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## **A Failure of Oversight: How Republicans Blocked a Credible Investigation of the Trump Administration's Response to the 2017 Hurricanes**

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**A FAILURE OF OVERSIGHT:**

**How Republicans Blocked a Credible Investigation of the  
Trump Administration's Response to the 2017 Hurricanes**

*Prepared for Ranking Member Elijah E. Cummings*

**Democratic Staff Report  
Committee on Oversight and Government Reform  
U.S. House of Representatives**

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## EXECUTIVE SUMMARY

The hurricanes that struck Puerto Rico and the U.S. Virgin Islands last fall were one of the most devastating and deadly natural disasters in United States history. In 2005, Hurricane Katrina killed an estimated 1,100 people. In 2017, the hurricanes that struck Puerto Rico and the U.S. Virgin Islands resulted in the deaths of an estimated 2,975 people—more than the number of people killed in the Twin Towers on September 11, 2001.

On October 3, 2017, just weeks after the hurricanes struck, President Donald Trump traveled to Puerto Rico and repeatedly touted his Administration's response as "unbelievable," "amazing," and "incredible." As evidence for his claims, he cited the low number of deaths initially reported compared to the number of people killed by Hurricane Katrina:

Every death is a horror. But if you look at a real catastrophe like Katrina, and you look at the tremendous hundreds and hundreds and hundreds of people that died, and you look at what happened here with, really, a storm that was just totally overpowering—nobody has ever seen anything like this. What is your death count, as of this moment—17? ... 16 people versus in the thousands. You can be very proud of all of your people, all of our people working together. Sixteen versus literally thousands of people.

He continued in the days that followed, tweeting on October 8, 2017: "Nobody could have done what I've done for #PuertoRico with so little appreciation. So much work!" When asked a week later to rate his Administration's response, he answered: "I'd say it was a 10."

Even when reports by experts made clear that the actual death toll in Puerto Rico far exceeded the number of Americans killed after Hurricane Katrina, President Trump continued his claims of success, stating as recently as last week: "I think we did a fantastic job in Puerto Rico."

Unfortunately, over the past year, Oversight Committee Chairman Trey Gowdy and other House Republicans failed to conduct a credible, fact-based investigation of what went wrong and who was responsible. Instead, the Republican response was to insulate President Trump and his aides from scrutiny, wall off the White House from criticism, shut down key aspects of congressional oversight, and disregard the lessons learned after Hurricane Katrina.

The decisions made by Chairman Gowdy during this investigation—and supported by other Republican Members—prevented the Committee from fulfilling its Constitutional responsibility to conduct independent oversight of President Trump's claims and his Administration's actions. They also deprived the American people of a credible examination of the federal government's response to ensure that the same mistakes are not repeated in the future.

Chairman Gowdy's actions stand in stark contrast to those of his Republican predecessor, Chairman Tom Davis, who led the investigation of the Bush Administration's response to Hurricane Katrina. At the time, Republicans were in the majority in the House of Representatives with a Republican President in the White House, as is the case today.

In just five months, Chairman Davis held nine hearings, conducted scores of interviews—many of which were transcribed, such as the interview of FEMA Administrator Michael Brown—and received dozens of briefings from federal officials and others.

Chairman Davis sent document requests to the White House, the Office of the Vice President, multiple federal agencies, and various state officials. In response, he obtained more than 500,000 pages of documents—including 22,000 pages from the Executive Office of the President and the Office of the Vice President.

During the investigation, Chairman Davis became “disappointed and frustrated by the slow pace and general resistance to producing the requested documents by the White House,” so he pressed publicly and privately for greater compliance, which he received. He negotiated directly with the White House to secure a briefing for Committee Members from the top White House official in charge of responding to the hurricane, Deputy Assistant to the President for Homeland Security Ken Rapuano. According to Chairman Davis, Mr. Rapuano “included more acknowledgements of institutional failure than any we had received previously.”

In pursuing compliance from federal agencies, Chairman Davis issued a subpoena just three months after sending his original document requests to compel the production of email communications among high-level Bush Administration officials that were being withheld. He obtained those subpoenaed emails within a matter of weeks.

At the conclusion of his five-month investigation, Chairman Davis issued a comprehensive 569-page report criticizing the Bush White House, federal agencies, state governments, and private contractors for their multiple failures to learn the lessons of the past.

In contrast, over a much longer period—11 months—Chairman Gowdy held no full Committee hearings. The first such hearing finally will occur this week. Instead, only two subcommittee hearings were held over that entire span. Committee Members received only three agency briefings, and Chairman Gowdy conducted no transcribed interviews.

Chairman Gowdy refused to send any document request at all to the White House. As a result, the Committee did not obtain a single document from the White House regarding the hurricanes. Chairman Gowdy not only refused to request documents from the White House, but he blocked all Democratic attempts to obtain those documents by preventing Committee Members from being able to vote on a subpoena to require the White House to respond to a document request from Ranking Member Cummings.

Unlike Chairman Davis, Chairman Gowdy did not obtain any private briefings from White House officials relating to their efforts to coordinate federal agency action, such as White House Homeland Security Adviser Tom Bossert.

As a result of these decisions, the Committee was unable to adequately investigate key questions about the Trump Administration’s response, such as the delay in appointing a commanding general, the apparent lack of presidential engagement and direction, the failure to lead a coordinated response, and the wavering commitment to recovery and rebuilding.

Although Chairman Gowdy agreed to send document requests to the Departments of Homeland Security, Defense, and Health and Human Services, he obtained fewer than 20,000 pages of documents from all sources over the entire year—far less than the 500,000 pages obtained by Chairman Davis, and even less than the 22,000 pages Chairman Davis obtained from the White House alone.

Over the past year, the Committee has not obtained any emails regarding the hurricanes from top Trump Administration officials, including Secretary of Defense James Mattis, Acting Secretary of Homeland Security Elaine Duke, or FEMA Administrator Brock Long. The Committee also has not obtained any emails between the White House and federal agencies.

