Congress of the United States
Washington, DC 20510

June 12, 2018

The Honorable Brock Long
Administrator
Federal Emergency Management Agency
500 C Street S.W.
Washington, D.C. 20472

The Honorable Alex Azar II
Secretary
U.S. Department of Health & Human Services
200 Independence Avenue S.W.
Washington, D.C. 20201

Dear Administrator Long and Secretary Azar:

We write to express our continued deep concern about the understated fatality count in Puerto Rico due to Hurricane Maria, and to request information about the federal government's role in ensuring that the official accounting of fatalities is accurate. Although the Puerto Rico government's official fatality count from the hurricane has never exceeded 64,[1] a new study published in the New England Journal of Medicine found that there were between 793 and 8,498 fatalities from the storm, with 4,645 "excess deaths" being the midpoint of the study's 95% confidence interval.[2] And mortality data recently released by the Puerto Rico government shows an increase of more than 1,400 deaths after Hurricane Maria.[3] We are alarmed by these credible indications that the official death count from the hurricane is far lower than the actual death count, which would make Hurricane Maria one of the worst natural disasters in modern U.S. history.

As far as we can tell, the Trump Administration has never publicly expressed any concerns about the accuracy of the death count. In fact, the Administration's only public remarks about the counting of Puerto Rican fatalities appear to have come from President Trump himself. "Sixteen people certified," he said of the death count during his visit to Puerto Rico. "Sixteen versus literally thousands of people. You can be very proud." He said this shortly after referring to "a real catastrophe like Katrina."[4] Last week, when President Trump visited FEMA headquarters

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[1] New York Times, "Why Are the Death Tolls in Puerto Rico From Hurricane Maria So Different?," Sheri Fink, June 2, 2018, https://www.nytimes.com/2018/06/02/us/puerto-rico-death-tolls.html.
[2] The New England Journal of Medicine, "Mortality in Puerto Rico after Hurricane Maria," Nishant Kishore, M.P.H., May 29,2018, https://www.nejm.org/doi/full/10.1056/NEJMsa1803972
[3] Washington Post, "New Puerto Rico data shows deaths increased by 1,400 after Hurricane Maria," Arelis R. Hernández, June 1, 2018, https://www.washingtonpost.com/national/new-puerto-rico-data-shows-deaths-increased-by-1400-after-hurricane-maria/2018/06/01/43bb4278-65e2-11e8-99d2-0d678ec08c2f_story.html.
[4] White House, "Remarks by President Trump in briefing on Hurricane Maria relief efforts," October 3, 2017, http://whitehousepressbriefings.com/speeches-and-remarks/remarks-president-trump-briefing-hurricane-maria-relief-efforts/

for a briefing on hurricane season preparations, he conspicuously failed to make any mention of the death toll in Puerto Rico.[5]

The inability to obtain an accurate accounting of fatalities following a natural disaster that occurred on U.S. soil has real and significant consequences. Compiling an accurate death toll is essential to understanding the true severity of conditions on the ground, identifying potential problems and vulnerabilities (e.g., understanding which populations and areas are at special risk during a disaster, and determining which of a disaster's possible impacts require investment in preparations and mitigation), assessing the quality of disaster response, and setting policy moving forward. These statistics also influence the amount of federal aid requested for pre- and post-disaster mitigation and adaptation plans (such as evacuation location needs[6]), which is of critical importance as this year's hurricane season begins. In addition, the Federal Emergency Management Agency (FEMA) provides financial assistance for funeral expenses caused by a presidentially declared emergency or major disaster, but eligibility for this funding requires documentation from a local official stating the death was a direct result of the disaster; underestimating the fatality count might therefore prevent victims from receiving important benefits.[7]

Hurricane Maria caused historically devastating damage to the island of Puerto Rico. After the catastrophe, despite reports of hospital morgues at capacity,[8] local accounts of large numbers of deaths,[9] and reports of dozens of missing persons,[10] the official government count of fatalities due to the hurricane, certified by the Puerto Rico Department of Public Security, never exceeded 64. Puerto Rico Governor Ricardo Rosselló himself has publicly stated that this total—which has been the official count since December 9, 2017[11]—is inaccurate and incomplete.[12]

On October 12, 2017, in response to these concerns, Representatives Nydia M. Velázquez (D-NY) and Bennie G. Thompson (D-MS), the Ranking Democrat on the House Committee on Homeland Security, wrote the U.S. Department of Homeland Security (DHS), asking for an

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[5] CNN, "At FEMA, Trump remained mum on new Puerto Rico death toll," Jeremy Diamond, June 6, 2018, https://www.cnn.com/2018/06/06/politics/fema-donald-trump-puerto-rico/index.html.

