

**NOMINATION OF RAMONA EMILIA ROMERO,
OF PENNSYLVANIA TO BE
GENERAL COUNSEL,
U.S. DEPARTMENT OF AGRICULTURE**

HEARING
BEFORE THE
**COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY**
UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS
SECOND SESSION

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DECEMBER 9, 2010
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**NOMINATION OF RAMONA EMILIA ROMERO,
OF PENNSYLVANIA TO BE
GENERAL COUNSEL,
U.S. DEPARTMENT OF AGRICULTURE**

Thursday, December 9, 2010

UNITED STATES SENATE,
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC

The Committee met, pursuant to notice, at 10:41 a.m., Room SR328A, Russell Senate Office Building, Hon. Blanche Lincoln, Chairman of the Committee, presiding.

Present or submitting a statement: Senators Lincoln, Casey, Chambliss, and Roberts.

**STATEMENT OF HON. BLANCHE L. LINCOLN, U.S. SENATOR
FROM THE STATE OF ARKANSAS, CHAIRMAN, COMMITTEE
ON AGRICULTURE, NUTRITION, AND FORESTRY**

Chairman LINCOLN. Good morning. I would like to call the Committee to order and thanks to everyone for being here today.

The Committee is meeting to consider the nomination of Ramona Emilia Romero to be General Counsel for the United States Department of Agriculture.

And we want to welcome you, Ms. Romero.

Considering and approving the President's nominees is a fundamental constitutional obligation of the Senate. It is a responsibility that I certainly take seriously and I know my colleagues do as well. And we gladly perform in order to confirm qualified and eager nominees so that they can perform the vital functions of their respective agencies.

Ms. Romero, on behalf of the Committee, we do extend you a welcome to you and to your family and your friends that are all joining you here today. Congratulations on your nomination.

Ms. ROMERO. Thank you, Madam Chair.

Chairman LINCOLN. You represent your phenomenal academic, professional, and personal success. We want to thank you for seeking a nomination which will bring your considerable talent to USDA and to public service.

I would like to recognize Senator Casey, I think, who is going to introduce our nominee.

Senator CASEY. Madam Chair, thank you very much. And I am honored to have this opportunity and I was indicating before that after I introduced the nominee I will have to go and I hope you do not mind.

Chairman LINCOLN. No. You will be excused. Do not worry.

**STATEMENT OF HON. ROBERT P. CASEY, JR., U.S. SENATOR
FROM THE STATE OF PENNSYLVANIA**

Senator CASEY. I just want to make sure the Chairwoman knows where I am headed.

But I am really honored to do this. I will not read the whole statement but I think I know something about how important a General Counsel is to any organization including a government agency and I do not think we need to review that now.

But I know how vitally important the support that position is; and if you review the record and the qualifications and experience of our nominee, I think you will come to the same conclusion.

This is a remarkable American story. Ms. Romero immigrated to the United States from the Dominican Republic when she was 11 years old, and just that age reminded me of the story of my own family's past. My grandfather—I had never met him; he had died before I was born—began working in the coal mines at the age of 11.

Just that experience of coming to a new country and all of the challenges, I thought his experience was a challenge. But to come to a new land and to face all of the challenges that that entails is, indeed, a remarkable story. It is a story that only got more exciting and more significant since that time.

She attended Barnard College at Columbia University where she served as the president of student government, received an associate alumni fellowship and was awarded the Marian Churchill White prize.

After receiving her degree from Columbia, Ms. Romero went to Harvard Law School, served as the associate editor of the International Law Journal, director and attorney of the Prison Legal Assistance Project, and got her law degree in 1988.

She has had a variety of legal experience since that time. Corporate counsel at Dupont, working on many boards and other organizations. One of the other more significant parts of her resume was she has held a number of leadership positions within the Hispanic National Bar Association, including service as the national president.

So whether it is as lawyer, as an advocate, or as someone who has worked very hard to where she is today, we are very proud of her service. We are very proud of her commitment to public service, and I am grateful that we have this opportunity to introduce her and to tell her how much we look forward to working with her when she is at the Department of Agriculture upon, of course, confirmation.

With that, Madam Chair, I will ask consent to submit a fuller statement to the record.

Chairman LINCOLN. Without objection.

[The prepared statement of Senator Casey can be found on page 16 in the appendix.]

Senator CASEY. Thank you very much.

Chairman LINCOLN. Thank you, Senator Casey.

The USDA's Office of General Counsel provides legal counsel and services to the Secretary of Agriculture. The counsel's practice is as

broad as the services performed by the agency within USDA; and again having seen so much of what USDA does, it is a broad range.

Ms. Romero, if confirmed, you will be ultimately responsible for the diverse legal function such as litigation and rule-making within issue areas ranging from civil rights to natural resources.

The General Counsel's job is a daunting one but absolutely essential to the Department's mission. The General Counsel must ensure that the Department acts within the authority granted to it by Congress especially when promulgating rules and regulations to administer programs such as the controversial new GIPSA regulation.

At this time I will call on our Ranking Member, Senator Chambliss, to deliver his opening statement. But before I do, I just want to thank him for the friendship and hard work and all of the great things we been able to do together and I really very much appreciate the blessing you have provided me in my journey.

Thank you, Senator.

**STATEMENT OF HON. SAXBY CHAMBLISS, U.S. SENATOR FROM
THE STATE OF GEORGIA**

Senator CHAMBLISS. Well, you are kind.

Madam Chair, this is, depending on what happens over the next couple of weeks, this is likely to be the last formal hearing that you will hold as Chairman. I want to

say on behalf of all of the Committee on both sides of the aisle how much we appreciate your leadership on the various issues that we have had to deal with over the past, gosh, almost two years.

It has gone by pretty quickly here, and politics being what they are obviously you are moving on to a higher calling.

[Laughter.]

Senator CHAMBLISS. We are not going to let you leave, though, without thanking you not just for your service as Chairman of this Committee even though that has certainly been a highlight of your career and a highlight of our relationship with you, but your passion for agriculture from one end of the country to the other has not gone unnoticed.

You have been a great champion for every farmer and rancher in America, and on behalf of all of those folks, we say thank you too for your great leadership and your commitment.

I think here maybe in a day or two we are likely to see the signing of the nutrition bill that is going to be a real boost to the education system in this country.

We know what again a passion you have for ensuring that children are educated well; and in order to be educated well, they have to be fed in a correct manner. And thanks to your leadership, we passed a child nutrition bill out of the Senate that was taken in total by the House. That is a pretty remarkable accomplishment, and something that, as you look back on your years in the House and years in the Senate, I think, will certainly rate right at the top of your accomplishments.

It has been a privilege for me to have had the opportunity to work with you, both in our days in the House and now in the Senate. We worked on Ag issues and we worked on tax issues and any other number of matters.

And you have been a champion for Americans, and I am going to miss you.

Chairman LINCOLN. Thank you.

Senator CHAMBLISS. I also want to say to your staff what a great job they have done in working with my staff, working with members on this side of the aisle particularly. It has been an open door. Your staff director, Robert Holifield, what a good young man he is.

Chairman LINCOLN. We think so too.

Senator CHAMBLISS. What a bright guy he is and what a great guy to work with. And whether it is he and Martha Scott throwing towels at each other or rocks or whatever they throw at each other from time to time, we have just had a great working relationship at both the staff and member level under your leadership.

So for all of that I thank you.

Chairman LINCOLN. It has been a glorious journey, and I have to say with all kinds of joys and blessings along the way. And you two men are at the top of that list. So thank you both.

Senator CHAMBLISS. Now, for the business at hand today, I would like to welcome Ms. Romero and her family to the Senate Agriculture Committee and to congratulate her on her nomination. I want to say up front, based on our conversation yesterday, Ms. Romero, I know that or understand that the tough questions that we ask you are going to be referred to your daughter, is that right?

Ms. ROMERO. She is definitely going to answer, Senator.

[Laughter.]

Senator CHAMBLISS. That was a voluntary effort on the part of your children to provide answers to the really tough questions.

You will have a very important job overseeing USDA's Office of General Counsel in providing sound legal advice to Secretary Vilsack and the many agencies under USDA's purview.

As you will likely hear today, there are many issues that members of this Committee care about that involve interpretations of law which directly involve the Office of the General Counsel, and I hope that you will listen to this Committee's concerns and suggestions closely, and I know you will.

And I will look forward to working with you to ensure that programs are implemented as Congress intended and are working for America's farmers and ranchers. I think your background, legal experience and enthusiastic desire to serve in President Obama's Administration make you an excellent candidate for General Counsel, and I am pleased that you have agreed to serve in this position.

And again I thank Chairman Lincoln for having this hearing and we look forward to moving your confirmation through the Senate as a whole.

Ms. ROMERO. Thank you, sir.

Chairman LINCOLN. Thank you. We would like to swear you in. Before I do that, I would love to give you the opportunity to just introduce your husband and children as well that are with us today. I know they are very proud.

Ms. ROMERO. My daughter Emilia, who is almost nine. My husband Blaise Santianni. And my daughter Adelina. Adelina, can you stand up for a minute, who is seven. And I have a host of family and friends. I will not take the Committee's time. Thank you.

Chairman LINCOLN. We want to welcome all of your family and friends and certainly your husband and two daughters. We are glad that they are here.

If you would please rise and raise your right hand.

Do you swear that the testimony you are about to present is the truth, the whole truth, and nothing but the truth?

Ms. ROMERO. I do.

Chairman LINCOLN. Secondly, do you agree that if confirmed, you will appear before any duly constituted Committee of Congress if asked?

Ms. ROMERO. I do.

Chairman LINCOLN. Thank you. Please proceed with your testimony.

**TESTIMONY OF RAMONA EMILIA ROMERO, OF PENNSYLVANIA,
TO BE GENERAL COUNSEL OF THE U.S. DEPARTMENT OF AGRICULTURE**

Ms. ROMERO. Good morning. First of all, I would like to thank Senator Casey, even though he is not here, for his kind words of introduction.

Greetings, Madam Chair, Ranking Member Chambliss, Senator Roberts, and other distinguished members of the Committee.

I acknowledge the many priorities facing this body and thank you for your willingness to hold this hearing. It is an understatement to say that it is an honor and a privilege to appear before you as President Obama's nominee to serve as General Counsel of USDA. I am humbled by the trust that the nomination represents and thank the President and Secretary Vilsack for giving me this opportunity.

Should I have the privilege of being confirmed, I look forward to paying through public service a small portion of the debt that I owe our great country for the benefits it has afforded me.

Much is required of those to whom much is given and I have been given much. First, I have been blessed with a wonderful family and many loving friends. As you know, my husband and my two daughters are here with me. I want to thank them publicly for their constant support and their encouragement, and for their willingness to sacrifice so that I can pursue my dream of public service. Also with me here are several other family members and many friends.

Constructing a life, Senator, and a career is a team effort and I have many members of my team, some of whom are here. I am very grateful for that.

