

Congress of the United States
Washington, DC 20510

May 3, 2017

VIA ELECTRONIC TRANSMISSION

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

Dear Secretary Carson:

On April 5, 2016, the Government Accountability Office (GAO) released its final legal opinion regarding the Committees' requests to interview Maurice McGough, Regional Director of the Chicago Regional Office in the U.S. Department of Housing and Urban Development's (HUD) Office of Fair Housing and Equal Opportunity.¹ In response to these requests, HUD officials instructed Mr. McGough "not [to] communicate with the Committee directly," even though Mr. McGough was "willing to speak with the committees."² Specifically, GAO reviewed the actions of HUD General Deputy Assistant Secretary Elliot Minberg and Associate General Counsel Kevin Simpson. GAO found:

The General Deputy Assistant Secretary and the Associate General Counsel prevented the Regional Director from having direct communications with the committees from April 8 to April 23, 2013, in violation of section 713 HUD's appropriation was not available to pay the salaries of these employees from the point in time that the delay became a refusal until the time HUD agreed to schedule the interview with the Regional Director. HUD should consider these salary payments improper. Therefore, we recommend that HUD seek to recover these payments, as required by 31 U.S.C. § 3711.³

¹ U.S. GOV'T ACCOUNTABILITY OFFICE, B-325124.2, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-APPLICATION OF SECTION 713 OF THE FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (RECONSIDERATION) (Apr. 5, 2016).

² Letter from Charles E. Grassley, Chairman, S. Comm. on the Judiciary, Jason Chaffetz, Chairman, H. Comm. on Oversight & Gov't Reform, & Bob Goodlatte, Chairman, H. Comm. on the Judiciary, to Gene L. Dodaro, Comptroller Gen., U.S. Gov't Accountability Office 1-2 (Apr. 27, 2015).

³ U.S. GOV'T ACCOUNTABILITY OFFICE, B-325124.2, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-APPLICATION OF SECTION 713 OF THE FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (RECONSIDERATION) 15 (Apr. 5, 2016).

On June 22, 2016, we wrote HUD requesting various documents related to GAO's findings.⁴ Specifically, that letter requested the following:

1. All records related to the Department's procedures for recovering improper payments;
2. All records related to the Department's efforts to recover improper payments to Mr. Minberg and Mr. Simpson; and
3. All records related to the GAO opinion or appropriations restriction at issue in the opinion.

The letter also requested HUD provide the Committees with a briefing on this issue.

However, to date, HUD has failed to provide the requested documentation and has failed to schedule the briefing. Instead, HUD merely responded that it was reviewing whether to request a reconsideration of the opinion, and that it would provide additional information as it became available. You may recall that Chairman Grassley discussed this matter with you personally just prior to your confirmation.

Thus, as soon as possible, but no later than May 17, 2017, please provide the Committees with a briefing regarding these issues and what actions HUD has taken. Additionally, please provide the documents requested in our letter of June 22, 2016.

Should you have any questions, please contact DeLisa Lay of Chairman Grassley's Committee staff at (202) 224-5225, Tristan Leavitt of Chairman Chaffetz' Committee staff at (202) 225-5074, or Dan Huff of Chairman Goodlatte's Committee staff at (202) 226-3485. Thank you for your prompt attention to this important matter.

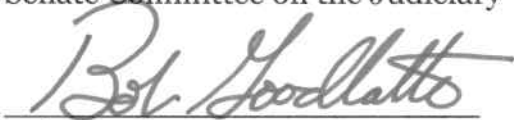
Sincerely,



Charles E. Grassley
Chairman
Senate Committee on the Judiciary



Jason Chaffetz
Chairman
House Committee on Oversight and
Government Reform



Bob Goodlatte
Chairman
House Committee on the Judiciary

⁴ Letter from Jason Chaffetz, Chairman, H. Comm. on Oversight & Gov't Reform, Charles E. Grassley, Chairman, S. Comm. on the Judiciary, & Bob Goodlatte, Chairman, H. Comm. on the Judiciary, to Julian Castro, Sec'y, U.S. Dep't of Housing and Urban Dev. (June 22, 2016).