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- ☐ 135 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-1501  
(202) 224-3744  
e-mail: grassley.senate.gov/contact.cfm
- ☐ 721 FEDERAL BUILDING  
210 WALNUT STREET  
DES MOINES, IA 50309-2140  
(515) 288-1145
- ☐ 150 1ST AVENUE NE  
SUITE 325  
CEDAR RAPIDS, IA 52401  
(319) 363-6832

## United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510-1501

REPLY TO:

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- ☐ 307 FEDERAL BUILDING  
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(712) 322-7103

June 9, 2009

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave. SW  
Washington, DC 20250

Dear Secretary Vilsack,

I have recently been encouraged by a statement that Assistant Attorney General Christine Varney has made that the Antitrust Division of the U.S. Department of Justice (DOJ) would be paying more attention to competition matters in agriculture. In addition, I was pleased with the announcement that J. Dudley Butler, an attorney with experience in arbitration and the poultry and cattle industries, would head the Grain Inspection Packers and Stockyards Administration (GIPSA). This is all reflective of the President's commitment to a fair and transparent marketplace for livestock producers.

I've been a long time advocate for strengthening the abilities of GIPSA. As a family farmer myself, I've seen the livestock industry continue to consolidate and the family farmer being forced to get larger or get out to participate in raising livestock. For years I've called on GIPSA to act aggressively and investigate anticompetitive business practices and unfair and discriminatory practices against producers. I've introduced and co-sponsored numerous bills over these same years to further strengthen the tools GIPSA has at its disposal. These have included a ban on packer ownership of livestock, a ban on mandatory arbitration in production contracts, and implementing an Office of Special Counsel at USDA for competition matters just to name a few.

You should know that I am fully supportive of any actions the Department may take to further toughen its anti-competitive enforcement which will result in a more level playing field for livestock producers. Congress worked hard on provisions in the 2008 Farm Bill which would offer producers greater levels of transparency and fairness in the livestock industry including changes to the way arbitration can be forced on farmers. I look forward to GIPSA's regulatory development in the coming year which will strengthen its authority to protect our nation's producers.

GIPSA has struggled for years both with the DOJ and the Office of General Counsel (OGC) within the U.S. Department of Agriculture (USDA) to convince attorneys within both agencies to take on GIPSA cases aggressively for prosecution. This has resulted with producers having a low confidence level in GIPSA and subsequently deciding not to file complaints since "GIPSA wouldn't do anything with my complaint anyways" as one producer put it.

RANKING MEMBER,  
FINANCE

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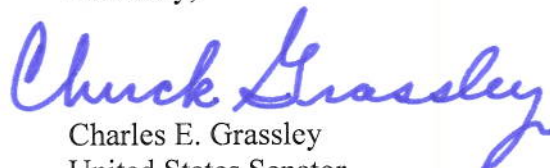
I would like to encourage you to consider allowing GIPSA to employ attorneys that would report to the GIPSA Administrator. Currently GIPSA can employ legal specialists to help prepare each case, but many qualified attorneys pass on this job opportunity since the Agency can't advertise for actual attorneys. In addition, if the GIPSA attorneys were involved with both putting the case together and prosecuting it, they will have a much greater vested interest in seeing the case through to completion. They will also develop expertise and experience in evaluating and prosecuting these cases.

If more cases are prosecuted, even if lost, the Agency can once again start to gain its credibility back in the field, where it's most important. With these attorneys in the field, producers will be able to talk with the attorneys on the case directly, instead of having to work with Washington, D.C. based employees.

By placing attorneys within GIPSA directly, the Agency will function more smoothly and efficiently. The President has made it clear while in the Senate and during his campaign, that agricultural competition was a high priority for him. I believe that this move would ensure that GIPSA would have a stronger hand in prosecution of cases, and a firmer hand on the industry.

Thank you for consideration of this request.

Sincerely,

  
Charles E. Grassley  
United States Senator