

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-6051
MINORITY (202) 225-6074
<http://oversight.house.gov>

April 7, 2020

The Honorable Mark T. Esper
Secretary of Defense
Department of Defense
1000 Defense Pentagon
Washington D.C. 20301

Dear Secretary Esper:

The jurisdiction of the Committee on Oversight and Reform Subcommittee on National Security encompasses “national security; homeland security; foreign operations ... and oversight and legislative jurisdiction over federal acquisition policy related to national security,” which includes the health and preparedness of the men and women of our Armed Forces and Department of Defense (DOD) civilian personnel.¹ On March 26, 2020, I wrote to you requesting information about the availability of ventilators and personal protective equipment (PPE) to our military and civilian personnel serving our nation overseas.² To date, the Department has not provided a response.

Since then, the number of confirmed coronavirus cases in the United States has grown exponentially, from 63,570 to more than 307,000.³ On March 31, 2020, White House Coronavirus Task Force Coordinator, Dr. Deborah Birx, announced that even with mitigation efforts, 100,000 to 240,000 Americans may die from coronavirus.⁴

In the coming days, DOD increasingly will be called on to support the “whole of America” response to the coronavirus pandemic while simultaneously protecting its own

¹ *Subcommittee on National Security*, Committee on Oversight and Reform (online at <https://oversight.house.gov/subcommittees/national-security-116th-congress>).

² Letter from Chairman Stephen F. Lynch, Subcommittee on National Security, Committee on Oversight and Reform, to Secretary Mark T. Esper, Department of Defense (Mar. 26, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-03-26.SFL%20to%20Esper-DOD%20re%20Coronavirus%20Response.pdf>).

³ *Coronavirus Disease 2019 (COVID-19) Situation Report—66*, World Health Organization (Mar. 26, 2020) (online at www.who.int/docs/default-source/coronaviruse/situation-reports/20200326-sitrep-66-covid-19.pdf?sfvrsn=9e5b8b48_2); *Coronavirus Disease 2019 (COVID-19) Situation Report—77*, World Health Organization (Apr. 6, 2020) (online at www.who.int/docs/default-source/coronaviruse/situation-reports/20200406-sitrep-77-covid-19.pdf?sfvrsn=21d1e632_2).

⁴ *White House Projects 100,000 to 240,000 U.S. Coronavirus Deaths*, Axios (Mar. 31, 2020) (online at www.axios.com/trump-coronavirus-models-two-weeks-0dad0224-ef4e-457b-9e83-143d38d0799c.html).

personnel, our men and women and uniform, and their families. As the number of coronavirus cases around the world continues to rise, the Department will have to take on these challenges while preserving mission readiness to defend our national security interests.

To date, more than 2,500 servicemembers, dependents, and DOD civilians have tested positive for coronavirus.⁵ The first U.S. servicemember to be killed by coronavirus was New Jersey National Guard Captain Douglas Linn Hickok, who died on March 27, 2020.⁶ His death followed the passing of a DOD contractor on March 21, a military dependent on March 26, and a U.S. Army Europe civilian on March 28.⁷ As of today, six DOD personnel have been killed by the coronavirus.⁸

The coronavirus crisis is spreading around the world and throughout the DOD community. On March 20, 2020, U.S. European Command (EUCOM) Commander General Tod Wolters announced that 35 EUCOM personnel had tested positive for coronavirus and that 2,600 were “of concern” and in self-isolation for possible exposure.⁹ That same day, a Marine stationed in the Pentagon became the first known coronavirus case at DOD headquarters.¹⁰ As of March 30, 2020, at least 80 coronavirus cases had been reported among U.S. military personnel in Stuttgart, Germany, which is home for both EUCOM and U.S. Africa Command (AFRICOM), with 125 infections reported among U.S. personnel across the country.¹¹

Without essential medical supplies and personal protective equipment, the coronavirus crisis could expand rapidly from a medical risk for DOD personnel to an operational and strategic threat to our national security interests. It is critical for Congress to have a complete understanding of any equipment or capability limitations the Department and military planners

⁵ Department of Defense, *DoD COVID-19 Update* (Apr. 6, 2020).