While she is not able to join us here today, I want to acknowledge and thank my mother, Glada Romero. In the late 1960s she left me in the Dominican Republic and moved to New York City in search of a better life for us. I joined her four years later. My mother's decision altered the course of my life. By making available to me the many opportunities our Nation offers even the most humble of its citizens.

I am forever grateful for her courage. Thanks to her, a very humble factory worker in the New York garment district, by the time I reached Barnard and Harvard, I had internalized the value of hard work, honesty, courage, perseverance, and service. The les-

sons that I learned from my mother are ones that I try to live by every day and which Blaise and I pray that Adelina and Emilia will learn and internalize as well.

By now, you might be wondering why a Dominican American raised in New York City wants to serve as General Counsel of the Department of Agriculture. The answer is simple. I love to serve others. I love the law, and I love finding solutions to challenging legal problems.

If confirmed, serving as USDA General Counsel will allow me to do what I love. It will also enabled me to contribute to the American people the skills and experience that I have acquired over two decades as a practicing lawyer responsible for a broad variety of complex litigation and commercial transactions, first at a large law firm here in

Washington, DC, and later at DuPont's well respected legal department.

Serving American farmers, ranchers, and rural communities appeals to me. Not only because they are essential contributors to our Nation's economy and well-being but also among the most challenged members of society.

As Secretary Vilsack noted during a recent television appearance, 90 percent of our Nation's farmers are barely making ends meet. I want to assure you that, if confirmed, I will approach my duties with an appreciation for the challenges facing our country's farmers and ranchers, rural communities, and agri-business.

As a lawyer who loves what she does, I cannot think of a more exciting place to work than USDA precisely because of the diversity of its mission and the legal challenges that it creates.

Finally, should you honor me by recommending me and should the Senate confirmed me, I will do everything within my power to execute the duties of General Counsel with the highest, the highest level of integrity and skill so as to earn your continuing support and trust.

I am committed to working with the leadership at USDA in collaboration with Congress to further the best interest of all Americans who, to varying degrees, are affected by every decision the USDA makes.

Thank you, Madam Chair. I look forward to addressing your questions.

[The prepared statement of Ms. Romero can be found on page 21 in the appendix.]

Chairman LINCOLN. Thank you, Ms. Romero.

I think the three of us here can guarantee you challenging legal questions from USDA as well as what we do here. We can also guarantee you diversity in terms of the multiple, multiple farmers, ranchers, and hard-working farm families across this country from the South to the Midwest, to the East and West Coasts, all of which do things in a different way, and we look forward to asking questions and certainly getting a perspective from you.

I will just start with one and I know my colleagues may follow up on some of this. But producers and industry groups alike have really expressed reservations to this Committee regarding proposed GIPSA regulations pertaining to undue preference on beef prices.

During the debate in the 2008 farm bill, the Senate voted down the Senate Amendment 3666, which was Senator Tester's amendment which would have restricted packers from utilizing commonly employed pricing mechanisms.

In the opinion of many of our constituents, the proposed rules were very similar to what the Tester amendment was attempting to do, prohibit producers from being rewarded for high quality cattle which they produce.

In your opinion, do you believe the proposed GIPSA regulations go beyond the authority of GIPSA's enabling legislation and fail to consider the Senate floor vote on Senate Amendment 3666 and how, as General Counsel, will you work to guarantee that the rules and the regulations promulgated by USDA truly do comply with what our congressional intent has been?

Ms. ROMERO. Senator, I am familiar with the issue, and I am familiar with the concerns that have been raised about the rule. As I am sure you appreciate, given the fact that I am not at USDA, I am not a USDA employee, and I am not familiar with all of the details relating to the rule, prejudging it is not something, it is probably presumptuous and not sufficiently cautious.

I can assure you about this. I understand that the rule has been published. I have read it. I understand that the rule is been submitted to public comment and that many comments have come in that are now being considered and that the Secretary and the Department are very interested based on a statement that I read he made yesterday on ensuring that the rule that is finally published is actually consistent, takes those comments into account and is consistent with the interests of all stakeholders.

If I have the privilege of being confirmed, I will work to ensure that is, in fact, the case. Obviously, as the Department's chief lawyer my responsibilities, if I am confirmed, would be to ensure that the Department enacts rules that are consistent with the mandates of Congress, and I look forward to working hard to do that.

Chairman LINCOLN. Great. I think that one of the things that we all, as Senators representing the constituents that we have and the reason that we talk sometimes forever and ever and ever is because we want to make very clear what our intent is, and I think that is an important part of what we try to put into both the record as well as the encouragement of our constituencies to get in their comments during those rule-making comment periods and other things like that.

So congressional intent, in my opinion, is something we tried very hard to make very clear, and I hope it is a tool that can be used particularly by the counsel as they review what they would like to get in promulgating those rules. So thank you.

Ms. ROMERO. Thank you.

Chairman LINCOLN. Senator Chambliss.

Senator CHAMBLISS. Thanks very much, Madam Chairman.

A couple of areas that I want to note, Ms. Romero. First, I recognize the H2A guest worker program is administered by the Department of Labor and the USDA's only official involvement is with the National Agricultural Statistics Service's wage survey that the Labor Department uses to set the adverse effect wage rate.

However, USDA administers a number of marketing and inspection programs that are negatively impacted when farmers are not able to harvest their crops on a timely basis. The agricultural sector continues to have a lot of problems with the guest worker program especially with regard to the timing.

There seems to be no good way to predict when the Department of Labor will act on any particular H2A application other than it will most likely be late. Because the need for agricultural workers, especially in the fresh fruit and vegetable markets, is so critically tied to the timing of harvest, a program that does not operate in a timely manner is essentially no program at all.

I would strongly encourage you to use your position as General Counsel at USDA to seek an administrative agreement or a memorandum of understanding with the Department of Labor with respect to the timing of the H2A application approval process.

This would really help our farmers and producers who need the labor during harvest which in turn helps the USDA's marketing and inspection programs operate efficiently.

And this is one of those situations that there apparently is no communication between USDA and in this case the Department of Labor, and my statement to you is that I would just like a commitment from you to ensure that you are going to reach out and try to make a real effort to work with the Department of Labor on this specific issue as well as other agencies on matters that you may not have direct jurisdiction over but certainly have a huge impact on farmers and ranchers.

Ms. ROMERO. Sir, if I have the privilege of being confirmed, you have my absolute commitment that I would reach out not only to other administrative agencies that impact the fate of farmers and ranchers and the agricultural industry but also to you and to the members of the Committee.

Senator CHAMBLISS. Thank you.

The Chairman has already mentioned the issue of GIPSA. You and I talked briefly about that yesterday. I just want to make sure it is pretty high on your radar screen because this is an issue that we dealt with in the farm bill.

We thought we came out with a fairly good resolution and now here we are back in not necessarily a crisis mode maybe yet but it is a real concerning issue to farmers across America right now.

And I would just urge you to engage early on in a review of the current status of GIPSA and the enforcement mechanisms that are in place as well as some changes that have been made and are being proposed because they are not being favorably received.

And if that is not the case, if things continue the way they are going, then farmers are going to get more and more unhappy with this.

So my comment to you there is just to engage in this early, review the process, and engage this Committee as well

as the House Committee on Agriculture with respect to potential solutions for GIPSA.

There is one specific issue relative to GIPSA, though, that I do want to call to your attention and asked for your review. Several critics of the proposed rules have focused on the GIPSA administrator.

As you may or may not know, the current administrator is a trial lawyer. Before running GIPSA, he litigated cases involving the Packers and Stockyards Act.

Since the current proposal would lower the burden of proof that a trial lawyer would have to meet to be successful, a number of stakeholders believe this represents a troubling conflict of interest.

Recently the Americans for Tax Reform organization wrote Secretary Vilsack calling for Administrator Butler's resignation, and the Committee for Responsibility and Ethics in Washington wrote asking that Butler at least recuse himself from this rule-making process.

The Acting General Counsel responded to both that USDA does not see anything wrong with the current situation. Being a lawyer myself, you are well aware of our strong ethics within our bar associations; and if there is even a hint of a conflict of interest, someone in a judicial position whether it is from a State court bench or administrative bench ought to recuse himself.

And I would simply ask again that you review the matter that has already been reviewed by the current acting counsel that you will be replacing just to ensure, and you report

back to this Committee on the issue of whether or not there is reason for this administrator to come under scrutiny and maybe recuse himself on certain cases that do raise the potential for a conflict of interest.

Ms. ROMERO. Thank you, Senator, for bringing the issue to my attention. If I have the privilege of being confirmed, I will conduct such a review.

Senator CHAMBLISS. Thank you very much.

Thanks, Madam Chairman.

Chairman LINCOLN. Senator Roberts.

Senator ROBERTS. Senator Lincoln, we are going to miss you and I hope you come back often.

Chairman LINCOLN. Will you put a little chair in the corner?

Senator ROBERTS. No. It will be a big chair.

[Laughter.]

Senator ROBERTS. Whatever size chair you want and within the Ag Committee. I will give you my proxy about half the time. Maybe we could name the child nutrition bill the Lincoln child nutrition bill. We might want to think about that, Senator Chambliss, on the floor.

But anyway I would just observe that in the Senate today the threads of comedy and respect are worn pretty thin, and I know that is because of the tough issues we face and the differences of opinion.

The exception to that rule is Blanche Lincoln in that she always was willing to reach across the aisle, never compromising her principles but trying to get something done. I think that is what the American people want.

And the Agriculture Committee is different from other Committees. We have always been that way. We either hang together or we hang separately.

In any case I want to thank you for all the contributions you have made, not only the legislation and not only the work that you have done but I cannot at anytime in any meeting, whether it be

Finance or Agriculture or some other meeting, any meeting that you have not entered the room without a smile on your face and brightened the atmosphere.

I am a 50s kid. Eisenhower had that great ability with his grin. You have an Eisenhower grin and a wonderful smile, and the thought of pure partisanship just never quite entered your head.

So thank you just for being you, and I am going to look forward to your picture right up there or maybe we can move Herman down there.

[Laughter.]

Senator ROBERTS. With all due respect to Senator Talmadge.

Ms. Romero, thank you so much for coming and thank you for giving us the privilege of meeting your fine family, your lovely family. Your two daughters now know where Kansas is. They were looking at the almanac. It sits right in the middle. We like to think we are in the heartland.

Of course, I know Senator Chambliss thinks that is the case for Georgia, and obviously the Chairman for Arkansas, which is really "Ar" Kansas by the way but we will not get into that.

[Laughter.]

Senator ROBERTS. You have an only-in-America story. It is quite impressive. It makes you stop and think a minute. It is one of those battery charges that we hear about every once in a while. So thank you for sharing that with us.

