

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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February 26, 2018

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to request that you issue a subpoena to compel the Department of Defense (DOD) to produce documents we requested on a bipartisan basis more than four months ago relating to its preparation for, and response to, Hurricanes Irma and Maria in Puerto Rico and the U.S. Virgin Islands.

On October 11, 2017, the Committee sent a bipartisan letter requesting that DOD produce the following:

1. Documents or communications received, prepared, or sent before September 5, 2017, by officials of the Department of Defense or any of its components, departments, offices, agencies, field activities, or commands, including the U.S. Army Corps of Engineers, 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 Department of Defense or any of its components, departments, offices, agencies, field activities, or commands, including the U.S. Army Corps of Engineers, 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

¹ Letter from Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Secretary James N. Mattis, Department of Defense (Oct. 11, 2017) (online at <https://oversight.house.gov/wp-content/uploads/2017/10/2017-10-11-TG-EEC-to-Mattis-DOD-Hurricane-Document-Request.pdf>).

DOD's response to our Committee's bipartisan request has been inadequate. To date, DOD has made only one production, on December 19, 2017, and this production included only a few pages of email communications, which are essential for the Committee to conduct a thorough and credible investigation. DOD has provided no timeline for when it will provide the remaining documents we requested.

On October 11, 2017, Bob Salesses, Deputy Assistant Secretary of Defense, General Lori Robinson, Commander of 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, briefed Republican and Democratic Committee Members. None of the DOD officials adequately addressed serious concerns about DOD's effectiveness in responding to the hurricanes.

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.

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.

In addition, DOD has not produced its contracting documents. This has prevented us from conducting a full and independent investigation of DOD's contracting issues because the Federal Procurement Data System, which provides a detailed accounting of federal contracts, places a 90-day delay on the release of DOD contract data.² As you know, Rep. Stacey Plaskett and I sent you a letter on February 6, 2018, requesting a subpoena for documents relating to the decision by the Federal Emergency Management Agency to award a \$156 million contract to deliver 30 million emergency meals to Tribute Contracting LLC, a one-person company with a troubling contracting record.³

² *Hurricane Harvey, Irma, and Maria Contract Spending Revisited*, Project on Government Oversight (Jan. 8, 2018) (online at www.pogo.org/blog/2018/01/hurricane-harvey-irma-and-maria-contract-spending-revisited.html).

³ Letter from Ranking Member Elijah E. Cummings and Rep. Stacey Plaskett to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Feb. 6, 2018) (online at <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>).

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In order to conduct a thorough and credible investigation, our Committee must obtain all of the documents we requested, including those relating to the positioning of DOD resources and personnel, the significant delays in clearing roads of debris and reopening the San Juan airport, and the insufficient number of helicopters available to reach rural areas in the immediate aftermath of these hurricanes.

For all of these reasons, I respectfully request that you issue a subpoena compelling DOD to produce, by March 8, 2018, all of the documents we requested in our letter on October 11, 2017. Due to the gravity of these matters, we also request that the Committee expand the date range of our requests to cover documents from the period between September 20, 2017, and January 31, 2018.

If you decide not to issue this subpoena yourself, 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 subpoena these documents.

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member