

December 11, 2020

Thomas J. Donohue
Chief Executive Officer
U.S. Chamber of Commerce
1615 H Street, NW
Washington, DC 20062-2000

Suzanne Clark
President
U.S. Chamber of Commerce
1615 H Street, NW
Washington, DC 20062-2000

Dear Mr. Donahue and Ms. Clark:

The undersigned organizations urge the Chamber of Commerce (Chamber) to request that Senate Republican leadership stop blocking bipartisan coronavirus relief efforts unless the proposal immunizes businesses from coronavirus-related lawsuits.

Small businesses across the country – the very same small businesses you claim to represent – are desperate for coronavirus relief. Unsurprisingly, business owners of color have been hit the hardest.¹ Hundreds of thousands of restaurants, shops, gyms, bars, motels, barber shops, nail salons across the country have shuttered and hundreds of thousands more are on the brink of collapse. They need not only the renewal of the Paycheck Protection Program, but a broader relief program to infuse money into the economy to create demand for their goods and services.

That relief is imperiled by a demand by Senate Majority Leader Mitch McConnell for sweeping immunity for businesses for coronavirus-related damages. Leaving aside the damage to victims of corporate wrongdoing and public health that such immunity would inflict, businesses have no need for such immunity, as you very well know. According to Hunton Andrews Kurth, a defense-side firm tracking COVID-related lawsuits, as of today, there have been only 245 COVID-19-related lawsuits filed involving conditions of employment, including lack of PPE, exposure to the coronavirus at work, wrongful death and illness.² These are the paradigmatic cases that you and proponents of corporate immunity warn are threatening to overwhelm businesses³ – but in fact these types of cases are very rare.

¹ Reimagine Main Street, *Business Owners of Color and COVID-19* (Dec. 10, 2020), <https://irp-cdn.multiscreensite.com/45d2c930/files/uploaded/Distribution%20Version%20%2812.10.2020%29%20for%20RMS%20Poll%20Launch%20v1.pdf>.

² See generally <https://www.huntonak.com/en/covid-19-tracker.html>.

³ U.S. Chamber of Commerce, *Implementing a National Return to Work Plan* (April 13, 2020), <https://www.uschamber.com/coronavirus/implementing-national-return-to-work-plan>.

In other words, crucial, business-saving relief is being held hostage by a demand for corporate immunity from cases that are not being brought, are hard to prove, and to which adequate defenses already exist.

Why in the world is the U.S. Chamber of Commerce not demanding that Mitch McConnell end his obstructionism and agree immediately to a bipartisan deal?

We are writing to you out of genuine concern for small businesses across the country, as well as the humanitarian nightmare gripping our nation. Federal funding is needed to manage vaccine distribution and provide for testing and tracing, among other public health needs. Schools need money to reopen safely. And people who have lost their jobs or experience severe losses of income are suffering. According to the Coalition on Human Needs, 1 in 6 households are currently behind on rent.⁴ The majority of those surveyed who are behind on rent are people of color.⁵ In addition, twelve percent of adults surveyed said that they did not have enough food to eat in their household in the last seven days.⁶

During this ongoing national health crisis, when millions of people are sick and hundreds of thousands have died, Congress must do all it can to decrease the rate of infection and death, curb the spread of the virus, and provide support and resources to people who are struggling to make ends meet, keep a roof over their heads, and survive. Everything in the current bipartisan proposal, from rental and nutrition assistance, support for vaccine distribution, to aid for transportation agencies⁷ to small businesses is critical to protect our economy from calamity in the next few weeks. The only thing that is not critical – and the only proposal that is completely partisan in support – is corporate immunity.

If the Chamber of Commerce were to speak out for a bipartisan deal that did not include corporate immunity, the logjam in Congress would resolve immediately and the American people and American businesses could get the relief they need to survive.

We urge you to speak out now.

Please feel free to reach out to Remington A. Gregg at rgregg@citizen.org should you have any questions.

⁴ See <https://www.chn.org/wp-content/uploads/2020/12/covid-save-call-12-9-20.pdf>.

⁵ *Id.*

⁶ *Id.*

⁷ Rich Barlow, *WBUR*, The MBTA Is On Life Support. Only The Feds Can Save It Now (Dec. 10. 2020), <https://www.wbur.org/cognoscenti/2020/12/08/mbta-budget-cuts-covid-19-relief-rich-barlow>.

Sincerely,

20/20 Vision

Americans for Financial Reform

Asbestos Disease Awareness Organization

Center for Justice & Democracy

Center for Public Representation

Coalition of Labor Union Women

Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces

Consumer Action

Consumer Federation of California

Economic Policy Institute

Equality North Carolina

Greenpeace UA

Impact Fund

Japanese American Citizens League

The Leadership Conference on Civil and Human Rights

Long Term Care Community Coalition

Main Street Alliance

Move to Amend Coalition

National Advocacy Center of the Sisters of the Good Shepherd

National Association of Consumer Advocates

National Center for Law and Economic Justice

National Council of Jewish Women

National Employment Law Project

National Employment Lawyers Association

National Women's Law Center

NETWORK Lobby for Catholic Social Justice

Organized Uplifting Resources and Strategies

People For the American Way

People's Parity Project

Protect All Children's Environment

Public Advocacy for Kids (PAK)

Public Citizen

Public Justice

RESULTS DC/MD

Santee Rising Ranch

U.S. PIRG

UNITE HERE!

US Citizen

Cc:

Neil Bradley, Executive Vice President and Chief Policy Officer

Harold Kim, U.S. Chamber Institute of Legal Reform