Unlike Chairman Davis, Chairman Gowdy refused to issue any subpoenas to obtain documents that were withheld by agencies. Even when Democrats conducted their own investigations highlighting massive problems with the Trump Administration’s response, Chairman Gowdy refused to issue subpoenas for documents he himself requested. For example:

- Ranking Member Cummings and Rep. Stacey Plaskett sent a letter asking Chairman Gowdy to issue a subpoena to compel DHS to produce documents FEMA was withholding relating to the agency’s failure to provide tens of millions of emergency meals to U.S. citizens who were victims of the hurricanes. Chairman Gowdy declined, and Republicans blocked all efforts by Democrats to call a vote.
- Ranking Member Cummings and Rep. Plaskett sent another subpoena request based on new information indicating that FEMA failed to respond to emergency requests from supermarkets seeking fuel to run generators to help prevent food from spoiling in the days immediately following Hurricane Maria—including tons of fresh produce, dairy, and other perishable products that were desperately needed by these American citizens. Chairman Gowdy declined again.
- Ranking Member Cummings sent Chairman Gowdy a subpoena request to obtain documents DOD was withholding, including requests for mobile hospitals and other medical assets; the USNS Comfort sailing around Puerto Rico for days without docking; helicopters that were unable to land on the USNS Comfort; and DOD contracts to respond to the hurricanes. Chairman Gowdy declined all of these requests.

When Chairman Davis issued his final report on Hurricane Katrina, he warned: “Government failed because it did not learn from past experiences, or because lessons thought to be learned were somehow not implemented. If 9/11 was a failure of imagination, then Katrina was a failure of initiative. It was a failure of leadership.”

More than a decade later, the Oversight’s Committee’s investigation of the Trump Administration’s response to the hurricanes in Puerto Rico and the U.S. Virgin Islands not only ignored these lessons from the past, but added a new failure of its own—a failure of oversight.

## I. REFUSAL TO CONDUCT OVERSIGHT OF WHITE HOUSE

After investigating Hurricane Katrina for a period of five months, Chairman Tom Davis, leading the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, issued a comprehensive report, which found:

Government failed because it did not learn from past experiences, or because lessons thought to be learned were somehow not implemented. **If 9/11 was a failure of imagination, then Katrina was a failure of initiative. It was a failure of leadership.**<sup>1</sup>

Chairman Davis conducted nine hearings over the course of three months:

- Sept. 22, 2005—Predicting Hurricanes: What We Knew About Katrina and When
- Sept. 27, 2005—The Role of the Federal Emergency Management Agency
- Oct. 19, 2005—The Role of the Department of Homeland Security
- Oct. 27, 2005—Preparedness and Response by the Department of Defense, the Coast Guard, and the National Guard of Louisiana, Mississippi, and Alabama
- Nov. 2, 2005—The Federal Government’s Use of Contractors to Prepare and Respond
- Nov. 9, 2005—Preparedness and Response by the State of Alabama
- Dec. 6, 2005—Voices from Inside the Storm
- Dec. 7, 2005—Preparedness and Response by the State of Mississippi
- Dec. 14, 2005—Preparation and Response by the State of Louisiana

In contrast, Chairman Gowdy held no full Committee hearings in more than 11 months since the hurricanes struck Puerto Rico and the U.S. Virgin Islands. Instead, only two subcommittee hearings were held over that entire span: a field hearing in the U.S. Virgin Islands on March 12, 2018, held by the Subcommittee on Interior, Energy and Environment, and a hearing on March 21, 2018, held by the Subcommittee on National Security.

The upcoming full Committee hearing belatedly scheduled for September 6, 2018, will be the first full Committee hearing called by Chairman Gowdy on the hurricanes, despite multiple requests from Democratic Members. Nearly a year ago, on September 29, 2017, Ranking Member Cummings and Rep. Stacey Plaskett, the Ranking Member of the Subcommittee on the Interior, Energy and Environment, sent a letter to Chairman Gowdy requesting a hearing regarding the “dire status of recovery efforts in Puerto Rico and the U.S. Virgin Islands.”<sup>2</sup> Their request was ignored.

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<sup>1</sup> 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 <https://katrina.house.gov/>).

<sup>2</sup> Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, and Ranking Member Stacey Plaskett, Subcommittee on the Interior, Energy and Environment, to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Sept. 29, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-09-29.EEC%20Plaskett%20to%20Gowdy%20re%20Hurricane%20Response.pdf>).

During the investigation of Hurricane Katrina, Chairman Davis and other Members and staff “conducted scores of interviews and received dozens of briefings from local, state, and federal officials; non-governmental organizations; private companies and individuals who provided or offered external support after Katrina; and hurricane victims.”<sup>3</sup>

In contrast, Chairman Gowdy conducted no transcribed interviews and convened only three Member briefings: (1) October 3, 2017, with Damon Penn, Assistant Administrator of the Response Directorate, Federal Emergency Management Agency (FEMA); (2) October 11, 2017, with Robert Salesses, Deputy Assistant Secretary of Defense, General Lori Robinson, Commander of United States Northern Command (NORTHCOM), Major General Michael Taheri, National Guard Bureau, and Major General Ed Jackson, Deputy Commanding General, Civil and Emergency Operations, United States Army Corp of Engineers; and (3) October 26, 2017, with Robert Kadlec, the Assistant Secretary for Preparedness and Response at the Department of Health and Human Services.

