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

OFFICE OF ADMINISTRATION

May 27, 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 ninth 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 – Paul Compton	24	11 page contain b(5) redactions (attorney-client and deliberative process); 7 pages contains b(6) redactions (personal privacy)
TOTALS	24	

Your request is granted in part. Enclosed are documents responsive to your request. I am withholding portions of draft memos and emails pursuant to the deliberative process privilege of FOIA Exemption 5. Exemption 5 protects inter-agency or intra-agency records which would not be available by law to a party other than an agency in litigation with the Department. The release of this internal information would reflect HUD's predecisional, deliberative process, and would discourage open and candid advice, recommendations, and exchanges of views within the Department. I am also withholding portions of these records pursuant to the attorney-client privilege of FOIA Exemption 5, which protects confidential communications between attorney and client

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related to a legal matter for which the client has sought professional advice. Release to the public of such attorney-client communications removes the protections afforded by the privilege, which harms an attorney's fundamental ability to effectively provide legal advice to a client. Furthermore, I am withholding cell phone numbers and White House email addresses 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 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
FOIA Branch
Office of Administration

Enclosures

AMERICAN OVERSIGHT

From: Paul.Compton@hud.gov
Sent: 23 Jan 2019 13:10:29 -0600
To: brian.d.miller(b)(6)
Subject: Fwd: CDBG DR Excepted Activity - revised
Attachments: CDBG DR Excepted Activity - revised.docx, ATT00001.htm

Paul Compton
General Counsel
U.S. Dept. of Housing and Urban Development
Paul.Compton@hud.gov
W 202.402.5023
C (b)(6)

Begin forwarded message:

From: "Compton, Paul" <Paul.Compton@hud.gov>
Date: January 23, 2019 at 9:33:24 AM CST
To: "Wolfson, Len" <Len.Wolfson@hud.gov>
Subject: Fwd: CDBG DR Excepted Activity - revised

Paul Compton
General Counsel
U.S. Dept. of Housing and Urban Development
Paul.Compton@hud.gov
W 202.402.5023
C (b)(6)

Begin forwarded message:

From: "Compton, Paul" <Paul.Compton@hud.gov>
Date: January 4, 2019 at 12:43:19 PM CST
To: "Woll Jr, David C (David.C.WollJr@hud.gov)" <David.C.WollJr@hud.gov>
Cc: "Cruciani, Linda M (Linda.M.Cruciani@hud.gov)" <Linda.M.Cruciani@hud.gov>, "Forrester, Althea M (Althea.M.Forrester@hud.gov)" <Althea.M.Forrester@hud.gov>, "Moran, Michael J" <Michael.J.Moran@hud.gov>
Subject: CDBG DR Excepted Activity - revised

AMERICAN OVERSIGHT

Dave,

Please accept the attached as e-signed by me.

JPC

J. Paul Compton, Jr.
General Counsel
Office of the General Counsel
United States Department of
Housing and Urban Development
451 7th Street S.W.
Room 10110
Washington, D.C. 20410
Tel. 202 402 5023
Paul.Compton@hud.gov

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.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-0500

GENERAL COUNSEL

January 4, 2019

MEMORANDUM FOR: David Woll, Jr., Principal Deputy Assistant Secretary for Community Planning and Development

FROM: J. Paul Compton, Jr., General Counsel

SUBJECT: Review of CDBG-DR Action Plan Amendment: Excepted Activity During a Lapse in Appropriations -- REVISED

This memorandum supplements and revises my memorandum of December 28, 2019 (sic - 2018) to you regarding review of Community Development Block Grant-Disaster Recovery (CDBG-DR) action plan amendments as an excepted activity that may take place during a lapse in appropriations.

(b)(5) Client Privilege; (b)(5) Deliberative Privilege

(b)(5) Client Privilege; (b)(5) Deliberative Privilege

For purposes of clarity, we recommend that the (b)(5) Client Privilege; (b)(5) Deliberative Privilege (b)(5) Client Privilege; (b)(5) Deliberative Privilege. See page 9 of the Contingency Plan.

Please contact me if you have questions.

