U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-3000

OFFICE OF ADMINISTRATION

March 31, 2021

Mr. Austin R. Evers
Executive Director
American Oversight
1030 15th Street, N.W.
Suite B255
Washington, DC 20005

RE: Freedom of Information Act Request
FOIA Control No.: 19-FI-HQ-01441 and 19-FI-HQ-01596
Civil Action No.: 19-cv-2814

Dear Mr. Evers:

This letter is the seventh interim response to your Freedom of Information Act (FOIA) request dated and received on June 24, 2019 and July 19, 2019, respectively. You asked for copies of Department of Housing and Urban Development (HUD) records from September 1, 2018 through the date of the search, consisting of communications between HUD political appointees in the Office of Congressional and Intergovernmental Relations, Office of General Counsel, HUD leadership offices with specific White House Counsel staff regarding congressional oversight of specific matters and general policies, concerns, and considerations related to congressional oversight of the executive branch.

For this response, please be advised that an electronic search have been conducted and as a result of this search, records responsive to your request have been located. The Department has identified the following:

Program Office/Custodian	Pages Released	Redactions
Office of General Counsel – Ashley Ludlow	58	7 page contain b(5) redactions (deliberative process); 3 pages contains b(6) redactions (personal privacy)
TOTALS	58	

Your request is granted in part. Enclosed are documents responsive to your request. I am withholding cell phone numbers pursuant to FOIA Exemption 6. Exemption 6 protects information the release of which would constitute an unwarranted invasion of personal privacy. The interest of the general public in reviewing those portions of government documents does not outweigh the individuals' right to privacy.

For your information, your FOIA request, including your identity and any information made available, is releasable to the public under subsequent FOIA requests. In responding to these

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requests, the Department does not release personal information, such as home address, telephone number, or Social Security number, all of which are protected from disclosure under FOIA Exemption 6.

If you have any questions regarding your request, you may contact Department of Justice – Federal Programs Branch trial attorney, Alexander Sverdlov at 202-305-8550. Thank you for your interest in the Department's programs and policies.

Sincerely,

Deborah R. Snowden
Deputy Chief FOIA Officer
Freedom of Information Act Branch
Office of the Executive Secretariat

Enclosures

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property owners' belief that the federal government is a trustworthy partner. This will undermine efforts to retain and recruit landlords at a time when tight rental markets are already shutting too many families out, particularly in areas of opportunity. Even before we reach the expiration of these funds, uncertainty will force many local housing agencies to curtail activities such as making repairs or issuing vouchers to families on their waiting lists.

The shutdown will become more devastating if it continues. More contracts will expire, more grants will be suspended, and more multifamily loans will be halted. More home sales will experience delays as a limited number of HUD staff tries to keep up with processing FHA-backed mortgages. The uncertainty created by this situation will create unnecessary costs and halt activities for thousands of HUD's state and local partners, private property owners, and non-profit service organizations.

In addition, the shutdown has resulted in the furlough of thousands of dedicated HUD employees across the country. Those who remain are working hard within the bounds of the law to ameliorate the ill effects of this unnecessary shutdown. All of them have already missed a paycheck, creating hardship for their own families. The President must end this shut down and let HUD's employees get back to the business of strengthening our communities.

Housing is the foundation for our lives, and safe, affordable housing is essential to families' and the nation's well-being. The American people cannot afford a HUD shutdown that lasts "months or even years." We need to enact final HUD FY 2019 appropriations to give housing providers, communities, and families the stability they need to plan for the future.

Low-income Americans and communities served by HUD programs should not be held hostage to President Trump's unrelated shutdown demands. While news reports have detailed the Administration's efforts to accommodate the interests of oil companies and other special interests, I am interested to know what steps HUD is undertaking to mitigate the impact of this unnecessary shutdown on vulnerable Americans. Please provide me with a description of what you are doing within the law to reduce the harm to people who are assisted by HUD's programs. Finally, because the most effective way to prevent further harm from President Trump's HUD shutdown is to end it, I also request that you urge President Trump to end his shutdown immediately.

Sincerely,

Sherrod Brown

Sherrod Brown
Ranking Member

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MAXINE WATERS, CA
CHAIRWOMAN

United States House of Representatives
Committee on Financial Services
2129 Rayburn House Office Building
Washington, D.C. 20515

PATRICK MCHENRY, NC
RANKING MEMBER

January 18, 2019

The Honorable Ben Carson
Secretary
U.S. Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410

Secretary Carson:

I am thoroughly disgusted with the Department of Housing and Urban Development's (HUD's) failure to follow its own *Contingency Plan for Possible Lapse in Appropriations*, thereby unnecessarily accelerating some of the most painful impacts of the shutdown on HUD-assisted families as well as homeless assistance providers and private landlords that participate in HUD programs. Specifically, HUD has failed to renew hundreds of project-based rental assistance contracts and does not appear to have any plans to make FY 2018 funding available for HUD's largest homeless assistance grant program despite clear language in the Contingency Plan to the contrary. This is particularly concerning in light of press reports that the White House is making politically motivated decisions to get certain parts of the government moving again.[1] This Administration has chosen to hold our government hostage for the sake of a senseless border wall, but even under these unfortunate circumstances, it remains the duty of the HUD to ensure that essential employees are responding appropriately to emergencies and other urgent conditions as outlined in its Contingency Plan. As Chairwoman of the Committee on Financial Services, I urge you to immediately take steps to bring HUD into compliance with its Contingency Plan.

HUD's Contingency Plan clearly states that project-based rental assistance contracts will continue to receive funding during the shutdown as long as HUD has carryover funding to do so.[2] However, according to press reports, HUD has failed to renew over 1,150 project-based rental assistance contracts that expired in December, which affects properties that are home to tens of thousands of families. Hundreds more project-based rental assistance contracts are expected to expire later this month and will also fail to be renewed if HUD does not address this issue. These are private property owners that have chosen to participate in HUD programs to provide affordable housing, and without a renewal of their contracts, they will have to dip into their reserves to pay for ongoing operating costs for as long as possible in order to avoid displacement of residents. Some of the affected owners are small nonprofits that may have little to no additional resources to tap when reserves are depleted. Further, two-thirds of households that live in project-based rental assistance properties are elderly or have disabilities, and on average have incomes of less than $13,000 per year.[3] If HUD were to follow its Contingency Plan, these property owners and residents would likely not begin to experience such dire consequences until the end of next month. HUD's inability or unwillingness to follow its own Contingency Plan

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[1] Katie Rogers and Alan Rappeport, "White House Redefines Who Is Essential to Get Parts of the Government Moving Again," NY Times, January 16, 2019.

[2] See e.g. FAQs in HUD's Contingency Plan, which state: "Q: *Will HUD make payments under Section 8 contracts, rent supplement, section 236, or PRACS where there is a permanent or indefinite authority or multi-year funding?*
A: For Section 236's, interest reduction payments will continue based and Rent Supplement payments from prior year funding and recaptures will continue. The Department will make payments under Section 8and Project Rental Assistance Contracts where there is a permanent or indefinite authority or multi-year funding, or where there is budget authority available from prior year appropriations or recaptures. *This includes processing Section 8 and PRAC renewals for expiring contracts* and processing amendment funds for non-expiring Section 8 contract renewals." (emphasis added)

[3] Impacts of Government Shutdown on Affordable Housing Programs. January 15, 2019. National Low-Income Housing Coalition, Campaign for Housing and Community Development Funding (CHCDF).

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is unnecessarily exacerbating the already painful impacts of this senseless shutdown and punishing low-income families and private property owners.

HUD's Contingency Plan also clearly states that "to ensure the safety of life, HUD homeless assistance grants… will continue to be funded." However, I understand that HUD has no plans to make FY 2018 funding for the Continuum of Care (CoC) program available during the shutdown and recipients are expected to run out of prior year funding as early as this month. Further, organizations that rely on the CoC program to provide housing for victims of domestic violence have reported that some providers are already experiencing a loss of CoC funding due purely to technical issues that are going unaddressed during the shutdown. The CoC program is HUD's largest homeless assistance grant program and recipients of CoC funding are generally nonprofits that provide housing and supportive services for homeless individuals and families, including victims of domestic violence, veterans, and persons with disabilities. HUD's own Contingency Plan acknowledges that continuing this funding is necessary to ensure the safety of human life. It is imperative that HUD immediately take steps to make this funding available to ensure that lives are not lost as a result.

During this time of great uncertainty, it is critical that HUD follow its Contingency Plan. Failure to do so is not only irresponsible, it is literally risking the loss of human lives.

Sincerely,

MAXINE WATERS

AMERICAN OVERSIGHT

ELIZABETH WARREN
MASSACHUSETTS

COMMITTEES:
BANKING, HOUSING, AND URBAN AFFAIRS
HEALTH, EDUCATION, LABOR, AND PENSIONS
ARMED SERVICES
SPECIAL COMMITTEE ON AGING

United States Senate

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SPRINGFIELD, MA 01103
P: 413–788–2690

www.warren.senate.gov

January 21, 2019

The Honorable Mick Mulvaney
Director
Office of Management and Budget
725 17th St. NW
Washington, DC 20503

The Honorable Ben Carson
Secretary
U.S. Department of Housing and Urban Development
451 7th Street SW
Washington, DC 20410

Dear Director Mulvaney and Secretary Carson:

I write to inquire about two disturbing recent reports regarding the Trump Administration's treatment of Puerto Rico as the island struggles to recover from Hurricane Maria. These reports indicate that (1) in September 2018, President Trump instructed his Administration to cut off all disaster-recovery funds to Puerto Rico, and (2) that the Trump Administration is using the shutdown as an excuse to stall the disbursement of housing funds for Puerto Rico.