Within weeks of Hurricane Katrina, Chairman Davis sent dozens of bipartisan requests for documents to the White House, federal agencies, and state government officials. For example, at the federal level, he sent document request to agencies including:

- The White House
- Office of the Vice President
- Department of Homeland Security (including FEMA and U.S. Coast Guard)
- Department of Defense
- Department of Health and Human Services
- Environmental Protection Agency
- National Aeronautics and Space Administration
- U.S. Agency for International Development
- Small Business Administration
- Social Security Administration
- Federal Communications Commission
- Nuclear Regulatory Commission
- Office of Personnel Management<sup>4</sup>

In contrast, Chairman Gowdy refused to send any document requests to anyone at the White House. For weeks after the hurricanes struck Puerto Rico and the U.S. Virgin Islands, Ranking Member Cummings urged Chairman Gowdy to follow the example set by Chairman Davis in 2005 by sending bipartisan document requests to the White House and the federal and local agencies responsible for responding to the hurricanes. Ranking Member Cummings even provided Chairman Gowdy with draft letters that tracked almost verbatim the scope of the requests made by Chairman Davis in response to Hurricane Katrina.

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<sup>3</sup> 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 <https://katrina.house.gov/>).

<sup>4</sup> *Id.*

Ranking Member Cummings also cited a statement made by Chairman Davis at the first hearing after Hurricane Katrina regarding the mandate of his investigation:

It's a mandate to stop attacking or defending government entities for partisan purposes and do the oversight we're charged with doing. To aggressively investigate what went wrong and what went right. To do it by the book, and let the chips fall where they may.<sup>5</sup>

Despite this bipartisan precedent, Chairman Gowdy declined to request a single document from the White House. As a result, Ranking Member Cummings sent his own letter to the White House on October 11, 2017, requesting documents relating to the White House's preparation for, and response to, the hurricanes.<sup>6</sup>

During the investigation of Hurricane Katrina, Chairman Davis asked the White House to produce a wide range of documents, and he pressed the White House publicly and privately when its document productions were inadequate. As stated in the final report on Hurricane Katrina:

The Select Committee also requested information from the White House. Specifically, the Select Committee requested documents and communications from before August 23 related to the threat posed by a hurricane striking New Orleans or the Gulf coast, mitigation measures or projects, emergency preparations, or emergency responses. We requested documents and communications from between August 23 and August 29 related to the threat posed by Hurricane Katrina, mitigation measures or projects, emergency preparations, or emergency responses. And we requested documents and communications from between August 29 and September 15 related to the impact of Hurricane Katrina, mitigation measures or projects, emergency preparations, or emergency responses. Initially, the White House produced more than 4,000 documents in response to these requests; however, the Select Committee was not satisfied with this initial production of documents.

In a December 6 letter, William Kelly, White House Deputy Counsel, said the September 30 and December 1 requests were too broad and asked the Select Committee to narrow the request. In response, the Select Committee insisted on briefings by senior administration officials and the production of certain items, including e-mails and documents from the White House Situation Room. As a result of our demands, a briefing was provided and more than 12,000 pages of documents from the Executive Office of the President on the response to Hurricane Katrina were delivered on December 16. The Select Committee made similar requests to the Vice President's office, which responded with almost 6,000 pages of documents.

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<sup>5</sup> Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, Opening Statement of Chairman Tom Davis, *Predicting Hurricanes: What We Knew About Katrina and When*, 109th Cong. (Sept. 22, 2005) (online at [http://katrina.house.gov/hearings/09\\_22\\_05/witness\\_list092205.html](http://katrina.house.gov/hearings/09_22_05/witness_list092205.html)).

<sup>6</sup> Letter from Ranking Member Elijah Cummings, House Committee on Oversight and Government Reform, to General John F. Kelly, Chief of Staff, The White House (Oct. 11, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-11.EEC%20to%20WH%20Doc.%20Request%20re.Hurricane%20response.pdf>).



While the Select Committee was disappointed and frustrated by the slow pace and general resistance to producing the requested documents by the White House and the Department of Defense, at the end of the day, the Select Committee believes it received enough information through documents, briefings, and interviews to understand the actions and decisions of those entities, and reach sound findings on them, without implicating executive privilege.

That's what this was about: obtaining sufficient information. Getting the documents and testimony we needed to make sure Americans are better prepared the next time. Ultimately, our public criticism of the Administration's slow pace did the job.<sup>7</sup>

In contrast, Chairman Gowdy not only refused to request a single document from the White House, but he blocked Democratic attempts to allow other Committee Members to vote for themselves on a motion to require the White House to respond to the document request sent by Ranking Member Cummings.

On October 26, 2017, Ranking Member Cummings sent a letter asking Chairman Gowdy to "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." He warned: "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."<sup>8</sup>

In his letter, Ranking Member Cummings also set forth a host of unanswered questions relating to the White House's response to the hurricanes, including the following:

***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.<sup>9</sup> 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."<sup>10</sup>

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<sup>7</sup> 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 <https://katrina.house.gov/>).

<sup>8</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House 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>).

<sup>9</sup> United States Army, *The Army Response to Hurricane Katrina* (Sept. 10, 2010) (online at [www.army.mil/article/45029/the\\_army\\_response\\_to\\_hurricane\\_katrina](http://www.army.mil/article/45029/the_army_response_to_hurricane_katrina)); Department of Defense, *Army Support During the Hurricane Katrina Disaster* (online at <http://usacac.army.mil/cac2/cgsc/carl/download/csipubs/wombwell.pdf>) (accessed on Oct. 26, 2017).

<sup>10</sup> *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](http://www.nbcnews.com/storyline/puerto-rico-crisis/delayed-response-puerto-rico-has-echoes-katrina-some-n805861)).

***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.<sup>11</sup> Within two weeks of the earthquake, 33 U.S. military ships, 22,000 troops, and more than 300 helicopters had arrived.<sup>12</sup> In contrast, President Trump reportedly did not convene a meeting with senior officials to deal with Hurricane Maria in the immediate days after landfall.<sup>13</sup> 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. Two days after Hurricane Maria struck Puerto Rico, he attended a political rally in Alabama and sent tweets about the National Football League.<sup>14</sup> After eight days, only 4,400 service members and 40 helicopters were assisting relief efforts in Puerto Rico.<sup>15</sup>

***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.”<sup>16</sup> 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.”<sup>17</sup> 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.”<sup>18</sup> Rather than the “community effort” the President described, FEMA

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<sup>11</sup> *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](http://www.nytimes.com/2010/01/22/us/politics/22prexy.html)).