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Internal HUD Distribution:		
Identification Lines:		

Correspondence Code	Originator	Concurrence	Concurrence	Concurrence	Concurrence	Concurrence
Name	Compton					
Date						

AMERICAN OVERSIGHT

From: Compton, Paul
Sent: 23 Jan 2019 19:10:30 +0000
To: brian.d.miller(b)(6)
Subject: Fwd: CDBG DR Excepted Activity - revised
Attachments: CDBG DR Excepted Activity - revised.docx, ATT00001.htm

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General Counsel
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Paul.Compton@hud.gov
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Cc: "Cruciani, Linda M (Linda.M.Cruciani@hud.gov)" <Linda.M.Cruciani@hud.gov>, "Forrester, Althea M (Althea.M.Forrester@hud.gov)" <Althea.M.Forrester@hud.gov>, "Moran, Michael J" <Michael.J.Moran@hud.gov>
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JPC

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Tel. 202 402 5023
Paul.Compton@hud.gov

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WASHINGTON, DC 20410-0500

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January 4, 2019

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For purposes of clarity, we recommend that the (b)(5) Client Privilege; (b)(5) Deliberative Privilege (b)(5) Client Privilege; (b)(5) Deliberative Privilege. See page 9 of the Contingency Plan.

Please contact me if you have questions.

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Name	Compton					
Date						

AMERICAN OVERSIGHT

From: Paul.Compton@hud.gov
Sent: 23 Jan 2019 13:10:15 -0600
To: brian.d.miller(b)(6)
Subject: Fwd: CDBG DR Excepted Activity memo
Attachments: CDBG DR Excepted Activity rev.docx, ATT00001.htm

Paul Compton
General Counsel
U.S. Dept. of Housing and Urban Development
Paul.Compton@hud.gov
W 202.402.5023
C (b)(6)

Begin forwarded message:

From: "Compton, Paul" <Paul.Compton@hud.gov>
Date: January 23, 2019 at 9:33:14 AM CST
To: "Wolfson, Len" <Len.Wolfson@hud.gov>
Subject: Fwd: CDBG DR Excepted Activity memo

Paul Compton
General Counsel
U.S. Dept. of Housing and Urban Development
Paul.Compton@hud.gov
W 202.402.5023
C (b)(6)

Begin forwarded message:

From: Paul.Compton@hud.gov
Date: December 28, 2018 at 4:22:14 PM CST
To: David Woll Jr <David.C.WollJr@hud.gov>
Cc: Millicent Potts <Millicent.B.Potts@hud.gov>, Althea Forrester <Althea.M.Forrester@hud.gov>, Joseph J Grassi <Joseph.J.Grassi@hud.gov>, Linda Cruciani <Linda.M.Cruciani@hud.gov>
Subject: CDBG DR Excepted Activity memo

Dave,

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Attached is my memo (b)(5) Client Privilege; (b)(5) Deliberative Privilege (b)(5) Client Privilege; (b)(5) Deliberative Privilege. By this transmission please consider this as e-signed (due to lapse I understand we have issues with scanning an original).

Let me know if you have questions about this or substantive issues with respect to DR action plans where OGC may be of assistance.

JPC

Paul Compton
General Counsel
U.S. Dept. of Housing and Urban Development
Paul.Compton@hud.gov
W 202.402.5023
C (b)(6)

AMERICAN OVERSIGHT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-0500

GENERAL COUNSEL

December 28, 2019

MEMORANDUM FOR: David Woll, Jr., Principal Deputy Assistant Secretary for Community Planning and Development

FROM: J. Paul Compton, Jr., General Counsel

SUBJECT: Review of CDBG-DR Action Plan Amendment: Excepted Activity During a Lapse in Appropriations

(b)(5) Client Privilege; (b)(5) Deliberative Privilege

If you have any questions, please contact Althea Forrester.

_____
Approve
David Woll, Jr.
Date:

_____
Disapprove
David Woll, Jr.
Date:

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Internal HUD Distribution:		

Identification Lines:

Correspondence Code	Originator	Concurrence	Concurrence	Concurrence	Concurrence	Concurrence
Name						
Date						

AMERICAN OVERSIGHT

From: Compton, Paul
Sent: 23 Jan 2019 19:10:17 +0000
To: brian.d.miller(b)(6)
Subject: Fwd: CDBG DR Excepted Activity memo
Attachments: CDBG DR Excepted Activity rev.docx, ATT00001.htm

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Paul.Compton@hud.gov
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Approve
David Woll, Jr.
Date:

_____
Disapprove
David Woll, Jr.
Date:

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Correspondence Code	Originator	Concurrence	Concurrence	Concurrence	Concurrence	Concurrence
Name						
Date						

