



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

JUL 23 2021

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Grassley:

This responds to your letter to the Attorney General, dated March 12, 2021, regarding the response to COVID-19 in nursing facilities in New York, Pennsylvania, Michigan and New Jersey. We apologize for the delay in response and are sending an identical response to the other Members who joined in your letter.

The Department of Justice (Department), through the Civil Rights Division, has authority under the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. § 1997, to investigate allegations about a pattern or practice of unlawful conditions in certain residential institutions, including nursing facilities, operated by or on behalf of a state or local governmental entity.

The Civil Rights Division requested information from New York, Pennsylvania, Michigan, and New Jersey regarding COVID-19 and nursing facilities run by, or for, those states, by letters dated August 26, 2020. The letters stated that the requested information would assist the Department in determining whether to open an investigation under CRIPA. Each state provided information in response to the request. We have reviewed the information provided by these states along with additional information available to the Department. Based on that review, we have decided not to open a CRIPA investigation of any public nursing facility within New York, Pennsylvania, or Michigan at this time. If we were to open a CRIPA investigation at a later date, we would follow the procedures required by CRIPA, which includes written notice to the jurisdiction. *See* 42 U.S.C. §1997.

In October 2020, the Department opened a CRIPA investigation into conditions at two nursing facilities operated by the State of New Jersey. The ongoing investigation of the Veterans Memorial Home at Menlo Park and the Veterans Memorial Home at Paramus is being conducted jointly by the Civil Rights Division and the United States Attorney's Office for the District of New Jersey.

The Honorable Charles E. Grassley
Page Two

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joe Gaeta', is written over the printed name.

Joe Gaeta
Deputy Assistant Attorney General