<sup>12</sup> *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](http://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)).

<sup>13</sup> *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](http://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)).

<sup>14</sup> *Puerto Rico Will Be an Enduring Stain on Trump’s Presidency*, CNN (May 31, 2018) (online at [www.cnn.com/2018/05/31/politics/puerto-rico-death-toll-trump-legacy/index.html](http://www.cnn.com/2018/05/31/politics/puerto-rico-death-toll-trump-legacy/index.html)); *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](http://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)).

<sup>15</sup> *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](http://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)).

<sup>16</sup> *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/>).

<sup>17</sup> *Puerto Rico Relief Effort Replay: 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](http://www.npr.org/2017/09/28/554157428/puerto-rico-relief-efforts-got-off-to-a-poor-start-retired-general-says)).

<sup>18</sup> *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](http://www.cnn.com/2017/09/30/politics/trump-tweets-puerto-rico-mayor/index.html)).

Administrator Brock Long stated, “We filtered out the mayor a long time ago.”<sup>19</sup>

***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.”<sup>20</sup> In contrast, President Trump wavered between promises to help Puerto Rico “wipe out” its debt—which was immediately contradicted by OMB Director Mick Mulvaney stating that “we’re absolutely not” bailing out Puerto Rico<sup>21</sup>—to claims that Puerto Rico needs to shoulder a greater burden of the recovery since the federal government cannot stay “forever.”<sup>22</sup>

In the same letter, Ranking Member Cummings asked Chairman Gowdy—if he continued to refuse to send his own document request to the White House—at least to place this issue on the agenda for the Committee’s next business meeting so all Members would have an opportunity to vote on a motion to require the White House to produce documents relating to the hurricanes.<sup>23</sup> Chairman Gowdy refused to place this issue on the agenda.

On October 31, 2017, Ranking Member Cummings sent another letter to Chairman Gowdy—this time on behalf of all Democratic Members of the Oversight Committee—asking him to place this issue on the agenda for the Committee’s upcoming business meeting, which had been scheduled for November 2, 2017. Ranking Member Cummings wrote:

I understand that you personally may disagree with our requests, but all of our Committee Members deserve the opportunity to debate and vote on these motions, rather than you unilaterally blocking their consideration. House rules provide for subpoenas to be issued by a vote of the full Committee, and we have asked for the opportunity to do so. Many Members of the Committee believe that our Constitutional obligation to conduct rigorous oversight does not depend on who sits in the White House, and all we ask is that you let us offer these motions, debate them, and hold a vote.<sup>24</sup>

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<sup>19</sup> *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](http://www.politico.com/story/2017/10/08/fema-san-juan-mayor-long-243575)).

<sup>20</sup> Ranking Member 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>).

<sup>21</sup> *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/](http://www.cbsnews.com/news/trump-says-administration-will-have-to-wipe-out-puerto-ricos-debt/)).

<sup>22</sup> *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](http://www.cnn.com/2017/10/12/politics/donald-trump-puerto-rico-tweets/index.html)).

<sup>23</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House 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>).

<sup>24</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Oct. 31, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/EEC%20to%20Gowdy%2010-31-17%20Letter%20to%20WH%20on%20PR.pdf>).

On the morning of the business meeting, Chairman Gowdy sent a letter denying this request, asserting that requiring the White House to produce documents as part of this investigation would be “inconsistent with a responsible investigative process.”<sup>25</sup>

When the business meeting convened, Vice Ranking Member Gerry Connolly moved to have the Committee consider one of the subpoenas requested in the October 31, 2017, letter, but Republicans blocked all debate and ruled the motion out of order.<sup>26</sup>

During the investigation of Hurricane Katrina, Chairman Davis negotiated directly with the White House to secure a briefing for Committee Members and staff from the top White House official charged with responding to the hurricane. As he explained in his final report:

At our insistence, the White House provided Deputy Assistant to the President for Homeland Security Ken Rapuano for a briefing with staff and Members. With the President in Texas, Homeland Security Advisor Frances Townsend out of the country, and Chief of Staff Andrew Card in Maine at the time of the storm, Rapuano offered the best view of White House knowledge and actions right before and right after Katrina. In fact, his briefing included more acknowledgements of institutional failure than any we had received previously.<sup>27</sup>

In contrast, Chairman Gowdy has requested no briefings from any White House officials.

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[oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-31.Dems%20to%20Gowdy%20re%20November%20Mark%20Up\\_0.pdf](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-31.Dems%20to%20Gowdy%20re%20November%20Mark%20Up_0.pdf)).

<sup>25</sup> Letter from Chairman Trey Gowdy to Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform (Nov. 2, 2017) (online at <https://oversight.house.gov/wp-content/uploads/2017/11/2017-11-02-Gowdy-to-EEC-response-to-subpeona-requests.pdf>).

<sup>26</sup> House 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>).

<sup>27</sup> 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 <https://katrina.house.gov/>).

## II. REFUSAL TO ISSUE SUBPOENAS TO FEDERAL AGENCIES WITHHOLDING KEY DOCUMENTS

### A. Emails from Top Trump Administration Officials

When Chairman Tom Davis conducted his investigation of Hurricane Katrina in 2005, he obtained more than 500,000 pages of documents in five months. When agencies failed to respond, he pressed them repeatedly to produce the documents they were withholding.

In one specific case—involving emails among top Bush Administration officials—Chairman Davis issued a subpoena within three months of sending his original request and obtained the subpoenaed emails within a matter of weeks. As explained in the final Hurricane Katrina report:

Despite these significant productions, Chairman Davis was concerned that the communications of senior Defense Department officials—a priority in the first request to the Department—had not been produced. Consequently, after discussions with Rep. Melancon, he issued a subpoena to the Department of Defense on December 14. The subpoena required the production of the correspondence of senior DOD officials related to Hurricane Katrina.

