has appropriated \$1.5 million for an ice cream research project that is critical to all ice cream processors; however, ARS has not been able to show any progress. With this research, the ice cream industry seeks help finding an economically viable use for co-product waste, improving sustainability across the industry and thus reducing food waste.
 - a. Will you commit to get the Ice Cream Research Project back on track and make up for lost time?

I am aware of this project at the USDA ARS Eastern Regional Research Center in Wyndmoor, Pennsylvania. If confirmed, I commit to working closely with ARS leadership and scientists to learn more about the current progress of the project and options for addressing any delays.

- 4) Dr. Jacobs-Young, the last several years have brought hard times for our farmers. Farmers have had to make hard choices to stay afloat while dealing with COVID, market fluctuations, bad weather events, and trade challenges. This added stress does not only effect a farmer's financial well-being but also their mental and emotional health. Because of stories I was hearing from Iowa farmers and the difficulties they were facing,

I championed the Farmers First Act. As you know, the farm bill authorized the Farm and Ranch Stress Assistance Network.

- a. What more can USDA REE and our extension partners do to help be a mental health resource for our farmers and their families?

I appreciate your strong support for the Farm and Ranch Stress Assistance Network. Iowa Cooperative Extension is the original lead for the North Central region and continues as a crucial player in facilitating both outreach and community engagement. Continued collaboration within the U.S. Department of Agriculture, including among the National Institute of Food and Agriculture, Farm Service Agency, and Risk Management Agency, and with our external partners can ensure that our farmers and their families know where to go if they need mental and emotional support.

Senator Roger Marshall, M.D.

- 1) I know there is pressure to allow permanent remote work for ERS and NIFA employees – as you know, this undermines the benefit of have ERS and NIFA in the breadbasket.
 - a. Do you support keeping ERS and NIFA permanent duty stations in Kansas City?

Currently, ERS and NIFA, like the rest of USDA, are in a max telework status and the duty stations of employees is unchanged. If confirmed, I will work closely with the Department to develop a transition plan for the future of work in REE.

- 2) On the annual hiring data – available on the HR dashboards for the most recent pay period, for ERS and NIFA employees in Kansas City – what is listed currently as the duty station?

The following is data for permanent employees from the dashboard based on the pay period ending 6 NOV 2021. For permanent employees:

ERS

Permanent workforce - 261
Duty station Washington, DC – 79
Duty station Kansas City, Missouri – 181
Duty station Other (reasonable accommodation, virtual/remote) – 1

NIFA

Permanent workforce - 277
Duty station Washington, DC – 20
Duty station KC Missouri – 221
Duty station Other – 36

- 3) Can you provide me with a copy of the dashboard data from the latest hiring period?

This data is provided in response to Senator Marshall's previous question.

- 4) The incentive basket from the state and local governments that helped reduce federal costs by millions of dollars was based on resident employees. Is there a plan to make up those savings should positions be transitioned to remote work?

If confirmed, I commit to looking into this and would welcome the opportunity to get your perspective.

- 5) There was a recent delay from having NBAF "substantially completed" by this October now to this coming spring, and this is obviously a very important facility for Kansas and for the prevention of zoonotic disease. We also have African swine fever knocking on our door, which is a disease that NBAF could research.
- a. What caused the delay?
 - b. Can we get your commitment to ensuring this facility is safe and effective?
 - c. Will USDA continue to educate local communities on its safety?
 - d. Can we get your commitment this facility is a priority for funding?

Thank you for this question. Building and launching the National Bio and Agro-Defense Facility is something that has to be done right, with no room for compromise. USDA continues to work closely with our partners at the U.S. Department of Homeland Security Science and Technology Directorate to finalize construction and commissioning activities for this state-of-the-art facility and transfer the science, diagnostic, and research mission from Plum Island Animal Disease Center. My priority, and the expectation that Secretary Vilsack has made abundantly clear, is that USDA will absolutely ensure the safety and effectiveness of NBAF before we turn the keys on the facility. Involving the community and ensuring open, transparent, and continuous communication is part of that process.

Senator Charles Grassley

- 1) The 2018 Farm Bill authorized the Agricultural Genome to Phenome Initiative to expand the knowledge base concerning genomes and phenomes of crops and animals which is important to the agriculture sector and Iowa farmers. Genomes to phenomes engages commodity groups and researchers to collaborate to improve crop performance and animal production.
- o Are you aware of Genomes to Phenomes and the reason why we need increased collaboration between industry and researchers to improve agriculture genetics?

