

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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October 26, 2017

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
2175 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to request that you reconsider your decision to reject my request to send a document request to the White House as part of the Committee's bipartisan investigation into the Trump Administration's response to the hurricanes in Puerto Rico and the U.S. Virgin Islands. If you decline to join my request, then I ask you to allow Committee Members to vote at our next business meeting on a subpoena to compel the White House to produce these documents.

On September 29, 2017, Rep. Stacey Plaskett and I wrote to request that you hold emergency hearings on the Trump Administration's response to Hurricanes Irma and Maria. We explained that we believed we should follow the model of our former Chairman, Republican Tom Davis, who led the congressional investigation after Hurricane Katrina.¹

To that end, I asked you to join me in sending document requests to five offices: the White House, the Department of Defense (DOD), the Department of Homeland Security (DHS), the Department of Health and Human Services (HHS), and the Governor of Puerto Rico. I provided you with drafts of five letters that directly tracked those sent by Chairman Davis during the Bush Administration, including his letter to the White House at the time.

Although you agreed to send letters to the three federal agencies, you refused to send one to the White House or the Governor of Puerto Rico. We were not given a satisfactory explanation for your decision to wall off the White House from congressional scrutiny in this way. You stated publicly that you prefer to hold briefings out of the public eye, but you declined to request any documents—or briefings—from the White House or the Governor.

¹ Letter from Ranking Members Elijah E. Cummings and Stacey Plaskett to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Sept. 29, 2017) (online at democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-09-29.EEC%20Plaskett%20to%20Gowdy%20re%20Hurricane%20Response.pdf).

On October 11, 2017, I sent my own letter to President Trump's Chief of Staff, General John F. Kelly, requesting White House documents relating to the federal government's preparation for and response to the recent hurricanes.² Unfortunately, despite multiple efforts to follow-up with White House officials, they have shown no indication that they plan to cooperate voluntarily with this request.

The Oversight Committee cannot conduct a credible investigation into the federal government's response to these hurricanes without obtaining documents and information directly from the White House. As former Chairman Tom Davis demonstrated, a Republican Chairman can obtain documents from a Republican White House—if he asks. If our Committee obtains no documents at all from the White House, our investigation will be incomplete, inadequate, and marred by claims of partisan protectionism.

Questions Relating to Response by the President and White House Officials

We have now concluded briefings from FEMA, DOD, and HHS. However, the briefings our Committee has received to date raise serious questions about the role of the President and other White House officials in responding to this disaster.

- On October 3, 2017, Damon Penn, FEMA's Assistant Administrator of the Response Directorate, briefed Oversight Committee Members, explaining that FEMA did not make preparations to shelter more than 35 people in the Caribbean office at the time of the hurricanes. In response to my question about whether President Trump immediately issued any orders for an emergency response, as President Obama did for Haiti, Mr. Penn said he did not know and that we should ask the military.
- On October 11, 2017, Robert Salesses, the Deputy Assistant Secretary of Defense for Homeland Defense Integration and Defense Support of Civil Authorities, was asked why there was such a small response compared to Superstorm Sandy in 2012. He explained that Superstorm Sandy affected "Wall Street" and that Puerto Rico and the Virgin Islands received the level of effort that was needed.
- Earlier today, Robert Kadlec, the Assistant Secretary for Preparedness and Response at HHS, informed Committee Members that HHS asked DOD 96 hours prior to Hurricane Maria for assistance moving medical supplies and mobile hospitals to Puerto Rico, but they did not arrive until more than three weeks later. When asked why the President did not immediately send DOD and the Army Corps to respond, he stated, "I can't give a good answer on that." He confirmed that there were meetings at the White House of the Principals and Deputies Committees, but he did not provide details about the dates of those meetings or what was discussed.

² Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to General John F. Kelly, White House Chief of Staff (Oct. 11, 2017) (online at democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-11.EEC%20to%20WH%20Doc.%20Request%20re.Hurricane%20response.pdf).

In addition to these concerns, there are a number of additional issues we believe need to be investigated, and these are set forth below.

