



State of New Jersey

OFFICE OF THE GOVERNOR

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PHILIP D. MURPHY
Governor

November 23, 2020

The Honorable Emily W. Murphy
Administrator
General Services Administration
1800 F Street, N.W.
Washington, D.C. 20405

Dear Administrator Murphy,

The Presidential Transition Act of 1963 authorizes and requires the Administrator of the General Services Administration (GSA) to begin a range of transition activities as soon as she finds that there are “apparent successful candidates for the office of President and Vice President.” Your failure to recognize President-elect Joe Biden and Vice President-elect Kamala Harris as the apparent winners of the 2020 election risks having devastating impacts on states like New Jersey, including to the health and safety of our residents during a once-in-a-century pandemic.

The Presidential Transition Act was clear and deliberate that the GSA must act when there is an “apparent” winner. This is not a question of partisanship: the Act was intended to prevent “[a]ny disruption occasioned by the transfer of the executive power,” which Congress recognized “could produce results detrimental to the safety and well-being of the United States and its people.” Rather than waiting for electors to cast their votes, Congress recognized the need for the President-elect to plan in advance. Until you ascertain President-elect Biden as the winner, his team will not have access to the resources or, most critically, the agency personnel necessary to effectuate a smooth transfer of power. Indeed, as we know from our experience leading an executive branch, officials face many challenges on day one; they need access to information in order to effectively plan and prepare. Especially at the federal level, the inability to engage in that collaborative process has detrimental impacts for public health and even for national security.

Bluntly, your failure to begin the transition process risks serious harms to the health and safety of our residents. As you are well aware, the country is in the middle of the unprecedented COVID-19 pandemic, which already claimed the lives of at least 254,000 Americans. Nearly 2,000 Americans are dying *every day* from COVID-19. There have been over 300,000 confirmed cases of COVID-19 in New Jersey alone, leading to over 14,900 confirmed deaths. Right now,

we are seeing a resurgence of cases throughout New Jersey and across the country, and public health experts anticipate this “second wave” of COVID-19 cases will unfortunately continue throughout this winter—the same period in which the Presidential transition is taking place.

This is not an abstract concern. President-elect Biden and his team, who will play a key role in the response to that second wave and the distribution of a vaccine, must have access to the information they need to begin planning immediately. Public health experts anticipate the first vaccines may be ready for delivery as soon as December and early January, but that production and distribution could quickly ramp up after the start of the Biden-Harris administration. The federal government must play a critical role to ensure that process is successful—including by maintaining a supply chain that requires careful cold storage and mobilizing resources, including the National Guard, for distribution. That task demands logistical oversight and federal-state coordination long in advance. Any disruption caused by the failure to provide access to the incoming administration will delay the vaccine’s distribution and will mean more infections, hospitalizations, and deaths—all of which are avoidable.

The impact on frontline health care workers and first responders, who have put their lives on the line to keep us safe, will be particularly profound. Given their greater exposure to COVID-19, health care workers and first responders will begin receiving vaccines as early as the doses are available. But notably, the two vaccine candidates most likely to be distributed imminently require *two doses*, 3-4 weeks apart, meaning that many frontline health care workers and first responders may receive one dose while President Trump is in office, but need the next after Inauguration Day. For this population especially, a smooth transition in the vaccine distribution plan is essential. If there is no assurance of continuity—and if states and hospitals cannot be confident the administration has allowed for proper planning—that will impact the effective rollout of first doses to frontline workers as well. This is especially problematic given the staffing strain the nation, including New Jersey, will almost certainly experience during the second wave. We must ensure our critical workforce can continue confronting this virus on the frontlines, with the additional protection of an effective vaccine. Our heroic healthcare workers and first responders deserve nothing less.

New Jersey’s concerns go further than the distribution of the vaccine. At this point, even in the best-case scenario, millions more will be infected with COVID-19, and thousands will be hospitalized and die. Some models predict that in January or February, states like New Jersey could see a peak akin to the levels of COVID-19 experienced in March and April. And unlike during the first “surge,” this second wave is impacting states across the country all at once. While New Jersey has been planning for that risk, our state relies on its partnership with the federal government to mitigate the risks, including distribution of Personal Protective Equipment (PPE) and rapid COVID-19 tests. While we remain extraordinarily grateful for the support we received, the simple truth is that New Jersey received only 8.3% of the PPE we requested, meaning that further support will be needed. The incoming administration needs information

now to identify both state need and anticipated federal resources in order to plan the distributions of life-saving PPE and testing instruments to hospitals, long-term care facilities, and other places in need.

This is a national pandemic. States like New Jersey count on the federal government for critical support throughout this emergency, and thus need a smooth transition from one President to the next to ensure this support continues effectively. Your failure to recognize President-elect Biden as the apparent winner of this election—despite the overwhelming evidence—undermines those efforts and puts the public health at risk in New Jersey and across the nation. We urge you to act immediately.

Sincerely,



Philip D. Murphy
Governor



Judith M. Persichilli
Commissioner
NJ Department of Health