

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 4th day of September, 2013.

Attest:

Karen P. Vaas
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 4th day of September, 2013.

[Signature]
Chairman or Authorized Member

Attest: Karen P. Haas
Clerk

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:

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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.

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