Apparent Lack of Presidential Engagement and Direction

In 2010, President Obama “ordered an aggressive relief effort” and held a meeting in the Situation Room with top officials one day after the earthquake in Haiti.³ Within two weeks of the earthquake, 33 U.S. military ships, 22,000 troops, and more than 300 helicopters had arrived.⁴ In contrast, President Trump reportedly did not convene a meeting with senior officials to deal with Hurricane Maria in the immediate days after landfall.⁵ Instead, a day after the hurricane in Puerto Rico, the President left the White House to spend a long weekend at his private golf club in New Jersey. He attended a political rally in Alabama and sent tweets about the National Football League, North Korea, and a quarrel with Republican leaders.⁶ After eight days, only 4,400 service members and 40 helicopters were assisting relief efforts in Puerto Rico.⁷

Delay Appointing Commanding General

Within one day of Hurricane Katrina, President Bush appointed a three-star general to head a joint task force to lead all military missions in New Orleans and the affected region.⁸ In contrast, President Trump waited eight days to appoint a commander, Lt. Gen. Jeffrey Buchanan, a three-star general, to oversee recovery efforts in Puerto Rico. When questioned about why this took so long, White House Homeland Security Adviser Tom Bossert responded, “It didn’t require a three-star general eight days ago.”⁹

³ *White House Eager to Project Image of Competence in Relief Efforts*, New York Times (Jan. 21, 2010) (online at www.nytimes.com/2010/01/22/us/politics/22prexy.html).

⁴ *U.S. Response in Puerto Rico Pales Next to Actions After Haiti Quake*, Washington Post (Sept. 28, 2017) (online at www.washingtonpost.com/investigations/us-responded-to-haiti-quake-more-forcefully-than-to-puerto-rico-disaster/2017/09/28/74fe9c02-a465-11e7-8cfe-d5b912fab99_story.html?utm_term=.3dd5b5012cc0).

⁵ *Lost Weekend: How Trump’s Time At His Golf Club Hurt the Response to Maria*, Washington Post (Sept. 29, 2017) (online at www.washingtonpost.com/politics/lost-weekend-how-trumps-time-at-his-golf-club-hurt-the-response-to-maria/2017/09/29/ce92ed0a-a522-11e7-8c37-e1d99ad6aa22_story.html?utm_term=.c21f7a874dde).

⁶ *Trump Ignores Puerto Rico’s Devastation to Tweet About the NFL*, Washington Post (Sept. 25, 2017) (online at www.washingtonpost.com/local/trump-ignores-puerto-ricos-devastation-to-tweet-about-the-nfl/2017/09/25/0bf4ad68-a1e1-11e7-ade1-76d061d56efa_story.html?utm_term=.ecbcd09a046d).

⁷ *U.S. Response in Puerto Rico Pales Next to Actions After Haiti Quake*, Washington Post (Sept. 28, 2017) (online at www.washingtonpost.com/investigations/us-responded-to-haiti-quake-more-forcefully-than-to-puerto-rico-disaster/2017/09/28/74fe9c02-a465-11e7-8cfe-d5b912fab99_story.html?utm_term=.3dd5b5012cc0).

⁸ Department of Defense, *Army Support During the Hurricane Katrina Disaster* (online at <http://usacac.army.mil/eac2/cgsc/carl/download/csipubs/wombwell.pdf>) (accessed on Oct. 26, 2017).

⁹ *For Some, Delayed Response to Puerto Rico Has Echoes of Katrina*, NBC News (Sept. 29, 2017) (online at www.nbcnews.com/storyline/puerto-rico-crisis/delayed-response-puerto-rico-has-echoes-katrina-some-n805861).

