

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

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<http://oversight.house.gov>

February 23, 2017

Mr. Robert J. Fenton, Jr.
Acting Administrator
Federal Emergency Management Agency
500 C Street SW, 8th Floor
Washington, D.C. 20472

Dear Mr. Fenton:

The August 2016 flood in Baton Rouge, Louisiana, and surrounding parishes, was one of the worst disasters in United States history. Over 150,000 individuals have registered for assistance through the Federal Emergency Management Agency (FEMA).¹ To date, federal assistance for Louisiana disaster survivors and communities exceeds \$4.5 billion.²

Accompanied by Rep. Garret Graves, committee staff visited Baton Rouge on a fact-finding mission shortly after the August 2016 flood.³ On September 9, 2016, the Subcommittee on Transportation and Public Assets held a hearing on recovery efforts, including FEMA's.⁴ The hearing highlighted the extraordinary efforts of private citizens in the immediate rescue and charitable efforts, the cost and pace of the deployment of Manufactured Housing Units (MHUs), and the implementation of the Shelter at Home program. In February 2017, committee staff returned to the area to continue oversight of the recovery efforts and after meeting with local officials, survivors, businesses, and federal officials, discovered various problems with FEMA's handling of recovery efforts.⁵

During the initial visit, committee staff found that three weeks after the flood, only one survivor was living in an MHU, despite FEMA having over 110 MHUs sitting on a local lot and 1,300 in their national inventory.⁶ MHUs are temporary housing structures set up on a homeowner's property so the owners can remain onsite and continue repairs to their homes for

¹ Briefing from Fed. Emergency Mgmt. Agency to H. Comm. on Oversight & Gov't Reform (Feb. 16, 2017) [hereinafter Feb. 16, 2017 FEMA Briefing].

² *Id.*

³ Notes from Cong. delegation to Baton Rouge disaster area (Aug. 28-29, 2016) [hereinafter Aug. 28-29, 2016 CODEL].

⁴ *Oversight of the Federal Emergency Management Agency's Response to the Baton Rouge Flood Disaster: Hearing Before the H. Comm. on Oversight & Gov't Reform*, 114th Cong. (2016).

⁵ Notes from staff cong. delegation to Baton Rouge disaster area (Feb 15-16, 2017) [hereinafter Feb. 15-16, 2017 STAFFDEL].

⁶ Aug. 28-29, 2016 CODEL.

up to eighteen months. The units are a housing option of last resort and can cost as much as \$340,000 for the entire eighteen-month lifecycle, a cost greater than many of the homes of the people they are intended to serve, and well beyond the \$33,000 Stafford Act assistance cap.⁷ While FEMA deployed over 4,200 MHU's by February 2017,⁸ committee staff discovered scores of unoccupied units sitting on a staging lot.⁹

Committee staff also identified issues related to deployed and occupied MHUs. In one instance, according to an autopsy report, an elderly man was discovered deceased in an overheated MHU.¹⁰ When local authorities inspected the MHU, they discovered temperatures over 137.9 degrees Fahrenheit with the air conditioning and heating control unit reading 50 degrees Fahrenheit.¹¹ Attempts to turn off the unit would not stop hot air from blowing out of the vents. Temperatures were so hot that any exposed metal was too hot to touch.¹² According to reports, FEMA has either begun to or plans to replace units on other MHUs due to faulty air conditioning and heating units.¹³ After inquiring about these reports, FEMA told committee staff that there had been no deaths due to faulty MHUs or any efforts to replace a pattern of defective parts. Staff later learned that the Baton Rouge Coroner's Office sent the final autopsy report to a FEMA investigator on November 18, 2016, but FEMA has not contacted the office for further information beyond FEMA acknowledging receipt of the report on the same day.¹⁴ In addition to this tragic incident, there have been other problems relating to the deployment of the units, including one instance in which FEMA delivered an MHU to a deceased individual. In yet another example, FEMA delivered an MHU to the wrong address, only to drop it in a ditch when the agency finally delivered it to the correct address six months after the flood.¹⁵

The Shelter at Home program is a state-run program funded by FEMA which allows for up to \$15,000 in repairs to make temporary improvements in order to allow survivors to remain in their homes.¹⁶ Over 20,000 applications were approved for the program, for which registration ended in October 2016.¹⁷ These temporary repairs include improvements such as installing a makeshift kitchen sink, shower tub, toilet, and outlet receptacle, amongst other things.¹⁸ We have additional questions about the implementation of the Shelter at Home program, including the efficiency of the program, both in its execution and high administrative overhead costs.¹⁹ After meeting with individuals enrolled in the program and contractors making the repairs, a pattern of dissatisfaction with the program emerged. Reports of shoddy

⁷ Aug. 28-29, 2016 CODEL.

