



Committee on Natural Resources U.S. House of Representatives

Chairman Doc Hastings

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USDA, OMB Miss Deadline to Comply with Subpoenas for Documents on Retroactive Cuts to Secure Rural School Payments

WASHINGTON, D.C. – House Natural Resources Committee Chairman Doc Hastings (WA-04) today sent follow-up [letters](#) to the U.S. Department of Agriculture (USDA) and Office of Management and Budget (OMB) after they failed to meet the September 18th deadline to comply with [subpoenas](#) for documents on the Obama Administration’s decision to retroactively subject 2012 Secure Rural School (SRS) payments to the fiscal year 2013 sequester.

[Click here to read the letters.](#)

“The deadline has now passed, and the USDA and OMB have failed to provide any of the documents that were the subject of the subpoena and has not indicated when compliance may be expected,” wrote Chairman Hastings in the letters. “The USDA and OMB’s failure to timely comply with these duly authorized and issued subpoenas frustrates the Committee’s constitutional obligation to conduct oversight of the Executive Branch. I strongly urge you to comply fully and expeditiously with this subpoena; otherwise, the Committee may take action as necessary to enforce the subpoena.”

Background

Because of the federal government’s continued inability to manage National Forest lands and provide local communities with a meaningful share of revenues from timber receipts, Congress has approved SRS payments to provide rural counties with funds for teachers, schools, police officers, emergency services and infrastructure. The SRS program was most recently extended through fiscal year 2012 as part of the highway bill, the “Moving Ahead for Progress in the 21st Century Act,” which was signed into law by President Obama on July 6, 2012. The Department of Agriculture distributed \$323 million to 41 states in accordance with that law in January of this year. On March 19, 2013 the Obama Administration announced it was requesting repayment of \$17.9 million in SRS payments that have already been disbursed to states. This sparked bipartisan opposition from Members of Congress, who sent a [letter](#) questioning why the Administration was subjecting SRS payments that were made to counties in January based on fiscal year 2012 revenues, to the fiscal year 2013 sequester.

On May 20, 2013, Chairman Hastings sent oversight letters to the [USDA’s Forest Service](#)

and [OMB](#) requesting documents and information on how this decision was reached and the legal authority. After receiving no response by the Committee's June 3rd deadline, initial follow up [letters](#) were sent to the USDA and OMB on July 18. Second follow up [letters](#) providing a final opportunity to comply voluntarily with the Committee's document requests were sent on July 31. Three months after the Committee's initial request was sent, [subpoenas](#) were issued for the documents.

The specific documents and information sought in the subpoenas include:

1. All records concerning any legal analysis or policy alternatives prepared or considered in connection to the application of the Budget Control Act of 2011, as amended, to retroactively sequester money paid to states in FY 2013 pursuant to the Secure Rural Schools program.
2. All records concerning communications to, from, or otherwise involving the U.S. Department of Agriculture or the Office of Management and Budget concerning application of the Budget Control Act of 2011, as amended, to retroactively sequester money paid to states in FY 2013 pursuant to the Secure Rural Schools program.
3. All records, including any drafts containing edits, comments, or revisions thereto, of any press releases, talking points, or communication documents concerning application of the Budget Control Act of 2011, as amended, to retroactively sequester money paid to states in FY 2013 pursuant to the Secure Rural Schools program.
4. All records concerning the imposition of penalties against states for failure to repay money received in FY 2013 pursuant to the Secure Rural Schools program.
5. All records concerning the timing of the decision, announced January 15, 2013 by the U.S. Forest Service, to disburse money to states pursuant to the Secure Rural Schools program.

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