

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

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TO THE MEMBERS OF THE UNITED STATES SENATE:

The U.S. Chamber of Commerce urges the Senate to complete work in the near term on the next phase of pandemic relief legislation, and strongly supports the cloture motion on the substitute amendment, offered by Leader McConnell to S. 178.

The Amendment would provide critically important COVID-related liability protection, revamp and extend the Paycheck Protection Program, and provide additional support to businesses, workers and their families.

Thousands of American businesses, schools, non-profit organizations, and other institutions have or are in the process of reopening consistent with public health guidelines. Yet in doing so they run the additional risk of COVID-19-related lawsuits and the crippling costs associated with them. The threat of a debilitating wave of lawsuits is clear. Personal injury lawyers are spending large sums of money advertising their services for COVID-19 lawsuits, a reliable barometer on tort litigation trends. Just one prominent plaintiffs' firm alone has spent over \$7 million on COVID-19 lawsuit ads. Since April, COVID-19 has been the second most highly advertised lawsuit topic overall and we expect these numbers to increase. These statistics highlight the need for timely, national liability protections.

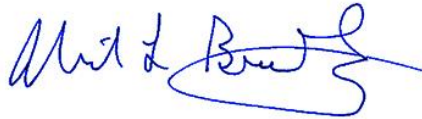
Nearly 500 industry associations, representing almost every corner of the American businesses community, called on Congress in July to support the timely, targeted, and temporary liability protection provisions contained in S. 4317, the "SAFE TO WORK Act." We very much appreciate the fact that the protections proposed by Senator Cornyn and Senate Majority Leader McConnell in the "SAFE TO WORK Act" are included in the McConnell amendment.

In addition to providing liability protections for businesses, schools, and non-profit organizations, this legislation provides critical protections against lawsuits for frontline healthcare workers and institutions, like doctors, nurses, hospitals, and other healthcare facilities, and it protects manufacturers of vital personal protective equipment. Importantly, the amendment maintains the framework from the "SAFE TO WORK Act" that allows those who make appropriate efforts to comply with applicable government health guidelines related to COVID-19 to be eligible for its liability safe harbor. But the legislation makes clear that bad actors who engage in gross negligence or willful misconduct would not be eligible for the safe harbor. Furthermore, the liability protections provided by the legislation are not permanent changes to federal law but are temporary in nature.

Necessary social distancing and public health measures continue to prevent many businesses from fully reopening. As a result, millions of Americans remain unemployed. These employers and employees require additional temporary and targeted support from Congress. While we are pleased to see the second-round of the Paycheck Protection Program (PPP) included in the amendment, we encourage the Senate to incorporate other provisions, such as the expansion of the employee retention tax credit, that were introduced as part of the HEALS Act. There are also various provisions from the House-passed HEROES Act, that are worthy of inclusion, including expanding eligibility for the PPP program to all non-profits. In addition, Congress will need to reach a compromise on supporting state and local governments experiencing significant revenue disruption and COVID-related expenses.

At the end of the day, however, for any of these benefits, including those contained in the amendment, to be realized Congress must pass and the President must sign legislation into law. We urge the House, Senate, and Administration to reengage in bipartisan negotiations with a goal of enacting legislation before the end of the month.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley", with a stylized flourish at the end.

Neil L. Bradley