United States Senate
WASHINGTON, DC 20510

November 16, 2017

The Honorable James Mattis
Secretary
U.S. Department of Defense
1400 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Mattis:

We write today regarding the Department of Defense's efforts to provide medical care in the aftermath of Hurricane Maria, and to request information on the role of the USNS Comfort in the Department's Puerto Rico response efforts.

Hurricane Maria devastated the island of Puerto Rico, leaving millions of U.S. citizens without power or access to clean drinking water.[1] To date, the official fatality count due to the hurricane is 55, though a number of Senators have previously expressed concern about reports that the actual total is much higher,[2] and subsequent reports have also cast doubt on this official total.[3] Waterborne diseases, like leptospirosis, are on the rise on the island, while standing water left over from flooding has increased the risk of mosquito-borne illnesses.[4] And because of ongoing massive power outages and water supply problems, access to functional hospitals, dialysis centers, and other medical facilities has been severely constrained.[5]

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[1] Rachel Becker, "After Hurricane Maria, what will it take to turn Puerto Rico's power back on?" *The* Verge, Sept. 25, 2017, https://www.theverge.com/2017/9/25/16362410/hurricane-maria-puerto-rico-power-outages-electrical-grid-destroyed.

[2] Office of Senator Elizabeth Warren, "Senator Warren, Colleagues Call on DHS to Take Concrete Steps to Ensure Accurate Accounting of Deceased Victims of Hurricane Maria," press release, Oct. 19, 2017, https://www.warren.senate.gov/?p=press_release&id=1979; Amanda Golden, "San Juan mayor: Hurricane death toll could be 10 times higher than reported," *CNN*, Nov. 4, 2017, http://www.cnn.com/2017/11/03/politics/san-juan-mayor-puerto-rico-the-lead-cnntv/index.html.

[3] Nidhi Prakash, "Puerto Rico's Government Just Admitted 911 People Died After The Hurricane—Of 'Natural Causes,'" *BuzzFeed News*, Oct. 27, 2017, https://www.buzzfeed.com/nidhiprakash/puerto-rico-natural-causes; Frances Robles, "Puerto Rico Deaths Spike, but Few Are Attributed to Hurricane," New York Times, Nov. 8, 2017, https://www.nytimes.com/2017/11/08/us/puerto-rico-deaths-fema.html.

[4] Office of Senator Elizabeth Warren, "Warren, Colleagues Seek Information on Water- and Vector-Borne Diseases in Puerto Rico and U.S. Virgin Islands," press release, Nov. 7, 2017, https://www.warren.senate.gov/?p=press_release&id=2053; Daniella Silva, "Puerto Ricans at Risk of Waterborne Disease Outbreaks in Wake of Hurricane Maria," *NBC News*, Oct. 26, 2017, https://www.nbcnews.com/storyline/puerto-rico-crisis/puerto-ricans-risk-waterborne-disease-outbreaks-wake-hurricane-maria-n814461.

[5] Frances Robles, "Puerto Rico's Health Care is in Dire Condition, Three Weeks After Maria," *New York Times*, Oct. 10, 2017, https://www.nytimes.com/2017/10/10/us/puerto-rico-power-hospitals.html; Frances Robles, "Puerto

The USNS Comfort, a Military Sealift Command hospital ship, is "one of the largest trauma facilities in the United States…equipped with four X-ray machines, one CAT scan unit, a dental suite, an optometry lens laboratory, physical therapy center, pharmacy, angiography suite and two oxygen-producing plants."[6] The Comfort has the capacity to treat up to 200 patients per day and in 2010 deployed to Haiti following a 7.0 magnitude earthquake, treating 871 patients over the course of seven weeks.[7]

On September 27, 2017, 39 Senators sent a letter to President Trump, calling on his Administration to address the crisis on Puerto Rico by taking a number of steps, including ensuring that the Comfort arrive in Puerto Rico "as expeditiously as possible."[8] There had already been public calls to send the ship to Puerto Rico.[9] On September 29, the Comfort finally deployed to Puerto Rico with more than 800 personnel and a 250-bed capacity.[10] The ship arrived in San Juan on October 3, almost two weeks after Hurricane Maria made landfall.[11]

We were concerned by early reports that the Comfort, in spite of its robust capabilities and staff, was nearly empty. On October 17, only 33, or 13%, of the ship's 250 beds were reportedly in use.[12] And as of October 19—a full 16 days after the ship arrived in San Juan—the Comfort had treated just over 100 patients.[13] Through October 27, the Comfort had reportedly treated an average of just 9 patients per day.[14] Meanwhile, patients in critical need of medical care remained on shore as clinics and hospitals struggled to understand how to transfer patients to the ship.[15] "Poor communications between local providers, civilian medical officials in charge of evaluating medical needs, and the military" possibly contributed to the Comfort's

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Rico Power Line Fails; Darkness Returns to San Juan," *New York Times*, Nov. 9, 2017, https://www.nytimes.com/2017/11/09/us/puerto-rico-electricity-power.html.

