



State of New Jersey

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PHILIP D. MURPHY
Governor

June 18, 2020

The Honorable Steve Scalise
Ranking Member
Select Subcommittee on the Coronavirus Crisis
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Ranking Member Scalise:

Thank you for your June 15, 2020 letter and for you and your colleagues' willingness to participate in the Select Subcommittee on the Coronavirus Crisis. As Speaker Nancy Pelosi remarked on the floor of the House, the oversight mission of the Subcommittee is critical. "It will be laser-focused on ensuring that taxpayer money goes to workers' paychecks and benefits, and it will ensure the federal response is based on the best possible science and guided by health experts and that the money invested is not being exploited by profiteers and price gougers."¹ As you have recognized in your letter, the COVID-19 pandemic has had a devastating impact on the lives of the people that we serve, both here in New Jersey and throughout the United States. During this unprecedented public health emergency, our leaders at all levels of government must be fully engaged to combat COVID-19, and I am grateful that you and your colleagues are part of that effort. I look forward to the meaningful legislation that will result from it.

While I appreciate your request for certain information from New Jersey, I remind you that, as stated in a 2017 opinion from the Office of Legal Counsel in the United States Department of Justice, "[i]ndividual members of Congress, including ranking minority members, do not have the authority to conduct oversight in the absence of a specific delegation."² Thus, members, such as yourself, acting on their own do not act on behalf of the Subcommittee or pursuant to Congress's authority, and such a request from

¹ *Pelosi Floor Speech in Support of Establishing a Select Committee on the Coronavirus Crisis*, Apr. 23, 2020, available at <https://pelosi.house.gov/news/press-releases/pelosi-floor-speech-in-support-of-establishing-a-select-committee-on-the>.

² *Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch*, Op. O.L.C., May 1, 2017, 2017 WL 10087534, available at <https://www.justice.gov/olc/file/966326/download>.

individual members of Congress is “not properly considered an ‘oversight’ request.”³ Further, a comprehensive response to your letter, which contains gross mischaracterizations as well as broad requests for privileged material, would necessarily require essential staff to divert their attention away from addressing the present public health emergency.


Notwithstanding the absence of authority for your request, I agree entirely that data and science must guide our response to this pandemic. Here in New Jersey, we have established a comprehensive online information hub, available at <https://covid19.nj.gov/>, where the public can find a variety of information, such as the latest guidance from my office and the New Jersey Department of Health on COVID-19. Further, our information hub shares a wide spectrum of data points on our online COVID-19 Dashboard, including data on long term care facilities. This dashboard is updated daily with critical data points to inform the public on our current stance pertaining to the public health emergency. I welcome you to visit our online information hub. I also hold daily COVID-19 press briefings to update the public on our response to provide an enhanced level of transparency. Past briefings have included data and information on the topics you request here, and they can be found at:

<https://www.youtube.com/channel/UCH8YwF0eRI9E5lpGj8OaiLg>.

Given your interest in this topic, I encourage you to subscribe for more proactive updates on these briefings.

Please consider this to be a full and final response to your inquiry. Thank you.

Sincerely,



Philip D. Murphy
Governor

c: The Honorable James E. Clyburn, Chairman
Select Subcommittee on the Coronavirus Crisis

The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Jim Jordan
The Honorable Blaine Luetkemeyer
The Honorable Jackie Walorski
The Honorable Mark E. Green, MD

³ *Ibid.*