⁸ Feb. 15-16, 2017 STAFFDEL.

⁹ *Id.*

¹⁰ East Baton Rouge Coroner's Office, Baton Rouge, Louisiana, Autopsy Report (Oct. 25, 2016).

¹¹ *Id.*

¹² *Id.*

¹³ Feb. 15-16, 2017 STAFFDEL.

¹⁴ Email from Baton Rouge Coroner's Office to Fed. Emergency Mgmt. Agency (Nov. 18, 2016, 10:45 A.M.).

¹⁵ Feb. 15-16, 2017 STAFFDEL.

¹⁶ Feb. 16, 2017 FEMA Briefing.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Feb. 15-16, 2017 STAFFDEL.

repairs performed at costs beyond value are an indication of a serious problem. A state survey recently found that almost one-fifth of survivors enrolled in the program had not returned to their homes, despite the repairs.²⁰

The Committee continues to learn of high levels of dissatisfaction from survivors and local officials regarding FEMA's recovery efforts. Many of the issues discussed at the September 9, 2016, hearing regarding poor communication, high FEMA point of contact turnover, and inconsistencies in recovery amounts disbursed to survivors appear to persist. Local officials have also expressed particular concern over FEMA's sharing of information.²¹

In order to assist the Committee's oversight of FEMA's recovery efforts, please provide the following documents and information as soon as possible, but no later than March 9, 2017:

1. All documents referring or relating to dates for MHU requests, approvals, initial site inspections, delivery dates, and survivor move-in dates;
2. Any analysis conducted relating to the use of MHUs as opposed to other temporary housing solutions;
3. All documents or communications referring or relating to any deaths or injuries in connection with MHUs;
4. All documents or communications referring or relating to faulty MHUs or any requested or performed repairs;
5. Documents sufficient to identify costs associated with the Shelter at Home program, including amounts paid to all contractors and subcontractors;
6. All policies and procedures regarding oversight of the quality of work done in connection with the Shelter at Home program; and
7. All policies and procedures regarding sharing information with state and local officials.

When producing documents to the Committee, please deliver production sets to the Majority staff in Room 2157 of the Rayburn House Office Building and the Minority staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request. Please note that Committee Rule 16(b) requires counsel representing an individual or entity before the Committee or any of its subcommittees, whether in connection with a request, subpoena, or testimony, promptly submit the attached notice of appearance to the Committee.

²⁰ Rebekah Allen, *Was Shelter at Home a Success? Almost half of people surveyed by state said temporary repairs didn't bring them home*, THE ADVOCATE (Jan. 21, 2017), available at http://www.theadvocate.com/louisiana_flood_2016/article_53c63b64-d916-11e6-9b9b-7321ab0fedd8.html.

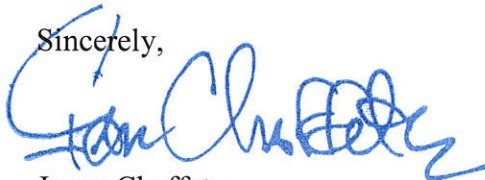
²¹ *Id.*

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The Committee on Oversight and Government Reform is the principal investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time."

Thank you for your cooperation in this matter. If you have any questions regarding this request, please contact Mike Howell of the majority staff at (202) 225-5074.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Chaffetz", with a stylized flourish at the end.

Jason Chaffetz
Chairman

Enclosures

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
115TH CONGRESS**

NOTICE OF APPEARANCE OF COUNSEL

Counsel submitting: _____

Bar number: _____ **State/District of admission:** _____

Attorney for: _____

Address: _____

Telephone: (_____) _____ - _____

Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for _____ in (select one):

- ☒ **All matters before the Committee**
- ☐ **The following matters (describe the scope of representation):**

All further notice and copies of papers and other material relevant to this action should be directed to and served upon:

Attorney's name: _____

Attorney's email address: _____

Firm name (where applicable): _____

Complete Mailing Address: _____

I agree to notify the Committee within 1 business day of any change in representation.

Signature of Attorney

Date