[6] Buzzfeed News, "A New Study Says Nearly 6,000 Died in Puerto Rico After Hurricane Maria. The Government Still Says 64 People Died," Nidhi Prakash, May 29, 2018, https://www.buzzfeed.com/nidhiprakash/puerto-rico-death-toll-harvard-study?utm_term=.gkB1E4E0#.wxdLqDq0

[7] FEMA, "Fact Sheet: Funeral Assistance," https://www.fema.gov/media-library-data/1502371473320-20b7a510028dade41fba8541a9d808b6/FACTSHEETFuneralAssistance.pdf

[8] Center for Investigative Journalism, "Hurricane Maria's death toll in Puerto Rico is higher than official count, experts say," Omaya Sosa Pascual, September 28, 2017, http://www.miamiherald.com/news/weather/hurricane/article175955031.html.

[9] John Burnett, "112 Degrees With No Water: Puerto Rican Hospitals Battle Life And Death Daily," NPR Morning Edition, October 5, 2017, http://www.npr.org/2017/ 10/05/555796327/following-disaster-teams-in-puerto-rico

[10] Vox, "Everything that's been reported about deaths in Puerto Rico is at odds with the official count," Eliza Barclay and Alexia Fernández Campbell, October 11, 2017, https://www.vox.com/science-andhealth/2017/10/11/16424356/puerto-rico-official-hurricane-maria-death-toll

[11] New York Times, "Official Toll in Puerto Rico: 64. Actual Deaths May be 1,052." Frances Robles, December 9, 2017, https://www.nytimes.com/interactive/2017/12/08/us/puerto-rico-hurricane-maria-death-toll.html

[12] See, e.g., CNN, "Puerto Rico's governor says there will be 'hell to pay' if officials withheld mortality data," Emanuella Grinberg, June 1, 2018, https://www.cnn.com/2018/05/31/us/puerto-rico-governor-responds-to-study/index.html

investigation into underreporting of the official death toll. They requested that the Department of Homeland Security "[e]xamine all casualty estimates being provided by any Federal agency and local authorities in Puerto Rico" and "[e]valuate whether these counts are accurate and whether the methodology being employed is sufficient."[13] On October 19, 2017, Senator Elizabeth Warren and a dozen of her Senate colleagues also wrote to DHS expressing their concerns about the accuracy of the fatality count in Puerto Rico, and urging federal authorities to "provide all necessary resources to confirm that storm-related deaths are being counted correctly, to ensure that there is sufficient cooperation with local authorities to obtain accurate information, to verify that the methodology for calculating fatalities in Puerto Rico accords with best practices and does not undercount, and to report back to us on when you will be able to provide an accurate total."[14]

On November 28, 2017, Administrator Long responded to the senators' letter, stating that FEMA and the U.S. Department of Health and Human Services (HHS) have no role in the cause and manner of death determination, and that "Puerto Rican authorities have not indicated a dramatic increase in the volume of fatalities due to the storm."[15] On December 6, 2017, Administrator Long sent the same response to Representatives Velázquez and Thompson.[16]

In the months after Hurricane Maria, reports about the cremation of nearly 1,000 Puerto Rican residents without an examination of their cause of death by a government pathologist,[17] and the island-wide 472 person increase in fatalities in September 2017 (the month of the hurricane) compared to September 2016,[18] indicated that the number of deaths was significantly higher than the official toll.

On February 22, 2018, as criticism of the inaccurate official death toll mounted, Governor Rosselló announced that the Puerto Rico government would commission George Washington University's Milken Institute School of Public Health to review the fatality count.[19] The study plans to review and analyze existing records and death certificates and estimate the excess mortality from the time the storm hit on September 20 through February 2018 at a cost of $305,000 to Puerto Rico.[20] Researchers also planned to compile a report allowing the

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[13] Letter from Reps. Nydia M. Velázquez and Bennie G. Thompson to Elaine Duke, Acting DHS Secretary, October 12, 2017, https://velazquez.house.gov/media-center/press-releases/members-congress-seek-audit-maria-death-toll

[14] Letter from Senator Elizabeth Warren et al., to Elaine Duke, Acting DHS Secretary, October 19, 2017, https://www.warren.senate.gov/files/documents/2017_10_19_DHS_Puerto_Rico.pdf

[15] Letter from FEMA Administrator Brock Long to Senator Warren on Fatality Counts, November 28, 2017.