Yes, I am aware of the Genomes to Phenomes project, led by Iowa State University, which brings together University and industry scientists in animal and plant genomics to address complex agricultural problems. The increased public-private collaboration greatly benefits agriculture genomics and the application of basic science to agricultural needs.

- If confirmed, can you commit to supporting the Genomes to Phenomes initiative at the National Institute of Food and Agriculture?

Yes, if confirmed, I commit to supporting USDA's engagement in the Agricultural Genome to Phenome Initiative.

- 2) Cybercrime has been an increasing problem in the United States, and in recent months, public reports of cyber-attacks using ransomware have started to emerge in the U.S. agribusiness sector as well. Secretary Tom Vilsack indicated the Department's willingness to serve a convening role for industry players and producers to develop steps that need to be taken to harden their computer networks against intrusion.
 - How do you view the university-based extension service as being helpful in this convening role?

The university-based Cooperative Extension System, funded through the National Institute of Food and Agriculture (NIFA), translates research into action by bringing cutting-edge discoveries from research laboratories to our farmers, ranchers, and producers, it has a pulse on rural America, including agricultural businesses and communities. Building on this expertise, the Cooperative Extension System, could potentially play an important convening role in outreach and technical assistance.

- Do you think the extension service could play a role in cybersecurity technical training?

Yes, the Cooperative Extension System could play a role in cybersecurity technical training. In fact, they already have. In 2018, Prairie View A&M University received a National Institute of Food and Agriculture grant to integrate cybersecurity education and awareness into education offerings to enhance the technological competence of farm producers and families that Prairie View A&M University's Cooperative Extension (CEP) agents serve.

Senator Deb Fischer

- 1) I appreciate your supportive response during your confirmation hearing about the continued work between USDA ARS and the University of Nebraska Lincoln to create a National Center for Resilient and Regenerative Precision Agriculture. Could you expand on what specific steps can be taken to help bring this facility online and what your vision for the science gaps that a facility like this can help to fill?

ARS has a great collaborative relationship with the University of Nebraska Lincoln. ARS and UNL co-lead the Platte River Basin LTAR site, and new funding last year for precision livestock management includes UNL along with collaboration from two other universities and three ARS locations.

ARS leadership in Lincoln, as well as our Plains Area Office and ARS headquarters have been interacting closely with UNL leadership on the needs requirements and other details for designing the new USDA facility on the UNL Innovation Campus. Development of this new facility will help ARS efforts to deliver precision agriculture and data-driven decision-making tools to U.S. farmers and ranchers of all sizes across all agroecological production regions.

The facility is being designed to facilitate an expansion in our ARS research efforts on the UNL campus, creating space for more Federal scientists, post-docs and visiting researchers. Further, the President's FY22 budget proposal included \$6.9 million to establish a new comprehensive climate science center of excellence within this new facility. This proposed new project would help ensure that the precision ag tools of the future empower adaptable and resilient management of our landscapes. ARS envisions these efforts at our new UNL facility to become national data integrators, collaborating with the considerable scientific expertise across the ARS and university landscape to ensure data are accessible, interoperable and readily available for application and decision support.

Our great relationship with UNL, and their proposed development of new High Performance Computing capacity and expertise position ARS and UNL to make some revolutionary strides toward improving U.S. production systems productivity, profitability, sustainability, resilience, and adaptability for future generations.

U.S. Senate Committee on Agriculture, Nutrition, and Forestry
Nomination Hearing
Margo Schlanger, of Michigan, to be an Assistant Secretary of Agriculture
November 17, 2021
Questions for the Record

Chairwoman Debbie Stabenow

1. The Forest Service has shown a pervasive culture of sexual misconduct, with longstanding allegations of gender discrimination, retaliation, sexual harassment, and assault. If confirmed, what initial steps will you take to begin to address this critical situation and hold individuals accountable for civil rights violations?

Thank you for this question. As I testified and as Secretary Vilsack has emphasized, discrimination of any kind—including gender discrimination, sexual harassment and abuse, and retaliation—cannot be tolerated at USDA. As you know, USDA has a Civil Rights Accountability Regulation and the Forest Service recently implemented an Anti-Harassment policy. If I am privileged to be confirmed, I will review how both are working in practice. It is vital that complaint processes timely and effectively address employee needs, fairly investigate and adjudicate allegations, and provide trauma-informed support to victims.

2. If you are confirmed, I look forward to working with you. If confirmed, do you agree, without reservation, to:
 - a. Promptly reply to any request for information from me or any duly constituted committee of the Congress and provide the requested information?

Yes, if confirmed, I will reply promptly to requests from Congress.

