

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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July 1, 2019

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

Dear Mr. Mulvaney:

We are writing to inform you that, due to your complete refusal to produce a single piece of paper in response to the Committee's investigation of the Trump Administration's preparation for and response to Hurricanes Irma and Maria in Puerto Rico and the U.S. Virgin Islands, the Committee will have no choice but to seek compulsory process.

On May 6, 2019, all Democratic Members of the Committee wrote to you to request documents relating to the Administration's response to the 2017 hurricanes. We asked for these documents by May 20, 2019. It has now been nearly two months, but the White House has not produced a single document to the Committee or provided any written response.¹

This is not the first time we have requested these documents. On October 11, 2017, when House Democrats were in the minority, Ranking Member Cummings sent a letter to Chief of Staff John Kelly requesting these exact same documents.² The White House completely disregarded this request.

This request is based on bipartisan precedent that should not be controversial. As we explained in our letter on May 6, Rep. Cummings' request in 2017 tracked closely a request from 2005 by then-Chairman Tom Davis seeking documents from the George W. Bush White House

¹ Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, et al., to Mick Mulvaney, Acting Chief of Staff, The White House (May 6, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-06.COR%20Dems%20to%20Mulvaney-WH%20re%20Hurricanes%20Irma%20and%20Maria.pdf>).

² Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to General John F. Kelly, Chief of Staff, The 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>).

related to the federal government's preparations for and response to Hurricane Katrina.³ In response to Chairman Davis' request, the 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.⁴

Our letter on May 6 also explained how our Republican counterparts on the Committee refused to join us in conducting oversight of the White House in 2017 and 2018. They refused to follow the bipartisan example from Hurricane Katrina and refused to even send a request to the White House for documents to inform the Committee's investigation. Our Republican colleagues also refused to allow us to debate and vote on a subpoena for these documents.⁵

For these reasons, we renewed our request after being voted into the majority in order to make clear that the White House could no longer ignore our request. As we explained in our letter on May 6, "If you continue to withhold these documents from the Committee, the Committee may be forced to consider alternative means to obtain compliance."⁶

In addition to explaining the precedent for our Committee's request, our May 6 letter also explained why we need these documents. Specifically, we directed your attention to a staff report issued by Ranking Member Cummings on September 6, 2018, that explains in detail some of the issues the Committee is investigating. These include, but are not limited to, the apparent lack of presidential engagement and direction; the failure to lead a coordinated response; the failure to adequately plan for food and fuel contracts prior to the hurricanes; an apparent lack of communications between the White House and entities on the ground; and the reasons for the President's inaccurate statements regarding the crisis.⁷

Since it appears that the Trump Administration failed in at least some respects to learn the lessons from Hurricane Katrina, our Committee is considering legislative action to improve the laws governing the preplanning of emergency contracts, clarify the timing and transparency of chain-of-command decision-making, and provide additional mechanisms for sharing

³ Letter from Chairman Tom Davis, Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, to Andrew H. Card, Jr., Chief of Staff, The White House (Sept. 30, 2005) (online at <https://katrina.house.gov/letters/strock.pdf>).

⁴ 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).

⁵ Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, et al., to Mick Mulvaney, Acting Chief of Staff, The White House (May 6, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-06.COR%20Dems%20to%20Mulvaney-WH%20re%20Hurricanes%20Irma%20and%20Maria.pdf>).

⁶ *Id.*

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 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>).

information on the ground in a timely and effective manner, among others. The Committee also may make recommendations to other committees regarding the appropriations of funds in advance of, during, and after disasters of this magnitude.

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, clause 4(c)(2). House Rules also provide: “The findings and recommendations of the committee in such an investigation shall be made available to any other standing committee having jurisdiction over the matter involved.”

In addition, as stated in House Rule X, clause 1, the Committee has legislative jurisdiction over “overall economy, efficiency, and management of government operations and activities, including federal procurement.” The Committee also has legislative jurisdiction over the “relationship of the federal government to the states and municipalities generally.” House Rule X, clause 3(i) also specifically charges the Committee with conducting oversight of “the operation of Government activities at all levels, including the Executive Office of the President.”

Conclusion

It is unacceptable for the White House to completely ignore valid requests from this Committee, particularly when they are based on strong, clear, and bipartisan precedents, and especially when they relate to the death of thousands of American citizens. Your actions stand in stark contrast to the Bush Administration, which produced tens of thousands of documents in response to a nearly identical request. The only difference is that far more people died in Puerto Rico in 2017 than as a result of Hurricane Katrina in 2006. The President’s public defiance of all congressional oversight not only obstructs us from fulfilling our responsibility under the Constitution to conduct credible oversight, but it also insults the memory of the Americans who lost their lives as a result of this disaster.

For these reasons, we ask that you fully comply with the Committee’s request for documents by July 10, 2019. For your reference, the Committee seeks the following documents:

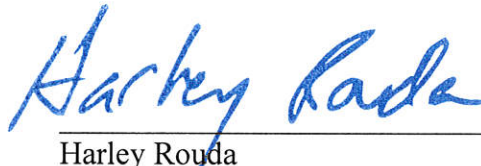
1. Documents and communications received, prepared, or sent before September 5, 2017, by officials of the White House or any of its components, offices, or directorates, relating to threat assessments, mitigation measures, emergency preparedness, or other contingency plans in the case of a hurricane 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.

If you continue to withhold these documents, the Committee will have no choice but to obtain these documents through alternative means.

Sincerely,



Elijah E. Cummings
Chairman



Harley Rouda
Chairman
Subcommittee on Environment

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

The Honorable James Comer, Ranking Member
Subcommittee on Environment