You are going to be confirmed. Thank you for your statement that you are going to be a champion for the farmers and ranchers. And I will say that we face very serious times in this country and we have all heard about the debt commission and all of the recommendations on entitlement programs and then people say, well, where else to cut and the first thing is agriculture.

Most of these people can spell agriculture but they have never been on a farm and they just do not understand the value of some of the programs that we do have and we will do our part. We have always done our part but we are not going to do more than our fair share and I hope you share that view and thank you for stating you will be a champion for the farmer and rancher.

I share the comments made by our distinguished Ranking Member and our Chairman on GIPSA. We write legislation here and work very hard to produce a farm bill or any other bill, and then all of a sudden it goes to some federal agency, and it has happened in many administrations, and whatever pops out of the woodwork in the Federal Register does not resemble the intent that we think would be the case. And that is a continued sort of arm-wrestling contest.

But on GIPSA we really have strong feelings about that and I am glad that the Ranking Member, Senator Chambliss, brought up the situation with Mr. Butler. He ought to recuse himself, and I feel very strongly about that. With your background, I think you can take a hard look at that.

I have one question. Many here in this Committee, members on both sides of the aisle, have requested what I call the alphabet soup of federal agencies work together and actually talk to one another.

What role will you and the Department of Agriculture play in fighting, and I put in “fighting”, on behalf of all of agriculture against the laundry list of regulations and ideas that could put farmers and ranchers out of business?

We do not have a baseline. We do not have money. And in talking to other members on the Committee, we are scratching our heads thinking how on earth do you write a farm bill with no money.

That happened once before some years ago and I had that challenge in the other body. It is tough. But one of the things we can do is relieve farmers from over regulation and regulatory costs that do not meet sound science standards.

They may meet standards in terms of ideology or where people want to go or this or that or the other, you know, people’s personal opinion. But they do not make sense in farm country. So if we could do regulatory reform, it would be a wonderful thing.

For example, changing the scope of the Clean Water Act. Right now we have a navigable water situation where farm ponds are considered navigable water. No self-respecting duck would ever even land there.

We have rural fugitive dust. I emphasize “fugitive”. That is going to be a TV series, rural fugitive dust. It was in the ’70s and now it is back again.

OSHA standards, spray drift, animal antibiotics, just to name a few.

Will you please help us and be a strong advocate for sound science on these regulations, on the costs, on the benefit? That has to match up, and I think that would do more for the farmer and rancher today than perhaps more billions of dollars in the farm program.

So I will leave it at that. And if you would like to make a comment, why, I would appreciate it.

Ms. ROMERO. Thank you, sir, for brining the issue to my attention. Senator Chambliss also raised that issue specifically in the context of the intersection between EPA and the USDA.

Obviously not having been confronted and not having sufficient access to USDA officials and not really being privy to all the details relating to these issues, I cannot take a firm position on some of these questions but I will talk with anybody.

Senator ROBERTS. You have your phone numbers and you know the first names. You might want to meet weekly and say, you know, this does not make any sense.

Ms. ROMERO. I am a great believer in corroborating. I am also a great believer in understanding and ensuring the people talk with one another and understand the issues and the perspectives of every side of the room.

So that I can promise you this, if I have the privilege of being confirmed, I will be an advocate or at a minimum ensure that the other agencies that also regulate farmers understand the position of the USDA.

Senator ROBERTS. Thank you, ma’am.

Ms. ROMERO. You are welcome, sir.

Chairman LINCOLN. Thank you, Senator Roberts.

Just one last comment I would like to make in terms of biotech approvals, Ms. Romero. The Obama Administration has repeatedly stated its commitment to applying sound science to regulatory decisions. The Administration is also committed to achieving and maintaining global food security.

You mentioned the idea of the livelihood of farmers and ranchers across the country. I have consistently said that farmers and ranchers across this country need make no apologies in terms of this Committee because we want to work there on their behalf.

So taking into consideration the livelihood of farmers and ranchers, and also the hunger that exists worldwide, it is unfortunate it now takes USDA over three years to deregulate and authorize agricultural biotechnology projects. Setting aside the pending lawsuits against USDA challenging the Department's compliance with NEPA, I do remain concerned that the biotech regulatory process is too slow.

So I just simply want to put that before you. I am concerned that undue delays unnecessarily impede bringing new products to market to help American farmers stay competitive in the global marketplace.

As we know coming out of this economic crisis we are in, we want to make sure of our farmers and ranchers are competitive globally. I am told that many of these delays may be avoided by streamlining regulatory clearance process at OGC. So I hope that you will take a look at that.

I do not know what your views are about ways that we can streamline the regulatory process there to get the safe agricultural biotech products to market faster, but I hope that you will take a look at that. I am sure that as you do, you would look at ways that you can figure out we can streamline what goes on there at OGC and hopefully minimize a three-year process that it has been taking us to increase our competitive nature for our farmers and ranchers.

Ms. ROMERO. Thank you for bringing the issue to my attention, ma'am.

Chairman LINCOLN. You bet. We thank you.

Senator ROBERTS. Madam Chairman, I have five other questions. I am not going to bring them up now but I would like to submit that for the record.

Chairman LINCOLN. Absolutely. I did want to make sure that everyone knows that the record will be left open for three days in order to be able to ensure that all members of the Committee can submit their questions in writing to get a written response from you, Ms. Romero, and I appreciate that and want to congratulate you on your nomination again.

So any questions for the record, members will have three days to be able to do that and submit those to the clerk as soon as possible, we hope, as people will be anxious to wrap things up, and we appreciate that.

Again thank your family for being here. I know certainly as a mother and as a daughter and a wife and all of those things, it is critically important to have your team together. So we are proud that they are here with us today as well.

I want to say a very special thanks to these two gentlemen that are here. I have served with them for a long time in both the House and the Senate. They have been dear friends and great members of this Committee.

I am very proud to be leaving it in your hands and I am grateful to both of you all for your friendship. It has been an honor and a privilege for me to serve the great people of Arkansas and the certainly in this Committee.

I think both of these gentlemen know how much I love agriculture, and they know my passion for this Committee. So it has been a joy to be here and to serve on this Committee for many years and to be able to have a great opportunity to talk with both of you all.

I would like to take just a point of personal privilege and say a tremendous thanks to the staff here at the Committee and the staff of all the members who have always been wonderful to work with.

Our time here as Chairman of the Committee has been a great one working with not only the Ranking Member but all of the staffs have been just tremendous. They have been wonderful to work with.

You will find as you work with them, as well as the members, that this is a great Committee to do business with. Everybody works hard. We play hard. We work hard at getting along and really getting things done for what is really at heart, and that is the American people.

So we are grateful and I am very grateful to everybody from the Committee. So thank you all for participating particularly in my last hearing here to have these two fine gentlemen with me. I could not have asked for two better, and I am grateful for that.

With that, the Senate Agriculture Committee stands adjourned.
[Whereupon, at 11:18 a.m., the Committee was adjourned.]

A P P E N D I X

DECEMBER 9, 2010

**Senator Robert P. Casey, Jr.'s, Introduction of Ms. Ramona Emilia Romero
Nominee for General Counsel to the United States Department of Agriculture
December 9, 2010**

Madam Chairwoman, it is my distinct pleasure this morning to introduce Ramona Emilia Romero. Ms. Romero appears before the Committee as the nominee for a very important position at the Department of Agriculture – that of General Counsel.

The Office of the General Counsel is an independent legal agency that provides legal advice and services to the Secretary of Agriculture and all other USDA officials and departments. General Counsel to a Federal Agency is a challenging and significant position which requires experience, knowledge, passion and a commitment to service.

Next Congress, the Senate Agriculture Committee will work side-by-side with the USDA to develop a strong Farm Bill and the General Counsel will play a very important role in the process. I believe that Ramona is the right person for this job.

It is impossible to squeeze all of Ms. Romero's career accomplishments into introductory comments, so I will focus on a few of the highlights which demonstrate how rapidly she has risen through the legal ranks, and allow you to read a more detailed version which you have in front of you today.

Ms. Romero immigrated to the United States from the Dominican Republic when she was eleven years old. After graduating from high school, she attended Barnard College, Columbia University where she served as the President of the Student Government, received an Associate Alumnae Fellowship and was awarded the Marian Churchill White Prize.

After receiving her degree from Columbia, Ms. Romero entered Harvard School of Law where, in addition to her legal studies, she served as an Associate Editor of the International Law Journal, and Director and Attorney of the Prison Legal Assistance Project. She received her J.D. from Harvard Law in 1988.

Since obtaining her law degree, Ms. Romero has practiced in a variety of legal areas. Currently, Ms. Romero is Corporate Counsel for E. I. Du Pont de Nemours & Company, where she provides legal oversight for the acquisition of transportation, distribution, supply-chain management, travel and energy resources, and manages related strategic litigation.

Ms. Romero has served on several boards and been affiliated with several professional organizations, including the American Constitution Society for Law and Policy and both the House of Delegates and the Presidential Initiative Commission on Diversity of the American Bar Association. She is a founding member and former officer of the Dominican American National Roundtable.

In addition, Ms. Romero has held a number of leadership positions within Hispanic National Bar Association (HNBA), including service as its National President. As President, she strengthened the organization's infrastructure through the adoption of new bylaws and established its Standing Commission on the Status of Latinas in the Profession.

When the Hispanic National Bar Association was invited to testify before the Senate Judiciary Committee at Associate Justice Sonia Sotomayor's confirmation hearing, Ms. Romero testified on behalf of the HNBA and delivered a strong, measured message that rode on the wings of three decades of HNBA efforts to place a Hispanic individual on the Supreme Court.

Ms. Romero has been widely recognized for her professional achievements and her leadership in the Latino community. She has received multiple honors and awards, including being listed as one of the 100 most influential Hispanics in the United State in Hispanic Business and the *Pro Bono* Award from the International Human Rights Law Group.

Madam Chairwoman, thank you for allowing me to speak on Ms. Romero's behalf this morning. I believe that Ms. Romero's entire career has helped prepare her for this moment and I heartily endorse her to be confirmed as the General Counsel to the United States Department of Agriculture.

Statement of Senator Thad Cochran
Committee on Agriculture, Nutrition and Forestry
Hearing to consider the nomination of Ramona
Romero as General Counsel at USDA

December 9, 2010

Madame Chairman, thank you for holding this nomination hearing today, and thank you for the strong leadership you have shown in your time as Committee Chairman. You have proved to be a staunch advocate of our nation's farmers and ranchers. As if that were not a daunting task in itself, without your tireless efforts, this Committee would not have produced a child nutrition bill earlier this year. It has been a pleasure serving with you in the United States Senate. Your voice for Southern agriculture will be greatly missed.

Ms. Romero, I want to congratulate you on your nomination to be General Counsel of the United States Department of Agriculture, and I would like to welcome you and your family to the Senate Agriculture Committee. I am pleased that the President has chosen to nominate someone with an extensive legal background in a variety of areas. That experience will certainly prove useful to you given the wide range of public interests under USDA jurisdiction.

