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TODD YOUNG  
CHIEF OF STAFF

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

November 5, 2013

PETER A. DEFAZIO, OR  
RANKING DEMOCRATIC MEMBER  
ENI F.H. FALCOMA, AS  
FRANK PALLONE, JR., NJ  
GRACE F. NAPOLITANO, CA  
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TONY CARDENAS, CA  
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RAUL RUIZ, CA  
CAROL SHEA-PORTER, NH  
ALAN LOWENTHAL, CA  
JOE GARCIA, FL  
MATTHEW CARTWRIGHT, PA

PENNY DODGE  
DEMOCRATIC STAFF DIRECTOR

The Honorable Sylvia Mathews Burwell  
Director  
The Office of Management and Budget  
725 17th Street, N.W.  
Washington, D.C. 20503

Dear Director Mathews Burwell:

A subpoena was issued to you as Director of the Office of Management and Budget ("OMB") on September 4, 2013, for documents related to the Obama Administration's decision to sequester money paid to states under the Secure Rural Schools ("SRS") program. The subpoena required that the requested documents be provided to the Committee on Natural Resources ("Committee") no later than 12 noon on September 18, 2013.

On September 26, 2013, OMB produced approximately 160 pages, consisting mostly of email communications between OMB and the U.S. Department of Agriculture ("USDA") and the Forest Service in January and February 2013. No additional documents have been provided in response to the Committee's subpoena.

This letter is being sent to inform you the Committee expects to invite you to a hearing, tentatively being planned for November 20, 2013, to consider OMB's compliance with the September 4 subpoena and to better understand the Obama Administration's application of the sequester to the SRS program. A formal invitation will follow this letter.

The documents produced to date raise significant questions about the rationale and legal authority behind the Obama Administration's decision to sequester the SRS money paid to states in January 2013.

For example, in a February 14, 2013 email, a Forest Service official informed OMB that, based on advice from attorneys in the Office of General Counsel, only unobligated money available in the SRS accounts at the time sequestration became effective on March 1, 2013, would be subject to sequester; money already paid to states would not be subject to sequester:<sup>1</sup>

3) How does the FS intend to comply with sequestration for SRS? *By multiplying the uniform percentage by the unobligated balance that is in the SRS account as of the sequestration date.* Can funding made available in Title II of SRS be used to cover the savings requirements for SRS as a whole under sequestration? What is the justification for using Title II to cover savings requirements? Please work with the FS legal counsel in responding to these question. [sic] *The FS will not be using Title II of SRS to cover reductions for Titles I and III, because the funds for Titles I and III have already been disbursed. Because those funds will not be in the SRS account on March 1<sup>st</sup>, they will not be subject to sequestration and need not be covered by Title II allocations (of any other budgetary resources that might remain in the SRS account [italics in original email from Forest Service staff].*

Six minutes later, the same Forest Service official sent a second email informing OMB that it should “hold” before acting on the Forest Service’s earlier response which was sent “before seeing additional developments this afternoon.”<sup>2</sup> A second email, sent 13 minutes later from the same Forest Service official, informed OMB that, “We will need to get final Dept. review and final [Office of General Counsel] clearance.”<sup>3</sup>

After almost two weeks had passed and with only days until the sequester would become effective, OMB contacted the Forest Service to get an update on how it planned to apply the sequester to the SRS program.<sup>4</sup> A USDA budget official responded 10 minutes later to say, “A number of [Secretary’s Office] meetings on this subject took place this afternoon. We should know the result tomorrow morning.”<sup>5</sup> The following day, the same USDA budget official informed OMB, “More meetings are ongoing this afternoon – stay tuned[.]”<sup>6</sup>

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<sup>1</sup> February 14, 2013 at 2:28 pm email from Barbara Cooper, U.S. Forest Service to Kathleen Cahill, OMB; courtesy copy to Susan Spear, U.S. Forest Service, Kathryn Lynn, U.S. Forest Service, Barbara Cooper, U.S. Forest Service, Kathleen Graham, USDA; re: RE: Impact of Sequestration on Secure Rural Schools.

<sup>2</sup> February 14, 2013 at 2:34 pm email from Barbara Cooper, U.S. Forest Service to Kathleen Cahill, OMB; courtesy copy to Susan Spear, U.S. Forest Service, Kathryn Lynn, U.S. Forest Service, Barbara Cooper, U.S. Forest Service, Kathleen Graham, USDA; re: RE: Impact of Sequestration on Secure Rural Schools.

<sup>3</sup> February 14, 2013 at 2:47 pm email from Barbara Cooper, U.S. Forest Service to Kathleen Cahill, OMB; courtesy copy to Susan Spear, U.S. Forest Service, Kathryn Lynn, U.S. Forest Service, Barbara Cooper, U.S. Forest Service, Kathleen Graham, USDA; re: RE: Impact of Sequestration on Secure Rural Schools.

<sup>4</sup> February 27, 2013 at 5:32 pm email from Kathleen Cahill, OMB, to Barbara Cooper, U.S. Forest Service; courtesy copy to Susan Spear, U.S. Forest Service, Kathryn Lynn, U.S. Forest Service, Kathleen Graham, USDA; re: RE: Impact of Sequestration on Secure Rural Schools.