According to a Washington Post report from last week, President Trump, "after hearing, erroneously, that Puerto Rico was using the emergency money to pay off its debt,"[1] personally sought to cut off all emergency funds for the island. The report indicated that President Trump told then-White House Chief of Staff John F. Kelly and then-Office of Management and Budget (OMB) Director Mick Mulvaney "that he did not want a single dollar going to Puerto Rico," and that "he wanted more of the money to go to Texas and Florida."[2] Then, in December, former Department of Housing and Urban Development (HUD) Deputy Secretary Pam Patenaude reportedly felt the need to remind White House officials that "the money had been appropriated by Congress and must be sent."[3]

In the wake of these reports, I am particularly concerned about the fact that HUD has halted the disbursement of billions of dollars of housing recovery funds for Puerto Rico

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[1] Washington Post, "After butting heads with Trump administration, top HUD official departs agency," Tracy Jan, Arelis R. Hernández, Josh Dawsey, and Damian Paletta, January 16, 2019, https://www.washingtonpost.com/business/economy/top-hud-officials-departure-follows-disagreements-over-housing-policy-and-puerto-rico-disaster-funds/2019/01/16/e6ba5be4-1839-11e9-9ebf-c5fed1b7a081_story.html.
[2] *Id.*
[3] *Id.*

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and other states and territories affected by recent disasters as a result of the President's ongoing government shutdown.[4] HUD allocated $1.5 billion to Puerto Rico on February 1, 2018, from an appropriation enacted in September 2017,[5] and an additional $18.5 billion[6] in April 2018 from an appropriation enacted on February 9, 2018.[7] This refusal to provide this funding—which will go to "the restoration of damaged and destroyed homes, businesses and infrastructure"[8]—is directly at odds with HUD's own "Contingency Plan for Possible Lapse in Appropriations," which says that HUD will continue to disburse Community Development Block Grants and certain other grants during a shutdown.[9]

Given the President's reported orders to his senior staff to eliminate Puerto Rico's disaster recovery funding, this failure to provide congressionally approved funds[10] raises serious concerns that HUD is using the shutdown as a pretext for withholding funds from Puerto Rico.

In addition, this past week, OMB issued a Statement of Administration Policy opposing as "excessive and unnecessary" a grant of $600 million "for disaster nutrition assistance"[11] included in a House bill[12]—funds which could help 230,000 new program participants.[13] Hurricane Maria left a large majority of the island's population "food insecure" and in need of this nutrition assistance.[14]

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[4] NBC News, "Crucial housing funds for Puerto Rico are stalled due to the government shutdown," Nicole Acevedo, January 16, 2019, https://www.nbcnews.com/news/latino/crucial-housing-funds-puerto-rico-are-stalled-due-government-shutdown-n959446.
[5] U.S. Department of Housing and Urban Development, "HUD Approves $1.5 Billion Disaster Recovery Plan in Puerto Rico," press release, July 30, 2018, https://www.hud.gov/press/press_releases_media_advisories/HUD_No_18_078.
[6] U.S. Department of Housing and Urban Development, "HUD Awards Record $28 Billion to Help Hard-Hit Areas in Nine States, Puerto Rico and U.S. Virgin Islands Recover from Major Disasters," press release, April 10, 2018, https://www.hud.gov/press/press_releases_media_advisories/HUD_No_18_028.
[7] H.R. 1892, Bipartisan Budget Act of 2018, https://www.congress.gov/bill/115th-congress/house-bill/1892.
[8] U.S. Department of Housing and Urban Development, "HUD Approves $1.5 Billion Disaster Recovery Plan in Puerto Rico," press release, July 30, 2018, https://www.hud.gov/press/press_releases_media_advisories/HUD_No_18_078.
[9] See, e.g., U.S. Department of Housing and Urban Development, "HUD Contingency Plan for Possible Lapse in Appropriations 2018," p. 8, https://www.hud.gov/sites/documents/HUDCONTINGENCYPLANFINAL.PDF.
[10] U.S. Department of Housing and Urban Development, Federal Register Notice, "Waiver and Alternative Requirement for Community Development Block Grant-Disaster Recovery (CDBG-DR) Grantees," January 9, 2019, https://www.federalregister.gov/documents/2019/01/09/2019-00050/waiver-and-alternative-requirement-for-community-development-block-grant-disaster-recovery-cdbg-dr.
[11] H.R. 268, Supplemental Appropriations Act, 2019, https://www.congress.gov/bill/116th-congress/house-bill/268/.
[12] Office of Management and Budget, "Statement of Administration Policy: H.R. 268—Supplemental Appropriations Act, 2019," January 16, 2019, https://www.whitehouse.gov/wp-content/uploads/2019/01/saphr268h_20190116.pdf.
[13] Letter from Senator Robert Menendez, et al. to Senate Committee on Appropriations Chairman Richard Shelby, et al., December 3, 2018, https://www.warren.senate.gov/imo/media/doc/PR%20NAP%20Approps%20Letter.pdf.
[14] *Id.*

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These new reports and Administration actions appear to reveal that President Trump either does not care about or does not understand the needs of the Puerto Rican people and the federal laws that govern assistance to the U.S. citizens who live on the island. As Governor Rosselló stated in a video statement to President Trump: "Recent reports all confirm that your administration is working towards eliminating recovery dollars for Puerto Rico based on completely false and inaccurate information."[15]

In light of this deeply worrying news, I ask each of you to provide answers to the following questions no later than February 5, 2019:

1. Did the President at any time order, instruct, or indicate to you or other Administration officials that he wanted to cut off or eliminate disaster relief funds for Puerto Rico? If so:
    a. What instructions or orders did the President give, and to whom? What was the basis for these instructions or orders?
    b. What response did HUD or OMB officials provide to the President?
    c. What action did HUD or OMB officials take in response to these instructions or orders?

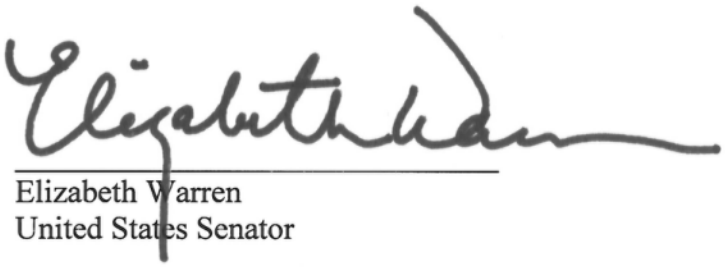
2. What is the Administration policy with regard to Congressionally authorized and appropriated funds for Puerto Rico's recovery? Does the Administration believe that these funds should be provided in full, and as expeditiously as possible?
    a. Why is HUD not disbursing Community Development Block Grants to Puerto Rico when its shutdown contingency plan indicates that such grants should continue to be disbursed?
    b. What is the value of CDBG fund disbursement that is presently being delayed as a result of the shutdown?
    c. In addition to funds for Puerto Rico, what other states or territories have CDBG grants that are being withheld or delayed as a result of the shutdown, and what is the value of the disbursements that are being delayed?
    d. What is the basis for the legal opinion that CDBG funds for Puerto Rico should not be distributed to the island during the shutdown?
    e. Did the HUD Office of Legal Counsel provide an opinion about this policy decision? If so, when did OLC do so, and upon whose instructions? Please provide a copy of the OLC opinion.
    f. Did OMB or any other White House official provide advice or guidance to HUD about this decision? If so, what was the nature of this advice and guidance, and who provided it? When and to whom was this advice or guidance provided?

[15] Governor Ricardo Rosselló, "A message to the President Donald J. Trump," January 17, 2019, https://www.facebook.com/rrossello/videos/a-message-to-the-president-donald-j-trump/324587494819552/.

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3. What is the basis for the Administration to conclude that the $600 million in House-passed nutrition assistance for Puerto Rico is "unnecessary"? Has OMB or have any other Administration officials conducted any analyses of current needs, or changes in need for nutrition assistance post-Maria? If so, what did these analyses find?

Sincerely,



Elizabeth Warren
United States Senator

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-1000

ASSISTANT SECRETARY FOR CONGRESSIONAL
AND INTERGOVERNMENTAL RELATIONS

FEB 05 2019

The Honorable Maxine Waters
Chairwoman
Committee on Financial Services
U.S. House of Representatives
Washington, DC 20515

Dear Madam Chairwoman:

On behalf of Secretary Benjamin S. Carson, Sr., thank you for your letter of January 18, 2019, regarding the Department of Housing and Urban Development's (HUD) administration of rental assistance and homelessness programs during the recent lapse in appropriations. The following information is from HUD's Office of Housing and Office of Community Planning and Development.

During the recent shutdown, HUD continued to make contract payments to private owners participating in its Project-Based Rental Assistance program. The Department also continued to renew expiring Section 8 contracts during the shutdown. In cases where payments could not be made, HUD staff worked with owners to find interim solutions, such as accessing property reserves, in order to ensure that residents were not impacted.

Even while constrained and limited by the shutdown, HUD prioritized renewing expiring contracts. The Department's leadership recognized the vulnerability of those families who, through no fault of their own, may have been at risk because of an expired contract. As a result, and in contrast to the apocalyptic predictions in some media reports, there were zero evictions of residents in any of HUD's rental programs as a result of the shutdown.

HUD also awarded nearly $2 billion to renew Continuum of Care (CoC) grants to more than 5,800 local programs during the shutdown. HUD will announce new CoC grants on February 6, 2019.

I hope this information is helpful.

Sincerely,

Len Wolfson
Assistant Secretary for Congressional
and Intergovernmental Relations

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-1000

ASSISTANT SECRETARY FOR CONGRESSIONAL
AND INTERGOVERNMENTAL RELATIONS

FEB 11 2019

The Honorable Elizabeth Warren
United States Senate
Washington, DC 20510-2105

Dear Senator Warren:

On behalf of Secretary Benjamin S. Carson, Sr. and Director Mick Mulvaney, thank you for your letter of January 21, 2019, regarding the status of the Department of Housing and Urban Development's (HUD) efforts to assist Puerto Rico's long-term recovery from Hurricanes Irma and Maria. Secretary Carson and the entire Department remain committed to working with Puerto Rico to meaningfully aid its long-term recovery, primarily through the largest allocation of Community Development Block Grant-Disaster Recovery (CDBG-DR) funding in the history of the program. The following information is from HUD's Office of Community Planning and Development (CPD).

While the recent lapse in appropriations did impact the pace of the Department's work, HUD continues to assist Puerto Rico with its recovery efforts. First, HUD has provided the Puerto Rico Department of Housing (Vivienda) with access to virtually all of the initial tranche of $1.507 in CDBG-DR funding.[1] Please note that HUD was not able to make these funds available within the Department's Disaster Recovery Grant Reporting (DRGR) system until necessary banking information from Vivienda was linked to the grant funds. The Department received the final piece of banking information from Vivienda on January 10, 2019, and linked the banking information to the $1.507 billion CDBG-DR grant as of January 16, 2019. Vivienda made its first draw of funds on February 8, 2019.

