

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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<http://oversight.house.gov>

May 6, 2019

The Honorable Mick Mulvaney
Acting Chief of Staff
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Mulvaney:

For the past two years, the White House has refused to produce to the Committee any documents regarding the Trump Administration's abominable response to Hurricanes Irma and Maria in Puerto Rico and the U.S. Virgin Islands. The White House was able to evade all oversight and accountability during this period because the Republicans who led the Committee refused to join Democrats in sending even one request for documents.

Despite the Oversight Committee's bipartisan history under Republican Chairman Tom Davis of obtaining tens of thousands of documents from the Bush White House after Hurricane Katrina, Republicans actively blocked all Democratic requests over the past two years while President Trump heaped scorn on the very people who lost thousands of their loved ones.

This refusal to conduct credible and bipartisan oversight was a betrayal of our fellow American citizens in Puerto Rico and the U.S. Virgin Islands, and it was a dangerous failure to learn from the mistakes of the past to prevent them from happening again in the future. The American people—regardless of where they live—expect their government to work as effectively and efficiently as possible, especially in times of disaster.

Today, the Oversight Committee is reestablishing its investigation of the Trump Administration's response to the hurricanes in Puerto Rico and the U.S. Virgin Islands—and the White House will not be exempt. The purpose of the investigation is to determine whether any of our nation's disaster response laws need to be amended and improved—including with respect to long-term planning, advance contracting, real-time communications, intelligence-sharing, and leadership structure.

Background

On October 11, 2017, then-Ranking Member Cummings sent a letter to then-White House Chief of Staff John Kelly requesting the following documents:

1. Documents and communications received, prepared, or sent before September 5, 2017, by officials of the White House or any of its components, offices, or directorates, relating to threat assessments, mitigation measures, emergency preparedness, or other contingency plans in the case of a hurricane striking Puerto Rico or the U.S. Virgin Islands; and
2. Documents or communications received, prepared, or sent between September 5, 2017, and October 4, 2017, by officials of the White House or any of its components, offices, or directorates, relating to any steps taken to prepare Puerto Rico and the U.S. Virgin Islands for Hurricanes Irma and Maria, as well as logistics challenges, distribution of commodities, or power restoration following the storms.¹

This request tracked closely a similar request in 2005 that was sent by then-Chairman Tom Davis to the White House seeking documents relating to Hurricane Katrina. In response to Chairman Davis' requests, the George W. Bush White House produced "more than 12,000 pages of documents from the Executive Office of the President" and "almost 6,000 pages of documents" from the Office of the Vice President.²

Although Ranking Member Cummings' request followed Chairman Davis' bipartisan precedent of requesting documents from the White House regarding natural disaster response efforts, Rep. Trey Gowdy, then the Chairman of the Committee, refused to join this request.³ The White House did not respond to Ranking Member Cummings' request or produce any of the requested documents.

On October 26, 2017, Ranking Member Cummings wrote a letter to Chairman Gowdy requesting that Committee Members be allowed to debate and vote on a motion to issue a subpoena for these documents.⁴ Chairman Gowdy declined again.

¹ Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to General John F. Kelly, Chief of Staff, White House (Oct. 11, 2017) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-11.EEC%20to%20WH%20Doc.%20Request%20re.Hurricane%20response.pdf>).

² House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, *A FAILURE OF INITIATIVE: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, 109th Cong. (2006) (H. Rept. 109-377) (online at www.govinfo.gov/content/pkg/CRPT-109hrpt377/pdf/CRPT-109hrpt377.pdf).

³ Democratic Staff Report, *A FAILURE OF OVERSIGHT: How Republicans Blocked a Credible Investigation of the Trump Administration's Response to the 2017 Hurricanes*, Committee on Oversight and Government Reform Democrats (Sept. 6, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/A%20FAILURE%20OF%20OVERSIGHT%20-%20STAFF%20REPORT.pdf>).

⁴ Letter from Ranking Member Elijah E. Cummings, to Chairman Trey Gowdy, Committee on Oversight and Government Reform (Oct. 26, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/EEC%20to%20Gowdy%2010-26-17%20Letter%20to%20WH%20on%20PR.pdf>).