[16] Letter from FEMA Administrator Brock Long to Representatives Nydia M. Velázquez and Bennie G. Thompson on Fatality Counts, December 6, 2017.

[17] Buzzfeed News, "Puerto Rico's Government Just Admitted 911 People Died After The Hurricane – Of 'Natural Causes,'" Nidhi Prakash, October 27, 2017, https://www.buzzfeed.com/nidhiprakash/puerto-rico-natural-causes?utm_term=.af9W848o#.kcWkqvqY.

[18] New York Times, "Puerto Rico Deaths Spike, but Few Are Attributed to Hurricane," Frances Robles, November 8, 2017, https://www.nytimes.com/2017/11/08/us/puerto-rico-deaths-fema.html

[19] George Washington University Milken Institute School of Public Health, "Milken Institute SPH Project Will Estimate the Excess Mortality in Puerto Rico Tied to Hurricane Maria," February 22, 2018, https://publichealth.gwu.edu/content/milken-institute-sph-project-will-estimate-excess-mortality-puerto-rico-tied-hurricane-maria

[20] New York Times, "Puerto Rico's Hurricane Maria Death Toll Could Exceed 4,000, New Study Estimates," Sheri Fink, May 29, 2018, https://www.nytimes.com/2018/05/29/us/puerto-rico-deaths-hurricane.html; Washingtonian, "George Washington University's Public Health School is Looking for the Lessons in Hurricane Maria," Helen

government of Puerto Rico to "take stock of the disaster and begin to make improvements that will help better prepare the island for the coming hurricane season."[21]

Then, two weeks ago, the New England Journal of Medicine published a separate study by researchers from the Harvard T.H. Chan School of Public Health, Carlos Albizu University in Puerto Rico, and the University of Colorado School of Medicine.[22] That study confirmed anecdotes about the vast underestimation of storm related deaths following Hurricane Maria.[23] It found that "the mortality rate in Puerto Rico rose by 62%" in the three months following the hurricane, accounting for an estimated range of between 793 and 8,498 deaths, with 4,645 being the midrange estimate.[24]

Authors of the study also asserted that the Centers for Disease Control and Prevention (CDC) guidelines, which help ensure that medical certifiers know what constitutes a disaster-related death and how to document it on a death certificate,[25] were not "applied properly in Puerto Rico."[26] This study came amid reports that the officially-commissioned recount was dramatically behind schedule and would be delayed to "sometime this summer," due to delays in contract negotiations, "with a more definitive analysis involving interviews with survivors and requiring additional funding following perhaps nine months later."[27]

Later that week, the Puerto Rico government released official mortality data showing "there were at least 1,400 additional deaths on the island in the months after Hurricane Maria as compared with the same time the previous year."[28] This was "the first time in months" that the Puerto Rico government provided mortality data.[29]

Carefoot, February 27, 2018, https://www.washingtonian.com/2018/02/27/puerto-rico-taps-gw-team-to-determine-hurricane-maria-death-count/.

[21] George Washington University Milken Institute School of Public Health, "Milken Institute SPH Project Will Estimate the Excess Mortality in Puerto Rico Tied to Hurricane Maria," February 22, 2018, https://publichealth.gwu.edu/content/milken-institute-sph-project-will-estimate-excess-mortality-puerto-rico-tied-hurricane-maria

[22] The New England Journal of Medicine, "Mortality in Puerto Rico after Hurricane Maria," Nishant Kishore, May 29,2018, https://www.nejm.org/doi/full/10.1056/NEJMsa1803972

[23] Harvard T.H. Chan School of Public Health, "Study estimates a prolonged increase in death rate in Puerto Rico in months following Hurricane Maria," May 29, 2018, https://www.hsph.harvard.edu/news/press-releases/death-rate-increase-puerto-rico-hurricane-maria/

[24] Harvard T.H. Chan School of Public Health, "Study estimates a prolonged increase in death rate in Puerto Rico in months following Hurricane Maria," May 29, 2018, https://www.hsph.harvard.edu/news/press-releases/death-rate-increase-puerto-rico-hurricane-maria/

[25] Centers for Disease Control and Prevention, "A Reference Guide for Certification of Deaths in the Event of a Natural, Human-induced, or Chemical/Radiological Disaster," October 2017, https://www.cdc.gov/nchs/data/nvss/vsrg/vsrg01.pdf

[26] NBC News, "New Hurricane Maria death toll estimates spotlight data-reliability issues in Puerto Rico," Nicole Acevedo, May 31, 2018, https://www.nbcnews.com/storyline/puerto-rico-crisis/new-hurricane-maria-death-toll-estimates-spotlight-data-reliability-issues-n878701

[27] New York Times, "Puerto Rico's Hurricane Maria Death Toll Could Exceed 4,000, New Study Estimates," Sheri Fink, May 29, 2018, https://www.nytimes.com/2018/05/29/us/puerto-rico-deaths-hurricane.html

[28] Washington Post, "New Puerto Rico data shows deaths increased by 1,400 after Hurricane Maria," Arelis R. Hernández, June 1, 2018, https://www.washingtonpost.com/national/new-puerto-rico-data-shows-deaths-increased-by-1400-after-hurricane-maria/2018/06/01/43bb4278-65e2-11e8-99d2-0d678ec08c2f_story.html.