As most HUD staff returned to work on January 28, 2019, and CPD resumed full operations, additional steps were taken to advance Vivienda's CDBG-DR recovery efforts. These steps included:

- Approving minor modifications in Vivienda's CDBG-DR plan as established in DRGR;
- Accepting Vivienda's recent staffing actions as fulfilling grant conditions that were a predicate to accessing the full $1.5 billion;
- Extending on-going technical assistance efforts for additional time periods; and
- Providing responses on a range of policy issues.

Furthermore, while review of pending CDBG-DR action plans was determined not to be an excepted activity during the appropriations lapse, HUD is now moving forward on consideration of those plans and amendments (including Vivienda's amendment for $8.2 billion). Following the timely publication of a *Federal Register* notice in the next several days, the Department intends to review and render decisions on the pending amendments to plans from Puerto Rico, U.S. Virgin

[1] Vivienda may currently access $1.462 billion in funding. Vivienda does not have access to $45 million, because the proposed "mortgage catch-up" activity requires a further statutory waiver.

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HUD-19-0775, 19-0894-F-000009

Islands, Florida, California, Georgia, and Missouri. The list below indicates the amounts associated with the plans and amendments.

Grantee	CDBG-DR Amount in Pending Plan or Amendment
Commonwealth of Puerto Rico	$8,220,783,000
US Virgin Islands	$779,217,000
State of Florida	$157,676,000
State of California	$124,155,000
State of Georgia	$37,943,000
State of Missouri	$58,535,000

With respect to your questions regarding nutrition assistance, this is an issue under the jurisdiction of the U.S. Department of Agriculture (USDA). We would advise you to reach out to USDA for additional information.

I hope this information is helpful. If I can be of further assistance, please let me know.

Sincerely,

Len Wolfson
Assistant Secretary for Congressional
and Intergovernmental Relations

AMERICAN OVERSIGHT

TREY GOWDY, SOUTH CAROLINA
CHAIRMAN

ONE HUNDRED FIFTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

http://oversight.house.gov

September 25, 2017

The Honorable Benjamin S. Carson
Secretary
U.S. Department of Housing and Urban Development
451 7th Street, S.W.
Washington, D.C. 20410

Dear Mr. Secretary:

Congress passed the Federal Records Act of 1950 to provide the framework for records management for federal government agencies. Many emails from federal employees are considered records under the Act and therefore subject to certain recordkeeping requirements. This Committee has legislative jurisdiction over the Federal Records Act, as well as the Presidential Records Act and Freedom of Information Act.[1] As technology has changed and the use of email and other modern forms of electronic communication have become ubiquitous, the Committee has been active in updating portions of these laws. These updates include the Presidential and Federal Records Act Amendments of 2014 and the FOIA Improvement Act of 2016.[2]

As part of our regular oversight duties, the Committee, from time to time, inquires of the Executive Branch departments and agencies about their compliance with these federal laws.[3] With numerous public revelations of senior executive branch employees deliberately trying to circumvent these laws by using personal, private, or alias e-mail addresses to conduct official government business, the Committee has aimed to use its oversight and investigative resources to prevent and deter misuse of private forms of written communication.[4] Based on yesterday's *Politico* reporting regarding private email use for official government business by a senior member of the President's staff,[5] today we write towards a similar end.

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[1] U.S. House of Rep's, Rule X(n)(10).
[2] Pub. L. No. 113-187 (2014); Pub. L. No. 114-185 (2016).
[3] *See, e.g.*, Letter from Henry Waxman, Chairman, H. Comm. on Oversight and Gov't Reform, to Michael Astrue, Comm'r, U.S. Soc. Sec. Admn., *et al.* (Apr. 12, 2007).
[4] *See* Letter from Darrell Issa, Chairman, H. Comm. on Oversight and Gov't Reform, to Jeffrey Zients, Acting Dir., Office of Mgmt. & Budget, *et al.* (Dec. 13, 2012); Letter from Jason Chaffetz, Chairman, H. Comm. on Oversight and Gov't Reform, to Kathleen McGettigan, Acting Dir., Office of Personnel Mgmt., *et al.* (Mar. 8, 2017).
[5] Josh Dawsey, *Kushner used private email to conduct White House business*, POLITICO (Sept. 24, 2017), *available at* http://www.politico.com/story/2017/09/24/jared-kushner-private-email-white-house-243071.

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As a follow-up to the Committee's request to your agency on March 8, 2017, please provide the following documents and information by October 9, 2017:

1. Have you or any non-career official at your agency ever used a personal email account to conduct official business? If so, please identify the individual and the account used, and provide evidence of measures to ensure compliance with federal law.

2. Have you or any non-career official at your agency ever used an alias email account to conduct official business? If so, please identify the individual and the account used, and provide evidence of measures to ensure compliance with federal law.

3. Have you or any non-career official at your agency ever used text messages, phone-based message applications, or encryption software to conduct official business? If so, please identify the individual, cellular number and account used, and provide evidence of measures to ensure compliance with federal law.

4. Please identify any changes to the agency's policies or directives for any of the following areas since January 1, 2017:

    a. Policies referring or relating to the use of non-official electronic messaging accounts, including email, text message, messaging applications, and social media platforms to conduct official business, including but not limited to archiving and recordkeeping procedures;

    b. Policies referring or relating to the use of official text message or other messaging or communications applications, and social media platforms to conduct official business, including but not limited to archiving and recordkeeping procedures; and

    c. Policies and procedures to ensure all communications related to the creation or transmission of federal records on official electronic messaging accounts other than email, including social networking platforms, internal agency instant messaging systems and other communications applications, are properly captured and preserved as federal records.

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An attachment to this letter provides additional instructions about responding to this request. Thank you in advance for responding fully and in a timely manner. If you have any questions about this request, please contact Drew Baney of the Majority staff on the Committee at (202) 225-5074 and Krista Boyd of the Minority staff on the Committee (202) 225-9493.

Sincerely,

Trey Gowdy

Elijah E. Cummings

Enclosures

AMERICAN OVERSIGHT

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.

3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.

4. Documents produced in electronic format should also be organized, identified, and indexed electronically.

5. Electronic document productions should be prepared according to the following standards:

   (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.

   (b) Document numbers in the load file should match document Bates numbers and TIF file names.

   (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

   BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT,CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

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7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.

9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.

11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.

12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (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.

13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.

14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.

15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.

16. 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 subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.

18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

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

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, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, 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), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, 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 document. A draft or non-identical copy is a separate document within the meaning of this term.

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 in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request 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.

4. The terms "person" or "persons" mean 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, or other units thereof.

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5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

AMERICAN OVERSIGHT

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
115TH CONGRESS

NOTICE OF APPEARANCE OF COUNSEL

Counsel submitting: _____

Bar number: _____ **State/District of admission:** _____

Attorney for: _____

Address: _____

Telephone: (_____) _____ - _____

Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for _____ **in (select one):**

- (●) **All matters before the Committee**
- ( ) **The following matters (describe the scope of representation):**

_____

_____

All further notice and copies of papers and other material relevant to this action should be directed to and served upon:

Attorney's name: _____

Attorney's email address: _____

Firm name (where applicable): _____

Complete Mailing Address: _____

_____

I agree to notify the Committee within 1 business day of any change in representation.

_____ _____
Signature of Attorney **Date**

AMERICAN OVERSIGHT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-3000

OFFICE OF ADMINISTRATION

The Honorable Elijah Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515-6143

Dear Ranking Member Cummings:

On behalf of Secretary Benjamin S. Carson, thank you for your letter requesting information about the Department of Housing and Urban Development's policies and procedures on federal recordkeeping and transparency law compliance.

(b)(5) Deliberative Privilege

AMERICAN OVERSIGHT

(b)(5) Deliberative Privilege

Sincerely,

Marcus R. Smallwood
Departmental Records Officer

AMERICAN OVERSIGHT

Sent: 3 May 2019 20:35:32 +0000
To: McGaughey, Tyler T. EOP/WHO
Subject: Draft Response
Attachments: Draft Response to Sen. Peters 031919.docx, 7- Sen. Peters Political Shutdown Travel ltr 2.28.19.pdf

Tyler – Please find attached HUD's draft response

Ashley Ludlow
Senior Counsel
Office of General Counsel
U.S. Department of Housing and Urban Development
T: (202) 402-5963 | C: (b)(6)

The information in this communication may be confidential and privileged, is intended only for the use of the recipient(s) named above, and may be subject to additional legal non-disclosure requirements. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please re-send it to the sender and delete the original message and any copy of it from your computer system.

AMERICAN OVERSIGHT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-1000

ASSISTANT SECRETARY FOR CONGRESSIONAL
AND INTERGOVERNMENTAL RELATIONS

The Honorable Gary C. Peters
Ranking Member
Committee on Homeland Security and
Governmental Affairs
United States Senate
724 Hart Senate Office Bldg.
Washington, D.C. 20510

Dear Ranking Member Peters:

I am in receipt of your letter dated February 28, 2019, in which you requested "information regarding official travel by senior federal officials…at your agency during the partial shutdown of the federal government." The following are responses to your questions:

1. Did your agency issue any guidance pertaining to travel during the shutdown? If so, please provide this guidance. Please also indicate how this guidance pertained to travel by senior federal officials and how the shutdown impacted procedures and personnel responsibilities regarding travel by senior federal officials.

Response:

(b)(5) Deliberative Privilege

AMERICAN OVERSIGHT

2. Please outline the process by which travel was approved, disapproved, or cancelled and the officials responsible for making decisions regarding the need to travel during this period.

Response: (b)(5) Deliberative Privilege
(b)(5) Deliberative Privilege

3. Please provide the number of trips senior officials took (including by air, rail, or rental vehicle), the cost of each trip, and why the trip was necessary. Please also include any travel by agency employees traveling in support of the senior federal official.

Response: (b)(5) Deliberative Privilege

a. Of trips by senior federal officials, how many took place on commercial flights and, of these, how many involved premium-class travel (e.g. first-class or business-class)? How many took place aboard government aircraft, as defined in the FTR?

Response: (b)(5) Deliberative Privilege
(b)(5) Deliberative Privilege

b. For each trip by a senior federal official or employee acting in support of the official, please provide the purpose, itinerary, mode and class of travel, whether travel was on a government or commercial vehicle, and an accounting of all expenses incurred.

