

EXHIBIT Z



Daniel Van Schooten <dvanschooten@pogo.org>

RE: FOIA Request (OLC FY19-001)

USDOJ-Office of Legal Counsel (SMO) <USDOJ-OfficeofLegalCounsel@usdoj.gov>

Wed, May 8, 2019 at 9:18 AM

To: Daniel Van Schooten <dvanschooten@pogo.org>

Cc: "USDOJ-Office of Legal Counsel (SMO)" <USDOJ-OfficeofLegalCounsel@usdoj.gov>

There I believe the explanation appears in the next line in the list, i.e. the published memo linked below corresponds with "30. General Counsel/OMB: Revised Memorandum re Authority of Chief Financial Officer under FY 2003 HUD Appropriations (Whelan) **August 12, 2003.**" I have not attempted to determine whether the August 8 version was finalized, signed, or transmitted to a client, nor have I attempted to determine whether or to what extent the documents differ.

Here, for this and any other discrepancies you may find as you continue reviewing the records, I think it's worth repeating the caveat from the FOIA reading room on the prior productions: while these lists are occasionally identified as responsive to FOIA requests and processed as such, they are created for internal tracking purposes and are not intended for public consumption as perfect and comprehensive lists of all OLC opinions.

Jared

From: Daniel Van Schooten <dvanschooten@pogo.org>**Sent:** Wednesday, May 1, 2019 12:53**To:** USDOJ-Office of Legal Counsel (SMO) <Ex_OLC@jmd.usdoj.gov>**Subject:** Re: FOIA Request (OLC FY19-001)

Jared,

I've discovered another dating discrepancy that I'm hoping you can again shed some light on.

In your recent production, there is an August 8, 2003 memo entitled:

29. General Counsel/OMB: Memorandum re Authority of Chief Financial Officer under FY 2003 HUD Appropriations (Whelan) **August 8, 2003**

There also appears to be a memo with the same title and author in the official OLC database, but with a date of August 12, instead of August 8. (<https://www.justice.gov/file/18971/download>).

Are these two entries referring to the same document or to two different documents on the same subject?

Thank you,

Daniel

On Fri, Apr 26, 2019 at 12:11 PM Daniel Van Schooten <dvanschooten@pogo.org> wrote:

Thank you for following up on this, Jared. I appreciate your response and hope you have a great weekend.

Daniel

On Fri, Apr 26, 2019 at 11:54 AM USDOJ-Office of Legal Counsel (SMO) <USDOJ-OfficeofLegalCounsel@usdoj.gov> wrote:

Hello Daniel, you're welcome. In general, I believe any differences between the old and new productions mean that at some point between the last time the documents were processed and now, someone noticed an error (or a perceived error) and made a correction. With respect to the specific entries you note:

1. 2007 Memo to DOD – this appears to be a corrected date; see the actual published version at <https://www.justice.gov/file/451166/download> with the correct date
2. 2007 Memo to OJP – this has also been adjusted to the correct date, see <https://www.justice.gov/file/451561/download>
3. 2010 Testimony re USVI – for this one, both dates appear to be correct. DAAG Cedarbaum submitted the same prepared statement twice, once on March 17, 2010 to a subcommittee of the House Committee on Natural Resources, <https://www.justice.gov/sites/default/files/testimonies/witnesses/attachments/2010/03/17/2010-03-17-olc-cedarbaum-virgin-islands.pdf>, and once on May 19, 2010 to the Senate Committee on Energy and Natural Resources, see <https://www.govinfo.gov/content/pkg/CHRG-111shrg61779/pdf/CHRG-111shrg61779.pdf>, starting at page 52.
4. 2015 Testimony re Draft VA legislation – both dates appear on the face of the underlying document, for which I was unable to locate a public version. Although we have not attempted to verify this, the document indicates that the statement was prepared to be submitted for the record of a hearing scheduled for April 23, 2015, but was actually dated for submission on July 20, 2015.

Hopefully this information has been helpful; if you'd like to discuss further you can call me directly at 202-353-0104.

Jared

Jared Kaprove

FOIA and Records Management Attorney

Office of Legal Counsel

U.S. Department of Justice

From: Daniel Van Schooten <dvanschooten@pogo.org>
Sent: Friday, April 19, 2019 16:52
To: USDOJ-Office of Legal Counsel (SMO) <Ex_OLC@jmd.usdoj.gov>
Subject: Re: FOIA Request (OLC FY19-001)

Jared,

Thank you for providing the responsive documents.