<sup>5</sup> February 27, 2013 at 5:42 pm email from Kathleen Graham, USDA, to Kathleen Cahill, OMB, Barbara Cooper, U.S. Forest Service; courtesy copy to Susan Spear, U.S. Forest Service, Kathryn Lynn, U.S. Forest Service; re: RE: Impact of Sequestration on Secure Rural Schools.

<sup>6</sup> February 28, 2013 at 1:18 pm email from Kathleen Graham, USDA, to Kathleen Cahill, OMB, Barbara Cooper, U.S. Forest Service; courtesy copy to Susan Spear, U.S. Forest Service, Kathryn Lynn, U.S. Forest Service; re: RE: Impact of Sequestration on Secure Rural Schools.

The USDA and Forest Service rejected the legal advice from its Office of General Counsel attorneys and, on March 19, 2013, letters were sent to states informing them that money already received in FY 2013 would in fact be subject to sequester and that sequestered amounts would need to be returned.

OMB has not indicated when additional documents will be provided. However, documents provided by the USDA indicate that OMB was involved in reviewing letters dated March 19 to states, as well as other communications with USDA concerning the SRS sequester decision.

On September 20, 2013, OMB's Assistant Director for Budget, Courtney Timberlake, met with Committee majority oversight staff, but she was unable to answer a number of questions about how the decision to apply the sequester to the SRS program was made or what steps OMB took to respond to the Committee's oversight requests despite being provided these questions in advance.

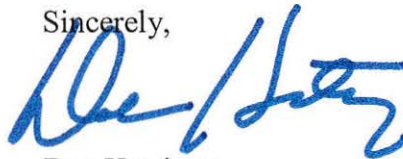
The upcoming hearing will allow for a full examination of the decision to apply the sequester to the SRS program, including the role played by the Secretary's Office and the White House in that decision, as well as OMB's response to the September 4 subpoena.

To be clear, the Committee has not yet received copies of any internal legal analysis or policy alternatives considered in connection to the SRS sequestration decision; communications prior to January 2013 or after February 2013, including those with USDA and/or the Forest Service; drafts or edits of talking points or communications documents; or records concerning penalties for states that failed to repay the sequestered money covered by the subpoena.

It is expected that OMB will fully and promptly comply with the September 4 subpoena without delay and will provide all remaining responsive documents well in advance of the hearing. Please also promptly advise the Committee about any scheduling conflicts that would affect your attendance at a hearing on November 20.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doc Hastings", is written over the word "Sincerely,".

Doc Hastings  
Chairman



DOC HASTINGS, WA  
CHAIRMAN  
DON YOUNG, AK  
LOUIE GOHMERT, TX  
ROB BISHOP, UT  
DOUG LAMBORN, CO  
ROBERT J. WITTMAN, VA  
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TODD YOUNG  
CHIEF OF STAFF

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

November 5, 2013

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ALAN LOWENTHAL, CA  
JOE GARCIA, FL  
MATTHEW CARTWRIGHT, PA

PENNY DODGE  
DEMOCRATIC STAFF DIRECTOR

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250

Dear Secretary Vilsack:

A subpoena was issued to you as Secretary of the U.S. Department of Agriculture ("USDA") on September 4, 2013, for documents related to the Obama Administration's decision to sequester money paid to states under the Secure Rural Schools ("SRS") program. The subpoena required that the requested documents be provided to the Committee on Natural Resources ("Committee") no later than 12 noon on September 18, 2013.

On September 30, 2013, USDA produced approximately 808 pages of email communications and other documents, about 600 pages of which are copies of form letters concerning the sequester decision. No additional documents have been provided in response to the Committee's subpoena.

This letter is being sent to inform you the Committee expects to invite you to a hearing, tentatively being planned for November 20, 2013, to consider the USDA's compliance with the September 4 subpoena and to better understand the Obama Administration's application of the sequester to the SRS program. A formal invitation will follow this letter.

The documents produced to date by USDA and the U.S. Forest Service, as well as the White House Office of Management and Budget ("OMB"), raise significant questions about the rationale and legal authority behind the Obama Administration's decision to sequester the SRS money paid to states in January 2013.



For example, in a February 14, 2013 email, a Forest Service official informed OMB that, based on advice from attorneys in the Office of General Counsel, only unobligated money available in the SRS accounts at the time sequestration became effective on March 1, 2013, would be subject to sequester; money already paid to states would not be subject to sequester:<sup>1</sup>

3) How does the FS intend to comply with sequestration for SRS? *By multiplying the uniform percentage by the unobligated balance that is in the SRS account as of the sequestration date.* Can funding made available in Title II of SRS be used to cover the savings requirements for SRS as a whole under sequestration? What is the justification for using Title II to cover savings requirements? Please work with the FS legal counsel in responding to these question. [sic] *The FS will not be using Title II of SRS to cover reductions for Titles I and III, because the funds for Titles I and III have already been disbursed. Because those funds will not be in the SRS account on March 1<sup>st</sup>, they will not be subject to sequestration and need not be covered by Title II allocations (of any other budgetary resources that might remain in the SRS account [italics in original email from Forest Service staff].*

Six minutes later, the same Forest Service official sent a second email informing OMB that it should “hold” before acting on the Forest Service’s earlier response which was sent “before seeing additional developments this afternoon.”<sup>2</sup> A second email, sent 13 minutes later from the same Forest Service official, informed OMB that, “We will need to get final Dept. review and final [Office of General Counsel] clearance.”<sup>3</sup>

After almost two weeks had passed and with only days until the sequester would become effective, OMB contacted the Forest Service to get an update on how it planned to apply the sequester to the SRS program.<sup>4</sup> A USDA budget official responded 10 minutes later to say, “A number of [Secretary’s Office] meetings on this subject took place this afternoon. We should know the result tomorrow morning.”<sup>5</sup> The following day, the same USDA budget official informed OMB, “More meetings are ongoing this afternoon – stay tuned[.]”<sup>6</sup>

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The USDA and Forest Service rejected the legal advice from its Office of General Counsel attorneys and, on March 19, 2013, letters were sent to states informing them that money already received in FY 2013 would in fact be subject to sequester and that sequestered amounts would need to be returned.