In your testimony provided to this Committee, you alluded to competition in the agriculture industry as one of the various legal problems you may be faced with as General Counsel at USDA. As I'm sure you are aware, the Department of Agriculture has held a series of competition workshops around the country in conjunction with the Department of Justice to allow local producers to voice their concerns with competition in their respective industries. My home state of Mississippi is home to over 24,000 employees in the poultry industry alone, and its production levels have made it the

state's largest agriculture commodity for over a decade. As USDA proceeds in evaluating its competition policy, I encourage you to heed antitrust laws as instituted by the courts so that industry competition may thrive in a healthy and fair way for all.

Madame Chairman, thank you again for holding this hearing today, and Ms. Romero, congratulations again on your nomination. I look forward to working with you in the future.

**PREPARED STATEMENT OF RAMONA E. ROMERO
SENATE COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY**

December 9, 2010

Good morning. Greetings Madam Chair, Ranking Member Chambliss and other distinguished members of the Committee. I acknowledge the many priorities facing this body, and thank you all for your willingness to hold this hearing. It is an understatement to say that it is an honor and a privilege to appear before you as President Obama's nominee for General Counsel of the Department of Agriculture. I am humbled by the trust this nomination represents, and grateful to President Obama and Secretary Vilsack for giving me this opportunity. Should I have the privilege of being confirmed, I look forward to repaying through public service a small portion of the debt I owe our great country for the benefits it has afforded me.

Much is required of those to whom much is given. And I have been given much. First, I have been blessed with a wonderful family and many loving friends. My husband, Blaise Santianni and our daughters Emilia and Adelina are here with me today. I want to thank them publicly for their constant support and encouragement and for their willingness to sacrifice so that I can pursue my dream of public service. Also with me here are several other members of my family and many friends. I thank them all for their support and their presence.

While she was not able to join us here today, I want to acknowledge and thank my mother, Clara Romero. In the late 1960s, she left me in the Dominican Republic and moved to New York City in search of a better life for us. I joined her four years later, when I was about 11. My mother's decision altered the course of my life by making available to me the many opportunities our Nation offers even the most humble of its citizens. I am forever grateful for her courage. Thanks to her -- a humble factory worker -- by the time I reached Barnard and Harvard I had internalized the value of hard work, honesty, courage, perseverance and service. The lessons I learned from my mother's example are ones that I try to live by everyday and which Blaise and I pray will take hold in our daughters.

By now you might be wondering why a Dominican-American raised in New York City wants to serve as general counsel of the Department of Agriculture. The answer is simple: I love to serve others, I love the law, and I love finding solutions to challenging problems. If confirmed, serving as the USDA's chief legal officer will allow me to do what I love. It will also enable me to contribute to the American people the skills and experience I have acquired over two decades as a practicing attorney responsible for a broad variety of complex litigation and commercial transactions, first at a large law firm here in Washington and later at DuPont's well-respected legal department.

Serving America's farmers, ranchers and rural communities appeals to me because they are not only essential contributors to our Nation's economy and the well-being of the citizenry, but also among the most challenged segments of American society. As

Secretary Vilsack noted during a recent television appearance, 90% of our Nation's farmers are barely making it. I want to assure you that, if confirmed, I will approach my duties with an appreciation of the challenges facing our country's farmers and ranchers, rural communities and agribusiness.

As a lawyer who loves what she does, I cannot think of a more exciting place to work than USDA given the challenging and diverse legal issues arising from the Department's broad mission. I have spent most of my career finding effective and practical solutions to tough legal problems. If confirmed, I will spare no effort to do the same at USDA regardless of whether the issue at hand arises from the nutrition assistance programs on which I sometimes depended as a child, or relates to civil rights, competition in the agricultural industry, access to energy, broadband and housing in rural communities, natural resources management, or biotechnology. In short, I am genuinely excited about the prospect of collaborating with the career staff in the Office of General Counsel to ensure that USDA leaders receive timely, intellectually rigorous and sound legal advice and that the legal issues facing the Department are addressed efficiently and expeditiously.

Finally, should you honor me by recommending me and should the Senate confirm me, I will do everything within my power to execute the duties of general counsel with the highest level of integrity and skill, so as to earn your continuing respect and trust. I am committed to working with the leadership of the USDA, in collaboration with Congress, to further the best interests of all Americans who, to varying degrees, are affected by every decision the USDA makes.

Again, thank you very much for holding this hearing to consider my candidacy. I am grateful for your time and glad to answer the Committee's questions.

DOCUMENTS SUBMITTED FOR THE RECORD

DECEMBER 9, 2010

December 6, 2010

Honorable Blanche Lincoln
Chairman
Committee on Agriculture, Nutrition, and Forestry
United States Senate
Washington, D.C. 20510-6000

Dear Chairman Lincoln:

On July 1, 2010, a copy of my SF-278, Executive Branch Public Financial Disclosure Report, required in connection with my nomination to serve as General Counsel, U.S. Department of Agriculture, was submitted to the U.S. Office of Government Ethics. That report contained all required financial information for calendar year 2009 and for the current calendar year through July 1, 2010.

The Ethics in Government Act of 1978, as amended, also requires that I update certain of the information reported on the SF-278, *i.e.*, that required by section 102(a)(1)(A) of the Act, respecting income (other than dividends, interest, rents, and capital gains) and honoraria, to date which occurs not more than five days before the date of the hearing to be held by your Committee to consider my nomination. In addition to the amount previously reported on my SF-278 dated July 1, 2010, I have earned \$73,604.55 in income from E.I. du Pont de Nemours and Company. I have no other covered income to report.

I trust that this letter satisfies the additional applicable reporting requirements contained in the Ethics in Government Act.

Sincerely,



Ramona E. Romero
Nominee for General Counsel
U.S. Department of Agriculture

BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used):
 - Ramona Emilia Romero
2. Date and place of birth:
 - Born April 17, 1962 in Santo Domingo, Dominican Republic
3. Marital Status: If married, list spouse's name (include any former names used), occupation, employer's name, and business address(es).

Blaise Travis Santianni
Self-employed
Local Pastures LLC
207 Fox Lane
Wallingford, PA 19086
www.localpastures.com
4. Education: List each college and graduate or professional school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

Harvard Law School
September 1985 to June 1988
Juris Doctor, 1988

Barnard College, Columbia University
September 1981 to June 1985
Bachelor of Arts, 1985

5. Employment and Self-Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including farms or ranches, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college. Please include a title and brief job description for each.

5. COMPENSATED POSITIONS			
Company or Organization	Title/Position	Dates	Job Description
E. I. du Pont de Nemours and Company, Wilmington, DE	Corporate Counsel (2002 to present) Senior Counsel (1998 to 2002)	11/1998 to Present	Since 2007, I have been principally responsible for providing legal oversight for the acquisition of logistics, energy and travel services for DuPont and directing related strategic litigation. I also represent DuPont Aviation in commercial transactions. Previously, I oversaw all facets of DuPont Legal's outside counsel partnering program and several strategic operations related to litigation, including the Department's nine-figure outside counsel budget. In my initial assignment at DuPont, I managed commercial and antitrust litigation for the Company.
Sentinel Transportation LLC, Wilmington, DE	General Counsel	12/2008 to present	Oversee legal matters for Sentinel Transportation, a private fleet trucking joint venture between DuPont and ConocoPhillips.
Crowell & Moring LLP, Washington, DC	Associate (1988-1996); Of Counsel (1996 to 1998)	9/1988 to 10/1998	Represented clients in civil fraud, government contracts, white collar, antitrust and complex commercial litigation. Earlier in my career, I also worked on corporate transactions, including mergers and acquisitions.
Crowell & Moring LLP, Washington, DC	Summer Associate	Summer 1987	Conducted legal research and drafted legal memoranda.
Rogovin, Hugu & Lenzner, Washington, DC	Summer Associate	Summer 1986	Conducted legal research and drafted legal memoranda.
Graves Dougherty, Austin, TX	Summer Associate	Summer 1986	Conducted legal research and drafted legal memoranda.

5. VOLUNTEER DIRECTOR AND OFFICER POSITIONS			
Hispanic National Bar Association, Washington, DC	Immediate Past President (9/2009 to present); President (9/2008 to 9/2009); President-Elect (2007 -2008); Vice President of External Affairs, (2006-2007); Regional President (2004-2006); Vice President of External Affairs (2001-2002); Regional President (2000-2001); Deputy Regional President (1998-2000)	2004 to present And 1998-2002	Volunteer leader of non-profit, non-partisan membership organization representing the interests of Latino lawyers, law students, judges and law professors in the United States and Puerto Rico. As President, served as CEO and Chairman of the Board of Governors.
Justice at Stake Campaign, Washington, DC	Member, Board of Directors	Nov. 2009 to Present	Director of non-partisan, non-profit organization that educates the public and advocates for the preservation of a fair and independent judiciary throughout the United States.
American Constitution Society, Washington, DC	Member, Board of Directors	March 2010 to Present	Director of non-partisan, non-profit educational organization that promotes discourse concerning issues of constitutional law related to individual liberties and access to justice.
American Red Cross of the Delmarva Peninsula, Wilmington, DE	Member, Board of Directors	June 1999 to June 2005	Director of non-profit disaster relief organization.
Delaware Futures, Wilmington, DE	Member, Board of Directors	2000 to 2002	Director of non-profit organization that provides tutoring and other educational support to talented, "at risk" high school students.
Dominican American National Roundtable, Washington, DC	Co-founder & Member, Steering Committee; Member, Board of Directors; Vice President	1997-2002	Non-profit, non-partisan national organization dedicated to promoting the socio-economic and political interests of Dominican-Americans in the United States.

5. VOLUNTEER DIRECTOR AND OFFICER POSITIONS (CONTINUED)			
Hispanic Bar Association of the District of Columbia	President (1997-1999); President-Elect (1996-1997); Member, Board of Directors (1994-1996)	1994-1999	Volunteer leader of local Hispanic bar association.
Teatro de la Luna	Member, Board of Directors	1997-1998 (EST)	Director of non-profit theatre company.
Prison Legal Assistance Project, Harvard Law School	Student Attorney and Member, Board of Directors	1986-1988 (EST)	Volunteer leader of law-school sponsored clinical program that provides legal assistance to inmates in Massachusetts prisons.

6. Military Service: Have you served in the military? If so, please give particulars, including the dates, branch of service, rank or rate, and type of discharge received.
- No military service.
7. Government Service: State (chronologically) your government service or public offices you have held, including the terms of service, grade levels, and whether such positions were elected or appointed.
- No government service.
8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you received and believe would be of interest to the Committee.