I did notice a few discrepancies between what you just provided to me and what is currently published in the OLC FOIA reading room website, and wanted to give you an opportunity to clarify.

Specifically, in the records you just provided, the dates of four OLC memos do not correspond with the dates assigned to those same memos in the records currently published in the OLC FOIA reading room.

The four memos with differing dates are:

January 2007: General Counsel, DOD: Memorandum re Days of Service by Special Government Employees (Koffsky)

dated January 26, 2007 [new production]

dated January 16, 2007 [FOIA reading room]

June 2007: General Counsel, OJP: Memorandum re Application of the Religious Freedom Restoration Act to the Award of a Grant to World Vision, Inc. Pursuant to the Juvenile Justice and Delinquency Prevention Act (Forrester)

dated June 29, 2007 [new production]

dated June 20, 2007 [FOIA reading room]

2010: Testimony before the Committee on Energy and Natural Resources/Senate: Re Proposed Constitution for the Virgin Islands (Cedarbaum)

dated March 17, 2010 [new production]

dated May 19, 2010 [FOIA reading room]

2015: Subcomm. on Health, Comm. on Veterans Affairs, U.S. House of Representatives: Statement for the Record re Draft Legislation to Improve Reproductive Treatment Provided to Certain Disabled Veterans; Draft Legislation to Direct the Department of Veterans Affairs (VA) to Submit an Annual Report on the Veterans Health Administration; H.R. 271; H.R. 627; H.R. 1369; H.R. 1575; and H.R. 1769 (Forrester)

dated April 23, 2015 [new production]

dated July 20, 2015 [FOIA reading room]

Rather than file an appeal, I would appreciate it if you could reach out and verify if the new production's dates are accurate.

Thank you,

Daniel

On Thu, Apr 18, 2019 at 5:12 PM USDOJ-Office of Legal Counsel (SMO) <USDOJ-OfficeofLegalCounsel@usdoj.gov> wrote:

Mr. Van Schooten:

Attached please find the response to the below request, which was assigned the tracking number FY19-001.

Jared Kaprove

FOIA and Records Management Attorney

Office of Legal Counsel

U.S. Department of Justice

From: USDOJ-Office of Legal Counsel (SMO) <Ex_OLC@jmd.usdoj.gov>
Sent: Monday, October 29, 2018 17:43
To: Daniel Van Schooten <dvanschooten@pogo.org>
Cc: USDOJ-Office of Legal Counsel (SMO) <Ex_OLC@jmd.usdoj.gov>
Subject: RE: FOIA Request

Mr. Van Schooten:

Attached please find a letter acknowledging receipt of the below request, which has been assigned the tracking number FY19-001.

Jared Kaprove

FOIA and Records Management Attorney

Office of Legal Counsel

U.S. Department of Justice

From: Daniel Van Schooten <dvanschooten@pogo.org>
Sent: Thursday, October 25, 2018 15:50
To: USDOJ-Office of Legal Counsel (SMO) <Ex_OLC@jmd.usdoj.gov>
Subject: Re: FOIA Request

Good afternoon,

I have yet to receive any acknowledgement or response related to this request, and I write to remind you that tomorrow will mark the passing of 20 business days from the submission of this request.

I look forward to hearing from you soon.

Thank you,

Daniel Van Schooten

On Mon, Oct 1, 2018 at 9:55 AM Daniel Van Schooten <dvanschooten@pogo.org> wrote:

| Good Morning,

Please see the attached FOIA request.

Daniel Van Schooten

--

Daniel Van Schooten

Investigator

Project On Government Oversight | pogo.org

[1100 G Street NW, Washington DC 20005](#)

[202.347.1122](#)



--

Daniel Van Schooten

Investigator

Project On Government Oversight | pogo.org

[1100 G Street NW, Washington DC 20005](#)

[202.347.1122](#)



--

Daniel Van Schooten

Investigator

Project On Government Oversight | pogo.org

[1100 G Street NW, Washington DC 20005](#)

[202.347.1122](#)



--

Daniel Van Schooten

Investigator

Project On Government Oversight | pogo.org
[1100 G Street NW, Washington DC 20005](#)
[202.347.1122](tel:202.347.1122)



--

Daniel Van Schooten

Investigator

Project On Government Oversight | pogo.org
[1100 G Street NW, Washington DC 20005](#)
[202.347.1122](tel:202.347.1122)