In a May 28, 2013 letter to me, Director of the Forest Service, Thomas Tidwell, stated, "consistent with the application of sequestration across programs of the U.S. Department of Agriculture (USDA), and across the government as a whole, the amount of the sequestration is based upon the full budgetary authority ... for the entire fiscal year, not the amount remaining available as of March 1, 2013, the date of the sequestration order."

The upcoming hearing will allow for a full examination of the decision to apply the sequester to the SRS program, including the role played by the Secretary's Office and the White House in that decision, as well as the USDA's response to the September 4 subpoena.

To be clear, the Committee has not yet received from USDA copies of any internal legal analysis or policy alternatives considered in connection to the SRS sequestration decision; all communications related to the decision, including those with OMB; drafts or edits of talking points or communications documents; records concerning penalties for states that failed to repay the sequestered money; and records concerning the timing of the decision to disburse money to states in January 2013 covered by the subpoena.

It is expected that the USDA will fully and promptly comply with the September 4 subpoena without delay and will provide all remaining responsive documents well in advance of the hearing. Please also promptly advise the Committee about any scheduling conflicts that would affect your attendance at a hearing on November 20.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doc Hastings", written over a horizontal line.

Doc Hastings  
Chairman

# SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE  
CONGRESS OF THE UNITED STATES OF AMERICA

To The Honorable Sylvia Matthews Burwell, Director, Office of Management and Budget

You are hereby commanded to be and appear before the Committee on Natural Resources

of the House of Representatives of the United States at the place, date and time specified below.

☐ to testify touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

☒ to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 1324 Longworth House Office Building

Date: September 18, 2013

Time: 12 Noon

To U.S. Marshals Service or any designated staff member of the  
committee on Natural Resources to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States,  
at the city of Washington, this 4<sup>th</sup> day of September, 20 13.

Attest:

Karen P. Haas  
Clerk

[Signature]  
Chairman or Authorized Member



## PROOF OF SERVICE

Subpoena for The Honorable Sylvia Matthews Burwell, Director,  
Service: Tom Hitter, Office of General Counsel

Address Office of Management and Budget  
725 17th Street, NW, Washington, DC 20503

before the Committee on Natural Resources

*U.S. House of Representatives*  
*113th Congress*

Served by (print name) Byron R. Brown

Title Sr. Counsel and Director, Office of Oversight & Investigations

Manner of service by Fax (Attn: Tom Hitter, OGC)

Date September 4, 2013

Signature of Server Byron R. Brown

Address 1324 Longworth House Office Building

## **SCHEDULE OF DOCUMENTS**

In accordance with the attached Instructions and Definitions, you, Sylvia Matthews Burwell, are required to produce the following records in complete and unredacted form:

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 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.

## **INSTRUCTIONS**

1. In complying with this subpoena, you shall produce all responsive records that are in your possession, custody, or control.
2. Records responsive to the subpoena shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization or individual denoted in the subpoena has been, or is currently, known by any other name than that herein denoted, the subpoena shall be read also to include them under that alternative identification.
4. Each record produced shall be produced in a form that renders the document capable of being copied.
5. When you produce records, you shall identify the paragraph or clause of the Schedule of Documents in the Committee's subpoena to which the documents respond.
6. Records produced in response to this subpoena shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when this subpoena was issued. To the extent that documents were not stored with file labels,

dividers, or identifying markers, they shall be organized into separate folders by subject matter prior to production.

7. Each folder and box shall be numbered, and a description of the contents of each folder and box, including the paragraph or clause of the Schedule of Documents in the Committee's subpoena to which the records are responsive, shall be provided in an accompanying index.
8. It is not a proper basis to refuse to produce a record that any other person or entity also possesses a nonidentical or identical copy of the same record.
9. If any of the subpoenaed information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or computer back-up tape), you shall consult with Committee staff to determine the appropriate format in which to produce the information. Records produced in electronic format shall be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in (6) and (7) above. Records produced in an electronic format shall also be produced in a searchable format.
10. In the event that a record is withheld on any basis, you shall provide the following information concerning the record: (a) the reason the document is not being produced; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
11. If any record responsive to this subpoena was, but no longer is, in your possession, custody, or control, you shall identify the record (stating its date, author, subject and recipients) and explain the circumstances by which the record ceased to be in your possession, custody, or control.
12. If a date or other descriptive detail set forth in this subpoena referring to a record is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you shall produce all records which would be responsive as if the date or other descriptive detail were correct.
13. This subpoena is continuing in nature and applies to any newly-discovered record. Any record not produced because it has not been located or discovered by the return date shall be produced immediately upon location or discovery subsequent thereto.
14. All records shall be bates-stamped sequentially and produced sequentially.
15. Two sets of records shall be delivered to the Committee office in Room 1324 of the Longworth House Office Building. You shall consult with designated Committee staff regarding the method of delivery prior to sending any material.