Response: (b)(5) Deliberative Privilege
(b)(5) Deliberative Privilege

c. Please include comprehensive records for each trip by a senior federal official or employee acting in support of the official, including, but not limited to, travel vouchers without redactions, cost estimates for travel aboard government aircraft, memorandums related to premium-class or government aircraft travel, and any other documents related to costs not captured by these documents.

Response: (b)(5) Deliberative Privilege
(b)(5) Deliberative Privilege

4. How many pre-scheduled trips involving senior federal officials or employees acting in support of the official were canceled during the partial government shutdown? Please provide the total cost of each such trip, including any reimbursement or cancellation charges, as well as a comparison to the estimated cost had these trips not been canceled.

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Response: (b)(5) Deliberative Privilege
(b)(5) Deliberative Privilege

5. It was reported that the Administration canceled a planned trip by the President and other senior federal officials to the World Economic Forum in Davos, Switzerland. For all agency employees, please provide records and costs for any completed or canceled travel pertaining to this trip, including any travel undertaken in preparation for the Forum.

Response: (b)(5) Deliberative Privilege
(b)(5) Deliberative Privilege

Thank you for your interest in HUD's actions during the shutdown. If you have any questions do not hesitate to contact me at (202) 708-0005.

Sincerely,

Len Wolfson
Assistant Secretary for Congressional
and Intergovernmental Relations

AMERICAN OVERSIGHT

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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510–6250

February 28, 2019

The Honorable Benjamin S. Carson
Secretary
U.S. Department of Housing and Urban Development
451 7th Street SW
Washington, DC 20410

Dear Secretary Carson:

In the wake of a government shutdown that disrupted travel for so many Americans, I am writing to learn the cost to taxpayers of travel taken by senior federal officials during the partial government shutdown.

Over the first two years of the Trump Administration, numerous high-level officials have been embroiled in scandals involving extravagant and often unnecessary travel. As a result of Congressional inquiries, persistent media attention, and watchdog reports that identified hundreds of thousands of dollars in wasteful spending,[1] at least four Cabinet-level officials have resigned in part due to their lavish travel spending.[2] While I am hopeful that the Administration has taken steps to control travel costs, I remain concerned that a culture of wasteful spending persists.

On January 25, 2019, the longest government shutdown in the history of the United States finally ended after nearly 35 days. During this time, taxpayers across the nation were forced to adjust their own travel plans due to delays at major airports, a direct result of the shutdown.[3] Ultimately, the shutdown is expected to cost the U.S. economy $11 billion.[4] Although senior federal officials adjusted some travel plans during the shutdown,[5] new trips were also scheduled—for instance, a trip to Camp David for senior White House staff.[6] The full scope of travel at taxpayer expense during the shutdown remains unclear.

As public officials, it is critical that we act as responsible stewards of taxpayer dollars, particularly when government employees and other taxpayers suffered as a direct result of a

---

[1] Department of Health and Human Services Office of Inspector General, *The Office of the Secretary of Health and Human Services Did Not Comply with Federal Regulations for Chartered Aircraft and Other Government Travel Related to Former Secretary Price* (A-12-17-00002) (July 2018) (https://oig.hhs.gov/oas/reports/region12/A121700002.pdf).
[2] *Interior Secretary Zinke resigns amid investigations*, The Washington Post (Dec. 15, 2018) (https://www.washingtonpost.com/national/health-science/interior-secretary-zinke-resigns-amid-investigations/2018/12/15/481f9104-0077-11e9-ad40-cdfd0e0dd65a_story.html).
[3] *Flights delayed at 4 major airports due to 'staffing' issues as government shutdown ends*, USA Today (Jan. 25, 2019) (https://www.usatoday.com/story/travel/flights/todayinthesky/2019/01/25/government-shutdown-flight-delays-3-airports-due-staffing-new-york-new-jersey-philadelphia/2676807002/).
[4] Congressional Budget Office, *The Effects of the Partial Shutdown Ending in January 2019* (Jan. 28, 2019) (https://www.cbo.gov/publication/54937).
[5] *White House delegation cancels Davos Trip*, CNN (Jan. 17, 2019) (https://www.cnn.com/2019/01/17/politics/white-house-davos-cancel/index.html).
[6] *President Trump heads to Camp David as shutdown enters third week*, The Denver Post (Jan 6, 2019) (https://www.denverpost.com/2019/01/06/trump-shutdown-camp-david/).

AMERICAN OVERSIGHT

government shutdown. Given this Administration's record of wasteful travel spending, I am concerned about the extent of travel at taxpayer expense during the government shutdown, and whether funds were being used appropriately. To this end, I am requesting the following information regarding official travel by senior federal officials, as defined in the Federal Travel Regulation (FTR),[7] at your agency during the partial shutdown of the federal government:

1. Did your agency issue any guidance pertaining to travel during the shutdown? If so, please provide this guidance. Please also indicate how this guidance pertained to travel by senior federal officials and how the shutdown impacted procedures and personnel responsibilities regarding travel by senior federal officials.

2. Please outline the process by which travel was approved, disapproved, or cancelled and the officials responsible for making decisions regarding the need to travel during this period.

3. Please provide the number of trips senior officials took (including by air, rail, or rental vehicle), the cost of each trip, and why the trip was necessary. Please also include any travel by agency employees traveling in support of the senior federal official.
    a. Of trips by senior federal officials, how many took place on commercial flights and, of these, how many involved premium-class travel (e.g. first-class or business-class)? How many took place aboard government aircraft, as defined in the FTR?[8]
    b. For each trip by a senior federal official or employee acting in support of the official, please provide the purpose, itinerary, mode and class of travel, whether travel was on a government or commercial vehicle, and an accounting of all expenses incurred.
    c. Please include comprehensive records for each trip by a senior federal official or employee acting in support of the official, including, but not limited to, travel vouchers without redactions, cost estimates for travel aboard government aircraft, memorandums related to premium-class or government aircraft travel, and any other documents related to costs not captured by these documents.

4. How many pre-scheduled trips involving senior federal officials or employees acting in support of the official were canceled during the partial government shutdown? Please provide the total cost of each such trip, including any reimbursement or cancellation charges, as well as a comparison to the estimated cost had these trips not been canceled.

5. It was reported that the Administration canceled a planned trip by the President and other senior federal officials to the World Economic Forum in Davos, Switzerland.[9] For all agency employees, please provide records and costs for any completed or canceled travel pertaining to this trip, including any travel undertaken in preparation for the Forum.

---

[7] FTR §300-3.1.
[8] Id.
[9] CNN, *supra* note 5.

AMERICAN OVERSIGHT

I request that you respond to the above questions on or before March 20, 2019. Please have your staff contact Yelena Tsilker of the Minority staff of the Homeland Security and Governmental Affairs Committee at Yelena_Tsilker@hsgac.senate.gov or 202-224-8707 with any questions and with any official correspondence related to this request.

Sincerely,

Gary C. Peters
Ranking Member
Committee on Homeland Security and
Governmental Affairs

AMERICAN OVERSIGHT

From: Ludlow, Ashley
Sent: 24 Jun 2019 15:45:42 +0000
To: McGaughey, Tyler T. EOP/WHO
Subject:
Attachments: 2019.06.21 Letter to HUD on Blankenstein.pdf



Ashley Ludlow
Senior Counsel
Office of General Counsel
U.S. Department of Housing and Urban Development
T: (202) 402-5963 | C: (b)(6)

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ELIZABETH WARREN
MASSACHUSETTS

COMMITTEES:
BANKING, HOUSING, AND URBAN AFFAIRS
HEALTH, EDUCATION, LABOR, AND PENSIONS
ARMED SERVICES
SPECIAL COMMITTEE ON AGING

United States Senate

UNITED STATES SENATE
WASHINGTON, DC 20510-2105
P: 202-224-4543

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P: 413-788-2690

www.warren.senate.gov

June 21, 2019

The Honorable Ben Carson
Secretary
U.S. Department of Housing and Urban Development
451 7th Street, SW
Washington, DC 20410

Dear Secretary Carson:

I am writing to express my dismay over recent reports that you have hired Eric Blankenstein for a high ranking position at the United States Department of Housing and Urban Development (HUD). Last fall, *The Washington Post* revealed that Mr. Blankenstein, who then served as a high ranking political appointee at the Consumer Financial Protection Bureau (CFPB), had a history of racist writings.[1] I am gravely concerned that Mr. Blankenstein has been hired as a Special Counsel in HUD's Office of General Counsel because his troubling views suggest that he will be unable to fulfill core parts of HUD's mission, including fighting housing discrimination and closing the homeownership gap between white borrowers and borrowers of color.

In 2018, while Mr. Blankenstein was serving as the Policy Associate Director in charge of the division at the CFPB that is responsible for enforcing the country's fair lending laws, reports revealed that Mr. Blankenstein had previously written a blog expressing overtly racist views.[2] Specifically, among other troubling statements, Mr. Blankenstein used a series of racial slurs, described efforts by the University of Virginia to impose harsher penalties for acts of racial intolerance as "racial idiocy" and described the majority of hate-crimes as "hoaxes."[3] Once reports of his racist statements emerged, his colleagues spoke out, often at great risk to their careers. Patrice Ficklin, the senior career official responsible for the Bureau's Fair Lending Office wrote, "[t]he tone and framing [of the blog posts] are deeply disturbing to me as a woman, African American, advocate for LGBTQ rights, and human being,"[4] and suggested that Mr. Blankenstein's views had implications for his decision-making at the agency. Anthony Reardon,

---

[1] The Washington Post, "Trump Anti-Discrimination Official Once Called Most Hate Crimes Hoaxes," Robert O'Harrow Jr., Shawn Boburg, and Renae Merle, September 26, 2018, https://www.washingtonpost.com/investigations/trump-anti-discrimination-official-once-called-most-hate-crimes-hoaxes/2018/09/26/05438bbe-c0fe-11e8-92f2-ac26fda68341_story.html?utm_term=.b5beb0356761.

[2] Id.

[3] Two Guys Chatting, "Hate Crimes vs. Crimes," EGB3R (pseudonym for Eric Blankenstein), September 30, 2004, http://twoguyschatting.blogspot.com/2004/09/hate-crimes-vs-crimes.html.