[29] *Id.*

The new study reveals that the response to the devastation caused by Hurricane Maria has been inadequate. Furthermore, Administrator Long's previous responses on this subject indicate that the federal government has failed to provide significant support in recording the fatalities of Puerto Rican residents, while the Puerto Rico government has failed to request such assistance. We are extremely concerned by the ongoing inability to obtain an updated, accurate death toll from Hurricane Maria, and the Trump Administration's failure to provide any assistance or demand accountability in that process.

To identify how the federal government will address fatality count discrepancies and better execute disaster response and assistance to Puerto Ricans and other communities affected by hurricanes in the future, we ask that you answer the following questions by June 26, 2018.

1. What assistance has FEMA or other federal government agencies provided to the Puerto Rico government to ensure that officials obtain an accurate death toll?

2. The current official death count from Hurricane Maria is 64 people. Does FEMA believe this is an accurate number? If so, why? If not, why not?

3. Do FEMA and HHS believe that CDC protocols contributed to any undercounting of the death toll?
    a. Are FEMA and HHS aware of CDC protocols resulting in undercounting after other disasters or events? If so, will FEMA collaborate with the CDC to ensure that their protocol does not result in erroneous fatality counts in the future?

4. What specific plans or procedures are in place to ensure that, in the event of another hurricane or other disaster, FEMA, HHS, and other federal agencies obtain accurate fatality counts?

5. How many Puerto Rican residents have applied for FEMA funeral assistance? How many of them have received funding for this purpose? Were any individuals denied assistance because the death of their family member was not proven to be caused by Hurricane Maria?

6. Reports have indicated that the HHS deployed Disaster Mortuary Operational Response Team (DMORT) members to Puerto Rico to "retrieve, assess, and process the bodies and remains of disaster victims."[30] The Puerto Rico safety department said in October 2017 that 40 DMORT personnel were assisting the Institute of Forensics in San Juan.[31]
    a. How many bodies were retrieved, assessed, and processed by DMORT teams in the months following Hurricane Maria?

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[30] Montana Standard, "Morgue Duty: Former Butte coroner helps Puerto Rico, other places hit by disaster," December 2, 2017, http://mtstandard.com/news/local/morgue-duty-former-butte-coroner-helps-puerto-rico-other-places/article_cdc794b7-5c44-5ad6-8026-d02364e4e7b2.html

[31] Buzzfeed News, Puerto Rico is Burning Its Dead, And We May Never Know How Many People the Hurricane Really Killed, Nidhi Prakash, October 27, 2017, https://www.buzzfeed.com/nidhiprakash/puerto-rico-cremations?utm_term=.gtDDr8rq#.jkvaJQJ9

b. How did FEMA and HHS determine the number of DMORT personnel to dispatch to the island? When were they dispatched? How long did they remain there?
c. Did the Puerto Rico government use DMORT assistance in determining causes of death? If so, was that information incorporated into the official death toll?

7. What policy changes have FEMA and HHS made to ensure the accuracy of future fatality counts from disasters?

Sincerely,

Elizabeth Warren
United States Senator

Nydia M. Velázquez
Member of Congress

Bennie Thompson
Member of Congress

Edward J. Markey
United States Senator

Richard Blumenthal
United States Senator

Kamala D. Harris
United States Senator

Chris Van Hollen
United States Senator

Richard J. Durbin
United States Senator

Catherine Cortez Masto
United States Senator

Jeanne Shaheen
United States Senator

Kirsten Gillibrand
United States Senator

Bernard Sanders
United States Senator

Sherrod Brown
United States Senator

Michael E. Capuano
Member of Congress

Brendan F. Boyle
Member of Congress

Adriano Espaillat
Member of Congress

Seth Moulton
Member of Congress

Niki Tsongas
Member of Congress

Rosa L. DeLauro
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Raúl M. Grijalva
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James P. McGovern
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David N. Cicilline
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