16. Upon completion of the document production, you shall submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all records in your possession, custody, or control which reasonably could contain responsive documents; and (2) all records located during the search that are responsive have been produced to the Committee or identified in a privilege log provided to the Committee.

## **DEFINITIONS**

1. The term "record" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, whether classified or unclassified, whether original or copy, or whether draft or final, including, but not limited to, the following: documents, memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, meeting or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto). The term also means any graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.
2. The term "Committee" means the Committee on Natural Resources of the U.S. House of Representatives.
3. The term "records that are in your possession, custody, or control" means (a) records that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) records that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) records that you have placed in the temporary possession, custody, or control of any third party.

4. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, e-mail, telexes, discussions, releases, personal delivery, or otherwise.
5. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
6. The terms “person” or “persons” means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
7. The terms “concerning,” with respect to any given subject, document, or communication, means anything that constitutes, contains, embodies, reflects, identifies, states, relates to, refers to, deals with or is in any manner whatsoever pertinent to that subject.
8. The term “Secure Rural Schools” refers to programs or activities operated pursuant to the Secure Rural Schools and Community Self-Determination Act of 2000, as amended.

# SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE  
CONGRESS OF THE UNITED STATES OF AMERICA

To The Honorable Tom Vilsack, Secretary of Agriculture

You are hereby commanded to be and appear before the Committee on Natural Resources

of the House of Representatives of the United States at the place, date and time specified below.

- ☐ to testify touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

- ☒ to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 1324 Longworth House Office Building

Date: September 18, 2013

Time: 12 Noon

To U.S. Marshals Service or any designated staff member of the  
Committee on Natural Resources to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States,  
at the city of Washington, this 4<sup>th</sup> day of September, 2013.

Attest:

Karen P. Haas  
Clerk

[Signature]  
Chairman or Authorized Member



## PROOF OF SERVICE

Subpoena for The Honorable Tom Vilsack, Secretary of Agriculture  
Service: Lee Fink, Sr. Counselor, office of General Counsel  
Address U.S. Department of Agriculture, 1400 Independence Ave., SW  
Washington, DC 20250  
before the Committee on Natural Resources  
U.S. House of Representatives  
113th Congress

Served by (print name) BYRON R. BROWN  
Title SR. COUNSEL and Director, Office of Oversight & Investigations  
Manner of service by email (Lee Fink, Sr. Counselor)  
Date September 4, 2013  
Signature of Server Byron R. Brown  
Address 1324 Longworth House office Building

## **SCHEDULE OF DOCUMENTS**

In accordance with the attached Instructions and Definitions, you, Tom Vilsack, are required to produce the following records in complete and unredacted form:

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 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.

## **INSTRUCTIONS**

1. In complying with this subpoena, you shall produce all responsive records that are in your possession, custody, or control.
2. Records responsive to the subpoena shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization or individual denoted in the subpoena has been, or is currently, known by any other name than that herein denoted, the subpoena shall be read also to include them under that alternative identification.
4. Each record produced shall be produced in a form that renders the document capable of being copied.

5. When you produce records, you shall identify the paragraph or clause of the Schedule of Documents in the Committee's subpoena to which the documents respond.
6. Records produced in response to this subpoena shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when this subpoena was issued. To the extent that documents were not stored with file labels, dividers, or identifying markers, they shall be organized into separate folders by subject matter prior to production.
7. Each folder and box shall be numbered, and a description of the contents of each folder and box, including the paragraph or clause of the Schedule of Documents in the Committee's subpoena to which the records are responsive, shall be provided in an accompanying index.
8. It is not a proper basis to refuse to produce a record that any other person or entity also possesses a nonidentical or identical copy of the same record.
9. If any of the subpoenaed information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or computer back-up tape), you shall consult with Committee staff to determine the appropriate format in which to produce the information. Records produced in electronic format shall be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in (6) and (7) above. Records produced in an electronic format shall also be produced in a searchable format.
10. In the event that a record is withheld on any basis, you shall provide the following information concerning the record: (a) the reason the document is not being produced; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
11. If any record responsive to this subpoena was, but no longer is, in your possession, custody, or control, you shall identify the record (stating its date, author, subject and recipients) and explain the circumstances by which the record ceased to be in your possession, custody, or control.
12. If a date or other descriptive detail set forth in this subpoena referring to a record is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you shall produce all records which would be responsive as if the date or other descriptive detail were correct.
13. This subpoena is continuing in nature and applies to any newly-discovered record. Any record not produced because it has not been located or discovered by the return date shall be produced immediately upon location or discovery subsequent thereto.
14. All records shall be bates-stamped sequentially and produced sequentially.



15. Two sets of records shall be delivered to the Committee office in Room 1324 of the Longworth House Office Building. You shall consult with designated Committee staff regarding the method of delivery prior to sending any material.
16. Upon completion of the document production, you shall submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all records in your possession, custody, or control which reasonably could contain responsive documents; and (2) all records located during the search that are responsive have been produced to the Committee or identified in a privilege log provided to the Committee.

## **DEFINITIONS**

1. The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, whether classified or unclassified, whether original or copy, or whether draft or final, including, but not limited to, the following: documents, memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, meeting or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto). The term also means any graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.
2. The term “Committee” means the Committee on Natural Resources of the U.S. House of Representatives.
3. The term “records that are in your possession, custody, or control” means (a) records that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) records that you have a

legal right to obtain, that you have a right to copy, or to which you have access; and (c) records that you have placed in the temporary possession, custody, or control of any third party.

4. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, e-mail, telexes, discussions, releases, personal delivery, or otherwise.
5. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
6. The terms “person” or “persons” means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
7. The terms “concerning,” with respect to any given subject, document, or communication, means anything that constitutes, contains, embodies, reflects, identifies, states, relates to, refers to, deals with or is in any manner whatsoever pertinent to that subject.
8. The term “Secure Rural Schools” refers to programs or activities operated pursuant to the Secure Rural Schools and Community Self-Determination Act of 2000, as amended.

DOC HASTINGS, WA  
CHAIRMAN  
DON YOUNG, AK  
LOUIE GOHMERT, TX  
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DOUG LAMALFA, CA

TODD YOUNG  
CHIEF OF STAFF

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

July 31, 2013

EDWARD J. MARKEY, MA  
RANKING DEMOCRATIC MEMBER  
PETER A. DeFAZIO, OR  
ENI F.H. FALOMAVAEGA, AS  
FRANK PALLONE, JR., NJ  
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JOE GARCIA, FL  
MATTHEW CARTWRIGHT, PA

JEFFREY DUNCAN  
DEMOCRATIC STAFF DIRECTOR

The Honorable Sylvia Mathews Burwell  
Director  
The Office of Management and Budget  
725 17th Street, NW  
Washington, DC 20503

Dear Director Mathews Burwell:

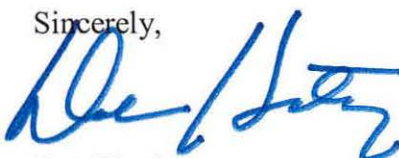
A letter was sent to the Office of Management and Budget ("OMB") on May 20, 2013 requesting information about the Forest Service's ("Service") decision demanding that states repay Secure Rural Schools Program ("SRS") funds. OMB missed the Committee's June 3, 2013 deadline for response.

The original letter sought responses to two questions seeking information, communications and documents pertaining to OMB's advice provided to the Service on the retroactive sequestering of the SRS funds. These responses should have been easy for OMB to provide without delay.

After no response was received, a follow up letter was sent July 18, 2013 stating that "OMB's lack of timely response is unacceptable" and that OMB's full and complete compliance to the Committee's information request was expected "without further delay." To date, OMB has not provided a single document in response to the Committee's oversight request or said when a response will be received.

Patience is wearing thin with OMB's delays. This letter provides OMB with a final opportunity to comply voluntarily with the Committee's May 20 oversight request. There should be no doubt that if these delays continue and OMB does not fully comply with the Committee's overdue oversight request, I am prepared to use the authority under Committee rules to issue subpoenas to compel production of the requested information.

Sincerely,



Doc Hastings  
Chairman



DOC HASTINGS, WA  
CHAIRMAN  
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DOUG LAMALFA, CA

TODD YOUNG  
CHIEF OF STAFF

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

July 31, 2013

EDWARD J. MARKEY, MA  
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JOE GARCIA, FL  
MATTHEW CARTWRIGHT, PA

JEFFREY DUNCAN  
DEMOCRATIC STAFF DIRECTOR

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250

Thomas L. Tidwell  
Chief, Forest Service  
U.S. Department of Agriculture  
201 14th Street, S.W.  
Washington, DC 20024

Dear Secretary Vilsack and Chief Tidwell:

A letter was sent May 20, 2013 requesting information and documents about the Forest Service's ("Service") decision demanding states repay Secure Rural Schools Program ("SRS") funds. The Service missed the Committee's June 3, 2013 deadline for response.

The original letter sought responses to four questions seeking information, communications and documents connected to the Service's authority and rationale to demand the repayment of the SRS funds. Such information should have been easy to collect and provide without delay.

Committee majority oversight staff made numerous inquiries to the Service in June to get an update on when a response will be sent. Committee staff was informed that the U.S. Department of Agriculture ("USDA") would be responding on behalf of the Service and that a response could be expected in early July.

After no response was received, a follow up letter was sent July 18, 2013 stating that the "Department's lack of timely response is unacceptable" and that the Department's full and complete compliance to the Committee's information request was expected "without further delay." To date, the Department and Service have not provided a single document in response to the Committee's oversight request or said when a response will be received.



Patience is wearing thin with the Department's pattern of delays. This letter provides the USDA and the Service with a final opportunity to comply voluntarily with the Committee's May 20 oversight request.

There should be no doubt that if these delays continue and the USDA and the Service do not fully comply with the Committee's overdue oversight request, I am prepared to use the authority under Committee rules to issue subpoenas to compel production of the requested information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doc Hastings", written over a horizontal line.

Doc Hastings  
Chairman

DOC HASTINGS, WA  
CHAIRMAN  
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LOUIE GOHMERT, TX  
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DOUG LAMALFA, CA

TODD YOUNG  
CHIEF OF STAFF

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

July 18, 2013

EDWARD J. MARKEY, MA  
RANKING DEMOCRATIC MEMBER  
PETER A. DeFAZIO, OR  
ENI F.H. FALEOMAVAEGA, AS  
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JEFFREY DUNCAN  
DEMOCRATIC STAFF DIRECTOR

The Honorable Sylvia Mathews Burwell  
Director  
The Office of Management and Budget  
725 17th Street, NW  
Washington, DC 20503

Dear Director Mathews Burwell:

Nearly two months ago, a letter was sent to the Office of Management and Budget ("OMB") requesting information about the Forest Service's ("Service") demand that states repay Secure Rural Schools Program ("SRS") funds. To date, OMB has failed to provide any formal response to that letter.