- b. Respond to my requests for data and technical assistance in informing or drafting legislation or implementation of the law?

Yes, if confirmed, I will respond to these types of requests.

- c. Notify me or my staff in advance of any public announcement of any major changes made by you or within the Department of Agriculture during your tenure?

Yes, if confirmed, I will notify you or your staff as appropriate.

3. The recent Federal Employee Viewpoint Survey points to significant moral problems at USDA's Office of the Assistant Secretary for Civil Rights. What are your thoughts on that survey and how ideas do you have on how to address concerns raised in it?

The annual Federal Employee Viewpoint Survey offers a good starting point to understand how the OASCR staff feel about their workplace. As you know, even with some improvement

between 2019 and 2020, clearly there is work to be done. The Survey highlights particular challenges related to senior leadership. If confirmed, I will arrive ready to model and communicate what staff reported they missed: honesty and integrity, mission-commitment, and high but realistic expectations for excellence. I will meet with each member of the office and gather their ideas about what is working and what is failing, and implement very immediate change where those meetings suggest it is needed. And I will not tolerate retaliation against those who disclose their perceptions of problems.

Ranking Member John Boozman

1. If confirmed, do you agree to reply promptly, with any requested information, to any request from me or my staff, and to notify me or my staff in advance of making public any significant policy positions USDA takes during your tenure?

Yes, if confirmed, I agreed to reply promptly to requests made by you or your staff and to notify you in advance of announcements as appropriate.

2. How do you translate or transfer your academia perspective to “boots on the ground” solutions at the Department? And if confirmed – will you be advocating policy or drilling into the logistics of improving/fixing OASCR and its mission?

The Assistant Secretary for Civil Rights must simultaneously lead a functional, effective office that offers backward-looking complaint adjudication and remediation *and* must assist the rest of USDA in removing barriers to access and avoiding civil rights violations going forward. I believe that my combination of academic and practical experience will help me with both parts of this mission.

3. What’s your vision of how OASCR should function as you work to improve the civil rights claims process?

Thank you for this question. As I discussed during my confirmation hearing, I will focus on addressing a number of urgent priorities, one of which is addressing the criticisms of the programmatic complaint process. I believe the process must be open and easy to access. It must be fair and competent, able to accurately assess complaints. It must be speedy enough to actually solve violations when found. Where violations are *not* found, speed is necessary, too, to enable the agency and complainant to move on. And the complaint process must offer effective remediation.

4. Technology management is an issue across the department. Do you have an appreciation for the case management and investigation logistics of OASCR? Including how you will manage the contractors that the office utilizes to fulfill its mission?

Information technology is necessary for timely and effective complaint processes. As you know, I have worked in federal government overseeing the Department of Homeland Security's Office for Civil Rights and Civil Liberties, where we thoroughly revamped the IT infrastructure, with real success. So these issues are not new to me. If confirmed, I will take full advantage, as well, of the expertise of career and executive staff, both at OASCR and elsewhere at USDA, to assess and solve IT issues. In addition, best practices recognized at the Equal Employment Opportunity Commission and other federal agencies can inform how USDA moves forward, in terms of IT and also other case management and investigation protocols.

5. In October 2008 GAO recommended an Oversight Board to assist USDA improve civil rights at the department. As far as we can tell, such a thing has not been established. Do you see any benefit to doing so?

Thank you for this question. I have reviewed the 2008 GAO report and recommendations and would welcome the opportunity to discuss the recommendations with you if I am confirmed.

6. Do you have an opinion on the 2021 OIG Report "USDA Oversight of Civil Rights Complaints?" Further, do you have any thoughts about the biggest challenges facing USDA relating to civil rights, whether it be at a management/philosophical level or logistically as to how USDA manages civil rights cases?

The Office of the Inspector General report provides important insights that can be used to inform how OASCR improves its program complaint process. If I have the honor of being confirmed, I will be better able to determine the challenges and will be better able to respond.

7. What do you envision your role being as USDA attempts to correct past wrongs, such as the Department's efforts in the COVID relief bill passed in March? As a legal scholar, what are your thoughts on the administration's recent efforts to assist socially disadvantaged farmers and ranchers, specifically through the debt relief legislation? Further, is financial assistance is the way to go about correcting past civil rights transgressions, or is there a more systemic fix that can be attempted to address wrongs? Past? Present? Future?

