

Congress of the United States

Washington, DC 20515

July 14, 2020

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232, U.S. Capitol
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
S-230, U.S. Capitol
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
H-204, U.S. Capitol
Washington, DC 20510

The Honorable Charles Schumer
Minority Leader
U.S. Senate
S-220, U.S. Capitol
Washington, DC 20510

Dear Speaker Pelosi, Leader McConnell, Leader McCarthy, and Leader Schumer:

As many regions of the country begin to reopen, we would urge you to implement targeted and time-limited COVID-19 liability protections for healthcare providers and facilities, as well as for businesses and non-profit organizations, that work to follow proper public health guidelines to protect their patients, employees, customers, students, and clients from the current pandemic.

Nurses, doctors, and other healthcare providers, in addition to hospitals and other healthcare facilities, are already stretched thin as they face this deadly virus day in and day out. We are concerned that these same individuals and entities are currently operating in an environment where they unfairly face becoming the target of lawsuits for their efforts. Healthcare providers and facilities undoubtedly deserve some degree of protection given their sacrifice, the uncertainties and difficulties around providing COVID-19 care, and their efforts to ensure that they, and others like them, continue to keep our communities healthy and safe. If we do not take reasonable and targeted steps to protect those who protect us, they may no longer be there when we need them most.

In addition, we all represent communities in which nearly every business has been shuttered or significantly impacted by this pandemic. The businesses deemed “essential,” and thus able to stay open in a limited capacity, are making herculean efforts to keep our economy afloat and provide all of us with the goods and services we need to continue functioning. Every one of those businesses, their owners, and, most importantly, their employees are experiencing severe economic hardships and uncertainties like never before. For other businesses, reopening at the appropriate time and under the appropriate circumstances in order to get constituents back to work is the only way to stop further economic damage from being done. As such, we want to ensure businesses are able to operate in a way that prioritizes the health and safety of their employees and customers. We have limited time and opportunities to achieve this goal.

In order to reopen and operate in the manner laid out above, it is essential that we assure businesses and non-profit organizations that if they make good faith efforts to follow public

health guidelines, they will not be punished with lawsuits for following the very same guidelines that were deemed appropriate.

While these liability protections are important to getting our country back on its feet, we must make certain that those harmed by true bad actors have the ability and path to seek justice. We cannot and will not shield those who act with gross negligence, with willful or reckless disregard for health and safety, or intentionally harm others. Businesses can and should strive to follow the rules at all times and especially in these uncertain times. When they do, they should have reasonable safeguards against lawsuits that might otherwise discourage them from reopening, serving our communities, and employing our citizens.

Now is the time where we must work together to ensure our communities bounce back quickly and completely. Workers and the businesses that employ them will play a key role in that recovery. Further, healthcare providers and healthcare facilities continue to put their own health and safety on the line to ensure that our communities are protected. As such, we should support certain targeted liability protections for healthcare providers and for businesses and non-profit organizations that work to follow the rules and do the right thing.

Sincerely,



J. Luis Correa
Member of Congress



Mike Johnson
Member of Congress



Kurt Schrader
Member of Congress



Debbie Lesko
Member of Congress



Dean Phillips
Member of Congress



Kelly Armstrong
Member of Congress



Collin C. Peterson
Member of Congress



Ben Cline
Member of Congress



Colin Allred
Member of Congress



Henry Cuellar
Member of Congress



Doug Lamborn
Member of Congress



Garret Graves
Member of Congress