⁶ Department of Defense, *Death of National Guardsman From COVID-19* (Mar. 30, 2020) (online at www.defense.gov/Newsroom/Releases/Release/Article/2131119/death-of-national-guardsman-from-covid-19/source/GovDelivery/).

⁷ Department of Defense, *Press Release: Department of Defense Announces Death of Contractor* (Mar. 22, 2020) (online at www.defense.gov/Newsroom/Releases/Release/Article/2121126/dod-announces-death-of-contractor/); Joint Base Langley Eustis, *Message from JBLE Installation Commander* (Mar. 26, 2020) (online at www.jble.af.mil/News/Article-Display/Article/2126660/message-from-jble-installation-commander/); U.S. Army Europe, *21st TSC German Employee is Command's First COVID-19 Casualty* (Mar. 30, 2020) (online at www.eur.army.mil/Newsroom/Releases-Advisories/Press-Release-and-News-Archive/Article/2129888/21st-tsc-german-employee-is-commands-first-covid-19-casualty/).

⁸ Department of Defense, *DoD COVID-19 Update* (Apr. 6, 2020).

⁹ Department of Defense, *Remarks by General Wolters in a Press Briefing via Teleconference on COVID-19 Response* (Mar. 20, 2020) (online at www.defense.gov/Newsroom/Transcripts/Transcript/Article/2120572/remarks-by-general-wolters-in-a-press-briefing-via-teleconference-on-covid-19-r).

¹⁰ Department of Defense, *First Case of COVID-19 at the Pentagon* (Mar. 25, 2020) (online at www.defense.gov/Newsroom/Releases/Release/Article/2125774/first-case-of-covid-19-at-the-pentagon/).

¹¹ *Pentagon Orders Local Units to Stop Reporting Coronavirus Infections Amid Security Concerns*, Stars and Stripes (Mar. 29, 2020) (online at www.stripes.com/news/europe/pentagon-orders-local-units-to-stop-reporting-coronavirus-infections-amid-security-concerns-1.624157).

have identified so that supplemental appropriations can be made in forthcoming legislation to support the health and readiness of our military forces.

When I wrote to you on March 26, 2020, there were eight positive coronavirus cases onboard the USS Theodore Roosevelt. By April 6, 2020, that number had grown to 173.¹² On March 30, 2020, the commander of the USS Theodore Roosevelt, Captain Brett Crozier, wrote a memorandum recommending that all 5,000 sailors under his command disembark and self-quarantine for two weeks so the ship could be sanitized. He wrote:

Removing the majority of personnel from a deployed U.S. nuclear aircraft carrier and isolating them for two weeks may seem like an extraordinary measure. ... We are not at war. Sailors do not need to die. If we do not act now, we are failing to properly take care of our most trusted asset—our Sailors.¹³

On March 31, 2020, Vice Chief of Naval Operations Admiral Robert Burke wrote the following to the fleet:

It is true that keeping our Force healthy and safe is our absolute top priority. It is also true that our Navy needs to sustain operational readiness to defend our nation. Risk is the tension between these positions. ... The CNO [Chief of Naval Operations] and I rely on you, our on-scene commanders, to best implement these principles and manage risk so that our Navy does not come to an all-stop.¹⁴

At a White House Coronavirus Task Force briefing on April 1, 2020, you stated, “There seems to be this narrative out there that we should just shut down the entire United States military and address the problem that way. That’s not feasible.”¹⁵ I wholeheartedly agree, but the longer coronavirus is allowed to spread and threaten the health of our military and civilian DOD personnel, the greater the impact will be on military readiness.

