



## ATTORNEY GENERAL OF COLORADO

**John W. Suthers**

September 23, 2013

Colorado Congressional Delegation  
(See attached)

Re: Federal Sequestration of Payments to Colorado under Secure Rural Schools and  
Community Self-Determination Act, Twenty Five Percent Fund Act, and Bankhead  
Jones Farm Tenant Act

Dear Colorado Senators and Representatives:

As you may be aware, the Department of Agriculture has withheld various payments due to Colorado under the above referenced legislation, contending such payments are a "federal expenditure" subject to sequester. Frankly, given the history of these payments, which are an obligation arising from the federal government retaining lands in western states after statehood, this position is untenable.

I have enclosed for your review a letter to Secretary Vilsack dated September 19, 2013 from the Conference of Western Attorneys General. We are requesting that the Department of Agriculture refund the withheld payments as the Department of Interior has agreed to do with oil and gas royalties.

I urge you to carefully review the position of the states as set forth in the letter from the western attorneys general and to promptly take steps to legislatively remedy this issue without judicial action being taken. Many citizens of the western states have become aware of this issue and are understandably concerned about it.

Please do not hesitate to contact me if you have any questions concerning this matter.

Sincerely,

JOHN W. SUTHERS  
Colorado Attorney General

Enclosure

c: John Hickenlooper, Governor of Colorado  
Jack Finlaw, Counsel to the Governor of Colorado  
Chris Coppin, Conference of Western Attorneys General  
Dan Domenico, Solicitor General of Colorado

The Honorable Mark Udall  
United State Senate  
328 Hart Senate Office Building  
Washington, DC 20510-0605

The Honorable Michael Bennet  
United States Senate  
702 Hart Senate Office Building  
Washington, DC 20510-0606

The Honorable Diana DeGette  
United States House of Representatives  
2335 Rayburn House Office Building  
Washington, DC 20515-0601

The Honorable Jared Polis  
United States House of Representatives  
501 Cannon House Office Building  
Washington, DC 20515-0602

The Honorable Scott Tipton  
United States House of Representatives  
218 Cannon House Office Building  
Washington, DC 20515-0603

The Honorable Cory Gardner  
United States House of Representatives  
213 Cannon House Office Building  
Washington, DC 20515-0604

The Honorable Doug Lamborn  
United States House of Representatives  
437 Cannon House Office Building  
Washington, DC 20515-0605

The Honorable Mike Coffman  
United States House of Representatives  
1222 Longworth House Office Building  
Washington, DC 20515-0606

The Honorable Ed Perlmutter  
United States House of Representatives  
1221 Longworth House Office Building  
Washington, DC 20515-0607