I believe the USDA Office of Civil Rights needs to maintain a dual focus. The Office is responsible for processing and addressing claims of discrimination relating to how the Department treats its employees and how it runs its programs. In addition, the Office gives advice and provides support relating to forward-looking policies and changes that remove barriers to access and ensure staff and customers are treated fairly and with respect. With respect to the specific issue of the debt relief provided in the American Rescue Plan Act, if I am privileged to be confirmed, I will look into that matter.

8. At least one Federal Court (in Texas) certified a class "for all farmers and ranchers in the United States who are currently excluded from the definition of "socially disadvantaged farmer or rancher". This phrase resides in the rubric of USDA's authorities many times.

What are the implications of the certification of this class, and the implications for USDA programs, if any?

As you know, the case you are referencing is ongoing; the court in question has not reached a final resolution. At this stage in the litigation, it would be premature to consider implications.

9. Your resume suggests a considerable experience thinking about civil rights issues, such as prisoner's rights, gender issues, immigration issues – and teaching courses focusing on civil rights issues and presenting your opinions about the ever-developing landscape of how society, and the courts, are addressing civil rights. You have focused on a variety of issues during your career, but there is much involving prisoner's rights and immigration, and the intersection of those two issues. How will this specialization inform your work at USDA?

My most foundational interest as a scholar has been in the ways that complex mission-focused organizations respond to civil rights requirements and how to improve that response. I've learned a great deal about that topic as I've worked in the intersection of law enforcement and civil rights, and I believe these insights will be extremely useful at USDA, if I am confirmed.

10. The office that you will be leading is politically charged due to USDA's history on civil rights issues. As Assistant Secretary, how do you envision balancing USDA's past as you navigate its future?

In the area of civil rights, USDA must maintain a dual focus. It needs to address past problems, making sure that individuals harmed by discrimination have appropriate, efficient, and effective means of seeking recourse. And it needs to build systems that remove barriers to access going forward, providing equal access to USDA benefits and programs. Neither focus should be sacrificed to the other, and the retrospective work should always inform the prospective work; we must learn from the past.

11. USDA Office of Civil Rights underwent a realignment in 2018, do you understand the before and the after? In your experience, are there changes that you anticipate needing to be made to help you accomplish your goals for the department?

Thank you for this question. It is difficult to assess from the outside if any changes are needed. If I have the privilege of being confirmed, I look forward to working with you and your staff to understand your perspective on the 2018 realignment and how the civil rights office is or is not set up to meet its mission, and I will be sure to keep you aware of my assessment of what if any changes may be needed.

12. The Forest Service has been struggling for years with addressing and handling the spectrum of sexual harassment and gender discrimination issues. Understanding that there are distinctions and differences between employment discrimination and sexual harassment claims, how do you envision you or your staff being involved in the efforts

of the Forest Service, and the department in general, as it moves forward with its efforts?

Sexual harassment and gender discrimination against employees are forms of employment discrimination USDA's civil rights office was created to address. If confirmed, I would use OASCR's authorities to oversee/assist efforts of all USDA agencies to address such issues.

Senator Amy Klobuchar

The average age of a farmer in Minnesota is 56 years old, which makes providing opportunities for new and beginning farmers critically important. A 2020 report by the Minnesota Department of Agriculture noted that many beginning and historically underserved farmers in the state identified "discrimination and racism" as one barrier to getting started in agriculture including for accessing land and educational opportunities.

- Will you commit to ensuring that USDA programs that deliver technical assistance and educational opportunities for those who want to get started in agriculture are accessible to all? Can you talk about how you will approach ensuring the fair and equitable treatment of beginning and historically underserved farmers?

Thank you for this question. It is critical that USDA programs—including, as you emphasize, technical assistance and educational programs—be equally accessible. As you know, OASCR does not deliver these programs, but rather advises the Department regarding removal of barriers to access. If confirmed, I commit to reviewing technical assistance and educational programs in particular, to offer the Office's best advice on adjustments. If I have the honor of being confirmed, I hope to work with your office to meet with beginning and historically underserved farmers to learn from them and bring their perspective back to USDA.

Senator Cory Booker

- 1) As you know, the office that you have been nominated to lead is a very powerful office.
 - a. Will you use the powers that you have to: (a) require other USDA offices to take any necessary corrective actions required to resolve program complaints, and (b) investigate other USDA offices that have systemic, ongoing complaints of discrimination?

Yes, if I am confirmed, I commit to using both the influence and authority of my office to both of these ends.

Senator Roger Marshall, M.D.

- 1) Would you agree with me that the most important function of OASCR is to provide a fair hearing for all parties concerned, including both the accused and the accuser?