2010	J. Michael Brown Award (awarded by the DuPont Minority Counsel Network for "inspiration and personal public commitment in the areas of diversity, recruitment and mentoring in the legal profession")
2009	Hispanic Business Magazine, Woman of the Year Finalist and Gaia Honoree (one of four)
2009	DuPont Legal Achievement Award
2009	"Poder con Ganas" Award (awarded for community service by the Hispanic Democratic Club of Montgomery County, MD)
2008	Award for Service, Dominican Bar Association (awarded "for outstanding contributions to the promulgation of ethics and diversity in the Legal Profession . . .")
2007	Lucero Award, LatinoJustice PRLDEF (awarded annually to a "guiding star" in the Hispanic legal community)

2007	Recognized as one of "100 Hispanic Influentials" by Hispanic Business Magazine
2006	DuPont Legal Achievement Award
2005	DuPont Legal Achievement Award
2004	DuPont Legal Silver Eagle Award
2001	DuPont Global Services Business Major Achievement Award
1992	Pro Bono Service Award, International Human Rights Law Group
1985	Barnard Alumnae Fellowship for Graduate Studies (awarded annually to one or more seniors or alumnae who enroll in full time graduate studies and show exceptional promise in their chosen field of work).
1983	The Marian Churchill White Prize (awarded annually "to an outstanding [Barnard] sophomore for active participation in student affairs")
1983-1985	Barnard College Dean's List

9. Other Memberships: If not covered above, list all organizations in which during the past 10 years you held a position as official, board member, or other leadership position and describe the position. Exclude religious organizations.

- American Bar Association – Member, House of Delegates (2009-2010)
- American Bar Association – Member, Presidential Commission on Diversity (2009-2010)
- Sandra Day O'Connor Judicial Selection Initiative, Institute for the Advancement of the American Legal System, University of Denver – Member, Advisory Committee chaired by Justice O'Connor (2009 to present)
- Sandra Day O'Connor Project on the State of the Judiciary – Member, Task Force on the Courts and Corporate Citizenship (2008-2009)
- Hispanic National Bar Association, Founder and Member, Commission on the Status of Latinas in the Legal Profession (2008 - present)
- National Association of Minority and Women Owned Law Firms – Member, Advisory Board (2004-2006)
- Hispanics for a Fair Judiciary – Member, Steering Committee (2005); active participant (2009-2010)
- Democratic Committee of Nether Providence, Delaware County, PA – Committee Member (Feb. 2010 to present)
- International Institute for Conflict Prevention and Resolution (CPR) – Member, Law Firm Award Selection Committee (2007-2009)
- Member, Advisory Board, Thomas M. Cooley Law School, Graduate Program on Corporate Law and Finance (2009-present)

10. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published materials (including published speeches) you have written. Please include in this list published materials on which you are listed as the principal editor. It would be helpful to the Committee if you would provide one copy of all published material that may not be readily available. Also, to the maximum extent practicable, please supply a copy of all unpublished speeches you made during the past five years on issues involving agriculture, nutrition, forestry, or any other matters within the jurisdiction of this Committee or the Department of Agriculture.

Published Writings

- *Hispanic Groups Angered by Immigrant Hate Crimes*, Philadelphia Inquirer, Jan. 25, 2009 (Op-Ed co-authored with Cristobal J. Alex)
- *President's Message*, Noticias (Hispanic National Bar Association), Winter 2009
- *President's Message*, Noticias (Hispanic National Bar Association), Summer 2009
- *President's Message, Few and Far Between: The Reality of Latina Lawyers*, National Study and Report, Commission on Latinas in the Profession, Hispanic National Bar Association, Sept. 2009
- *How Far Have We Come?: Latino Lawyers in the 21st Century*, Noticias (Hispanic National Bar Association), Summer 2008 (co-authored with Sean Andrade).
- *The Decline of Successful Minority-Owned Law Firms*, Diversity & the Bar, Sept./Oct. 2004 (co-authored with Hinton J. Lucas)
- *Voluntary Disclosure Programs: Confession may be Good for the Soul, but Is It Good for the Body Corporate?* Corporate Counsel's Guide to the Organizational Sentencing Guidelines (William A. Hancock, ed., Business Laws, Inc. 1995) (co-authored with Brian C. Elmer).
- *Search Warrants, Part II: An Emergency Guide to Federal Search Warrants*, Corporate Counsel's Guide to Handling Government Investigations (William A. Hancock, ed., Business Laws Inc., 1988) (Dec. 1992 Supp.) (co-authored with Brian C. Elmer).

Published Speeches and Testimony

- Statement given on behalf of the Hispanic National Bar Association at the confirmation hearing of The Honorable Sonia Sotomayor, July 15, 2009.
- Speech delivered at the Hispanic National Bar Association's 2008 Annual Convention in Los Angeles, CA (posted on the HNBA Website)

None of my unpublished speeches relates to agriculture or other matters within the jurisdiction of the Committee.

FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. Have you severed all connections with your immediate past private sector employers, business firms, partnerships, associations, or other organizations? (If no, provide full details.)
 - If confirmed, I will sever all such ties in accordance with the ethics agreement that I entered into with the Department of Agriculture's designated ethics official and that has been provided to this committee.
2. List sources, amounts and dates of all expected receipts from deferred income arrangements, stock options, uncompleted contracts, and other future benefits that you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers.
 - Under the DuPont Defined Benefits Pension Plan, I will receive an estimated \$2,069 per month starting at age 65. Pursuant to company policy, I will forfeit all stock options and restricted stock units when I resign from DuPont.
3. Do you or any partnership or closely held corporation or other entity in which you have an interest, own or operate a farm or ranch? (If yes, provide a brief description including location, size, and type of operation.)
 - No.
4. Have you, or any partnership or closely held corporation or other entity in which you have an interest, ever participated in federal commodity income and price support, disaster, conservation, or related programs? (If yes, provide full details, including descriptions and amounts of payments and loans received or forfeited relating to each commodity, crop, farm, and ranch involved during the past five years.)
 - No.
5. Have you, or any partnership or closely held corporation or other entity in which you have an interest, received payments for crop or livestock losses from the federal crop insurance program in the past five years? (If yes, provide full details and amounts.)
 - No.
6. Have you ever received a student loan or loans? If so, has all indebtedness been fully repaid? (If no, provide full details.)

- Yes, I received multiple student loans and all have been fully repaid. Currently, I am the guarantor on a student loan obtained by a niece during her freshman year in college. She graduated from college in 2008 and the loan is now being repaid. To the best of my knowledge, the payments are being made on time and the account is current.
7. Have you, or any partnership or closely held corporation or other entity in which you have an interest, ever received a loan or cosigned a note involving a loan from or guaranteed by any department or agency of the federal government (other than a student loan) including, for example, through the farm or rural development lending programs of the Department of Agriculture or through the Small Business Administration? (If yes, provide the current status and details of such loan or loans, whether the indebtedness has been fully repaid, and all details of any such loan activity.)
- Yes. My former husband is a veteran and I believe that a mortgage on the residence we co-owned was guaranteed by the Veterans Administration. The guaranteed mortgage was repaid in full over a decade ago.
8. If confirmed, do you have any plans, commitments, or agreements to pursue or continue outside employment or engage in or continue any business or vocation, with or without compensation, during your service with the government? (If so, explain fully.)
- No.
9. Do you have any plans to resume employment, affiliation, or practice with any of your previous employers, business firms, partnerships, associations, or other organizations after completing government service? (If yes, provide full details.)
- No.
10. Has anyone made a commitment to employ you or retain your services in any capacity after you leave government service? (If yes, provide full details.)
- No.
11. Describe fully all matters and all employers, clients, organizations, or interests you represented over the past five years before the Department of Agriculture or any of its agencies, or before Congress involving matters within the jurisdiction of this Committee or the Department of Agriculture.
- None.
12. Explain in detail how you will resolve and avoid any actual or potential conflicts of interest, including any that may be disclosed by your responses to the above questions.

In particular, identify all investments, obligations, liabilities, or other relationships that involve actual or potential conflicts of interest relating to the position for which you have been nominated and what actions you will take to resolve and avoid these actual or potential conflicts of interest.

- In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Agriculture's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department of Agriculture's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

13. Fully describe and explain all divestitures or arrangements of any nature with respect to any type of interest that you have made or will make to resolve and avoid actual or potential conflicts of interest relating to the position for which you have been nominated.

- In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Agriculture's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department of Agriculture's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

JUL 14 2010

The Honorable Blanche L. Lincoln
Chairman
Committee on Agriculture, Nutrition,
and Forestry
United States Senate
Washington, DC 20510-6000

Dear Chairman Lincoln:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Ramona Ramero, who has been nominated by President Obama for the position of General Counsel, Department of Agriculture.

We have reviewed the report and have also obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Don W. Fox".

Don W. Fox
General Counsel

Enclosures

July 1, 2010

Mr. Stuart Bender
Director, Office of Ethics
Office of Human Resources Management
U.S. Department of Agriculture
Washington, DC 20250-0122

Dear Mr. Bender:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of General Counsel, U.S. Department of Agriculture (USDA). The steps detailed below take into account any potential conflicts or appearances thereof associated with this position.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). I further understand that the interests of the following persons are imputed to me: any spouse or minor child of mine, any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner, or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my position as Corporate Counsel at the E.I. du Pont de Nemours and Company (DuPont). I will divest my stock in DuPont, within 90 days of my confirmation. I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of this entity until I have divested it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). For a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving specific parties in which DuPont, is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Finally, I own DuPont restricted stock units and stock options, both vested and unvested. I will forfeit all these restricted units and stock options upon confirmation.

If I rely on a *de minimis* exemption under 5 C.F.R. § 2640.202 with regard to any of my financial interests, I will monitor the value of those interests. If the aggregate value of interests affected by a particular matter increases and exceeds the *de minimis* threshold, I will not participate in the particular matter, unless I first obtain a written waiver under 18 U.S.C. § 208(b)(1).

Upon confirmation, I will also resign from the following positions:

- Immediate Past President, Hispanic National Bar Association
- Member, Board of Directors, Justice at Stake Campaign
- Member, Board of Directors, American Constitution Society
- Member, House of Delegates, American Bar Association
- General Counsel, Sentinel Transportation, LLC, Wilmington, DE

For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which any of these organizations is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

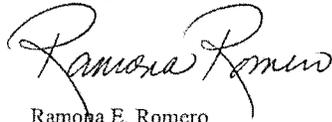
In addition, upon confirmation I will resign from the following positions:

- Advisory Board Member, Sandra Day O'Connor Judicial Selection Initiative, IAALS, University of Denver
- Advisory Board Member, Thomas M. Cooley Law School, Graduate Program on Corporate Law and Finance, Lansing, MI
- Steering Committee Member, Hispanics for a Fair Judiciary, Washington, DC

My husband owns Local Pastures, LLC, a sustainably-raised beef distributorship in Pennsylvania. Upon confirmation, I will resign from my position as Trademark Counsel for Local Pastures, LLC. During my appointment I will not manage this entity or provide any services to it. I will also not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of Local Pastures, LLC, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

Finally, I understand that as an appointee I am required to sign the Ethics Pledge (Exec. Order No. 13490) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this and any other ethics agreement.

