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United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

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April 24, 2013

Chief Tom Tidwell
US Forest Service
1400 Independence Ave., SW
Washington, DC 20250

Dear Chief Tidwell:

We write to express our concern over the Forest Service's handling of the implementation of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended by the Budget Control Act of 2011 to the Secure Rural Schools and Communities Self-Determination Act (SRS). It was particularly troubling that during the Forest Service budget hearing last week, you stated that your agency planned to assess interest, penalties and administrative costs on sequestration repayment amounts if States did not pay up. This is unacceptable. We urge you to take immediate action to mitigate the impacts of the sequester on the States and counties.

We already expressed to you our serious disagreement regarding the Administration's determination that county payments are subject to sequestration—given that these funds were for payments due to counties for Fiscal Year (FY) 2012. Even more disturbing and puzzling has been the contradictory approaches taken by the Forest Service and the Bureau of Land Management in their payment of these funds to counties. The Forest Service's approach has resulted in the Agency now seeking repayment of funds previously paid out to counties. The conflicting interpretations of sequestration have brought on confusion for State and county governments that comes precisely at a time when many rural counties are struggling with budget shortfalls. The Forest Service failed to plan for the impact of sequestration on SRS payments and rural communities should not have to pay the price for the bad planning of your agency.

The Forest Service's efforts to seek repayment of SRS payments made months ago, and this new threat of fines and penalties, are deeply disconcerting. The Forest Service has decided that States must repay a total of \$17.9 million, or elect to cut funds from Title II of the SRS program. Although the Administration has provided some flexibility to the States in repaying the funds, we believe there is simply no good way to cut funding from the SRS program. The Forest Service should consider ways to mitigate or to reduce its request that States and counties repay the full \$17.9 million in county payment funding. The Agency has the authority to determine if and how it collects these funds. Specifically, we are asking you not to assess or seek to collect interest, fines and penalties against the States and counties. The Budget Control Act does not require the collection of fines and penalties, and the decision to pursue them is wholly within the

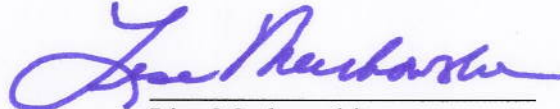
Forest Service's purview. As many States and counties have already obligated this funding for schools, roads, emergency services, and other critical functions, many will simply not be able to quickly repay these funds, if at all.

We are committed to working with you to mitigate the impacts of the Forest Service's actions on States and counties. We look forward to getting your response. Thank you in advance for addressing these concerns.

Sincerely,



Ron Wyden
Chairman
Energy and Natural Resources Committee



Lisa Murkowski
Ranking Member
Energy and Natural Resources Committee