On April 2, 2020, Acting Secretary Modly relieved Captain Crozier from command of the USS Theodore Roosevelt, stating, “Captain Crozier had allowed the complexity of his challenge with COVID breakout on the ship to overwhelm his ability to act professionally, when

¹² Navy Live: The Official Blog of the U.S. Navy, *U.S. Navy COVID-19 Updates* (Apr. 6, 2020) (online at <https://navylive.dodlive.mil/2020/03/15/u-s-navy-covid-19-updates/>).

¹³ *Captain of Aircraft Carrier with Growing Coronavirus Outbreak Pleads for Help from Navy*, San Francisco Chronicle (Mar. 31, 2020) (online at www.sfchronicle.com/bayarea/article/Exclusive-Captain-of-aircraft-carrier-with-15167883.php#).

¹⁴ *VCNO Burke’s Message to the Fleet*, USNI News (Mar. 31, 2020) (online at <https://news.usni.org/2020/04/01/vcno-burkes-message-to-the-fleet>).

¹⁵ The White House, *Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing* (Apr. 1, 2020) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-briefing-16/).

acting professionally was what was needed most.”¹⁶ The following Sunday, you stated that you agreed with the decision to relieve Captain Crozier from duty.¹⁷

Although it seems Captain Crozier may have operated outside his chain of command, it appears that he did what he thought was best for the health and safety of his crew and the readiness of his ship to successfully carry-out their mission. I certainly do not want his removal to have a chilling effect on military leaders who have been entrusted to protect the men and women under their command in this challenging operational environment.

For all of the above reasons, please provide by April 10, 2020, an inventory of the following medical supplies and personal protective equipment that each geographic combatant command would need to procure in order to effectively respond to a worst, best, and most-likely coronavirus outbreak among DOD personnel within their respective areas of responsibility:

1. coronavirus diagnostic tests;
2. hospital beds;
3. intensive care units;
4. ventilators;
5. N95 respirator masks;
6. KN95 respirator masks;
7. surgical masks;
8. face shields;
9. surgical gowns;
10. isolation gowns;
11. goggles;
12. disposable caps;
13. disposable shoe covers; and
14. disposable gloves.

In addition, please provide by April 17, 2020, any and all documents and communications related to the USS Theodore Roosevelt’s March 4-9, 2020, port visit to Da Nang, Vietnam, and subsequent coronavirus outbreak, sent to or from the following personnel from March 1, 2020, to the present:

1. Secretary of Defense Mark T. Esper;
2. Chairman of the Joint Chiefs of Staff General Mark A. Milley;
3. Acting Secretary of the Navy Thomas B. Modly;
4. Chief of Naval Operations Admiral Michael M. Gilday;
5. Vice Chief of Naval Operations Admiral Robert P. Burke;
6. U.S. Pacific Fleet Commander Admiral John C. Aquilino;

¹⁶ Department of the Navy, *Statement from SECNAV on Relief of CO Aboard USS Theodore Roosevelt (CVN 71)* (Apr. 2, 2020) (online at www.navy.mil/submit/display.asp?story_id=112537).

¹⁷ *Esper Defends Removing USS Theodore Roosevelt Commander Who Sounded Alarm Over Coronavirus*, CNN (Apr. 5, 2020) (online at www.cnn.com/2020/04/05/politics/mark-esper-uss-theodore-roosevelt-defends-removal-cnntv/index.html).

7. 7th Fleet Commander Vice Admiral William R. Merz;
8. Department of the Navy Surgeon General Rear Admiral Bruce L Gillingham;
9. Carrier Strike Group 9 Commander Rear Admiral Stuart P. Baker; and
10. USS Theodore Roosevelt Captain Brett E. Crozier;

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. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Thank you for your urgent attention to this matter and your continued commitment to the health and safety of DOD personnel and the American people during the coronavirus pandemic.

Sincerely,



Stephen F. Lynch
Chairman
Subcommittee on National Security