[4] The Washington Post, "Trump Anti-Discrimination Official Faces Rebellion At Agency Over Racially Tinged Blog Posts," Robert O'Harrow Jr., Shawn Boburg, and Renae Merle, September 28, 2018, https://www.washingtonpost.com/investigations/trump-anti-discrimination-official-faces-rebellion-at-agency-over-racially-tinged-blog-posts/2018/09/28/ed5b8e6a-c351-11e8-97a5-ab1e46bb3bc7_story.html.

AMERICAN OVERSIGHT

National President of the National Treasury Employees Union, which represents CFPB employees, issued a rare statement saying, "[t]hat someone with a history of racially derogatory and offensive comments has a leadership position at CFPB reflects poorly on CFPB management and your commitment to fulfilling the mandate of the agency to ensure that discriminatory and predatory lending practices are stopped.[5]" I called for Mr. Blankenstein to be fired and just last month Mr. Blankenstein resigned and left the CFPB.[6]

According to reports, HUD recently hired Mr. Blankenstein as a senior counsel in the General Counsel's office. Just as Mr. Blankenstein's racist views disqualified him from overseeing the enforcement of lending discrimination law at the CFPB, his views also disqualify him from working at HUD – an agency with a mission that includes, "build[ing] inclusive and sustainable communities free from discrimination."[7]. HUD is supposed to achieve this goal in a number of ways, including by enforcing the Fair Housing Act, by distributing government housing and infrastructure funds, and by promoting sustainable homeownership, especially for first time underserved homebuyers.

Mr. Blankenstein's role at HUD will apparently focus on Ginnie Mae, which "work[s] to make affordable housing a reality for millions of Americans" by delivering mortgage securitization programs and financing government loans.[8] One example of the loans that Ginnie Mae securitizes are Federal Housing Act (FHA) loans, which allow lenders to offer borrowers more favorable housing loan terms by insuring the loans of those lenders.[9] The gap between the white and black homeownership rate is larger today than it was when housing discrimination was legal and the FHA can and should play a role in reversing that trend.[10] The FHA plays an outsized role in facilitating homeownership in communities of color. According to the Center for Responsible Lending, the FHA makes almost half of the purchase money mortgages to Black and Latino borrowers, largely because these borrowers lack access to conventional mortgages.[11] Ginnie Mae's guarantee of these mortgages lowers the cost of FHA mortgage financing, making homeownership accessible to these communities who have far less wealth largely because of past discrimination. Changes in policy or legal interpretation however could rip away mortgage credit from these already underserved communities. It is simply impossible to believe that Mr. Blankenstein, with his history of racist writings, can fairly and equitably address these and other Ginnie Mae matters under his purview.

---

[5] The National Treasury Employees Union, "NTEU Says CFPB Official Unfit for Leadership Post," press release, October 2, 2018, https://www.nteu.org/media-center/news-releases/2018/10/02/cfpb-letter.

[6] The Washington Post, "Trump Appointee, Whose Past Blogs on Race Sparked Backlash, Resigns," Renae Merle, May 15, 2019, https://www.washingtonpost.com/business/2019/05/15/trump-appointee-whose-past-blogs-race-sparked-backlash-resigns/?utm_term=.a755a083d18b.

[7] U.S. Department of Housing and Urban Development, "Mission," https://www.hud.gov/about/mission.

[8] Ginnie Mae, "Our Mission," https://www.ginniemae.gov/about_us/who_we_are/Pages/our_mission.aspx.

[9] U.S. Department of Housing and Urban Development, "Let FHA Loans Help You," https://www.hud.gov/buying/loans.

[10] U.S. Department of Commerce, United States Census Bureau, "Quarterly Residential Vacancies and Homeownership, First Quarter 2019," April 25, 2019, https://www.census.gov/housing/hvs/files/currenthvspress.pdf.

[11] Center for Responsible Learning, "Repairing a Two-Tiered System: The Crucial but Complex Role of FHA," May 2, 2019, https://www.responsiblelending.org/research-publication/repairing-two-tiered-system-crucial-complex-role-fha.

AMERICAN OVERSIGHT

Further, Mr. Blankenstein's actions at the CFPB related to the Military Lending Act (MLA) should similarly disqualify him from his new position because Ginnie Mae also guarantees VA mortgages. Under Mr. Blankenstein's leadership, the CFPB adopted a controversial legal interpretation prohibiting CFPB bank examiners from ensuring that banks were complying with the Military Lending Act, a reversal from the CFPB's prior interpretation which had never been challenged in court.[12] The Department of Defense was not consulted before the change was made and one senior official reacted to the news saying, "[t]he Department believes that the full spectrum of tools, including supervisory examinations, contribute to effective industry education about, and compliance with, the MLA."[13] A group of bipartisan state attorney's general wrote to the CFPB that they "believe that the CFPB would be failing to abide by its statutorily mandated duty to enforce the MLA by restrictively interpreting its examination authority to preclude reviewing lenders' compliance with the MLA."[14] That Mr. Blankenstein adopted a tortured interpretation of the statute that overturned longstanding practice and had the effect of making service members vulnerable to predatory lenders suggests that he is uniquely unfit for this position.

Our country is currently in the midst of a housing crisis that disproportionately affects people of color. It is imperative that HUD recognizes the importance of addressing this crisis not just in the policies it pursues but also in the people it hires. Mr. Blankenstein's racist writings disqualify him from working at HUD and I ask that you reconsider your decision to offer him a position in your department.

In addition, to address my concerns about the hiring of Mr. Blankenstein, I ask that you provide answers to the following questions no later than July 5, 2019:

1.) How was Mr. Blankenstein selected for this senior counsel role? Please describe the process by which he was selected, either through political appointment, a competitive hiring process, or another means.

2.) What hiring practices, guidelines, and/or procedures are in place at HUD? Were those practices, guidelines and/or procedures followed when searching and selecting for candidates to fill this position?

3.) Were any other individuals evaluated for this role?

4.) Please describe in detail your method(s) for identifying potential candidates to undergo this selection process. Please include any information related to background checks performed by HUD for potential candidates.

---

[12] American Banker, "Pentagon, Others Baffled by CFPB Plan to Cease Military Lending Exams," Kate Berry, October 11, 2018, https://www.americanbanker.com/news/pentagon-others-baffled-by-cfpb-plan-to-cease-military-lending-exams.

[13] Id.

[14] Letter from State Attorney's General to the Acting Director of the Consumer Financial Protection Bureau, October 23, 2018, https://ag.ny.gov/sites/default/files/mla_letter_to_cfpb.pdf.

AMERICAN OVERSIGHT

5.) Please describe your process for vetting individuals for senior counsel roles at HUD and provide all documents related to the conducting of background checks or other due diligence. Please include whether such background checks entail investigations into statements made on social media, websites, or other public forums.

6.) Did any Administration official, in CFPB, the White House, or elsewhere, recommended Mr. Blankenstein for this job?

7.) Please provide a description of his position, including his duties and a list of people he supervised and their duties.

Sincerely,

Elizabeth Warren
United States Senator

AMERICAN OVERSIGHT

Sent: 22 Feb 2019 21:45:58 +0000
To: McGaughey, Tyler T. EOP/WHO
Subject:
Attachments: 1- Rep. Cummings FRA Request 1.19.18.pdf, 2- Sen. Brown HUD Shutdown ltr 1.17.19.pdf, 3- Rep. Waters Shutdown ltr 1.18.19.pdf, 4- Sen. Warren PR Funding ltr 1.21.19.pdf, 3R- Rep. Waters Shutdown Response ltr 2.5.19.pdf, 4R- Sen. Warren PR Funding Response ltr 2.11.19.pdf, 1.5 - Rep. Cummings Original FRA Request 9.25.17.pdf, 1.5R- Rep. Cummings FRA Response 10.10.17.pdf

Tyler,

We have received the following four oversight letters, attached:

1. Ranking Member Elijah Cummings, OGR (Dec. 19, 2018)
2. Ranking Member Sherrod Brown, Senate Banking (Jan. 17, 2019)
3. Chairwoman Maxine Waters, HFSC (Jan. 18, 2019)
4. Sen. Elizabeth Warren (Jan. 21, 2019)

We have responded to the Waters and Warren letters (responses attached).

The Cummings' letter references a September 25, 2017 letter, which was responded to on October 10, 2017 (both attached).

Best,
Ashley

Ashley Ludlow
Senior Counsel
Office of General Counsel
U.S. Department of Housing and Urban Development
T: (202) 402-5963 | C: (b)(6)

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AMERICAN OVERSIGHT

TREY GOWDY, SOUTH CAROLINA
CHAIRMAN

ONE HUNDRED FIFTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051

http://oversight.house.gov

December 19, 2018

The Honorable Benjamin S. Carson, M.D.
Secretary
U.S. Department of Housing and Urban Development
451 7th Street, S.W.
Washington, D.C. 20410

Dear Mr. Secretary:

As you know, Democrats will be in the majority in the House of Representatives beginning in January, and I have been chosen as the incoming Chairman of the Committee on Oversight and Government Reform. I am writing to request that you fully comply with the Committee's previous bipartisan request for documents regarding the agency's compliance with the Federal Records Act, as set forth in the letter on September 25, 2017.[1] I intend to continue this investigation in the next Congress.

Please refer to the instructions included with the September 25, 2017, letter on how to respond to this document request. As specified therein, upon completion of the document production, please submit a written certification that a diligent search has been completed and all responsive documents have been produced to the Committee.

Please provide all responsive documents and the certification by January 11, 2019. If you have any questions about this request, please contact my staff at (202) 225-5051.

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[1] Letter from Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Secretary Benjamin Carson, M.D., Department of Housing and Urban Development (Sept. 25, 2017) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-09-25.Gowdy%20EEC%20to%20Carson-HUD%20re%20Federal%20Records%20Act%20due%2010-9.pdf).

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Thank you for your prompt attention to this request.

Sincerely,

Elijah E. Cummings
Ranking Member

cc: The Honorable Trey Gowdy, Chairman

AMERICAN OVERSIGHT

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
WASHINGTON, DC 20515–6143

OFFICIAL BUSINESS

Trey Gowdy

M.C.