On December 22, the Select Committee received documents responsive to the subpoena, including official correspondence from Assistant Secretary Paul McHale, Principal Deputy Assistant Secretary Peter Verga, Admiral Keating, Lieutenant General Honoré, Lieutenant General Blum, and Colonel John Jordan. On December 30, the Select Committee received more documents responsive to the subpoena, including DOD official correspondence from Secretary Rumsfeld, Acting Deputy Secretary England, Colonel Daskevich, Brigadier General Scherling, Colonel Roberson, Colonel Chavez, Colonel Young, Admiral Keating, and Principal Deputy Assistant Secretary Verga. On January 13, the Select Committee received further submissions of correspondence from Department officials including, Brigadier General Graham, Major General Young. And on January 17, the Select Committee received the emails of Major General Grass and Lieutenant General Vaughn.<sup>28</sup>

In contrast, Chairman Gowdy has received fewer than 20,000 pages of documents from all federal agencies over the course of the entire investigation, and he has refused to issue any subpoenas despite multiple Democratic requests after agencies failed to produce key documents.

Although Chairman Gowdy did not agree to request any documents from the White House, he did agree to a request from Ranking Member Cummings to send document requests to federal agencies charged with planning for, and responding to, the hurricanes. On October 11, 2017, they sent bipartisan document requests to the Department of Defense (DOD), the Department of Homeland Security (DHS), and the Department of Health and Human Services

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<sup>28</sup> *Id.*

(HHS).<sup>29</sup> In addition, on May 15, 2018, Chairman Gowdy sent a letter to the Puerto Rico Electric Power Authority (PREPA) requesting Grid Status Updates.<sup>30</sup> PREPA produced a total of 36 pages in response.

Over the past year, the Committee has not received any email communications regarding the hurricanes from many top Trump Administration officials, including Acting Secretary of Homeland Security Elaine Duke, or FEMA Administrator Brock Long.<sup>31</sup> The Committee also has not obtained any emails between the White House and federal agencies.<sup>32</sup>

The Committee obtained only a single email from DHS that appears to have been sent from the Puerto Rico Governor's office to agency officials and the White House. Sent on September 17, 2018, the email merely provides a scheduling "fyi" about a meeting that Governor Ricardo Rosselló planned to hold with the emergency management team and a press conference. The identities of recipients from the White House and HHS were redacted without explanation.

The Committee cannot fully evaluate the actions of senior officials or reach legitimate conclusions about their planning and response without reviewing their electronic correspondence and documents.

## **B. Documents Relating to Botched FEMA Food Contract**

On February 6, 2018, Ranking Members Cummings and Plaskett sent a letter to Chairman Gowdy requesting that he issue a subpoena to compel DHS to produce documents in response to the bipartisan request relating to FEMA's failure to provide tens of millions emergency meals to U.S. citizens who were victims of the hurricanes.<sup>33</sup>

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<sup>29</sup> See, e.g., Letter from Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Acting Secretary Elaine Duke, Department of Homeland Security (Oct. 11, 2017) (online at <https://oversight.house.gov/wp-content/uploads/2017/10/2017-10-11-TG-EEC-to-Duke-DHS-Hurricane-Document-Request.pdf>).

<sup>30</sup> Letter from Chairman Trey Gowdy, House Committee on Oversight and Government Reform, to Walter Higgins, Chief Executive Officer, Puerto Rico Electric Power Authority (May 15, 2018) (online at <https://oversight.house.gov/wp-content/uploads/2018/05/2018-05-15-TG-to-Higgins-PREPA-Puerto-Rico-Power-Restoration-due-5-25.pdf>).

<sup>31</sup> The Department of Defense produced a memo dated September 12, 2017, from Acting Secretary Duke to Secretary Mattis requesting DOD participation in the Surge Capacity Force and a September 18, 2017, letter from Secretary Mattis' representative to Acting Secretary Duke in response. DOD produced several emails from General Lori J. Robinson, Commander, United States Northern Command and North American Aerospace Defense Command, to Chairman of the Joint Chiefs of Staff, General Joseph Dunford and Secretary Mattis' top uniformed advisor, Craig Faller, asking that the emails be passed on to Secretary Mattis.

<sup>32</sup> Conference call with House Committee on Oversight and Government Reform Staff and Office of Legislative Affairs, Department of Homeland Security (Jan. 18, 2018) (informing Committee staff that the Department failed to run a single search for email communications in the first three months since the bipartisan document request was made).

<sup>33</sup> Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, and Ranking Member Stacey Plaskett, Subcommittee on the Interior, Energy and Environment, to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Feb. 6, 2018) (online at

After investigating Hurricane Katrina in 2005, one of Chairman Davis' key findings was that agencies should enter into advance contracts for emergency supplies that would be critical after a hurricane such as Katrina. The final report stated:

**Finding: The failure at all levels to enter into advance contracts led to chaos and the potential for waste and fraud as acquisitions were made in haste.<sup>34</sup>**

The report also cited key testimony from the Director of the Alabama Emergency Management Agency at the time, Bruce Baughman, who recommended “having standing contracts in place and supplies at the ready so the states would not again fall victim to an inadequate FEMA response or supply shortages.”<sup>35</sup>

However, it appears that the Trump Administration's response to the hurricane in Puerto Rico suffered from the same flaws as the Bush Administration's response to Hurricane Katrina in 2005. Food is one of the most basic necessities for victims of natural disasters. This need was completely foreseeable—and in fact was foreseen.

Documents obtained independently by Democratic staff indicate that FEMA failed to deliver tens of millions of emergency meals to the victims of the hurricane in Puerto Rico. According to these documents, one of the primary reasons FEMA failed to deliver these meals is because it inexplicably awarded a contract worth approximately \$156 million to deliver 30 million emergency meals to a tiny, one-person company with a history of struggling with much smaller contracts.

