

Congress of the United States
Washington, DC 20515

May 1, 2013

The Honorable Thomas J. Vilsack
Secretary
United States Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20010

Dear Secretary Vilsack,

We are writing to clarify the Administration's position on the U.S. Department of Agriculture (USDA) catfish program and resolve three straightforward questions on the program. Given the timeline of consideration of the Farm Bill reauthorization in the House of Representatives and Senate and a bipartisan desire to act on the Administration's Fiscal Year (FY) 2014 budget request to eliminate duplicative programs, we request an expedited reply to this letter.

1. **Administration Position on the USDA Catfish Program.** On April 9, 2013, the Government Accountability Office (GAO) issued its [annual report on government duplication](#) which concluded that repealing the USDA catfish program "would avoid duplication of federal programs and could save taxpayers millions of dollars annually without affecting the safety of catfish intended for human consumption."

Further, President Obama's FY 2014 budget report entitled "[Building a 21st Century Government by Cutting Duplication, Fragmentation, and Waste](#)" stated that repealing the USDA catfish program will allow USDA "to focus on its core mission of ensuring the safety of the Nation's meat and poultry supply."

Can you confirm that the USDA supports elimination of the USDA catfish inspection program, as noted in the President's budget submission?

2. **Duplicative Regulation of Seafood Facilities that Process Catfish and Other Seafood Species.** The February 24, 2011, [USDA proposed rulemaking](#) to implement the catfish program stated "Under this proposal, establishments that process catfish or catfish products for transportation or sale in commerce for use as human food will need to be under FSIS inspection." (76 Fed. Reg. 10434 at 10441). However, the Food and Drug Administration (FDA) retains jurisdiction over all other seafood species (*see* 21 C.F.R. Part 123).

Can you confirm that if the proposed rulemaking were implemented as published a U.S. business that processes catfish and any other seafood species in the same facility would be subject to both the regulation of USDA and FDA?

3. **USDA Spending on the Catfish Program.** According to GAO's report entitled "[Responsibility for Inspecting Catfish Should Not Be Assigned to USDA](#)," USDA had "spent a total of \$15.4 million from fiscal years 2009 to 2011 to develop the catfish inspection program, including costs related to catfish sampling studies. In fiscal year 2012, FSIS plans to spend an additional \$4.4 million to support further program development." (on page 20 of the report).

Can you confirm that USDA has spent at least \$19.8 million through December 31, 2012 on the USDA catfish program, as noted in USDA's responses to GAO?

In order to ensure consideration of your response in advance of House and Senate action on the Farm Bill, we request your expedited reply on these questions by Friday, May 10th.

Sincerely,



Vicky Hartzler
Member of Congress



Lucille Roybal-Allard
Member of Congress



John McCain
U.S. Senator



Jeanne Shaheen
U.S. Senator