

United States Senate

WASHINGTON, DC 20510

January 13, 2009

The Honorable Tom Vilsack
Secretary of Agriculture – designee
Presidential Transition Team
Sixth and E Streets NW
Washington DC 20070

Dear Secretary-designee Vilsack:

We write to raise an important issue that we hope you will work with us to address as Secretary of Agriculture.

For years we have fought to ensure that farm program payments go only to those actively farming. While we will continue to push legislation to focus the farm program payment system on family farmers, you have the authority to close loopholes that allow non-farmers to exploit the farm program to the tune of millions of dollars every year.

As you develop the final rule on farm program payment limitations, we hope you will take this opportunity to ensure that only active farmers qualify for farm program payments.

The Food, Conservation, and Energy Act of 2008 put in place new guidelines on farm program payments. Unfortunately, the interim final rule put forward by the United States Department of Agriculture left open a glaring loophole that allows individuals to qualify as eligible payment recipients through vague and ambiguous criteria of management. You have the authority under existing law to amend this rule and put in place a test of management activity that is measurable and certain.

We are pleased that President-elect Obama has recognized that there are loopholes in the law and has called for greater enforcement of the farm payment program. This interim final rule provides a first opportunity to close a key loophole and ensure farm program payments are going to active farmers who truly rely on the safety net these payments provide.

We look forward to working with you on this issue and other efforts to improve the farm program. Enclosed is a copy of our legislation on payment limits, which includes language that closes the actively engaged loophole.

Sincerely,



Byron L. Dorgan
United States Senator



Chuck E. Grassley
United States Senator

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Enclosure (1)

cc:

White House Chief of Staff-designee Rahm Emmanuel
OMB Director-designee Peter Orszag