

May [REDACTED], 2020

To Members of the United States Congress:

The undersigned organizations urge you to quickly enact temporary and targeted liability relief legislation related to the COVID-19 pandemic. These crucial protections should safeguard businesses, non-profit organizations, and educational institutions, as well as healthcare providers and facilities, from excessive and speculative lawsuits arising out of the pandemic.

Right now, countless healthcare workers and facilities, as well as businesses and non-profit organizations of all types and sizes, are working around the clock to get our nation through this pandemic. From front-line medical professionals treating the afflicted and pharmaceutical companies racing towards developing treatments and cures, to distillers producing alcohol-based hand sanitizers and manufacturers transforming their operations to construct vital personal protective equipment (PPE) and ventilators, American businesses have rallied to help our country endure and emerge from this crisis. But, as those workers and businesses keep our communities safe and provided for, many are concerned that, despite doing their best to follow applicable guidelines, they will be forced to defend against an onslaught of lawsuits, the prospect of which is a deterrent to re-opening and the cost of which could prove to be simply too great. Indeed, past surveys have shown that many small businesses are one lawsuit away from closing for good.

Absent a targeted safe harbor for those that work to follow applicable guidelines, the fear and uncertainty from boundless liability threatens to impede our country's social and economic recovery. In the wake of prior crises, Congress came together to pass timely and targeted liability protections with strong bipartisan support because lawmakers understood the acute economic threat of lawsuits at moments of maximum economic vulnerability. And while Congress has acted to provide some limited COVID-related liability protections for volunteer healthcare providers and some manufacturers of PPE in the CARES Act, much more must be done.

We ask that you quickly enact temporary liability protections for: (1) businesses, non-profit organizations, and educational institutions that work to follow applicable public health guidelines against COVID-19 exposure claims; (2) healthcare workers and facilities providing critical COVID-19-related care; (3) makers, donors, distributors, and users of certain personal protective equipment (PPE) critical to the COVID-19 response; and (4) public companies targeted by unfair and opportunistic COVID-19-related securities lawsuits. In addition to being temporary, we believe that these liability protections should be limited in scope and preserve recourse for those harmed by truly bad actors who engage in egregious misconduct.

The need for liability protections and relief is clear. Several governors and state legislatures have already implemented COVID-19-related liability protections for key sectors in their states, but a uniform national response is necessary. Now is the time for Congress to take strong action to stop a growing wave of lawsuits from getting in the way of what we all want and need: healthy citizens and a strong economy.

Sincerely,