



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

VIA EMAIL

June 19, 2020

The Honorable Steve Scalise
The Honorable Blaine Luetkemeyer
The Honorable Mark E. Green, MD

The Honorable Jim Jordan
The Honorable Jackie Walorski

Select Subcommittee on the Coronavirus Crisis
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Ranking Member Scalise and Representatives Jordan, Luetkemeyer, Walorski, and Green,

My office is in receipt of your June 15, 2020, letter concerning the impact of the coronavirus on the elderly, especially those living in nursing homes and long-term care facilities. In Michigan, we are working with nursing homes to provide resources to protect this vulnerable population. This includes creating regional hubs for COVID-19 care with specialized staffing and infection control, wellness checks from Michigan's Department of Licensing and Regulatory Affairs, technical assistance to isolate and prevent the spread of COVID-19, prioritized PPE distribution, and testing.

This week, Michigan's Department of Health and Human Services ordered mandated universal coronavirus testing of all nursing home residents and staff.¹ We are currently working with the Michigan National Guard to ensure every nursing home can test its residents and staff at no cost to the facility. As part of the testing program, new or returning residents must be tested prior to admission, and all residents and staff in a facility must be tested weekly, until 14 days after the last positive COVID-19 test result.

I know we share the goal of protecting the most vulnerable members of society from this deadly pandemic, yet as the White House Office of Legal Counsel confirmed in an opinion issued May 1, 2017,² the investigatory authority vested in a congressional committee does not vest individually in any member of that committee.³ Moreover, the jurisdiction of your subcommittee cannot be stretched to embrace federal oversight into policies aimed at protecting the public safety, health, and welfare of a state and its residents. I hope that as

members of a federal body tasked with oversight of the federal executive branch during this unprecedented public health crisis you refrain from encroaching on the sovereign power of a state government to deal with state matters, and instead work with the leadership of your subcommittee to focus attention on the work entrusted to Congress by the people of the United States.

Both through the executive actions I have taken and the commitment of my residents to reduce the spread of COVID-19 these past few months, Michigan is deemed “on track to contain” the novel coronavirus, having moved to the lowest risk category as determined by the non-profit alliance of public health and policy leaders, Covid Act Now.⁴ Additionally, a recent report released by the Imperial College’s COVID-19 Response Team shows that the actions taken to protect Michigan families from the spread of COVID-19 significantly lowered the number of cases and deaths that would have occurred otherwise.⁵ As noted in my recent testimony before the U.S. House Committee on Energy and Commerce Oversight and Investigations Subcommittee, our continued progress responding to COVID-19 in Michigan has allowed for a gradual re-engagement of our economy. Still, no proven effective treatment or vaccine for the virus yet exists, so we must remain vigilant of the risk of a second wave of infections.⁶

In closing, for more information I encourage you to visit www.michigan.gov/coronavirus for the latest data and resources related to the effects of the coronavirus in Michigan and our response.

Sincerely,



Gretchen Whitmer
Governor

¹ [Emergency Order Under MCL 333.2253 Regarding Executive Orders 2020-13 and 2020-108.](#) Michigan Department of Health and Human Services. June 15, 2020.

² Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch, May 1, 2017.

³ “[I]ndividual members, including ranking minority members, ‘generally do not act on behalf of congressional committees.’” *Id.* at 2, quoting *Application of Privacy Act*, 25. Op. O.L.C. at 289.

⁴ [COVID Act Now.](#) June 17, 2020.

⁵ [“Report 23 – State-level tracking of COVID-19 in the United States.”](#) Imperial College London. May 28, 2020.

⁶ [“On the Front Line: How Governors are Battling the COVID-19 Pandemic.”](#) U.S. House Committee on Energy and Commerce Subcommittee on Oversight and Investigations. June 2, 2020.