The Hon. Benjamin S. Carson, M.D.
Secretary, Dept. of Housing & Urban Development
451 7th Street, S.W.
Washington, D.C. 20410

2019 JAN -2 P 12:41

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HUD-19-0775, 19-0894-F-000036

MIKE CRAPO, IDAHO, CHAIRMAN

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United States Senate
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS
WASHINGTON, DC 20510–6075

January 17, 2019

The Honorable Benjamin S. Carson
Secretary
U.S. Department of Housing and
Urban Development
451 7th Street, SW
Washington, D.C. 20410

Dear Secretary Carson:

I am writing to bring to your attention numerous issues raised by President Trump's shutdown of the Department of Housing and Urban Development's (HUD's) programs, particularly those assisting the lowest-income families, seniors, and people with disabilities.

HUD plays a critical role in the lives of our families and communities across the country. From helping homeowners and rental housing owners access credit, to assisting over 4 million families and seniors find affordable housing, to combatting homelessness and helping local governments fund community-, economic-, and affordable housing development initiatives, the work of HUD and its employees is important to all Americans. Not only is the shutdown actively impeding HUD's mission, but it is actually increasing housing insecurity among federal employees, contractors, and grantees, many of whom will not be reimbursed for lost work. The effects of this shutdown on HUD's programs ripple into the economy far beyond Washington, D.C., to thousands of local agencies, property owners, service contractors, and small businesses that support them.

The Trump shutdown is now the longest in the nation's history. Its effects are already being felt in the following ways:

- **Project-Based Rental Assistance for Thousands Expiring**: We have learned that 1,150 contracts for Project-Based Rental Assistance (PBRA) covering more than 40,000 units of affordable housing have expired since the shutdown began. Another 550 contracts will expire in February if the shutdown is not ended. Owners are being asked to use their building repair reserves to cover daily expenses until the shutdown ends. This is not a viable option for all owners, and is not sustainable for long. Failure to renew and fund assistance contracts puts both buildings and residents – the majority of whom are elderly or people with disabilities - at risk.

AMERICAN OVERSIGHT

- **Elderly Services Threatened**: HUD funding contracts for Service Coordinators, who connect elderly residents with benefits and community services to help them age in place, expired January 1st. Adding insult to injury, the furlough of HUD staff has prevented property managers from accessing authorized funds to reimburse them for their service coordinators' work in December. If the shutdown continues, housing providers may have to lay off these valuable support staff just as elderly residents need additional help navigating the impact of the shutdown on other services.

- **Housing Safety Inspections Suspended:** HUD has discontinued safety inspections of public and HUD-assisted housing during the shutdown, putting residents and HUD-funded properties at risk of unsafe and deteriorating conditions.

- **Federal Housing Administration (FHA) Multifamily and Healthcare Guaranteed Loans Frozen:** The shutdown has frozen nearly all of FHA's multifamily and healthcare facility guaranteed loan processing, indefinitely delaying billions in pending loans for the duration of the shutdown. If the shutdown is not ended quickly, these delays will add additional costs to loans, cause some to collapse, imperil Low Income Housing Tax Credits pledged to projects, and delay the creation and preservation of much-needed affordable rental housing.

- **Previous Funding for Homeless Assistance, Other Grants Delayed:** The furlough of over 7,000 HUD staff is likely to prevent grantees from accessing previously-appropriated funds. For example, the shutdown may delay distribution of FY 2018 Homeless Assistance Grants to communities and local homeless service organizations. Although the funds are available and ready to be distributed, HUD does not currently have staff available to get the funds out during the shutdown. Most of these grants renew existing programs currently serving homeless families, veterans, and people with disabilities. If these grants are not renewed in a timely way, local governments and nonprofit service organizations will not have the resources they need to combat homelessness, which has risen for the past two years in the face of rising rents. As time goes on, more communities and housing providers are likely to be denied access to available funds because HUD staff are not there to resolve problems and process grants.

- **Public Housing and Housing Choice Voucher Funding for Millions at Risk:** HUD will run out of money for both the Public Housing Operating Fund and Section 8 Tenant Based Rental Assistance (Housing Choice Voucher) programs after February. These programs serve over 3.2 million low-income families, the majority of whom are headed by the elderly and persons with disabilities. Public housing operating funds cover daily operating costs like utilities, security, and ongoing maintenance. Local public housing agencies have few resources to absorb these costs and may not be able to pay for utilities, contractors, and repairs in aging buildings. Housing Choice Vouchers make up the difference between the cost of modest private-market housing and the amount families can afford to pay. Failure to pay HUD's voucher bills will create hardships for participating landlords and families. Private landlords depend on these HUD voucher payments to pay their own bills, including utilities and mortgages. Failure to pay will also imperil local service providers who have partnered with housing agencies to offer supportive housing and services to vulnerable families, homeless veterans, and youth who have aged out of foster care. In the long run, this shutdown could undermine private

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property owners' belief that the federal government is a trustworthy partner. This will undermine efforts to retain and recruit landlords at a time when tight rental markets are already shutting too many families out, particularly in areas of opportunity. Even before we reach the expiration of these funds, uncertainty will force many local housing agencies to curtail activities such as making repairs or issuing vouchers to families on their waiting lists.

The shutdown will become more devastating if it continues. More contracts will expire, more grants will be suspended, and more multifamily loans will be halted. More home sales will experience delays as a limited number of HUD staff tries to keep up with processing FHA-backed mortgages. The uncertainty created by this situation will create unnecessary costs and halt activities for thousands of HUD's state and local partners, private property owners, and non-profit service organizations.

In addition, the shutdown has resulted in the furlough of thousands of dedicated HUD employees across the country. Those who remain are working hard within the bounds of the law to ameliorate the ill effects of this unnecessary shutdown. All of them have already missed a paycheck, creating hardship for their own families. The President must end this shut down and let HUD's employees get back to the business of strengthening our communities.

Housing is the foundation for our lives, and safe, affordable housing is essential to families' and the nation's well-being. The American people cannot afford a HUD shutdown that lasts "months or even years." We need to enact final HUD FY 2019 appropriations to give housing providers, communities, and families the stability they need to plan for the future.

Low-income Americans and communities served by HUD programs should not be held hostage to President Trump's unrelated shutdown demands. While news reports have detailed the Administration's efforts to accommodate the interests of oil companies and other special interests, I am interested to know what steps HUD is undertaking to mitigate the impact of this unnecessary shutdown on vulnerable Americans. Please provide me with a description of what you are doing within the law to reduce the harm to people who are assisted by HUD's programs. Finally, because the most effective way to prevent further harm from President Trump's HUD shutdown is to end it, I also request that you urge President Trump to end his shutdown immediately.

Sincerely,

Sherrod Brown

Sherrod Brown
Ranking Member

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HUD-19-0775, 19-0894-F-000039

MAXINE WATERS, CA
CHAIRWOMAN

United States House of Representatives
Committee on Financial Services
2129 Rayburn House Office Building
Washington, D.C. 20515

PATRICK MCHENRY, NC
RANKING MEMBER

January 18, 2019

The Honorable Ben Carson
Secretary
U.S. Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410

Secretary Carson:

I am thoroughly disgusted with the Department of Housing and Urban Development's (HUD's) failure to follow its own *Contingency Plan for Possible Lapse in Appropriations*, thereby unnecessarily accelerating some of the most painful impacts of the shutdown on HUD-assisted families as well as homeless assistance providers and private landlords that participate in HUD programs. Specifically, HUD has failed to renew hundreds of project-based rental assistance contracts and does not appear to have any plans to make FY 2018 funding available for HUD's largest homeless assistance grant program despite clear language in the Contingency Plan to the contrary. This is particularly concerning in light of press reports that the White House is making politically motivated decisions to get certain parts of the government moving again.[1] This Administration has chosen to hold our government hostage for the sake of a senseless border wall, but even under these unfortunate circumstances, it remains the duty of the HUD to ensure that essential employees are responding appropriately to emergencies and other urgent conditions as outlined in its Contingency Plan. As Chairwoman of the Committee on Financial Services, I urge you to immediately take steps to bring HUD into compliance with its Contingency Plan.

HUD's Contingency Plan clearly states that project-based rental assistance contracts will continue to receive funding during the shutdown as long as HUD has carryover funding to do so.[2] However, according to press reports, HUD has failed to renew over 1,150 project-based rental assistance contracts that expired in December, which affects properties that are home to tens of thousands of families. Hundreds more project-based rental assistance contracts are expected to expire later this month and will also fail to be renewed if HUD does not address this issue. These are private property owners that have chosen to participate in HUD programs to provide affordable housing, and without a renewal of their contracts, they will have to dip into their reserves to pay for ongoing operating costs for as long as possible in order to avoid displacement of residents. Some of the affected owners are small nonprofits that may have little to no additional resources to tap when reserves are depleted. Further, two-thirds of households that live in project-based rental assistance properties are elderly or have disabilities, and on average have incomes of less than $13,000 per year.[3] If HUD were to follow its Contingency Plan, these property owners and residents would likely not begin to experience such dire consequences until the end of next month. HUD's inability or unwillingness to follow its own Contingency Plan

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[1] Katie Rogers and Alan Rappeport, "White House Redefines Who Is Essential to Get Parts of the Government Moving Again," NY Times, January 16, 2019.

[2] See e.g. FAQs in HUD's Contingency Plan, which state: "Q: *Will HUD make payments under Section 8 contracts, rent supplement, section 236, or PRACS where there is a permanent or indefinite authority or multi-year funding?*
A: For Section 236's, interest reduction payments will continue based and Rent Supplement payments from prior year funding and recaptures will continue. The Department will make payments under Section 8and Project Rental Assistance Contracts where there is a permanent or indefinite authority or multi-year funding, or where there is budget authority available from prior year appropriations or recaptures. *This includes processing Section 8 and PRAC renewals for expiring contracts* and processing amendment funds for non-expiring Section 8 contract renewals." (emphasis added)

[3] Impacts of Government Shutdown on Affordable Housing Programs. January 15, 2019. National Low-Income Housing Coalition, Campaign for Housing and Community Development Funding (CHCDF).

AMERICAN OVERSIGHT

is unnecessarily exacerbating the already painful impacts of this senseless shutdown and punishing low-income families and private property owners.

HUD's Contingency Plan also clearly states that "to ensure the safety of life, HUD homeless assistance grants… will continue to be funded." However, I understand that HUD has no plans to make FY 2018 funding for the Continuum of Care (CoC) program available during the shutdown and recipients are expected to run out of prior year funding as early as this month. Further, organizations that rely on the CoC program to provide housing for victims of domestic violence have reported that some providers are already experiencing a loss of CoC funding due purely to technical issues that are going unaddressed during the shutdown. The CoC program is HUD's largest homeless assistance grant program and recipients of CoC funding are generally nonprofits that provide housing and supportive services for homeless individuals and families, including victims of domestic violence, veterans, and persons with disabilities. HUD's own Contingency Plan acknowledges that continuing this funding is necessary to ensure the safety of human life. It is imperative that HUD immediately take steps to make this funding available to ensure that lives are not lost as a result.