On October 3, 2017, FEMA officials awarded a contract valued at \$155,982,000 to Tribute Contracting, LLC to deliver 30 million emergency meals.<sup>36</sup> Twenty days later, FEMA officials terminated the contract “for cause” after having accepted only 50,000 meals—more than 29 million meals short of their goal.<sup>37</sup>

The owner and sole employee of Tribute explained that FEMA awarded the contract “because I was able to submit a proposal to supply 30 million meals at the cheapest cost.” She stated that she “worked 24 hours a day, 7 days a week to try and provide these emergency meals.” She also explained that FEMA knew she could not independently finance the production

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<https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-02-06.EEC%20%26%20Plaskett%20to%20Gowdy%20re.FEMA-Tribute%20Contracting.pdf>.

<sup>34</sup> 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 <https://katrina.house.gov/>) (emphasis in original).

<sup>35</sup> *Id.*

<sup>36</sup> Federal Procurement Data System, *Tribute Contracting LLC No. 70FB7018C00000001* (Oct. 3, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/FEMA%20%20Tribute%20Contract%20Award.pdf>).

<sup>37</sup> Federal Procurement Data System, *Modification of Contract No. 70FB7018C00000001* (Oct. 23, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/M7.jpg>).

and delivery of this many meals in such a short timeframe. She subcontracted to two companies, Cooking with a Star, LLC and Breedlove Foods Inc., but both stopped producing meals when they did not receive payment in a timely manner.

FEMA's decision is more incomprehensible given the company's inability to fulfill previous government contracts that were only a fraction of the size. For example, both the Federal Prison System and the Government Publishing Office cancelled contracts with Tribute over the past five years valued at less than \$100,000:

- In 2013, the Federal Prison System cancelled a contract with Tribute valued at \$27,029 for “not delivering” required food (e.g., beans, flour, and spaghetti).<sup>38</sup>
- In 2014, the Federal Prison System “de-obligated” a contract valued at \$57,645 to provide bakery and cereal products due to Tribute's “inability to ship/deliver products.”<sup>39</sup>
- In 2014, the Federal Prison System terminated “for default” a contract with Tribute valued at \$9,900 to provide meat products.<sup>40</sup>
- In 2014, the Federal Prison System terminated “for default” a contract with Tribute valued at \$30,610 to provide bakery and cereal products.<sup>41</sup>
- In 2014, the Government Publishing Office “terminated for default” a contract to produce 3,000 tote bags with a Marine Corps logo due to Tribute's “inability to produce the job per specifications.”<sup>42</sup>

More troubling, the Government Publishing Office determined in 2016 that Tribute would be ineligible for any contracts worth more than \$30,000 through January 7, 2019, and it issued the following warning:

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<sup>38</sup> USASpending.gov, Tribute Contracting LLC DJBP0211NA110006 (termination date of Oct. 16, 2013) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/27029%20Federal%20Prison%20System%20Default.pdf>).

<sup>39</sup> USASpending.gov, Tribute Contracting LLC DJBP0315NA120212 (termination date of Apr. 30, 2014) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/57645%20Federal%20Prison%20Default1.pdf>).

<sup>40</sup> USASpending.gov, Tribute Contracting LLC DJBP0117NA140257 (termination date of July 14, 2014) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/9900%20Federal%20Prison%20System%20Default.pdf>).

<sup>41</sup> USASpending.gov, Tribute Contracting LLC DJBP0111NA130248 (termination date of Apr. 9, 2014) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/M14.jpg>).

<sup>42</sup> Government Accountability Office, Contract Appeals Board, *Tribute Contracting, LLC v. U.S. Government Publishing Office* (GAOCAB No. 2014-03) (July 22, 2015) (online at [www.gao.gov/assets/680/672967.pdf](http://www.gao.gov/assets/680/672967.pdf)).



Agencies shall not solicit offers from, award contracts to renew, place new orders with, or otherwise extend the duration of current contracts, or consent to subcontracts in excess of \$ 30,000 (other than commercially available off-the-shelf items (COTS)), with these contractors unless the agency head (or designee) determines in writing there is a compelling reason to do so.<sup>43</sup>

The Government Publishing Office also warned:

No agency in the Executive Branch shall enter into, renew, or extend primary or lower tier covered transactions to a participant or principal determined ineligible unless the head of the awarding agency grants a compelling reasons exception in writing. Additionally, agencies shall not make awards under certain discretionary Federal assistance, loans, benefits (or contracts there under); nor shall an ineligible person participate as a principal, including but not limited to, agent, consultant, or other person in a position to handle, influence or control Federal funds, or occupying a technical or professional position capable of substantially influencing the development or outcome of a funded activity; nor act as an agent or representative of other participants in Federal assistance, loans and benefits Page 2 of 2 programs. Contact the award agency for questions regarding the extent of Nonprocurement transaction award ineligibility. The period of ineligibility is specified by the termination date.<sup>44</sup>

By October 11, 2017, FEMA officials reportedly admitted facing massive food shortages of millions of meals per day. According to one report, “Federal officials privately admit there is a massive shortage of meals in Puerto Rico three weeks after Hurricane Maria devastated the island,” and FEMA officials reported providing only 200,000 meals a day to more than 2 million people—“a daily shortfall of between 1.8m and 5.8m meals.”<sup>45</sup>

This report quoted one FEMA official as stating, “We are 1.8 million meals short. ... That is why we need the urgency. And it’s not going away. We’re doing this much today, but it has to be sustained over several months.”<sup>46</sup>

According to the same report, “The scale of the food crisis dwarfs the more widely publicized challenges of restoring power and communications,” but FEMA “provides no details on food deliveries, keeping its public statements to the most general terms.”<sup>47</sup>

Mayors from cities and towns across Puerto Rico repeatedly warned about the heart-breaking needs of their citizens. For example:

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<sup>43</sup> Government Publishing Office, *System for Award Management Exclusions* (Feb. 4, 2016) (S4MR4B2LL) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/M1.pdf>).