On October 31, 2017, Ranking Member Cummings sent a letter on behalf of all Democratic Committee Members asking Chairman Gowdy to allow the Committee, at its upcoming business meeting on November 2, 2017, to vote on the issuance of subpoenas, including one to the White House for documents relating to the response to the hurricanes in Puerto Rico and the U.S. Virgin Islands.⁵ Rep. Gowdy declined.

During the business meeting on November 2, 2017, Democratic Members attempted to move to issue these subpoenas, but Republicans blocked their attempts to do so.⁶

Nearly a year later, on September 6, 2018, Ranking Member Cummings issued a staff report entitled, "A Failure of Oversight: How Republicans Blocked a Credible Investigation of the Trump Administration's Response to the 2017 Hurricanes." That report described significant evidence of waste, fraud, and abuse collected by Democratic investigators. However, it also highlighted the limitations of inadequate access to documents and testimony necessary to conduct a thorough investigation.⁷

On September 13, 2018, Ranking Member Cummings wrote to Chairman Gowdy again to ask that he "join me in finally sending a request to the White House to produce documents relating to the Trump Administration's response to the hurricanes last year in Puerto Rico and the U.S. Virgin Islands, which killed nearly 3,000 Americans."⁸ Chairman Gowdy refused.

As a result, the White House has never turned over a single piece of paper to the Committee over the past two years relating to its response to the hurricanes in Puerto Rico and the U.S. Virgin Islands.

⁵ Letter from Ranking Member Elijah E. Cummings, to Chairman Trey Gowdy, Committee on Oversight and Government Reform (Oct. 31, 2017) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-31.Dems%20to%20Gowdy%20re%20November%20Mark%20Up_0.pdf).

⁶ Committee on Oversight and Government Reform Democrats, *Oversight Committee Republicans Block All Debate and Votes on Subpoenas* (Nov. 2, 2017) (online at <https://democrats-oversight.house.gov/news/press-releases/oversight-committee-republicans-block-all-debate-and-votes-on-subpoenas>); Letter from Chairman Trey Gowdy, to Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform (Nov. 2, 2017) (online at <https://republicans-oversight.house.gov/wp-content/uploads/2017/11/2017-11-02-Gowdy-to-EEC-response-to-subpeona-requests.pdf>).

⁷ Democratic Staff Report, *A FAILURE OF OVERSIGHT: How Republicans Blocked a Credible Investigation of the Trump Administration's Response to the 2017 Hurricanes*, Committee on Oversight and Government Reform (Sept. 6, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/A%20FAILURE%20OF%20OVERSIGHT%20-%20STAFF%20REPORT.pdf>).

⁸ Letter from Ranking Member Elijah E. Cummings, to Chairman Trey Gowdy, Committee on Oversight and Government Reform (Sept. 13, 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-09-13.EEC%20to%20Gowdy-OGR%20re%20Hurricane%20Response%20Request.pdf>).


Request for Documents


For these reasons, the Committee now requests that the White House produce by May 20, 2019, all of the documents requested by Ranking Member Cummings on October 11, 2017. If you continue to withhold these documents from the Committee, the Committee may be forced to consider alternative means to obtain compliance.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. In addition, House Rule X, clause 3(i) specifically charges the Committee with conducting oversight of “the operation of Government activities at all levels, including the Executive Office of the President.”

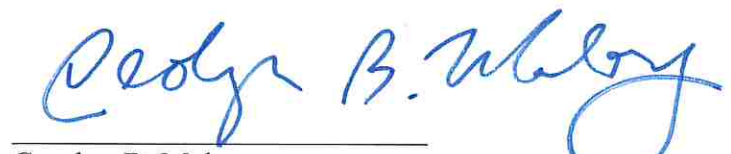
An attachment to this letter provides additional instructions for responding to the Committee’s request. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.


