

Congress of the United States
House of Representatives

Washington, DC 20515

December 21, 2007

The Honorable Chuck Conner
Acting Secretary of Agriculture
200-A Jamie L. Whitten Building
Washington, DC 20250

Dear Acting Secretary Conner,

We are writing to request that, as the Department of Agriculture considers revising the regulation at 7 CFR 1485, you take this critical opportunity to make the Market Access Program (MAP) more effective and accountable. Entities that receive taxpayer dollars under MAP should comply with federal law, yet that principle has not been established clearly. There are currently no specific criteria in place to exclude MAP participants under section 203(f)(2)(D) of the Agriculture Trade Act of 1978. In the event of exclusion, it is not clear what further actions the USDA will take.

The USDA requires MAP participants to “conduct business in accordance to the laws and regulations of the country in which an activity is carried out” (7 CFR 1485.23(b)). But while this dedication to foreign law is important, American workers should be extended the same courtesy, and domestic laws should be given the same respect.

When a MAP participant violates federal laws, the USDA should take assertive action and punish the violator, if necessary. Such actions require a flexible response, depending on the specific circumstance. However, the USDA should outline various violations and punishments—whether permanent, indefinite, or temporary—in the form of suspension of funds.

One MAP participant in particular, Blue Diamond Growers, which has received more than \$9 million in the past five years, has been found guilty of 20 violations of the National Labor Relations Act, including the serious crimes of unlawfully firing two employees and threatening plant closure. Since the March 2006 ruling, the company continues to receive funding at a comparable rate.

Secretary Conner, the United States government should never put its imprimatur on any company that violates federal laws. The USDA should promulgate new regulations that require MAP participants to adhere to all U.S. federal laws and preclude violators from receiving funds for a specified period of time, according to circumstance. Thank you for your prompt attention to this matter.

Sincerely,



ROSA L. DeLAURO
Chairwoman
Appropriations Subcommittee on
Agriculture, Rural Development, FDA &
Related Agencies



GEORGE MILLER
Chairman
Committee on Education & Labor