

United States Senate

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FINANCE
HEALTH, EDUCATION,
LABOR, AND PENSIONS
ETHICS
RULES

August 25, 2010

The Honorable Thomas J. Vilsack
Secretary of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Mr. Secretary,

We continue to have concerns about the objectivity of your Department's actions with regard to the Grain Inspection, Packers and Stockyards Administration's (GIPSA) proposed rule of June 22, 2010 and the ongoing Department of Agriculture (USDA)/Department of Justice (DOJ) competition workshops. Even though you assured us that the workshops would "be organized and conducted as open and balanced forums to provide an opportunity for diverse viewpoints to be heard", recent press accounts of an email sent by a USDA official concerning the upcoming agriculture competition workshop in Fort Collins, CO, would suggest otherwise. A USDA employee in a Colorado field office used his official government email account to pass along a message from an interest group soliciting attendance at the workshop.

This raises serious concerns about the objectivity of your department. To that end, we request:

1. the number of USDA and non-USDA recipients who received the email in question from an official email account;
2. the content of subsequent email messages to and from the official email account responding to the original message;
3. any memoranda or directives sent to USDA employees asking for assistance in soliciting workshop participants;
4. a description of how the Administration will ensure the August 27, 2010 joint DOJ/USDA workshop will be conducted in a fair and unbiased manner; and,
5. all solicitations or position statements from any USDA agent or employee regarding the competition workshops.

Furthermore, USDA is currently in a public comment period for GIPSA's proposed rule. However, GIPSA's proposed rule fails to mention the August 27, 2010, workshop as part of the public comment process. GIPSA repeatedly cited comments from the May 21, 2010, poultry workshop in the "Examples of Market Behavior" document released in conjunction with the proposed rule. Given this linkage of the workshops and the rule making process, we request USDA clarify whether comments from the workshops will be incorporated into its evaluation of GIPSA's proposed rule.

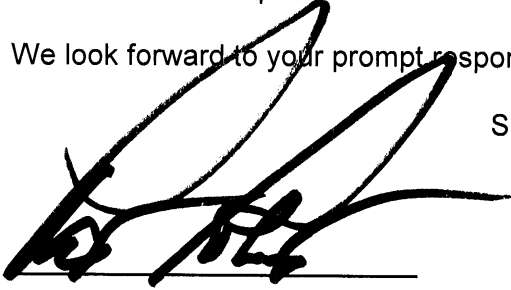
Our nation's livestock industry is critical to the success of rural America and a positive contributor to our national balance of trade. As the Administration moves forward with

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regulations affecting all participants in the industry, it is vital that they do so in an open, unbiased and deliberative process.

We look forward to your prompt response.

Sincerely,



Mike Johnson





Sam Brantack