[6] Mass Communication Specialist 1st Class Ernest R. Scott, "USNS Comfort Arrives in Puerto Rico," Official Website of the United States Navy, Oct. 3, 2017, http://www.navy.mil/submit/display.asp?story_id=102710.

[7] Ben Werner, "Navy Continues to Provide Medical Relief to Puerto Rico Following Hurricane Maria," *USNI News*, Oct. 18, 2017, https://news.usni.org/2017/10/18/navy-continues-provide-medical-relief-puerto-rico-following-hurricane-maria; Kathryn Watson, "USNS Comfort leaves for Puerto Rico," *CBS News*, Sept. 29, 2017, https://www.cbsnews.com/news/usns-comfort-departs-for-puerto-rico/.

[8] Letter from Democratic senators to President Trump, Sept. 27, 2017, https://www.energy.senate.gov/public/index.cfm?a=files.serve&File_id=BCE816E6-1D7C-4432-88ED-D83FF8DBACF7.

[9] Tweet by Hillary Clinton, Sept. 24, 2017, https://twitter.com/hillaryclinton/status/911984783194050560.

[10] Kathryn Watson, "USNS Comfort leaves for Puerto Rico," *CBS News*, Sept. 29, 2017, https://www.cbsnews.com/news/usns-comfort-departs-for-puerto-rico/.

[11] U.S. Department of Defense, "USNS Comfort Arrives in Puerto Rico to Aid Maria Relief Efforts," Oct. 3, 2017, https://www.defense.gov/News/Article/Article/1334349/usns-comfort-arrives-in-puerto-rico-to-aid-maria-relief-efforts/.

[12] Leyla Santiago and Mallory Simon, "There's a hospital ship waiting for sick Puerto Ricans--but no one knows how to get no it," *CNN*, Oct. 17, 2017, http://www.cnn.com/2017/10/16/health/puerto-rico-hospital-ship/index.html.

[13] FEMA, "Hurricane Maria Update," Oct. 19, 2017, https://www.fema.gov/news-release/2017/10/19/4339/hurricane-maria-update.

[14] "Hospital Ship to Return to San Juan," *Maritime Executive*, October 27, 2017, https://maritime-executive.com/article/usns-comfort-to-return-to-san-juan.

[15] Leyla Santiago and Mallory Simon, "There's a hospital ship waiting for sick Puerto Ricans--but no one knows how to get no it," *CNN*, Oct. 17, 2017, http://www.cnn.com/2017/10/16/health/puerto-rico-hospital-ship/index.html.

underutilization.[16] The ship reportedly remained offshore, instead of in port, for weeks, during which it remained close to empty,[17] but when it finally docked on October 28, "It was greeted by long lines of people who waited for hours" for treatment on it.[18] Its first day in port, Comfort "medical staff provided triage treatment to 371 patients, roughly two-thirds of whom were treated in trailers and released right away, while 145 patients were admitted to the ship for more serious care."[19]

The Comfort now appears to be operating at close to full capacity. According to the Federal Emergency Management Agency (FEMA), the Comfort has treated 4,762 patients since October 3.[20] We were pleased to learn of this improvement, but remain troubled that the Comfort was not operating at full capacity from the outset. To help us better understand the challenges faced by the USNS Comfort in providing emergency medical care in Puerto Rico, please respond to the following questions by the end of November 30, 2017:

1. How many patients has the USNS Comfort treated since arriving in Puerto Rico? Please provide an overall total, as well as patient totals for each week the Comfort has been in Puerto Rico. How did actual utilization compare to DOD expectations for utilization prior to the deployment decision?

2. Is the USNS Comfort currently operating at full capacity? How many beds are currently filled aboard the ship? How many are empty?

3. Please provide an explanation for why, as of October 27, the USNS Comfort was not operating at full capacity.

4. Why was the USNS Comfort offshore for weeks? How—and by whom—were the decisions made to move it from port in San Juan after its initial arrival, and then back to port?