<sup>44</sup> *Id.*

<sup>45</sup> *Puerto Rico: US Officials Privately Acknowledge Serious Food Shortage*, The Guardian (Oct. 11, 2017) (online at [www.theguardian.com/world/2017/oct/11/puerto-rico-food-shortage-hurricane-maria](http://www.theguardian.com/world/2017/oct/11/puerto-rico-food-shortage-hurricane-maria)).

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

- Carmen Yulín, the mayor of San Juan—a city with approximately 350,000 people—stated: “What there is is hunger, thirst and despair in this country. ... I got tired of being polite. I got tired of being politically correct. I’m furious. That’s why I ask members of the press to send an emergency call to the whole world. ... We are dying!”<sup>48</sup> She explained that the only commodities delivered a night earlier were “three pallets of meals and 12 pallets of infant food.”<sup>49</sup>
- María “Mayita” Meléndez, the mayor of Ponce, one of Puerto Rico’s biggest cities along the southern coast, stated, “It is worse than Katrina. ... It has to move faster. It has to move fast. ... Please hurry. We need water. We need food.”<sup>50</sup>
- Karilyn Bonilla Colón, the mayor of Salinas, a town of 30,000 people located 50 miles south of San Juan, stated, “People tell me, ‘I have money but I can’t get it, I can’t buy anything. ... This is my priority right now: Bring them water and food.’”<sup>51</sup>
- Francisco “Paco” López, the mayor of Barranquitas, when asked about his town, responded, “Devastated.” He added, “Where there are many elderly people [crying] ... The most that worries me is that once there is a lack of supply of food, foods ... that they go hungry.”<sup>52</sup>
- José “Joe” Román Abreu, the mayor of San Lorenzo, stated, “My priority is to get food because I fear that my citizens are going hungry.”<sup>53</sup>
- Lornna Soto, the mayor of Canóvanas, reported, “I received 10,000 meals so far, and we’re a city of 54,000.” She warned: “We need more food.”<sup>54</sup>

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<sup>48</sup> Carmen Yulín: “*Lo Que Hay Es Hambre, Sed y Desesperanza en Este País*,” El Nuevo Dia (Sept. 29, 2017) (online at [www.elnuevodia.com/noticias/locales/nota/carmenyulinloquehayeshambresedydesesperanzaenestepais-2361741/](http://www.elnuevodia.com/noticias/locales/nota/carmenyulinloquehayeshambresedydesesperanzaenestepais-2361741/)).

<sup>49</sup> *Puerto Rico Crisis: San Juan Mayor Pleads for Federal Aid, Trump Hits Back*, NBC News (Sept. 30, 2017) (online at [www.nbcnews.com/storyline/puerto-rico-crisis/san-juan-s-mayor-pleads-trump-you-are-killing-us-n806116](http://www.nbcnews.com/storyline/puerto-rico-crisis/san-juan-s-mayor-pleads-trump-you-are-killing-us-n806116)).

<sup>50</sup> *Puerto Rico Mayor: “It Is Worse Than Katrina,”* CNN (Sept. 29, 2017) (online at [www.cnn.com/2017/09/29/us/ponce-mayor-damage/index.html](http://www.cnn.com/2017/09/29/us/ponce-mayor-damage/index.html)).

<sup>51</sup> *Puerto Rico Mayors Play Outsized Role in Hurricane Recovery*, Reuters (Oct. 4, 2017) (online at [www.reuters.com/article/us-usa-puertorico-mayors/puerto-rico-mayors-play-outsized-role-in-hurricane-recovery-idUSKBN1C92QS](http://www.reuters.com/article/us-usa-puertorico-mayors/puerto-rico-mayors-play-outsized-role-in-hurricane-recovery-idUSKBN1C92QS)).

<sup>52</sup> *Los Alcaldes Narran Sus Angustias y Necesidades Tras El Paso Del Ciclón*, El Nuevo Dia (Sept. 23, 2017) (online at [www.elnuevodia.com/noticias/locales/nota/alcaldesnarransusangustiasynecesidadestraselpasodelciclón-2359889/](http://www.elnuevodia.com/noticias/locales/nota/alcaldesnarransusangustiasynecesidadestraselpasodelciclón-2359889/)).

<sup>53</sup> *San Lorenzo (Puerto Rico) Después del Paso del Huracán María: Últimas Noticias*, Univision (Sept. 22, 2017) (online at [www.univision.com/puerto-rico/wlii/noticias/huracan-maria/san-lorenzo-puerto-rico-despues-del-paso-del-huracan-maria-ultimas-noticias](http://www.univision.com/puerto-rico/wlii/noticias/huracan-maria/san-lorenzo-puerto-rico-despues-del-paso-del-huracan-maria-ultimas-noticias)).

<sup>54</sup> *Aid Is Getting to Puerto Rico. Distributing It Remains a Challenge*, New York Times (Oct. 3, 2017) (online at [www.nytimes.com/2017/10/03/us/puerto-rico-aid-fema-maria.html](http://www.nytimes.com/2017/10/03/us/puerto-rico-aid-fema-maria.html)).

Despite the request from Reps. Cummings and Plaskett, Chairman Gowdy failed to issue a subpoena to compel FEMA to produce the documents it was withholding in response to the bipartisan request. On March 13, 2018, Ranking Member Cummings and Vice Ranking Member Gerry Connolly wrote to Chairman Gowdy again, asking that the matter be placed on the agenda for the Committee's upcoming business meeting on March 15, 2018, so all Members would have an opportunity to debate and vote on the motion.<sup>55</sup> Chairman Gowdy declined to place the matter on the agenda. When the business meeting convened, Democrats moved for a vote, but Republicans blocked all debate and ruled the motion out of order.<sup>56</sup>

### **C. Documents Relating to Massive Fuel Problems in Private Sector**

On March 20, 2018, Ranking Members Cummings and Plaskett sent another letter to Chairman Gowdy re-emphasizing their request for a subpoena based on additional new information obtained independently by Democratic staff indicating that FEMA failed to respond to multiple emergency requests from major supermarkets seeking fuel to run generators to help prevent food from spoiling in the days immediately following Hurricane Maria—including tons of fresh produce, dairy, and other perishable products that were desperately needed by these American citizens.<sup>57</sup>

