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# No FEAR Act

Last Modified:

The Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), was the first civil rights law of the 21st century. Signed by President George W. Bush, the No FEAR Act became effective October 2003. The No FEAR Act is intended to increase Federal agency accountability for acts of discrimination or reprisal against employees. This act ensures that federal agencies are individually held accountable for violations of anti-discrimination and whistleblower protection laws.

## **The “cornerstones” of the No FEAR Act are intended to provide:**

**Accountability** -- Hold all federal agencies accountable for violations of anti-discrimination and whistleblower protection laws. Managers and supervisors in federal agencies found guilty of discrimination will be accountable for their actions and their agencies will have to pay for the consequences of their conduct. Agencies will be required to pay all settlements and court judgments for discrimination from their own individual budgets, instead of the general judgment fund previously used. The Judgment Fund is maintained by the U.S. Department of Treasury and provides payment to plaintiffs in connection with court judgments and settlements of lawsuits against the Federal government. Agencies must reimburse the Judgment Fund for any payment from the fund.

**Notification** -- Requires written notification of the rights and protections available to Federal employees, former Federal employees, and applicants for Federal employment under applicable discrimination and whistleblower protection laws covered by the Act. Written notification shall include, but not be limited to, the

posting of the information on the internet site of the Agency.

**Training** – Requires agencies to provide their employees with training regarding the rights and remedies applicable to them under applicable discrimination and whistleblower protection laws. All USDA employees were required to take the No FEAR Act training available on AgLearn by December 7, 2006. All new Agency employees are to be trained within 90 days of hiring.

**Reporting** -- Requires the Agency to provide an annual report to Congress, the U.S. Equal Employment Opportunity Commission (EEOC), and the Attorney General on the Agency's equal employment opportunity record and actions taken pursuant to the No FEAR Act and other anti-discrimination laws. The Agency is also required to publish on its website statistical data relating to Equal Employment Opportunity (EEO) complaints filed with the Agency by employees (present and former), and applicants.

The anti-discrimination laws and whistleblower protection laws referenced in the No FEAR Act are as follows:

## **Anti-discrimination Laws**

A Federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, marital status or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b)(1), 5 U.S.C. 2302(b)(9) as applied to conduct described in 5 U.S.C. 2302(b)(1), 29 U.S.C. 206(d), 29 U.S.C. 63d1, 29 U.S.C. 633a, 29 U.S.C. 791 and 42 U.S.C. 2000e-16.

If you believe you have been the victim of unlawful discrimination you may contact an EEO Counselor within 45 calendar days of the alleged discriminatory action, at the following:

APHIS Office of Civil Rights  
Counseling and Resolution Branch  
Tel: (800) 342-7231  
(301) 851-4201

# **Whistleblower Protection Laws**

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). Complaints alleging prohibited personnel practices in Federal employment as well as requests for appropriate forms may be directed to:

U.S. Office of Special Counsel  
1730 M Street, N.W., Suite 218  
Washington, DC 20036-4505  
Tel: (800) 872-9855  
(202) 254-3670

## **Retaliation for Engaging in Protected Activity**

A Federal agency cannot retaliate against an employee or applicant because the individual exercises his or her rights under any of the Federal anti-discrimination or whistleblower protection laws listed above.

EEOC and the Agency believe the data is both meaningful and useful in that it will provide important information on how each agency is performing and complying with EEO laws and provide full EEO complaint data disclosure.

## **Additional Information**

No FEAR Act reporting information for USDA agencies can be found at <http://www.usda.gov/nofear>

For further information regarding the No FEAR Act regulations, refer to 5 CFR Part 724 or the USDA, Office of Adjudication and Compliance, via email, at [oac@usda.gov](mailto:oac@usda.gov). Additional information regarding Federal anti-discrimination, whistleblower protection and retaliation laws can be found at the [EEOC Website](#) and the [Office of Special Counsel Website](#). The USDA, APHIS, Office of Civil Rights, Diversity, and Inclusion (OCRDI) office may also be contacted at (301) 851-4201 or 800-342-7231 for additional information.

## **APHIS NoFear Act Cumulative Data**

- [2024 Second Quarter](#)
- [2024 First Quarter](#)
- [2023 First Quarter](#)
- [2022 Fourth Quarter](#)
- [2022 Third Quarter](#)
- [2022 Second Quarter](#)
- [2022 First Quarter](#)
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- [2019 First Quarter](#)
- [2018](#)
- [2017](#)
- [2016](#)
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## **Related Links**

- [USDA NoFear Act Data](#)
- [Equal Employment Opportunity Commission](#)

- [EEOC - Discrimination by Type](#)
- [Merit Systems Protection Board](#)
- [Office of Special Counsel](#)
- [DOL, Code of Federal Regulations](#)

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