

United States Senate

WASHINGTON, DC 20510

May 7, 2019

Secretary Sonny Perdue
U.S Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Dear Secretary Perdue:

We are writing to request an explanation for your sequestration of a portion of the payments for schools and counties that were recently made pursuant to the Secure Rural Schools and Community Self-Determination Act (SRS).

It is reported that your agency withheld 6.2 percent of the amounts that were intended for distribution under SRS. The loss to schools and counties nationwide exceeds \$14.0 million, with a substantial portion of that injury inflicted on our home state of Oregon. Absent a compelling legal justification, the sequestered funds should be immediately released and distributed as required by SRS.

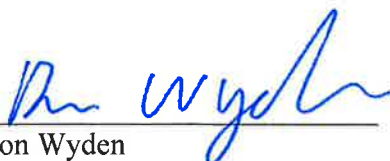
The Office of Management and Budget (OMB) guidance states the recent SRS payments are not subject to sequestration. We are attaching the sequestration orders for FY 2018 and 2019 as a reminder. For nearly a year, the Forest Service agreed. From the spring of 2018 up to and including at least April 16, 2019, the Forest Service website stated that the SRS payments for FY 2017 and 2018 were not subject to sequestration, citing the OMB guidance. The website said:

"[P]ayments under the SRS Act for FY17 and FY 18 are not subject to sequestration because the budget authority for these payments (the SRS Act, not the 1908 Act) had not been reauthorized at the time the sequester order for each year was issued (see OMB Circular A-11, 100.15 for more information)." (Copy attached.)

The Forest Service website continued to correctly state that sequestration did not apply, even as the Forest Service sequestered the FY 2018 SRS payments and sent the reduced payments to the states for distribution to counties and schools. It was not until sometime after April 16, 2019, when the Forest Service was confronted with its inconsistency, that the Forest Service changed the page of its website that had long contained the above quoted, correct statement.

We would like to know what your compelling legal rationale is to justify application of sequestration to the SRS payments in contravention of OMB's decision. The funds previously withheld should be promptly forwarded for distribution to the schools and counties entitled to them pursuant to SRS.

Sincerely,



Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator

w/ encls.