The Office of the Assistant Secretary for Civil Rights has a number of important roles. Fairly and thoroughly processing and addressing civil rights complaints is one of these critical functions.

2) I've heard complaints from people within USDA who question OASCR's ability to fairly adjudicate claims when senior political appointees choose to settle frivolous claims en masse for political reasons. When this occurs you saddle the department with employee's that should have been terminated or had their duties altered because of incompetence or other legitimate reasons.

a. Would you agree with me that it is never appropriate for a political appointee to suggest or require that a claim should be settled for political reasons?

Based on my experience at the Department of Homeland Security, I understand the importance of maintaining the integrity of the civil rights complaint review process. Should I have to honor of being confirmed, I will take steps to ensure the integrity of that process.

3) Please provide me a list of all claims settled from January 20, 2021 to present; the dollar amounts spent on settlements for all forms of relief granted during this period; the former and current position titles and responsibilities held by complainants whose claims were settled; and all communications in whatever form between any USDA political appointee and any employee within OASCR, OGC, OHRM, and the Office of the Assistant Secretary for Administration from January 20, 2021 to the present regarding settling pending claims against former Trump administration appointees.

Below is information that is publicly available about settled claims. As someone outside USDA, I do not have access to information beyond this.

| <u>CASE</u> | <u>AGENCY</u> | <u>COMPLAINANT'S TITLE</u> | <u>TOTAL MONETARY SETTLEMENT</u> |
|------------------|---------------|-----------------------------------|----------------------------------|
| Almodovar, Edwin | NRCS | Management Analyst | \$17,848 |
| Bellamy, Monique | NRCS | HR Specialist | \$75,000 |
| Bennett, Darvin | DM (OCFO) | EEO Specialist | \$3,000 |
| Blume, Jennifer | FSA | County Executive Director | \$150,000 |
| Bryant, Sheila | DM (OASCR) | Equal Opportunity Specialist | \$50,000 |
| Cabrera, Rosalie | APHIS | Communication Outreach Specialist | \$87,850 |

| | | | |
|-------------------|----------------|---|-----------|
| Cuevas, Sharon | FS | Supervisory Natural Resources Specialist | \$37,500 |
| D'Angelo, Jacob | FS | Forest Engineer | \$0 |
| Dean, Telora | FNS; DM (OCIO) | Executive Director IT Modernization Program | \$150,000 |
| Dunaway, Mervin | APHIS | Deputy Director | \$10,000 |
| Estrada, Reuben | FS | Administrative Operations Specialist and Visitor Center Manager | \$6,000 |
| Ferrell, Adele | RD | Loan Specialist | \$2,500 |
| Goold, Nicole | FS | Forestry Technician | \$90,000 |
| Hinton, Ronald | FPAC | Human Resources Specialist | \$40,000 |
| Ho, Stephanie | DM (OC) | USDA Radio Reporter | \$18,416 |
| Jones, Elaine | FNS | Team Lead (Quality Control) | \$13,000 |
| King, David | DM (OASCR) | Executive Director of Center for Civil Rights Operations | \$15,500 |
| Knotts, Jeffrey | FSA | County Executive Director | \$15,000 |
| Lillehoj, Hyun | ARS | Senior Research Microbiologist | \$10,000 |
| Logan, Brian | FS | National Wildlife Program Leader | \$910 |
| McCarty, Ryan | FS | Forestry Technician (Seasonal) | \$5,000 |
| McGruder, Shawn | DM (OASCR) | Executive Director of Center for Civil Rights Enforcement | \$182,500 |
| Meador, Madison | FPAC | Program Technician | \$25,000 |
| Moment, Charlotte | FPAC | Supervisory HR Specialist | \$15,000 |
| Nellutla, Sudhir | FSA | Operations Section Chief | \$29,000 |
| Parker, Michelle | DM (OCFO) | Secretary | \$1,200 |

| | | | |
|---------------------|-----------|---|-----------|
| Peltz-Lewis, Lorri | FS | Enterprise Data Warehouse Program Manager | \$500 |
| Peoples, Terry | DM (OCFO) | Program Analyst | \$45,000 |
| Primrose, Edna | RD | Assistant Administrator | \$225,000 |
| Rodriguez, Adrianna | APHIS | Employee Relations Specialist | \$10,972 |
| Rodriguez, Brenda | FS | Human Resources Specialist (Drug Testing) | \$33,000 |
| Sons, Kevin | AMS | ACT Technician | \$27,500 |
| Taylor, Patty | FSA | Supervisory Agricultural District Director | \$49,999 |
| Thaler, Carrie | FS | | \$14,000 |