During this time of great uncertainty, it is critical that HUD follow its Contingency Plan. Failure to do so is not only irresponsible, it is literally risking the loss of human lives.

Sincerely,



MAXINE WATERS

AMERICAN OVERSIGHT

ELIZABETH WARREN
MASSACHUSETTS

COMMITTEES:
BANKING, HOUSING, AND URBAN AFFAIRS
HEALTH, EDUCATION, LABOR, AND PENSIONS
ARMED SERVICES
SPECIAL COMMITTEE ON AGING

United States Senate

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SPRINGFIELD, MA 01103
P: 413–788–2690

www.warren.senate.gov

January 21, 2019

The Honorable Mick Mulvaney
Director
Office of Management and Budget
725 17th St. NW
Washington, DC 20503

The Honorable Ben Carson
Secretary
U.S. Department of Housing and Urban Development
451 7th Street SW
Washington, DC 20410

Dear Director Mulvaney and Secretary Carson:

I write to inquire about two disturbing recent reports regarding the Trump Administration's treatment of Puerto Rico as the island struggles to recover from Hurricane Maria. These reports indicate that (1) in September 2018, President Trump instructed his Administration to cut off all disaster-recovery funds to Puerto Rico, and (2) that the Trump Administration is using the shutdown as an excuse to stall the disbursement of housing funds for Puerto Rico.

According to a Washington Post report from last week, President Trump, "after hearing, erroneously, that Puerto Rico was using the emergency money to pay off its debt,"[1] personally sought to cut off all emergency funds for the island. The report indicated that President Trump told then-White House Chief of Staff John F. Kelly and then-Office of Management and Budget (OMB) Director Mick Mulvaney "that he did not want a single dollar going to Puerto Rico," and that "he wanted more of the money to go to Texas and Florida."[2] Then, in December, former Department of Housing and Urban Development (HUD) Deputy Secretary Pam Patenaude reportedly felt the need to remind White House officials that "the money had been appropriated by Congress and must be sent."[3]

In the wake of these reports, I am particularly concerned about the fact that HUD has halted the disbursement of billions of dollars of housing recovery funds for Puerto Rico

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[1] Washington Post, "After butting heads with Trump administration, top HUD official departs agency," Tracy Jan, Arelis R. Hernández, Josh Dawsey, and Damian Paletta, January 16, 2019, https://www.washingtonpost.com/business/economy/top-hud-officials-departure-follows-disagreements-over-housing-policy-and-puerto-rico-disaster-funds/2019/01/16/e6ba5be4-1839-11e9-9ebf-c5fed1b7a081_story.html.
[2] *Id.*
[3] *Id.*

AMERICAN OVERSIGHT

and other states and territories affected by recent disasters as a result of the President's ongoing government shutdown.[4] HUD allocated $1.5 billion to Puerto Rico on February 1, 2018, from an appropriation enacted in September 2017,[5] and an additional $18.5 billion[6] in April 2018 from an appropriation enacted on February 9, 2018.[7] This refusal to provide this funding—which will go to "the restoration of damaged and destroyed homes, businesses and infrastructure"[8]—is directly at odds with HUD's own "Contingency Plan for Possible Lapse in Appropriations," which says that HUD will continue to disburse Community Development Block Grants and certain other grants during a shutdown.[9]

Given the President's reported orders to his senior staff to eliminate Puerto Rico's disaster recovery funding, this failure to provide congressionally approved funds[10] raises serious concerns that HUD is using the shutdown as a pretext for withholding funds from Puerto Rico.

In addition, this past week, OMB issued a Statement of Administration Policy opposing as "excessive and unnecessary" a grant of $600 million "for disaster nutrition assistance"[11] included in a House bill[12]—funds which could help 230,000 new program participants.[13] Hurricane Maria left a large majority of the island's population "food insecure" and in need of this nutrition assistance.[14]

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[4] NBC News, "Crucial housing funds for Puerto Rico are stalled due to the government shutdown," Nicole Acevedo, January 16, 2019, https://www.nbcnews.com/news/latino/crucial-housing-funds-puerto-rico-are-stalled-due-government-shutdown-n959446.
[5] U.S. Department of Housing and Urban Development, "HUD Approves $1.5 Billion Disaster Recovery Plan in Puerto Rico," press release, July 30, 2018, https://www.hud.gov/press/press_releases_media_advisories/HUD_No_18_078.
[6] U.S. Department of Housing and Urban Development, "HUD Awards Record $28 Billion to Help Hard-Hit Areas in Nine States, Puerto Rico and U.S. Virgin Islands Recover from Major Disasters," press release, April 10, 2018, https://www.hud.gov/press/press_releases_media_advisories/HUD_No_18_028.
[7] H.R. 1892, Bipartisan Budget Act of 2018, https://www.congress.gov/bill/115th-congress/house-bill/1892.
[8] U.S. Department of Housing and Urban Development, "HUD Approves $1.5 Billion Disaster Recovery Plan in Puerto Rico," press release, July 30, 2018, https://www.hud.gov/press/press_releases_media_advisories/HUD_No_18_078.
[9] See, e.g., U.S. Department of Housing and Urban Development, "HUD Contingency Plan for Possible Lapse in Appropriations 2018," p. 8, https://www.hud.gov/sites/documents/HUDCONTINGENCYPLANFINAL.PDF.
[10] U.S. Department of Housing and Urban Development, Federal Register Notice, "Waiver and Alternative Requirement for Community Development Block Grant-Disaster Recovery (CDBG-DR) Grantees," January 9, 2019, https://www.federalregister.gov/documents/2019/01/09/2019-00050/waiver-and-alternative-requirement-for-community-development-block-grant-disaster-recovery-cdbg-dr.
[11] H.R. 268, Supplemental Appropriations Act, 2019, https://www.congress.gov/bill/116th-congress/house-bill/268/.
[12] Office of Management and Budget, "Statement of Administration Policy: H.R. 268—Supplemental Appropriations Act, 2019," January 16, 2019, https://www.whitehouse.gov/wp-content/uploads/2019/01/saphr268h_20190116.pdf.
[13] Letter from Senator Robert Menendez, et al. to Senate Committee on Appropriations Chairman Richard Shelby, et al., December 3, 2018, https://www.warren.senate.gov/imo/media/doc/PR%20NAP%20Approps%20Letter.pdf.
[14] *Id.*

AMERICAN OVERSIGHT

These new reports and Administration actions appear to reveal that President Trump either does not care about or does not understand the needs of the Puerto Rican people and the federal laws that govern assistance to the U.S. citizens who live on the island. As Governor Rosselló stated in a video statement to President Trump: "Recent reports all confirm that your administration is working towards eliminating recovery dollars for Puerto Rico based on completely false and inaccurate information."[15]

In light of this deeply worrying news, I ask each of you to provide answers to the following questions no later than February 5, 2019:

1. Did the President at any time order, instruct, or indicate to you or other Administration officials that he wanted to cut off or eliminate disaster relief funds for Puerto Rico? If so:
    a. What instructions or orders did the President give, and to whom? What was the basis for these instructions or orders?
    b. What response did HUD or OMB officials provide to the President?
    c. What action did HUD or OMB officials take in response to these instructions or orders?

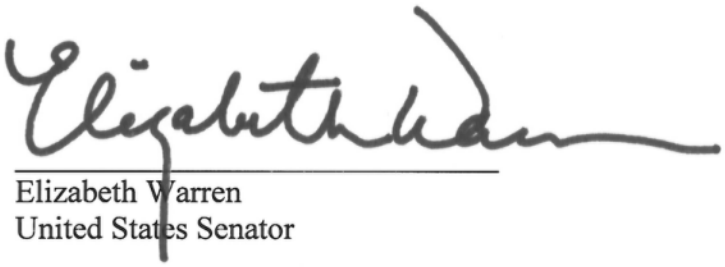
2. What is the Administration policy with regard to Congressionally authorized and appropriated funds for Puerto Rico's recovery? Does the Administration believe that these funds should be provided in full, and as expeditiously as possible?
    a. Why is HUD not disbursing Community Development Block Grants to Puerto Rico when its shutdown contingency plan indicates that such grants should continue to be disbursed?
    b. What is the value of CDBG fund disbursement that is presently being delayed as a result of the shutdown?
    c. In addition to funds for Puerto Rico, what other states or territories have CDBG grants that are being withheld or delayed as a result of the shutdown, and what is the value of the disbursements that are being delayed?
    d. What is the basis for the legal opinion that CDBG funds for Puerto Rico should not be distributed to the island during the shutdown?
    e. Did the HUD Office of Legal Counsel provide an opinion about this policy decision? If so, when did OLC do so, and upon whose instructions? Please provide a copy of the OLC opinion.
    f. Did OMB or any other White House official provide advice or guidance to HUD about this decision? If so, what was the nature of this advice and guidance, and who provided it? When and to whom was this advice or guidance provided?

[15] Governor Ricardo Rosselló, "A message to the President Donald J. Trump," January 17, 2019, https://www.facebook.com/rrossello/videos/a-message-to-the-president-donald-j-trump/324587494819552/.

AMERICAN OVERSIGHT

3. What is the basis for the Administration to conclude that the $600 million in House-passed nutrition assistance for Puerto Rico is "unnecessary"? Has OMB or have any other Administration officials conducted any analyses of current needs, or changes in need for nutrition assistance post-Maria? If so, what did these analyses find?

Sincerely,



Elizabeth Warren
United States Senator

AMERICAN OVERSIGHT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-1000

ASSISTANT SECRETARY FOR CONGRESSIONAL
AND INTERGOVERNMENTAL RELATIONS

FEB 05 2019

The Honorable Maxine Waters
Chairwoman
Committee on Financial Services
U.S. House of Representatives
Washington, DC 20515

Dear Madam Chairwoman:

On behalf of Secretary Benjamin S. Carson, Sr., thank you for your letter of January 18, 2019, regarding the Department of Housing and Urban Development's (HUD) administration of rental assistance and homelessness programs during the recent lapse in appropriations. The following information is from HUD's Office of Housing and Office of Community Planning and Development.