Sincerely,



Elijah E. Cummings
Chairman
Committee on Oversight and Reform

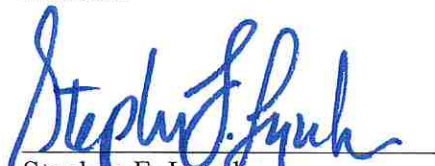

Harley Rouda
Chairman
Subcommittee on Environment



Stacey E. Plaskett
Member

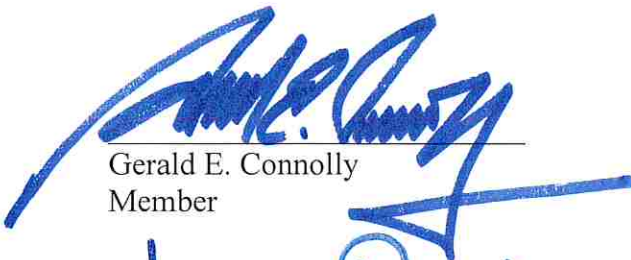

Carolyn B. Maloney
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Eleanor Holmes Norton
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Wm. Lacy Clay
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Stephen F. Lynch
Member


Jim Cooper
Member



Gerald E. Connolly
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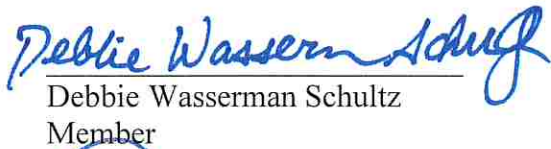
Raja Krishnamoorthi
Member




Jamie Raskin
Member



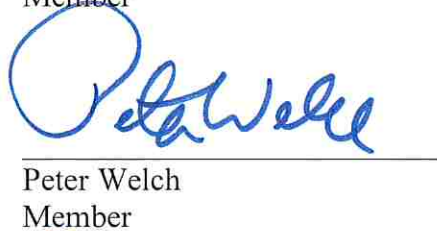
Katie Hill
Member



Debbie Wasserman Schultz
Member



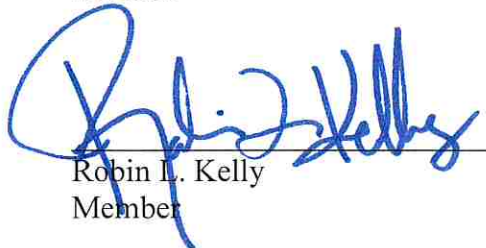
John P. Sarbanes
Member



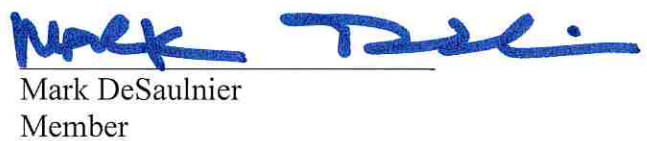
Peter Welch
Member



Jackie Speier
Member



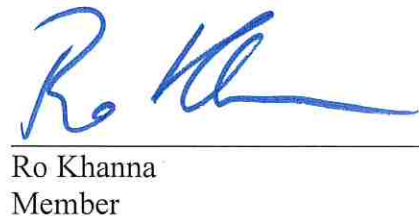
Robin L. Kelly
Member



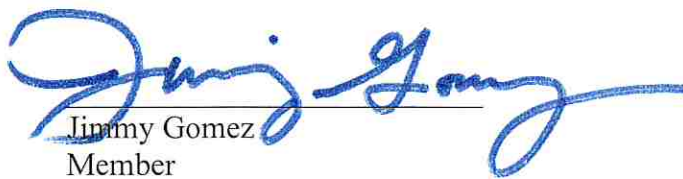
Mark DeSaulnier
Member



Brenda L. Lawrence
Member



Ro Khanna
Member



Jimmy Gomez
Member



Alexandria Ocasio-Cortez
Member



Ayanna Pressley
Member



Rashida Tlaib
Member

Enclosure

cc: The Honorable Jim Jordan, Ranking Member
Committee on Oversight and Reform

The Honorable James Comer, Ranking Member
Subcommittee on Environment