5. While the USNS was offshore, patients in Puerto Rico who sought medical treatment aboard the ship could do so only after receiving a referral from a local medical facility. Requiring a referral process from these hospitals further prolonged people's ability to receive the adequate medical attention that the Comfort is equipped to provide. This was especially true because many Puerto Rican hospitals in the aftermath of the hurricane

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[16] Ben Werner, "Navy Continues to Provide Medical Relief to Puerto Rico Following Hurricane Maria," *USNI News*, Oct. 18, 2017, https://news.usni.org/2017/10/18/navy-continues-provide-medical-relief-puerto-rico-following-hurricane-maria.

[17] "Hospital Ship to Return to San Juan," *Maritime Executive*, October 27, 2017, https://maritime-executive.com/article/usns-comfort-to-return-to-san-juan;

[18] Tim Rogers, "Navy's Largest Floating Hospital Docks in Puerto Rico," Fusion, Oct. 30, 2017, https://fusion.net/story/582738/puerto-rico-navy-floating-hospital/; "US Navy hospital ship cuts red tape by docking in Puerto Rico," Rachel Maddow Show, Nov. 1, 2017, http://www.msnbc.com/rachel-maddow/watch/us-navy-hospital-ship-cuts-red-tape-by-docking-in-puerto-rico-1086694979511.

[19] Tim Rogers, "Navy's Largest Floating Hospital Docks in Puerto Rico," Fusion, Oct. 30, 2017, https://fusion.net/story/582738/puerto-rico-navy-floating-hospital/.

[20] FEMA, "Hurricane Maria: Federal Response Updates," updated Nov. 13, 2017, https://www.fema.gov/hurricane-maria?utm_source=hp_promo&utm_medium=web&utm_campaign=disaster.

were understaffed, under-supplied, and functioning on emergency generator power. Why was this referral process put in place? What steps can Congress, the Administration, and the military take to streamline or eliminate the referral process in the future?

6. Section 402 of the Stafford Act permits the President to "provide accelerated Federal assistance and Federal support where necessary to save lives, prevent human suffering, or mitigate severe damage, which may be provided in the absence of a specific request" by the Governor.[21] Why didn't the President and his Administration exercise authorities under Section 402 to send the Comfort to port sooner?

7. What are Department protocols for providing access to hospital ships in disaster relief efforts and determining eligibility for treatment on such ships? Were other federal agencies, such as the Department of Health and Human Services, responsible for developing the protocols followed by the Department? Were these protocols followed in Puerto Rico? Is the Department, either alone or in conjunction with other federal agencies, considering any changes in protocol to avoid similar underutilization of hospital ships in future disaster relief efforts? If so please provide a summary of those changes.

8. How are decisions made about deployment of the USNS Comfort, and which individuals and agencies are responsible for making these decisions? Please provide an explanation of the timeline of the USNS Comfort's deployment. Why did the Comfort not deploy to Puerto Rico until September 29, nine days after Hurricane Maria made landfall?

9. What is the Comfort's anticipated deployment length? With the departure of Lt. Gen. Jeffrey Buchanan, who led the federal government's military response on the island, will the Comfort be far behind? Will the ship leave Puerto Rico while there is still an apparent need for its services, as indicated by the fact that it is at or near capacity?

10. In addition to the U.S. Navy, other military teams are providing medical care in the wake of Hurricane Maria. The Army's 14th Combat Surgical Hospital, for example, has reportedly established a 44-bed field hospital.[22] Please provide a list of the military teams under the Department's purview that have set up and are providing care through hospital facilities, their capacity, and the number of patients each team has treated. What is the anticipated length of deployment for each military team?

Please do not hesitate to reach out to Alex Blenkinsopp of Senator Warren's staff at 202-224-4543 with any questions or concerns.

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[21] 42 USC 5170a(5).

[22] Ben Werner, "Navy Continues to Provide Medical Relief to Puerto Rico Following Hurricane Maria," *USNI News*, Oct. 18, 2017, https://news.usni.org/2017/10/18/navy-continues-provide-medical-relief-puerto-rico-following-hurricane-maria.

Sincerely,

Elizabeth Warren
United States Senator

Patty Murray
United States Senator

Edward J. Markey
United States Senator

Sherrod Brown
United States Senator

Robert Menendez
United States Senator

Bernard Sanders
United States Senator