

116TH CONGRESS
2D SESSION

H. R. 6664

To educate businesses on COVID–19-based public health practices, to provide for a notice and cure period before the commencement of a private civil action, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2020

Mr. BURCHETT introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To educate businesses on COVID–19-based public health practices, to provide for a notice and cure period before the commencement of a private civil action, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coronavirus Public
5 Safety and Economic Recovery Act”.

1 **SEC. 2. COVID-19 RESPONSE COMMISSION.**

2 (a) ESTABLISHMENT.—The Secretary of Health and
3 Human Services, acting through the Director of the Cen-
4 ters for Disease Control and Prevention, shall establish
5 a commission to be known as the “COVID-19 Response
6 Commission” (in this Act, referred to as the “Commis-
7 sion”).

8 (b) DUTIES OF COMMISSION.—The Commission
9 shall—

10 (1) make recommendations for national guid-
11 ance with respect to COVID-19 public health prac-
12 tices; and

13 (2) review and make recommendations for the
14 improvement of State guidance for COVID-19 pub-
15 lic health practices.

16 (c) NUMBER AND APPOINTMENT.—The Commission
17 shall be composed of the Director of the Centers for Dis-
18 ease Control and Prevention (or a designee of the Direc-
19 tor), who shall serve as the Chairperson, and such number
20 of members as the Director determines necessary, which
21 shall include, in equal number, at least 1 representative
22 from each of the following:

23 (1) State and local health departments.

24 (2) State governors.

25 (3) Owners of small businesses.

1 (4) The President's Economic Recovery Task
2 Force.

3 (d) PAY.—Members of the Commission shall serve
4 without pay.

5 (e) QUORUM.—A majority of members of the Com-
6 mission shall constitute a quorum, but a lesser number
7 may hold hearings.

8 (f) MEETINGS.—The Commission shall meet at the
9 call of the Chairperson or a majority of its members.

10 (g) POWERS OF COMMISSION.—The Commission
11 may, for the purpose of carrying out this Act, hold hear-
12 ings, sit and act at times and places, take testimony, and
13 receive evidence as the Commission considers appropriate.

14 (h) OBTAINING OFFICIAL DATA.—The Commission
15 may secure directly from any department or agency of the
16 United States, information necessary to enable it to carry
17 out this Act. Upon request of the Chairperson, the head
18 of a department or agency shall furnish information to the
19 Commission.

20 (i) TERMINATION.—The Commission shall terminate
21 on the date designated by the Director of the Centers for
22 Disease Control and Prevention as the date on which the
23 work of the Commission has been completed.

24 (j) ANNUAL REPORT.—Not later than 90 days after
25 the date of enactment of this Act, and annually thereafter

1 until the termination of the Commission, the Chairperson
2 of the Commission shall submit to the Secretary of Health
3 and Human Services a report on—

4 (1) national guidance with respect to COVID–
5 19 public health practices; and

6 (2) State guidance that has been reviewed and
7 modified pursuant to the recommendations of the
8 Commission.

9 **SEC. 3. COMPLIANCE THROUGH EDUCATION.**

10 The Director of the Centers for Disease Control and
11 Prevention, in consultation with the Commission, shall de-
12 velop a program to educate State and local governments
13 and business owners, on effective and efficient strategies
14 to minimize exposure to COVID–19 for employees, cus-
15 tomers, and vulnerable populations. Such a program may
16 include training for professionals to provide guidance on
17 remediation of COVID–19-based public health barriers
18 leading to workplace-based transmission of COVID–19.

19 **SEC. 4. NOTICE AND CURE PERIOD.**

20 (a) BARRING CERTAIN ACTIONS.—A civil action
21 under Federal law to obtain relief for death or disability
22 as a result of COVID–19 may not be commenced against
23 the owner or operator of a business by any person, includ-
24 ing an employee or a customer of the business, unless the
25 business fails to adhere to the national guidance with re-

1 spect to COVID–19 or State guidance reviewed and modi-
2 fied in accordance with the recommendations of the Com-
3 mission and each of the following requirements have been
4 met:

5 (1) WRITTEN NOTICE.—The person seeking re-
6 lief has provided the owner or operator of the busi-
7 ness with written notice specific enough to allow
8 such owner or operator to identify a COVID–19-
9 based public health barrier. Such notice shall include
10 specific examples of how the COVID–19-based pub-
11 lic health barrier has put the person (or individuals
12 similarly situated to the person) at risk.

13 (2) WRITTEN RESPONSE.—The owner or oper-
14 ator fails to—

15 (A) provide to the person a written re-
16 sponse or plan to correct the COVID–19-based
17 public health barrier within such period as the
18 Commission may determine after receipt of the
19 notice under paragraph (1); or

20 (B) provide a substantial response on or
21 complete removal of the COVID–19-based pub-
22 lic health barrier within such period as the
23 Commission may determine after receipt of the
24 notice under paragraph (1).

1 (b) SPECIFICATION OF DETAILS OF ALLEGED VIOLA-
2 TION.—The written notice required under subsection
3 (a)(1) shall also specify in detail the circumstances under
4 which the person was aggrieved by a COVID–19-based
5 public health barrier, including the address of the property
6 on which the circumstances occurred, whether a request
7 to correct noncompliance was made, and whether the area
8 of noncompliance was temporary or permanent.

9 **SEC. 5. MEDIATION FOR COVID–19-BASED PUBLIC HEALTH**
10 **BARRIERS.**

11 (a) IN GENERAL.—The Judicial Conference of the
12 United States shall, under rule 16 of the Federal Rules
13 of Civil Procedure or any other applicable law, in consulta-
14 tion with the Commission, develop a model program to
15 promote the use of alternative dispute resolution mecha-
16 nisms, including a stay of discovery during mediation, to
17 resolve claims alleging COVID–19-based public health
18 barriers, with of goal of promoting access quickly and effi-
19 ciently without the need for costly litigation.

20 (b) PUBLIC COMMENT.—To the extent practicable,
21 the Federal Judicial Center may provide a public comment
22 period on any program developed under subsection (a).

23 (c) EXPEDITED FACT FINDING.—The model pro-
24 gram developed under subsection (a) shall include an expe-
25 dited method for determining the relevant facts related to

1 allegations of COVID–19-based public health barriers
2 taken before the commencement of litigation to resolve any
3 issues related to such allegations.

4 **SEC. 6. PRIORITIZING GENERAL BUSINESS LOANS.**

5 Beginning on the date of enactment of this Act, in
6 providing general business loans under section 7(a)(36) of
7 the Small Business Act (15 U.S.C. 636(a)(36)), priority
8 shall be given to eligible recipients in States that have in
9 effect a law that is substantially similar to sections 4 and
10 5.

11 **SEC. 7. DEFINITIONS.**

12 In this Act:

13 (1) COVID–19.—The term “COVID–19”
14 means Coronavirus Disease 2019.

15 (2) NATIONAL GUIDANCE.—The term “national
16 guidance” means, with respect to COVID–19, the
17 national guidance that is in effect on the date on
18 which a State begins to open small businesses that
19 were previously closed pursuant to an executive
20 order issued by the governor of the State, includ-
21 ing—

22 (A) the interim guidance entitled “Guid-
23 ance on Preparing Workplaces for COVID–19”
24 and any modifications thereto, including the fi-
25 nalized guidance; and

1 (B) such additional guidance as the Direc-
2 tor of the Centers for Disease Control and Pre-
3 vention determines necessary.

4 (3) SMALL BUSINESSES.—The term “small
5 businesses” has the meaning given the term “small
6 business concerns” under section 3 of the Small
7 Business Act (15 U.S.C. 632).

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