These new documents obtained independently by Democratic staff showed that senior officials at Walmart took extraordinary measures to try to convey their emergency requests to FEMA. They enlisted congressional offices and officials from the government of Puerto Rico to try to communicate with FEMA. They explained repeatedly that they had emergency generators already in place with enough fuel to preserve food stocks for a matter of days, but that they needed FEMA's help to obtain additional emergency fuel to keep their food from spoiling after that.<sup>58</sup>

These new documents also showed that the government of Puerto Rico communicated these emergency requests directly to FEMA, including repeatedly conveying them in person and in writing. The documents also showed that by September 27, 2017—a full week after the hurricane struck—FEMA failed to supply emergency fuel to save these perishable food supplies.<sup>59</sup>

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<sup>55</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Mar. 13, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-03-13.EEC%20Connolly%20to%20Gowdy%20re.%20Motions%20for%20Subpoenas.pdf>).

<sup>56</sup> House Committee on Oversight and Government Reform Democrats, *Republicans Block 13 More Subpoena Motions* (Mar. 15, 2018) (online at <https://democrats-oversight.house.gov/news/press-releases/republicans-block-13-more-subpoena-motions-including-for-white-house-security>).

<sup>57</sup> Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, and Ranking Member Stacey Plaskett, Subcommittee on the Interior, Energy and Environment, to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Mar. 20, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-03-20.EEC%20%26%20Plaskett%20to%20Gowdy%20re.Walmart.pdf>).

<sup>58</sup> *Id.* (citing multiple emails and other documents obtained independently by Democratic staff).

<sup>59</sup> *Id.*

Finally, these documents showed that FEMA did not respond to requests for fuel as tons of desperately needed food went bad. It is unclear whether FEMA had a plan to distribute emergency fuel that it failed to execute, or whether FEMA had no plan at all.<sup>60</sup>

Ranking Members Cummings and Plaskett quoted extensively from the new documents they had obtained, and they provided copies of the documents to Chairman Gowdy to support their request for a subpoena to compel FEMA to produce documents it was withholding in response to the bipartisan request.<sup>61</sup> Chairman Gowdy again declined to issue a subpoena.

#### **D. Documents Relating to DOD Preparation and Response**

On February 26, 2018, Ranking Member Cummings wrote to Chairman Gowdy requesting that the Chairman issue a subpoena to compel DOD to produce documents it failed to provide in response to the bipartisan document request.<sup>62</sup> His letter explained that on October 11, 2017, representatives from the Department of Defense briefed Republican and Democratic Committee Members. However, these officials failed to adequately address serious concerns about DOD's effectiveness in responding to the hurricanes.<sup>63</sup>

Ranking Member Cummings' letter also warned that after the DOD briefing, other federal officials raised additional specific concerns about DOD's hurricane response. Specifically, on October 26, 2017, Robert Kadlec, the Assistant Secretary for Preparedness and Response at the Department of Health and Human Services, briefed both Republican and Democratic Committee Members. During this briefing, he stated that working with DOD was "challenging." For example, he stated that his office requested mobile hospitals and other medical assets in the immediate aftermath of Hurricane Maria, but DOD was "big, bulky, and slow." He stated that it took DOD more than three weeks to fulfill this request.<sup>64</sup>

Similarly, on January 23, 2018, Chris Meekins, the Deputy Assistant Secretary and Chief of Staff, and other officials from the Department of Health and Human Services briefed Republican and Democratic Committee staff. During the briefing, these officials posed many of their own unanswered questions about DOD's preparedness and response, including why the USNS Comfort sailed around Puerto Rico for days without docking and why DOD helicopters that were initially sent to Puerto Rico were unable to land on the USNS Comfort.<sup>65</sup>

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<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Feb. 26, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-02-26.EEC%20to%20Gowdy%20re.%20DOD%20Subpoena%20Request%20re.Hurricanes%20Irma%20and%20Maria.pdf>).

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

Finally, the letter explained that DOD has not produced its contracting documents, which prevented the Committee from conducting a full and independent investigation of DOD's contracting issues.<sup>66</sup>

To date, DOD has made four document productions totaling less than 9,000 pages. Although some of these documents refer to challenges DOD faced in coordinating medical care, large gaps remain. For example, there is limited information about the delay in sending essential medical supplies and equipment from the mainland to Puerto Rico and the U.S. Virgin Islands. In addition, although DOD produced some documents about its decision to send the USNS Comfort, serious questions remain regarding why it was unable to dock immediately and why helicopters could not land on the ship. Finally, major questions remain regarding the role of Secretary Mattis in making key strategic decisions in the preparation of and response to Hurricanes Irma and Maria and the extent to which the White House was involved in these decisions.

In response to Ranking Member Cummings' letter, Chairman Gowdy declined to issue a subpoena. On March 13, 2018, Ranking Member Cummings and Vice Ranking Member Connolly wrote to Chairman Gowdy again, asking that the motion be placed on the agenda for the Committee's upcoming business meeting on March 15, 2018, so all Members would have an opportunity to debate and vote on the motion.<sup>67</sup> Chairman Gowdy declined to place the matter on the agenda. When the business meeting convened, Democrats moved for a vote, but Republicans blocked all debate and ruled the motion out of order.<sup>68</sup>

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<sup>66</sup> *Id.*

<sup>67</sup> Letter from Ranking Member Elijah E. Cummings and Vice Ranking Member Gerald E. Connolly to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Mar. 13, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-03-13.EEC%20Connolly%20to%20Gowdy%20re.%20Motions%20for%20Subpoenas.pdf>).

<sup>68</sup> House Committee on Oversight and Government Reform Democrats, *Republicans Block 13 More Subpoena Motions* (Mar. 15, 2018) (online at <https://democrats-oversight.house.gov/news/press-releases/republicans-block-13-more-subpoena-motions-including-for-white-house-security>).