The original letter sought responses to two questions seeking information, communications and documents pertaining to OMB's advice provided to the Service on the retroactive sequestering of the SRS funds. These responses should have been easy for OMB to provide within the June 3, 2013 deadline. That deadline passed more than a month ago. Despite repeated attempts, Committee majority oversight staff have not been given any updates by OMB staff about when the response will be sent and whether it will be complete.

OMB's lack of a timely response is unacceptable and frustrates Congress' ability to conduct oversight of this important matter. It is expected that OMB will promptly and fully comply with the original May 20, 2013 request without further delay.

Sincerely,



Doc Hastings  
Chairman

DOC HASTINGS, WA  
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TODD YOUNG  
CHIEF OF STAFF

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

July 18, 2013

EDWARD J. MARKEY, MA  
RANKING DEMOCRATIC MEMBER  
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JEFFREY DUNCAN  
DEMOCRATIC STAFF DIRECTOR

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250

Thomas L. Tidwell  
Chief, Forest Service  
U.S. Department of Agriculture  
201 14th Street, S.W.  
Washington, DC 20024

Dear Secretary Vilsack and Chief Tidwell:

Nearly two months ago, a letter was sent requesting information and documents about the Forest Service's ("Service") demand that states repay Secure Rural Schools Program ("SRS") funds. To date, the Service has failed to provide any formal response to that letter.

The original letter sought responses to four questions seeking information, communications and documents connected to the Service's authority and rationale to demand the repayment of the SRS funds. Such information should have been easy to collect and provide without delay. The letter requested that the information and documents be provided no later than June 3, 2013. That deadline passed more than a month ago. Committee majority oversight staff have recently been informed that the Department of Agriculture ("Department") is preparing the response but, despite repeated requests for updates, have not been told when it will be sent and whether it will be complete.

The Department's lack of a timely response is unacceptable and frustrates Congress' ability to conduct oversight of this important matter. It is expected that the Department will promptly and fully comply with the original May 20, 2013 request without further delay.

Sincerely,



Doc Hastings  
Chairman



DOC HASTINGS, WA  
CHAIRMAN  
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LOUIE GOHMERT, TX  
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DOUG LaMALFA, CA

TODD YOUNG  
CHIEF OF STAFF

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

May 20, 2013

EDWARD J. MARKEY, MA  
RANKING DEMOCRATIC MEMBER  
PETER A. DeFAZIO, OR  
ENI F.H. FALCOMA, AS  
FRANK PALLONE, JR., NJ  
GRACE F. NAPOLITANO, CA  
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JEFFREY DUNCAN  
DEMOCRATIC STAFF DIRECTOR

Thomas L. Tidwell  
Chief, Forest Service  
U.S. Department of Agriculture  
201 14th Street, S.W.  
Washington, DC 20024

Dear Chief Tidwell:

In March 2013, the Forest Service (“Service”) began demanding states return \$17.9 million they had received – and in many cases already spent – under the Secure Rural Schools Program (“SRS”). Congress has authorized this money to help pay for schools and government services in areas where environmental lawsuits and Service mismanagement have reduced proceeds from timber harvests on federal lands in rural communities.

Under this program, payments are required to be made as soon as practicable after the end of the fiscal year.<sup>1</sup> In July 2012, Congress approved the most recent SRS payments, which were distributed to the states in January 2013 by the Service. At an April 11, 2013 hearing before the Subcommittee on Public Lands and Environmental Regulation, you stated you had “personally pursued every avenue . . . to find a different solution,” yet it was concluded that a percentage must be returned to the Service to account for budget shortfalls from sequestration and that failure to do so would result in penalties.

The Service’s retroactive sequestering of the SRS money appears inconsistent with the law and to be another attempt by the Administration to make sequestration as painful as possible. A bipartisan letter was sent to Secretary Vilsack and the Acting Director of the Office of Management and Budget, Jeffrey Zients, on March 28, 2013 seeking detailed justification for these punitive and unanticipated demands. The Administration’s failure to provide any response is deeply concerning.

Recognizing the importance the SRS funds hold for education and providing emergency services to rural communities and the questionable timing and legal basis on which the Service has justified this action, the governors of Alaska, Wyoming, and Washington recently announced they will not permit the Service to take the funds their states were rightfully paid.

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<sup>1</sup> See 16 U.S.C. § 7112(e).