During the recent shutdown, HUD continued to make contract payments to private owners participating in its Project-Based Rental Assistance program. The Department also continued to renew expiring Section 8 contracts during the shutdown. In cases where payments could not be made, HUD staff worked with owners to find interim solutions, such as accessing property reserves, in order to ensure that residents were not impacted.

Even while constrained and limited by the shutdown, HUD prioritized renewing expiring contracts. The Department's leadership recognized the vulnerability of those families who, through no fault of their own, may have been at risk because of an expired contract. As a result, and in contrast to the apocalyptic predictions in some media reports, there were zero evictions of residents in any of HUD's rental programs as a result of the shutdown.

HUD also awarded nearly $2 billion to renew Continuum of Care (CoC) grants to more than 5,800 local programs during the shutdown. HUD will announce new CoC grants on February 6, 2019.

I hope this information is helpful.

Sincerely,

Len Wolfson
Assistant Secretary for Congressional
and Intergovernmental Relations

AMERICAN OVERSIGHT

HUD-19-0775, 19-0894-F-000046

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-1000

ASSISTANT SECRETARY FOR CONGRESSIONAL
AND INTERGOVERNMENTAL RELATIONS

FEB 11 2019

The Honorable Elizabeth Warren
United States Senate
Washington, DC 20510-2105

Dear Senator Warren:

On behalf of Secretary Benjamin S. Carson, Sr. and Director Mick Mulvaney, thank you for your letter of January 21, 2019, regarding the status of the Department of Housing and Urban Development's (HUD) efforts to assist Puerto Rico's long-term recovery from Hurricanes Irma and Maria. Secretary Carson and the entire Department remain committed to working with Puerto Rico to meaningfully aid its long-term recovery, primarily through the largest allocation of Community Development Block Grant-Disaster Recovery (CDBG-DR) funding in the history of the program. The following information is from HUD's Office of Community Planning and Development (CPD).

While the recent lapse in appropriations did impact the pace of the Department's work, HUD continues to assist Puerto Rico with its recovery efforts. First, HUD has provided the Puerto Rico Department of Housing (Vivienda) with access to virtually all of the initial tranche of $1.507 in CDBG-DR funding.[1] Please note that HUD was not able to make these funds available within the Department's Disaster Recovery Grant Reporting (DRGR) system until necessary banking information from Vivienda was linked to the grant funds. The Department received the final piece of banking information from Vivienda on January 10, 2019, and linked the banking information to the $1.507 billion CDBG-DR grant as of January 16, 2019. Vivienda made its first draw of funds on February 8, 2019.

As most HUD staff returned to work on January 28, 2019, and CPD resumed full operations, additional steps were taken to advance Vivienda's CDBG-DR recovery efforts. These steps included:

- Approving minor modifications in Vivienda's CDBG-DR plan as established in DRGR;
- Accepting Vivienda's recent staffing actions as fulfilling grant conditions that were a predicate to accessing the full $1.5 billion;
- Extending on-going technical assistance efforts for additional time periods; and
- Providing responses on a range of policy issues.

Furthermore, while review of pending CDBG-DR action plans was determined not to be an excepted activity during the appropriations lapse, HUD is now moving forward on consideration of those plans and amendments (including Vivienda's amendment for $8.2 billion). Following the timely publication of a *Federal Register* notice in the next several days, the Department intends to review and render decisions on the pending amendments to plans from Puerto Rico, U.S. Virgin

[1] Vivienda may currently access $1.462 billion in funding. Vivienda does not have access to $45 million, because the proposed "mortgage catch-up" activity requires a further statutory waiver.

AMERICAN OVERSIGHT

HUD-19-0775, 19-0894-F-000047

Islands, Florida, California, Georgia, and Missouri. The list below indicates the amounts associated with the plans and amendments.

Grantee	CDBG-DR Amount in Pending Plan or Amendment
Commonwealth of Puerto Rico	$8,220,783,000
US Virgin Islands	$779,217,000
State of Florida	$157,676,000
State of California	$124,155,000
State of Georgia	$37,943,000
State of Missouri	$58,535,000

With respect to your questions regarding nutrition assistance, this is an issue under the jurisdiction of the U.S. Department of Agriculture (USDA). We would advise you to reach out to USDA for additional information.

I hope this information is helpful. If I can be of further assistance, please let me know.

Sincerely,

Len Wolfson
Assistant Secretary for Congressional
and Intergovernmental Relations

AMERICAN OVERSIGHT

TREY GOWDY, SOUTH CAROLINA
CHAIRMAN

ONE HUNDRED FIFTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

http://oversight.house.gov

September 25, 2017

The Honorable Benjamin S. Carson
Secretary
U.S. Department of Housing and Urban Development
451 7th Street, S.W.
Washington, D.C. 20410

Dear Mr. Secretary:

Congress passed the Federal Records Act of 1950 to provide the framework for records management for federal government agencies. Many emails from federal employees are considered records under the Act and therefore subject to certain recordkeeping requirements. This Committee has legislative jurisdiction over the Federal Records Act, as well as the Presidential Records Act and Freedom of Information Act.[1] As technology has changed and the use of email and other modern forms of electronic communication have become ubiquitous, the Committee has been active in updating portions of these laws. These updates include the Presidential and Federal Records Act Amendments of 2014 and the FOIA Improvement Act of 2016.[2]

As part of our regular oversight duties, the Committee, from time to time, inquires of the Executive Branch departments and agencies about their compliance with these federal laws.[3] With numerous public revelations of senior executive branch employees deliberately trying to circumvent these laws by using personal, private, or alias e-mail addresses to conduct official government business, the Committee has aimed to use its oversight and investigative resources to prevent and deter misuse of private forms of written communication.[4] Based on yesterday's *Politico* reporting regarding private email use for official government business by a senior member of the President's staff,[5] today we write towards a similar end.

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[1] U.S. House of Rep's, Rule X(n)(10).
[2] Pub. L. No. 113-187 (2014); Pub. L. No. 114-185 (2016).
[3] *See, e.g.*, Letter from Henry Waxman, Chairman, H. Comm. on Oversight and Gov't Reform, to Michael Astrue, Comm'r, U.S. Soc. Sec. Admn., *et al.* (Apr. 12, 2007).
[4] *See* Letter from Darrell Issa, Chairman, H. Comm. on Oversight and Gov't Reform, to Jeffrey Zients, Acting Dir., Office of Mgmt. & Budget, *et al.* (Dec. 13, 2012); Letter from Jason Chaffetz, Chairman, H. Comm. on Oversight and Gov't Reform, to Kathleen McGettigan, Acting Dir., Office of Personnel Mgmt., *et al.* (Mar. 8, 2017).
[5] Josh Dawsey, *Kushner used private email to conduct White House business*, POLITICO (Sept. 24, 2017), *available at* http://www.politico.com/story/2017/09/24/jared-kushner-private-email-white-house-243071.

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As a follow-up to the Committee's request to your agency on March 8, 2017, please provide the following documents and information by October 9, 2017:

1. Have you or any non-career official at your agency ever used a personal email account to conduct official business? If so, please identify the individual and the account used, and provide evidence of measures to ensure compliance with federal law.

2. Have you or any non-career official at your agency ever used an alias email account to conduct official business? If so, please identify the individual and the account used, and provide evidence of measures to ensure compliance with federal law.

3. Have you or any non-career official at your agency ever used text messages, phone-based message applications, or encryption software to conduct official business? If so, please identify the individual, cellular number and account used, and provide evidence of measures to ensure compliance with federal law.

4. Please identify any changes to the agency's policies or directives for any of the following areas since January 1, 2017:

    a. Policies referring or relating to the use of non-official electronic messaging accounts, including email, text message, messaging applications, and social media platforms to conduct official business, including but not limited to archiving and recordkeeping procedures;

    b. Policies referring or relating to the use of official text message or other messaging or communications applications, and social media platforms to conduct official business, including but not limited to archiving and recordkeeping procedures; and

    c. Policies and procedures to ensure all communications related to the creation or transmission of federal records on official electronic messaging accounts other than email, including social networking platforms, internal agency instant messaging systems and other communications applications, are properly captured and preserved as federal records.

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An attachment to this letter provides additional instructions about responding to this request. Thank you in advance for responding fully and in a timely manner. If you have any questions about this request, please contact Drew Baney of the Majority staff on the Committee at (202) 225-5074 and Krista Boyd of the Minority staff on the Committee (202) 225-9493.

Sincerely,

Trey Gowdy

Elijah E. Cummings

Enclosures

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Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.

3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.

4. Documents produced in electronic format should also be organized, identified, and indexed electronically.

5. Electronic document productions should be prepared according to the following standards:

   (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.

   (b) Document numbers in the load file should match document Bates numbers and TIF file names.

   (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

   BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT,CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

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7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.

9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.

11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.

12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (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.

13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.

14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.

15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.

16. 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 subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.

18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

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

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, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, 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), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, 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 document. A draft or non-identical copy is a separate document within the meaning of this term.

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 in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request 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.

4. The terms "person" or "persons" mean 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, or other units thereof.

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5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

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COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
115TH CONGRESS

NOTICE OF APPEARANCE OF COUNSEL

Counsel submitting: _____

Bar number: _____ **State/District of admission:** _____

Attorney for: _____

Address: _____

Telephone: (_____) _____ - _____

Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for _____ **in (select one):**

- (●) **All matters before the Committee**
- ( ) **The following matters (describe the scope of representation):**

_____

_____

All further notice and copies of papers and other material relevant to this action should be directed to and served upon:

Attorney's name: _____

Attorney's email address: _____

Firm name (where applicable): _____

Complete Mailing Address: _____

_____

I agree to notify the Committee within 1 business day of any change in representation.

_____ _____
Signature of Attorney **Date**

AMERICAN OVERSIGHT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-3000

OFFICE OF ADMINISTRATION

The Honorable Elijah Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515-6143

Dear Ranking Member Cummings:

On behalf of Secretary Benjamin S. Carson, thank you for your letter requesting information about the Department of Housing and Urban Development's policies and procedures on federal recordkeeping and transparency law compliance.

(b)(5) Deliberative Privilege

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(b)(5) Deliberative Privilege

Sincerely,

Marcus R. Smallwood
Departmental Records Officer

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