Failure to Lead a Coordinated Response

David Paulison, who served as FEMA Administrator under President Bush, stated recently, “What we had in Katrina was a disconnect between the federal, state, and local level. In Puerto Rico, I see that same breakdown.”¹⁰ Lt. General Russel L. Honore (Ret.), commander of Joint Task Force Katrina, warned that the federal response to Hurricane Maria is “replaying [a] scene from Katrina.”¹¹ Instead of providing leadership to avert a humanitarian crisis, President Trump criticized San Juan’s Mayor by tweeting:

Such poor leadership ability by the Mayor of San Juan, and others in Puerto Rico, who are not able to get their workers to help. They want everything to be done for them when it should be a community effort.¹²

Rather than the “community effort” the President described, FEMA Administrator Brock Long stated, “We filtered out the mayor a long time ago.”¹³

Wavering Presidential Commitment to Recovery and Rebuilding

In the aftermath of Hurricane Katrina, President George Bush gave a speech in which he declared: “All who question the future of the Crescent City need to know: There is no way to imagine America without New Orleans, and this great city will rise again.” He then promised: “when communities are rebuilt, they must be even better and stronger than before the storm.”¹⁴ In contrast, President Trump wavered between promises to help Puerto Rico “wipe out” its debt—which was immediately contradicted by OMB Director Mick Mulvaney who stated that “we’re absolutely not” bailing out Puerto Rico¹⁵—to claims that Puerto Rico needs to shoulder a greater burden of the recovery since the federal government cannot stay “forever.”¹⁶

¹⁰ *FEMA Chief Blamed For Katrina Response Says the Same Problems Are Happening in Puerto Rico*, Time (Oct. 18, 2017) (online at <http://time.com/4984709/fema-michael-brown-hurricane-katrina/>).

¹¹ *Puerto Rico Relief Effort Replays: Scene From Katrina, Retired General Says*, NPR’s Morning Edition (Sept. 28, 2017) (online at www.npr.org/2017/09/28/554157428/puerto-rico-relief-efforts-got-off-to-a-poor-start-retired-general-says).

¹² *Trump Attacks San Juan Mayor Over Hurricane Response*, CNN (Sept. 30, 2017) (online at www.cnn.com/2017/09/30/politics/trump-tweets-puerto-rico-mayor/index.html).

¹³ *FEMA Director: ‘We Filtered Out’ San Juan Mayor ‘A Long Time Ago,’ Politico* (Oct. 8, 2017) (online at www.politico.com/story/2017/10/08/fema-san-juan-mayor-long-243575).

¹⁴ Elijah E. Cummings, *Will Trump Make The Same Promise Bush Made After Katrina?*, The Hill (Oct. 3, 2017) (online at <http://thehill.com/blogs/congress-blog/politics/353532-will-trump-make-the-same-promise-bush-made-after-katrina>).

¹⁵ *Trump Says U.S. Must ‘Wipe Out’ Puerto Rico Debt*, CBS News (Oct. 4, 2017) (online at www.cbsnews.com/news/trump-says-administration-will-have-to-wipe-out-puerto-ricos-debt/).

¹⁶ *Trump: We Cannot Aid Puerto Rico ‘Forever,’ CNN* (Oct. 12, 2017) (online at www.cnn.com/2017/10/12/politics/donald-trump-puerto-rico-tweets/index.html).

Request for Bipartisan Document Request or Committee Vote on Subpoena

President Trump awarded himself a grade of “10” for his Administration’s response to Hurricane Maria.¹⁷ There may be reasonable disagreements about whether President Trump’s response to the hurricanes in Puerto Rico and the Virgin Islands was effective, but the Oversight Committee will not be able to answer this question until we obtain the documents and information the White House is withholding. If the Committee continues to wall off the White House from congressional scrutiny, we will be doing a disservice not only to history, but to the American families who are being devastated by these disasters.

For these reasons, I urge you to reverse your current course of action and join me in sending a letter to the White House requesting documents, just as your predecessor, Republican Chairman Tom Davis, did after Hurricane Katrina during the Bush Administration.

If you decide not to do so, then I ask you to place this matter on the agenda for our next regularly scheduled business meeting so all Committee Members will have the opportunity to vote on a motion to issue a subpoena to compel the White House to produce the documents we need to conduct oversight.

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member

¹⁷ *Trump Gives Administration a '10' For Puerto Rico Recovery*, NBC News (Oct. 19, 2017) (online at www.nbcnews.com/politics/white-house/trump-gives-administration-10-puerto-rico-recovery-n812321).