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Compton, Paul

From: Cruciani, Linda M
Sent: Friday, December 28, 2018 3:58 PM
To: Compton, Paul
Cc: Grassi, Joseph J; Potts, Millicent B; Forrester, Althea M
Subject: CDBG DR Excepted Activity
Attachments: CDBG DR Excepted Activity.docx

Paul,
Althea, Millie and I are good with this. Joe also believes that this would fall under the (b)(5) Deliberative Privilege (b)(5) Deliberative. Please call me when you get a minute.
202-402-5108.
Thanks,
Linda

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GENERAL COUNSEL

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-0500

December 28, 2019

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Approve
David Woll, Jr.
Date:

Disapprove
David Woll, Jr.
Date:

AMERICAN OVERSIGHT

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Correspondence Code	Originator	Concurrence	Concurrence	Concurrence	Concurrence	Concurrence
Name						
Date						

Official Record Copy U.S. Department of Housing and Urban Development form HUD-713.1 (02/03)
Previous edition is obsolete.

AMERICAN OVERSIGHT

Compton, Paul

From:	Compton, Paul
Sent:	Friday, January 04, 2019 1:43 PM
To:	Woll Jr, David C (David.C.WollJr@hud.gov)
Cc:	Cruciani, Linda M (Linda.M.Cruciani@hud.gov); Forrester, Althea M (Althea.M.Forrester@hud.gov); Moran, Michael J
Subject:	CDBG DR Excepted Activity - revised
Attachments:	CDBG DR Excepted Activity - revised.docx

Dave,

Please accept the attached as e-signed by me.

JPC

J. Paul Compton, Jr.
General Counsel
Office of the General Counsel
United States Department of
Housing and Urban Development
451 7th Street S.W.
Room 10110
Washington, D.C. 20410
Tel. 202 402 5023
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WASHINGTON, DC 20410-0500

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Identification Lines:

Correspondence Code	Originator	Concurrence	Concurrence	Concurrence	Concurrence	Concurrence
Name	Compton					
Date						

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Compton, Paul

From: KORNEGAY, EMILY M
Sent: Wednesday, January 02, 2019 5:25 PM
To: Compton, Paul; Cruciani, Linda M; Moran, Michael J; Gimont, Stanley; Golrick, Janet M
Cc: Ijaz, Sairah R; Woll Jr, David C
Subject: Fwd: Background info on CDBG-DR as exempt

Hi Paul and Linda - we sent this question to OMB and they asked that we coordinate with you and Heather (OMB) to make sure we're on the same page.

Thanks,
Emily

From: Lee, Jessica K. EOP/OMB <(b)(6)>
Sent: Wednesday, January 2, 2019 5:03 PM
To: KORNEGAY, EMILY M
Subject: RE: Background info on CDBG-DR as exempt

Hi Emily – Thanks for bringing this to my attention. Given that this has to do with the legal interpretation of excepted activities, I'm going to re-route this to Heather and our OGC office. While I appreciate Mike's thorough explanation below, I believe these questions should also be asked via your OGC office or at least in coordination (if it hasn't already been so). Happy to discuss/clarify. Thanks!

From: KORNEGAY, EMILY M <Emily.M.Kornegay@hud.gov>
Sent: Wednesday, January 2, 2019 2:53 PM
To: Lee, Jessica K. EOP/OMB <(b)(6)>
Subject: Fwd: Background info on CDBG-DR as exempt

Please see the message below, I'm calling you shortly.

From: Moran, Michael J <michael.j.moran@hud.gov>
Sent: Wednesday, January 2, 2019 2:44 PM
To: Gimont, Stanley; Golrick, Janet M; Woll Jr, David C
Cc: Pavlik, Mary E; Ijaz, Sairah R; KORNEGAY, EMILY M
Subject: FW: Background info on CDBG-DR as exempt

Stan:

As we discussed with you and Janet earlier this week, three proposed CDBG-DR action plan amendments, involving an aggregate of $9.3 billion, are nearing the end of their review period. HUD has exhausted every available action to extend these review periods. Consistent with statute and regulation, if HUD does not recall staff for immediate action, two action plan amendments will be automatically approved on Monday, January 14, 2019 and a third on Friday, January 18, 2019. (b)(5) Deliberative Privilege

(b)(5) Deliberative Privilege

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(b)(5) Deliberative Privilege

Sairah or Emily:

Could you share with OMB and see if they have any questions or concerns , or if they would prefer that we explicitly (b)(5) Deliberative Privilege .

Thanks all!

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