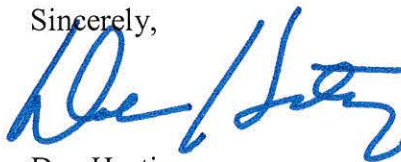


The Committee on Natural Resources has broad jurisdiction over matters concerning the Service, public lands generally, as well as forest reserves and national parks created from the public domain. To better understand the authority and rationale exercised by the Service to demand the repayment of the SRS funds, it is requested that the Service provide complete and unredacted copies of the following information and documents no later than the close of business on June 3, 2013:

1. At the Subcommittee on Public Lands and Environmental Regulation's ("PL&ER") April 11 hearing it was stated that numerous conversations had occurred within the Service regarding the legal justification to demand repayment of the SRS funds. Please provide copies of all internal email or other communications, memoranda, legal analysis or other documentation concerning the following:
  - a. Any and all discussions and documentation involving the Service, the Department of Agriculture, and or the Office of Management and Budget from January 15, 2013 to March 19, 2013 regarding the decision and legal justification to retroactively sequester the SRS funds and a specific reference to the date the decision was ultimately made and communicated to the Service.
  - b. The alternatives to the demand for repayment of the SRS funds that were considered or pursued by the Service.
  - c. Copies of all drafts, including any documents concerning any edits, comments, or revisions thereto, of any press releases, talking points, or communication documents regarding the March 19, 2013 letter to states or the decision to demand states return a portion of SRS money already received.
2. Please provide a detailed list for each of the following items:
  - a. Please identify whether the Service has demanded repayment of any grants under the Budget Control Act.
  - b. The number of Service employees on detail, fellowship, or placement under the Intergovernmental Personnel Act or other legal authority in FY 2013 and whether the Service has demanded employees return to the Service in response to the Budget Control Act.
  - c. All training courses, conferences, and meetings paid for in whole or in part by the Forest Service to date in FY 2013.
3. In an April 16 hearing before the Senate Committee on Energy and Natural Resources, it was discovered that the Service would impose penalties and interest payments on those communities that are unable to return the payments. What is the legal basis for this decision? Please provide copies of all internal communications, memoranda, legal analysis or other documentation regarding the decision to penalize those communities unable to pay.
4. At the Subcommittee on PL&ER's April 11 hearing, you stated the Service had "tr[ie]d to get [the funds] out in December," but waited until January even though the Service knew sequestration was pending. Please provide all emails or other communications, memoranda, legal analysis or other documentation concerning that delay.

Enclosed with this letter are instructions and definitions for responding to this request. Please have your staff contact Andrew Vecera or Byron Brown of the Office of Oversight and Investigations at 202-225-2761 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doc Hastings", written in a cursive style.

Doc Hastings  
Chairman

## **Responding to Committee Document Requests**

### **A. Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, recorded notes, letters, notices, confirmations, receipts, checks, envelopes, presentations, pamphlets, brochures, interoffice and intra office communications, electronic mails (e-mails), instant message, notations of any type of conversation, telephone call, voice mail, phone mail, meeting or other communication, diaries, analyses, summaries, messages, correspondence, circulars, opinions, work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and electronic, mechanical, and electric records or representations of any kind, and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, e-mail, discussions, releases, personal delivery, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this document request. The singular includes the plural. The masculine includes the feminine.
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2. In the event that any entity, organization, or individual denoted in this document request has been, or is also known by any other name than that herein denoted, the document request shall be read also to include them under that alternative identification.
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8. In the event that a document is withheld, in whole or in part, based on a claim of privilege, provide the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter of the document; (d) the date, author, and any recipients; and (e) the relationship of the author and recipients to each other. Claims of privileges are considered under Committee on Natural Resources Rule 4(h) and, similar to all common-law privileges, are recognized only at the discretion of the Committee.
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11. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon location or discovery subsequent thereto.

12. Production materials should be delivered to:

Committee on Natural Resources  
U.S. House of Representatives  
1324 Longworth House Office Building  
Washington D.C. 20515

DOC HASTINGS, WA  
CHAIRMAN  
DON YOUNG, AK  
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DOUG LAMALFA, CA

TODD YOUNG  
CHIEF OF STAFF

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

May 20, 2013

EDWARD J. MARKEY, MA  
RANKING DEMOCRATIC MEMBER  
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CAROL SHEA-PORTER, NH  
ALAN LOWENTHAL, CA  
JOE GARCIA, FL  
MATTHEW CARTWRIGHT, PA

JEFFREY DUNCAN  
DEMOCRATIC STAFF DIRECTOR

The Honorable Sylvia Mathews Burwell  
Director  
The Office of Management and Budget  
725 17th Street, NW  
Washington, DC 20503

Dear Director Mathews Burwell:

In March 2013, the Forest Service ("Service") began demanding states return \$17.9 million they had received – and in many cases already spent – under the Secure Rural Schools Program ("SRS"). Congress has authorized this money to help pay for schools and services in areas where environmental lawsuits and federal government mismanagement have reduced proceeds from timber harvests on federal lands in rural communities.

Under this program, payments are required to be made as soon as practicable after the end of the fiscal year.<sup>1</sup> In July 2012, Congress approved the most recent SRS payments, which were distributed to the states in January 2013. However, two months after the payments were made, the Administration concluded that a percentage must be returned in order to account for budget shortfalls from sequestration and that failure to do so would result in penalties.

The retroactive sequestering of the SRS money appears inconsistent with the law and to be another attempt by the Administration to make sequestration as painful as possible. A bipartisan letter was sent to the Office of Management and Budget ("OMB") and the Department of Agriculture on March 28, 2013 seeking detailed justification for these punitive and unanticipated demands. The Administration's failure to provide any response is deeply concerning.

Recognizing the importance the SRS funds hold for education and providing emergency services to rural communities and the questionable timing and legal basis on which the Service has justified this action, the governors of Alaska, Wyoming, and Washington recently announced they will not permit the Administration to take the funds their states were rightfully paid.