Sincerely,



Ramona E. Romero

52784 (Rev. 07/2016)
 52784-01 (Rev. 07/2016)
 U.S. Social Security Administration
 Reporting Instructions

Page Number: 5

SCHEDULE A continued (Use only if needed)

Ramonita Romero	Assets and Income		Valuation of Assets at close of reporting period										Income type and amount										Date Acq., Dis., Tr. Only if Fluctuating			
	BLOCK A		BLOCK B										BLOCK C													
		Type	None (or less than \$1,000)	\$1,001 - \$15,000	\$15,001 - \$50,000	\$50,001 - \$100,000	\$100,001 - \$250,000	\$250,001 - \$500,000	\$500,001 - \$1,000,000	Over \$1,000,000*	Over \$5,000,000	Over \$25,000,000	Over \$50,000,000	Over \$100,000,000	Over \$500,000,000	None (or less than \$201)	\$201 - \$1,000	\$1,001 - \$2,500	\$2,501 - \$5,000	\$5,001 - \$15,000	\$15,001 - \$50,000	\$50,001 - \$100,000	\$100,001 - \$1,000,000	Over \$1,000,000	Over \$5,000,000	
1	401(R) (S)	Fidelity Total Return Fund	X																							
2	407 (S)	Merrill Lynch Retirement Preservation Trust (Money Market Fund)		X																						
3		Local Pastures LLC, Wallingford, PA (Spouse's sustainably-raised beef distribution company - value estimate)		X																						
4	IRA:	Sequoia Fund			X																					
5	IRA (S)	Vanguard 500 Index Fund		X																						
6	IRA (S)	Vanguard Inflation-Protected Securities Fund		X																						
7	IRA (S)	Vanguard Short-Term Bond Index Fund		X																						
8		DUPONT Defined Benefit Pension (Value not readily ascertainable)																								Will receive approx. \$2,069 per mo. at age 65.
9		Winchovia Command Asset Account (cash account)																								

* This category applies only if the asset's income is solely that of the filer's spouse or dependent children. If the asset's income is other than that of the filer or jointly held by the filer with the spouse or dependent children, mark the other, higher categories of value, as appropriate.

Print Filers Name: Ramonita Romero

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 Reporting Individual's Name
 Ramona Ramirez

SCHEDULE A continued
 (Use only if needed)

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Assets and Income BLOCK A	Valuation of Assets at close of reporting period BLOCK B		BLOCK C												
	None for less than \$1,001	\$1,001 - \$15,000	\$15,001 - \$50,000	\$50,001 - \$100,000	\$100,001 - \$250,000	\$250,001 - \$500,000	\$500,001 - \$1,000,000	\$1,000,001 - \$25,000,000	\$25,000,001 - \$50,000,000	\$50,000,001 - \$1,000,000,000	Over \$1,000,000*	Over \$5,000,000	Other Income Type & Actual Amount	Date Add, Don - / - / - Only if Honorary	
Type	Income: type and amount. If "None for less than \$201" is checked, no other entry is needed in Block C for that item.														
None <input type="checkbox"/>															
1 DuPont Stock Options - unvested; See Attachment to Schedule A		X													
2 DuPont Stock Options - vested; See Attachment to Sched A		X													
3 DuPont Restricted Stock Units - unvested. See Attachment to Sched A		X													
4 No-interest loan to Liz Lopez (friend)		X													
5															
6															
7															
8															
9															
10															

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent child, mark the other higher categories of value, as appropriate.

SF 278 (Rev. 03/2005)
 3 C.F.R. Part 2614
 U.S. Office of Government Ethics
 Reporting Individual's Name

Do not Complete Schedule B if you are a new entrant, nominee, or Vice Presidential or Presidential Candidate

Ramona Romero

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SCHEDULE B continued
 (Use only, if needed)

Part I: Transactions

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000

SF 278 (Rev. 03/2009)
 5 CFR Part 2634
 U.S. Office of Government Ethics

Reporting Individual's Name
Ramona Romero

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SCHEDULE D

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to: officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

Examples: 1. Dept. of Justice, NY, NY 2. Dept. of Justice, Washington State 3. Dept. of Justice, Washington State	Organization (Name and Address)	Type of Organization	Position Held	None	
				From (Mo., Yr.)	To (Mo., Yr.)
1	E.I. du Pont de Nemours and Company (DuPont) Wilmington, DE	Non-profit education Law firm Manufacturing Company	President Partner Corporate Counsel	6/92 7/85	Present 1/00 Present
2	Hispanic National Bar Association, Washington, DC	Professional Bar Association	Immediate Past President	11/1998	Present
3	Hispanic National Bar Association, Washington, DC	Professional Bar Association	President	9/2009	Present
4	Justice at Stake Campaign, Washington, DC	Non-profit education	Member, Board of Directors	9/2008	9/2009
5	Sandra Day O'Connor Judicial Selection Initiative, Institute for the Advancement of the American Legal System, Univ. of Denver	Non-profit education	Member, Advisory Board	11/2009	Present
6	American Constitution Society, Washington, DC	Non-profit education	Member, Board of Directors	3/2010	Present

Part II: Compensation In Excess Of \$5,000 Paid by One Source

Report sources of more than \$5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than \$5,000. You need not report the U.S. Government as a source.

Examples: 1. Dept. of Justice, NY, NY 2. Dept. of Justice, Washington State 3. Dept. of Justice, Washington State	Source (Name and Address)	Amount	Do not complete this part if you are an incumbent, terminating officer, or Vice Presidential Candidate
1	E.I. du Pont de Nemours and Company	Legal Services Legal services in connection with university construction	None <input type="checkbox"/>
2			
3			
4			
5			
6			

Prior Editions Cannot Be Used.

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 U.S. Office of Government Ethics

Reporting Individual's Name		Page Number	
Ramona Romero		11	
SCHEDULE D			
<p>Part I: Positions Held Outside U.S. Government Report any positions held during the applicable reporting period, whether compensated or not. Position also includes any officer, director, trustee, general partner, proprietor, representative, employee, etc.</p>			
Examples:	Organization (Name and Address)	Type of Organization	Positions Held
	From (Mo., Yr.)	To (Mo., Yr.)	None <input type="checkbox"/>
1	Local Pastures LLC, Wallingford, PA	Spouse's sustainably-raised beef distribution business	President, Partner 7/85 - Present 10/2008 - Present
2	Thomas M. Cuddy Law School, Graduate Program on Corporate Law and Finance, Lansing, MI	Non-profit educational institution	Advisory Board Member 08/2009 - Present
3	Hispanics for a Fair Judiciary, Washington, DC	Non-profit coalition - public education	Steering Committee Member 4/2005 - Present
4	American Bar Association	Professional Bar Association	Member of the House of Delegates 1/2010 - Present
5	American Bar Association	Professional Bar Association	Member of the Presidential Commission on Diversity 8/2009 - Present
a	International Institute for Conflict Prevention and Resolution	Professional Organization	Member of the Law Firm Award Selection Committee 1/2007 - 7/2009
<p>Part II: Compensation In Excess Of \$5,000 Paid by One Source Report sources of more than \$5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than \$5,000. You need not report the U.S. Government as a source.</p>			
Examples:	Source (Name and Address)	Legal Service	Brief Description of Duties
1	Doe Jones & Smith, Maryland, State	Legal services in connection with university construction	None <input type="checkbox"/>
2			
3			
4			
5			
6			

SCHEDULE D

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 U.S. House of Representatives
 U.S. Office of Government Ethics

Reporting Individual's Name
Ramona Romero

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to the following: director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

Examples	Organization (Name and Address)	Type of Organization	Position Held	Date	
				From (Mo., Yr.)	To (Mo., Yr.)
1	Barry Asst. of Task Collection, NY, NY Doe Jones & Smith, 123 Main St., Washington DC	Non-profit education Law firm	President Partner	6/02 7/05	Present 1/09
2	Sandra Day O'Connor Project on the State of the Judiciary, Georgetown University Law Center, Washington DC	Non-profit education	Member of the Task Force on the Courts & Corporate Citizenship	10/2008	5/2009
3	Scenithel Transportation LLC Wilmington, DE (uncompensated)	Trucking joint venture between DuPont and ConocoPhillips	General Counsel	12/2008	Present
4					
5					
6					

Part II: Compensation in Excess of \$5,000 Paid by One Source

Report sources of more than \$5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than \$5,000. You need not report the U.S. Government as a source.

Examples	Source (Name and Address)	Legal services Legal services in connection with university construction	Brief Description of Duties	Date	
				From (Mo., Yr.)	To (Mo., Yr.)
1	Doe Jones & Smith, Hometown, State Meyers University (client of Doe Jones & Smith), Maryland, State				
2					
3					
4					
5					
6					

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate

Note

Prior Editions Cannot Be Used.

ATTACHMENT A (Ramona E. Romero)

Block A	Block B	Block C
DuPont vested stock option: 1,250 shares at \$43.25, exp. 2/6/2011	Value not readily ascertainable	None (or less than \$201)
DuPont vested stock option: 200 shares at \$44.50, exp. 1/7/2012	Value not readily ascertainable	None (or less than \$201)
DuPont vested stock option: 2,470 shares at \$48.05, exp. 2/1/2011	Value not readily ascertainable	None (or less than \$201)
DuPont vested stock option: 747 shares at \$39.31, exp. 1/31/2012	Value not readily ascertainable	None (or less than \$201)
DuPont vested stock option: 2,280 shares at \$51.01, exp. 2/6/2013	Value not readily ascertainable	None (or less than \$201)
DuPont vested stock option: 2,106 shares at \$44.74, exp. 2/5/2014	Value not readily ascertainable	None (or less than \$201)
DuPont unvested stock option: 1,053 shares at \$44.74, exp. 2/5/2014	Value not readily ascertainable	None (or less than \$201)
DuPont unvested stock option: 3,852 shares at \$23.28, exp. 2/3/2016	Value not readily ascertainable	None (or less than \$201)
DuPont unvested stock option: 2,543 shares at \$33.49, exp. 2/2/2017	Value not readily ascertainable	None (or less than \$201)
DuPont unvested restricted stock units: 125 shares vesting 2/6/2011	Value not readily ascertainable	None (or less than \$201)
DuPont unvested restricted stock units: 14,5943 shares vesting 2/6/2011	Value not readily ascertainable	None (or less than \$201)
DuPont unvested restricted stock units: 444 shares vesting 2/4/2012	Value not readily ascertainable	None (or less than \$201)
DuPont unvested restricted stock units: 33,4528 shares vesting 2/4/2012	Value not readily ascertainable	None (or less than \$201)
DuPont unvested restricted stock units: 489 shares vesting 2/3/2013	Value not readily ascertainable	None (or less than \$201)
DuPont unvested restricted stock units: 5,6492 shares vesting 2/3/2013	Value not readily ascertainable	None (or less than \$201)

NOTE: I will forfeit all restricted units and stock options, both vested and unvested, upon confirmation.

