



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

JUL - 3 2009

Dr. R. M. Thornsberry
President, R-CALF USA Board of Directors
R-CALF United Stockgrowers of America
Post Office Box 30715
Billings, Montana 59107

Dear Dr. Thornsberry:

Thank you for your letter of April 29, 2009, to Secretary Thomas J. Vilsack following up on previous correspondence regarding the National Animal Identification System (NAIS).

We continue to believe, as indicated in our letter of January 20, 2009, that participation in NAIS is not a contractual obligation and that issuance of a premises identification number does not restrict or affect a registrant's property rights. Rather, the information is used to accurately align a unique code to a location where livestock or poultry are held.

We do not believe that the "perjury" clause South Dakota officials appended to that State's premises registration form transforms the document into a contract or affects the signatory's property rights in any way. Nevertheless, we plan to discuss this issue with South Dakota State officials to clarify their purpose for including this language in their premises registration form.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy J. Smith".

Cindy J. Smith
Acting Deputy Under Secretary
Marketing and Regulatory Programs