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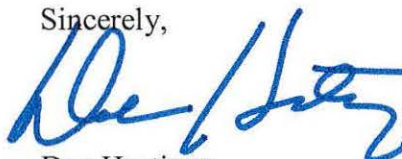
<sup>1</sup> See 16 U.S.C. § 7112(e).

The Committee on Natural Resources has broad jurisdiction over matters concerning public lands generally, as well as forest reserves and national parks created from the public domain. To better understand the authority and rationale to demand the repayment of the SRS funds, it is requested that OMB provide complete and unredacted copies of the following information and documents no later than the close of business on June 3, 2013:

1. Please provide copies of all internal email or other communications, memoranda, legal analysis or other documentation concerning the following:
  - a. Any and all discussions and documentation involving OMB, the Department of Agriculture, and or the Service from January 15, 2013 to March 19, 2013 in connection with the decision and legal justification to retroactively sequester the SRS funds and a specific reference to the date the decision was ultimately made by OMB and communicated to the Service.
  - b. Any and all documentation regarding alternatives to the demand for repayment of the SRS funds that were considered or pursued.
  - c. Copies of all drafts, including any documents concerning any edits, comments, or revisions thereto, of any press releases, talking points, or communication documents regarding the decision to demand states return a portion of SRS money already received.
2. In an April 16 hearing before the Senate Committee on Energy and Natural Resources, it was discovered that the Service would impose penalties and interest payments on those communities that are unable to return the payments. What role did OMB have in making this decision and what is the legal basis for this decision? Please provide copies of all internal communications, memoranda, legal analysis or other documentation regarding the decision to penalize those communities unable to pay.

Enclosed with this letter are instructions and definitions for responding to this request. Please have your staff contact Andrew Vecera or Byron Brown of the Office of Oversight and Investigations at 202-225-2761 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doc Hastings", is written over a horizontal line.

Doc Hastings  
Chairman

## **Responding to Committee Document Requests**

### **A. Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, recorded notes, letters, notices, confirmations, receipts, checks, envelopes, presentations, pamphlets, brochures, interoffice and intra office communications, electronic mails (e-mails), instant message, notations of any type of conversation, telephone call, voice mail, phone mail, meeting or other communication, diaries, analyses, summaries, messages, correspondence, circulars, opinions, work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and electronic, mechanical, and electric records or representations of any kind, and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise.
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U.S. House of Representatives  
1324 Longworth House Office Building  
Washington D.C. 20515

# Congress of the United States

Washington, DC 20515

March 28, 2013

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, DC 20250

The Honorable Jeffrey Zients  
Acting Director  
The Office of Management and Budget  
725 17th Street, NW  
Washington, DC 20503

Dear Secretary Vilsack and Director Zients,

We have been informed that the Forest Service has recently proclaimed that funds already distributed under the most recent extension of the Secure Rural Schools and Community Self-Determination Act (SRS) or payments based on revenue generated in fiscal year 2012 are subject to the fiscal year 2013 sequester, and the agency will be requesting repayment of \$17.9 million in SRS and 25% fund payments that have already been disbursed to States.

Due to the continued inability of the federal government to manage National Forest lands and provide local communities with a meaningful share of revenues from timber receipts, Congress has approved SRS payments to States to fund education, infrastructure, and emergency services. The SRS program was most recently extended through FY12 as part of the "Moving Ahead for Progress in the 21<sup>st</sup> Century Act," that 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.

Though the Forest Service was aware of the pending automatic spending reductions for many months, and the sequester took effect on March 1<sup>st</sup>, the agency made no mention of an impact on SRS payments until March 20<sup>th</sup>. For the Administration to announce three months after the disbursement of these payments that they are subject to the sequester, and that States will receive a bill for repayment of funds already distributed to counties, appears to be an obvious attempt by President Obama's Administration to make the sequester as painful as possible.

We request that this action be halted. It retroactively takes funds that are already being used for rural schools, emergency services, infrastructure, and protecting communities from the risk of catastrophic wildfire. We also request a detailed explanation of the legal authority for demanding repayment of FY12 funds that have already been paid out by the federal government.

Thank you in advance for your immediate attention to this issue.

Sincerely,



Representative Doc Hastings



Representative Rob Bishop



Representative Tom McClintock



Representative Greg Walden



Representative Don Young



Representative Cynthia Lummis



Representative Paul Gosar



Representative Scott Tipton



Representative Steve Southerland



Representative Louie Gohmert



Representative Glenn "GT" Thompson



Representative Jason Chaffetz



Representative Kurt Schrader



Representative Jaime Herrera Beutler




Representative Reid J. Ribble



Representative Dan Benishek

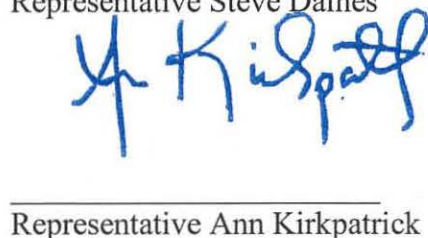


  
Representative Morgan Griffin

  
Representative Peter Defazio

  
Representative Steve Daines

  
Representative Stevan Pearce

  
Representative Ann Kirkpatrick

  
Representative Shelley Moore Capito

  
Representative Doug LaMalfa

  
Representative Rick Crawford

  
Representative Mark Meadows

  
Representative Bob Goodlatte

  
Representative Kristi Noem

  
Representative Sean Duffy

  
Representative Mike Simpson

  
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Representative Steve Womack

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