QUESTIONS AND ANSWERS

DECEMBER 9, 2010

Senate Committee on Agriculture, Nutrition & Forestry
Nomination of Ramona Romero
Questions for the record
Ramona Romero
December 9, 2010

Chairman Lincoln

1. Several U.S. Circuit Courts of Appeal have upheld the long-standing precedent that competitive injury must be shown to bring a lawsuit under Section 202 of the Packers and Stockyards Act. Similarly, the anti-trust provisions of this statute have also been interpreted to protect competition in the marketplace. The proposed GIPSA rules would alter the standards of both the competitive injury and anti-trust provisions, making it easier for individuals to bring suit. What is your opinion of how the proposed GIPSA rules would impact existing court decisions? How, as General Counsel, will you consider precedential court rulings when proposing new regulations?

Answer:

As I mentioned in my hearing before the Senate Committee on Agriculture, Nutrition & Forestry on December 9, 2010, I have read the rule proposed by the Grain Inspection, Packers and Stockyards Administration (GIPSA). However, I have not yet had an opportunity to undertake a comprehensive analysis of the proposal. I understand that GIPSA is now conducting further analysis of the proposed rule, taking the comments that it received during the comment period into consideration.

If I am confirmed as General Counsel, I will make every effort to advise USDA agencies on relevant legal precedent when they propose new regulations, and will ensure that precedent is carefully considered before the final GIPSA rule is issued.

2. The Supreme Court has recognized that our federal antitrust laws are designed to protect competition, not competitors. With that in mind, do you think that a competition policy for agriculture should focus on the effects that certain practices have on markets as a whole, or should the policy focus on effects on individual firms in those markets?

Answer:

If confirmed as General Counsel, I will work with the Department of Justice, this Committee and other relevant Congressional committees to ensure that I provide counsel to USDA agencies that is consistent with all applicable statutes, regulations and judicial precedent.

3. In the past few decades, large agricultural companies have created efficiencies in the market which have resulted in increased food safety and reduced prices. Do you believe the USDA has a legal interest in protecting the smaller operators who now have a reduced share of the marketplace? How, as General Counsel, will you approach the USDA's concerns with consolidation of agricultural companies, while still supporting

competitive markets and protecting the valuable gains we have achieved from modern production?

Answer:

It is my understanding that USDA has numerous responsibilities relating to competitive markets. Those responsibilities range from promoting transparency through voluntary and mandatory price reporting services, to encouraging farmers to create cooperatives to market their products under the Capper Volstead Act, to prohibiting unfair and discriminatory practices in the livestock sector under the Packers and Stockyards Act. If confirmed as General Counsel, I will endeavor to work with this Committee and other relevant committees within Congress to ensure that these and other laws affecting agriculture markets are administered in a manner consistent with their authorizing statutes and applicable judicial precedent.

Senator Cochran

1. Ms. Romero, in your capacity as General Counsel at USDA, among your responsibilities will be interpreting legislation as directed by Congress and providing legal oversight of implementation. The current Administration has proposed several regulations that contain provisions reaching well beyond the 2008 Farm Bill mandates, some of which were explicitly considered and rejected in previously considered legislation. As General Counsel, how would you work to address these concerns and assure this Committee that such concerns will not be an issue going forward?

Answer:

If confirmed as the General Counsel of USDA, I intend to meet regularly with members of the Senate Agriculture Committee and its counterpart in the House of Representatives to discuss issues of concern to Congress. Specifically, I will consult with members of this Committee to ensure that I understand and consider members' positions on the scope of the 2008 Farm Bill and related mandates, and that members have the opportunity to communicate their concerns to me. Rest assured that if I am confirmed, I will exercise my best efforts to ensure that USDA regulatory proposals are consistent with the authorizing statutes and informed by the relevant legislative history.

2. Do you consider the GIPSA Administrator's written and spoken advocacy soliciting support for the proposed rule in the middle of rulemaking to be an inappropriate display of agency bias?

Answer:

I have not yet had the opportunity to undertake a comprehensive review of this issue, and thus I cannot formulate a well-grounded opinion concerning whether the GIPSA Administrator has made statements that are inappropriate or reveal bias. Should I be confirmed as the General Counsel of USDA, I am prepared to review this issue and meet with you to discuss my review and your concerns.

Senator Roberts

1. Ms. Romero, today, more than 60 percent of all farms are classified as retirement or lifestyle farms. The operators of these farms earn their living off-the-farm and contribute roughly seven percent of all the value of crops produced. On the other hand, large family farms as defined by USDA make up eight percent of all farms. Yet these operations grow 62 percent of all crops produced in this country. Do you believe society holds 'small family farms' to a higher standard? If so, how should USDA balance the interests of niche producers with the greater efficiency and economies of scale of modern agriculture production?

Answer:

If confirmed as General Counsel, my duty will be to provide the best possible legal advice and oversight to USDA, and thus assist the Department in carrying out its mission in a manner consistent with applicable laws enacted by Congress. I believe that the USDA's authorizing statutes seek to make it possible for many types of farm operations to succeed.

2. Do you believe USDA should try and overrule the vertical integration that has occurred in our nation's food and fiber production system? Should USDA reverse and unwind concentration within the agriculture sector? If so, how is this best accomplished?

Answer:

USDA's responsibility is to enforce the laws under its jurisdiction. Relative to competition in agricultural markets, there are a number of laws under USDA's jurisdiction, including the Capper Volstead Act and the Packers and Stockyards Act. If confirmed as General Counsel, I will endeavor to work with this Committee and its counterpart in the House of Representatives to ensure that the USDA executes its responsibilities in this area in a manner consistent with the pertinent statutory authority.

3. Ms. Romero, what role should the Department of Agriculture play in the overall farm economy? Should the USDA support competitive agriculture markets, or should the USDA substitute regulatory schemes and codes to control the market? What authority and direction has Congress provide USDA in relation to agriculture markets?

Answer:

I understand that USDA has numerous responsibilities relating to competitive markets. Those responsibilities range from providing transparency through voluntary and mandatory price reporting services, to encouraging farmers to create cooperatives to market their products under the Capper Volstead Act, to prohibiting unfair and discriminatory practices in the livestock sector under the Packers and Stockyards Act. If confirmed as General Counsel, I will endeavor to work with this Committee and other relevant congressional committees to ensure that these and other laws affecting agriculture markets are executed in a manner consistent with their authorizing statutes and applicable judicial precedent.

4. The Administrative Procedures Act allows for public dialog in the rulemaking process. On July 26, USDA announced an extension of the GIPSA comment period and issued a “misconceptions and explanations” document that explained USDA’s concerns with public perceptions of the proposed regulation. Do you believe USDA should refute misconceptions of a proposed regulation during the public comment period? How do you reconcile this document with the perimeters of the Administrative Procedures Act?

Answer:

The Administrative Procedure Act (APA) is a vital part of the rulemaking process. It ensures a robust role for public participation in the development of regulations, permitting agencies to obtain feedback from affected stakeholders and make mid-course corrections before final rules are promulgated. In my view, final rules are likely to be most workable and effective when informed by the practical experience of all the stakeholders they will affect. Thus, you have my word that if confirmed I will exercise my best efforts to ensure that the USDA rule-making process is guided by the proper application of the APA and other governing statutes. Relative to the July 26 statement referenced in the question, if I am confirmed as the General Counsel of USDA, I am prepared to review this issue in detail and to meet with you to discuss my review and your concerns.

5. Ms. Romero, over recent years the use of non-tariff barriers, such as sanitary and phytosanitary – SPS measures and safety standards have been used to block U.S. exports. It appears to be a growing trend. We’ve all seen the consequences in regard to U.S. beef trade in Asian countries and biotech in EU countries. What is your view of this trend and what will you do to help respond to the use of these non-tariff barriers to block legitimate trade?

Answer:

I understand that the use of unjustified non-tariff barriers, including unjustified SPS and standards-related measures, is indeed on the rise. The Office of General Counsel (OGC) plays an important role in supporting both the Department’s own efforts to respond to the use of these non-tariff barriers as well as USTR’s enforcement and monitoring actions. If confirmed as General Counsel, I will support USDA’s Foreign Agricultural Service (FAS), which has primary oversight within USDA for responding to such restrictions, and the Animal and Plant Health Inspection Service (APHIS), by advising them on such measures’ possible inconsistencies with the foreign country’s obligations under applicable trade agreements. If confirmed, I will also support USDA’s coordination with other Federal partners on this issue and support using all the tools we have to combat these barriers.

Senate Committee on Agriculture, Nutrition & Forestry
Nomination of Ramona Romero
Questions for the record
Ramona Romero
December 14, 2010

Senator Chambliss

1. (Environment) One of the most important roles of the U.S. Department of Agriculture (USDA) is to ensure the unique needs and concerns of producers, agricultural businesses and others involved in agriculture are addressed by other federal agencies. This is particularly true on environmental issues. By my count, there are about 25 different environmental regulations in the works that will affect agriculture. Let me mention just three.

Permits for pesticide applications: Next April, EPA will impose a completely unnecessary paperwork burden on 365,000 pesticide users by requiring permits for pesticide applications. This requirement will cover 5.6 million pesticide applications, cost states and applicators at least \$50 million and provide ZERO additional protection for the environment. This is all because EPA made the decision not to defend its 30-year old policy on this issue.

Risk Assessment for Dioxin: Exposure to dioxin has declined by 90 percent over the past 20 years and in many cases is now below background levels. This is a victory! Yet, EPA is considering a standard for dioxin that is lower than every other developed nation. This would mean that no food produced in the United States would be safe. This defies rational science and all common sense.

Biomass Emissions: EPA's greenhouse gas tailoring rule included the surprising determination that biomass emissions are the same as carbon emissions. This contradicted long-standing federal policy. It is an understatement to say that if implemented, this would severely undercut the development of the biomass energy industry. Under pressure from Congress and the biomass industry, EPA is reanalyzing the issue.

I've often heard USDA officials say, "We can't tell EPA what to do." While this is true, I contend that USDA should assert itself to a greater degree on environmental policies and proposals that affect agriculture. Will you commit to using your position to help agriculture both within USDA and with other federal agencies?

Answer:

If confirmed as the General Counsel of USDA, I pledge to work closely with the Environmental Protection Agency (EPA) to ensure that when EPA deliberates on whether to revise its rules or establish new standards, it is aware of the consequences its decisions will have on agricultural interests within the United States. Similarly, if confirmed, I will exercise my best efforts to establish relationships and clear lines of communication with my counterparts and appropriate policy-makers at other federal agencies with jurisdiction

over matters that impact agriculture. I will always endeavor to make certain that agricultural interests are well represented and understood.

2. (Environment) I would like to bring a few issues related to methyl bromide to your attention. USDA's involvement in methyl bromide issues is critical to producers, especially small producers in Georgia, and agricultural trade. At this time, EPA is considering when it will stop requesting applications for critical use exemptions. On the international front, the European Union and others are pushing hard to reduce and eliminate the use of methyl bromide for quarantine and preshipment uses.

At a hearing with EPA Administrator Jackson in September, the Administrator committed to include the House and Senate Agriculture Committees in the agency's deliberations on future critical use exemptions. I'm pleased that her staff has followed through. Related to that, Chairman Lincoln and I, along with House Agriculture Committee Chairman Peterson and Ranking Member Lucas, sent a letter to Secretary Vilsack asking that USDA also engage with us on this issue.

Will you commit to supporting internal USDA efforts and working with Secretary Vilsack to ensure agriculture is fully involved in interagency and congressional deliberations on this issue?

Answer:

Yes. If confirmed, I commit to supporting sound policy that provides agricultural producers with science-based standards upon which to plan. I would work to ensure that agricultural interests have a seat at the table during interagency and Congressional deliberations.

3. (GIPSA Rule) Ms. Romero, you're undoubtedly aware of the livestock marketing rule proposed earlier this year by GIPSA and the contentious issues it has raised. One of the issues raising the most controversy is a provision which says that it is not necessary to show that a challenged practice has adversely affected competition in order to bring a claim under the Packers & Stockyards Act. This provision is contrary to the decisions of several federal appellate courts regarding what the Packers and Stockyards law requires. And, it is worth noting that in several of those cases USDA's General Counsel filed an amicus brief only to have the Department's interpretation of the statute rejected by the court.

In administering and enforcing the laws under the USDA's jurisdiction, what weight do you feel USDA should give to the interpretations of those laws by a federal appellate court-- even in the case where USDA does not agree with the court's interpretation?

Answer:

As I mentioned during my hearing before the Senate Committee on Agriculture, Nutrition & Forestry on December 9, 2010, I have read the rule proposed by the Grain Inspection, Packers and Stockyards Administration (GIPSA). However, I have not yet had an opportunity to undertake a comprehensive analysis of the proposal. I understand that GIPSA is now conducting further analysis of the proposed rule, taking the comments that

it received during the comment period into consideration. If confirmed, I will personally review the relevant precedent and provide my opinion to GIPSA for its consideration before the final rule is issued.

More generally, if I am confirmed as General Counsel, I will make every effort to advise USDA agencies on relevant legal precedent as they develop new proposed regulations.

4. (Biotech, National Environmental Policy Act (NEPA)) Ms. Romero, as you know, the Department has recently lost lawsuits challenging its compliance with NEPA when deregulating agricultural biotechnology products. Now USDA is being sued on its permitting process that public and private researchers use to develop critical information to support petitions for deregulation.
 - Do you support the use of categorical exemptions from NEPA and would they be applicable in the authorization and deregulation of agricultural biotechnology products?

Answer:

Although I am not privy to any of the relevant details, I understand that USDA commits a great amount of time and resources to ensuring that it acts in full compliance with NEPA. I also understand that many of the attorneys at Office of General Counsel assist USDA agencies with their efforts to satisfy the requirement of NEPA. Certain agencies at USDA have promulgated categorical exclusions (CEs) for use in connection with various routine administrative actions. The use of duly promulgated CEs, especially CEs that have been validated in the courts, is proper in appropriate situations and where no extraordinary circumstances exist that might otherwise suggest that an agency should prepare an Environmental Assessment or Environmental Impact Statement.

5. Recent headlines have made those of us in agriculture painfully aware that farmers' livelihoods can be subject to the whim of a judge in San Francisco. The federal court order to plow under sugarbeet stecklings places the 2011 and 2012 crop in jeopardy.

We are told by the court that there was a problem with USDA's application of NEPA when these sugarbeets were deregulated five years ago. In the case of alfalfa, it goes back even farther than that.

While there is ample evidence that demonstrate Roundup Ready alfalfa and sugarbeets deliver both on the positive side of the balance sheet, the plaintiffs have used arguments focused on procedure and theoretical harm.

Will the Administration appeal Judge White's August 13th decision on sugarbeets?

Answer:

The Solicitor General of the United States ultimately decides what lower court decisions will be appealed by the United States to the higher courts. My understanding is that the

Office of the Solicitor General is currently considering whether to file an appeal of Judge White's August 13, 2010 order.

6. (Biotech, Biotech and Organic Coexistence) On various occasions, Secretary Vilsack and his staff have made public statements about the need for a compensation fund to pay people who claim to be harmed or "contaminated" by biotech crops deregulated by USDA. The development of such a policy concerns me since it is being done in relative secrecy and as a legal matter would provide a recourse that is beyond what is already legally available.

We understand the Department has put together an internal committee to develop a draft coexistence policy. My staff has asked for more details but as yet has been denied any additional information. In short, I am disturbed by the lack of transparency and openness.

In fact, according to *Agri-Pulse*, agriculture groups meeting with an Administration official on the topic left a recent meeting with "more questions than answers." This secrecy is not the type of transparency advocated by President Obama in a memorandum to Heads of Executive Departments and Agencies that states, "Transparency promotes accountability and provides information for citizens about what their Government is doing."

If confirmed, will you report to the Committee within 30 days regarding the legal questions and any other pertinent issues discussed in the Department's internal meetings surrounding the development and implementation of a coexistence policy?

If confirmed, will you submit to this committee for the record the legal opinion developed on this matter to ensure the Committee is able to properly and vigorously exercise oversight on this important topic?

Answer:

I recognize this is an issue that is very important to you and to the many producers affected. If I am confirmed, I will be pleased to meet with you and/or members of your staff as well as other members of the Committee to discuss your concerns and USDA's efforts to support a coexistence policy.

7. (USDA Rulemaking) Legal Basis for using "Notice of Funding Availability" to promulgate substantive program regulations: USDA loans, grants, contracts and benefits are exempt from the Administrative Procedures Act

Under the Administrative Procedures Act ("APA"), agencies that administer loans, grants, contracts, or other benefits are generally exempt from having to do notice and comment rulemaking and can simply publish final rules—this includes USDA. However,

in 1971, USDA established its own process (memorialized in the “Hardin Memo”) in which it stated it would do proposed rulemaking under the APA even when it was not required to do so. And up here in Congress, we understand that process, and in farm bills we specifically tell USDA which programs and rulemakings that we want to be exempted from the APA process.

However, USDA has recently begun to subvert this through the use of the “Notice of Funding Availability” or “NOFA” for short. A good recent example is the Biomass Crop Assistance Program—“BCAP” which was included in the 2008 farm bill. Unlike some of the provisions in titles 1 and 2, which we did exempt from certain rulemaking provisions, BCAP was in title 9, which we did not exempt from APA rulemaking at all.

USDA published the NOFA for BCAP around June, 2009, which contained not only the funding availability notice, but also all the program eligibility requirements. In other words, for all intents and purposes, the NOFA for BCAP was the final rule. And, frankly, it created quite a mess by fundamentally altering the economic incentives of existing biomass markets. If USDA had instead published a proposed rule for BCAP, many of these headaches could have been avoided.

I would also like to mention USDA’s regulatory process for the Bioenergy Program for Advanced Biofuels, which was also established in the Farm Bill. In May of 2010, USDA published a Notice of Contract Proposal—very similar to a NOFA—in which it attempted to establish citizenship and geographic location requirements for the biofuels program. USDA was sued on these requirements, and my understanding is that the Department of Justice would not even defend the agency’s action because it so clearly violated the APA and USDA’s own procedures.

My understanding is that agencies are using these NOFAs and NOCPs in accordance with advice from the Office of the General Counsel. Will you commit to reviewing these issues and make sure that USDA follows its own procedures and Congressional direction with respect to rulemaking?

Answer:

If confirmed, I pledge to review the USDA’s internal rulemaking processes, and to work with other members of the Subcabinet to develop an approach that is practical, efficient, transparent, predictable and consistent with applicable legal requirements. I would also welcome the opportunity to discuss this issue further with the Committee.

Senator Harkin

One of the great achievements of the Food, Conservation, and Energy Act of 2008 is the creation of the Agriculture and Food Research Initiative (AFRI) from two earlier competitive grants programs: the National Research Initiative (NRI) and the Initiative for Future Agriculture and Food Systems (IFAFS). AFRI is the largest competitive grants program at USDA. Increasing competitive grants is important for many reasons, not the least of which is to ensure that through the competitive process, the very best and most relevant science projects receive funding.

Congress very specifically listed in the 2008 farm bill the eligible recipients of AFRI awards. Paragraph (7) of the AFRI section of the research title states:

- “(7) Eligible Entities – The Secretary may make grants to carry out research, extension, and education under this subsection to –
- (A) State agricultural experiment stations;
 - (B) colleges and universities;
 - (C) university research foundations;
 - (D) other research institutions and organizations;
 - (E) Federal agencies;
 - (F) national laboratories;
 - (G) private organizations or corporations;
 - (H) individuals; or
 - (I) any group consisting of 2 or more of the entities described in subparagraphs (A) through (H).”

This listing quite clearly establishes an open competition for AFRI grants in which all the listed stakeholders are eligible to apply for and to receive AFRI awards. It is my understanding that the National Institute for Food and Agriculture (NIFA), based on advice from the Office of General Counsel, has narrowed eligibility for the vast majority of AFRI funding to colleges and universities only. This interpretation is directly contrary to the statutory listing of eligible recipients and to Congressional intent.

It is my understanding that OGC based its interpretation on a cross reference in the authorization for appropriations section of the AFRI statute to the definition of “integrated” projects contained in section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998. The intent of that cross reference was simply to define what projects are to be considered integrated; that is, projects that are integrated within the meaning of AFRI are projects that would fit within the meaning of “integrated” as spelled out in section 406 of the 1998 act. It is a common practice to refer to existing definitions and to cross reference them. It was not the intent of Congress to restrict eligibility for AFRI grants to only one of the enumerated eligible entities in paragraph (7).

The current NIFA and OGC position is harming progress on the nation’s pressing food and agricultural research issues by restricting competition in a manner never contemplated by Congress.

Questions:

- (1) May I have your promise that upon confirmation you will immediately reexamine the advice and interpretation provided by the Office of General Counsel pertaining to the AFRI grants, as described above, and take appropriate action to rectify this guidance from OGC?
- (2) Because of the time-sensitive nature of this request -- since the next AFRI request for proposals is due to be released soon – may I have your assurance that you will give this immediate priority consideration upon confirmation so

that appropriate changes can be made prior to release of the request for proposals for AFRI grants?

Answer:

I have not yet had an opportunity to undertake an analysis of this issue. That said, you have my word that if confirmed as USDA's General Counsel, I will make the timely review of this issue a priority, and meet with you or members of your staff to discuss the matter further.