



May 11, 2020

The Honorable Nancy Pelosi  
 Speaker of the House  
 U.S. House of Representatives  
 Washington, DC 20515

The Honorable Kevin McCarthy  
 Republican Leader  
 U.S. House of Representatives  
 Washington, DC 20515

The Honorable Mitch McConnell  
 Majority Leader  
 U.S. Senate  
 Washington, DC 20510

The Honorable Chuck Schumer  
 Democratic Leader  
 U.S. Senate  
 Washington, DC 20510

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

On behalf of the undersigned organizations representing America’s hospitality, travel, restaurant, retail, gaming, attractions, and entertainment industries, we thank you for your steadfast leadership in guiding our nation through this unprecedented health and economic crisis. As customer-centric industries whose employees interact with the general public in physical locations on a constant basis, we write in support of Congressional efforts to create a targeted and limited safe harbor from liability for companies that implement federal public health guidelines related to the transmission of COVID-19.

Many of our member companies are providing necessary goods, services and opportunities for Americans to return to work, and have taken extraordinary measures to protect the safety and well-being of our guests and employees while following government health guidelines in good faith. We fear that without Congressional action, the threat of litigation – even for those companies that have followed federal public guidelines, but employees or customers still contract COVID-19 due to the extremely contagious nature of the virus – will mire our recovery and negatively impact the economy writ large by injecting great uncertainty and risk into the ability of our businesses to operate during the pandemic.

While some of our members have continued to operate throughout the COVID-19 health crisis to provide food, goods and services to the public, others are taking steps to prepare their businesses to safely reopen and create opportunities for Americans to return to work when restrictions are lifted. In all cases, the top priority has been the safety of our guests and employees, and our member companies are doing all that they can to safely and responsibly keep their doors open. That is

why our associations have been working with member companies, government officials, health experts, and others to devise industry-specific protocols to mitigate the transmission of COVID-19 and address future public health emergencies.<sup>1</sup>

Evolving information about COVID-19 and differences in federal, state, and local guidelines, however, have created legal uncertainty. As a result, companies that diligently implement safety protocols and rely in good faith on public health recommendations and guidelines nonetheless face the prospect of substantial litigation based on virus transmission. These suits do nothing to reduce transmission of COVID-19 but threaten the ability of companies to provide much-needed services and opportunities for Americans to return to work. Consumer-facing businesses should be able to rely on the safety guidelines and reopening parameters issued by experts without the threat of liability for following that guidance. These businesses should instead be permitted to focus their strained resources on revitalizing operations and growing jobs for American workers.

Congress has acted in the past to provide limited safe harbors from liability in the face of a public crisis. We ask that you do so again.

We stand ready to work with you in this critical moment to help stabilize our economy and support our impacted employees.

Sincerely,

Airlines for America  
American Gaming Association  
American Hotel & Lodging Association (AHLA)  
American Society of Travel Advisors  
Asian American Hotel Owners Association (AAHOA)  
Global Business Travel Association  
Home Care Association of America  
International Association of Amusement Parks and Attractions (IAAPA)  
International Franchise Association  
Latino Hotel Association  
National Association of Black Hotel Owners, Operators and Developers  
National Association of Theatre Owners  
National Council of Chain Restaurants  
National Restaurant Association  
National Retail Federation  
Retail Industry Leaders Association  
U.S. Travel Association  
Alabama Restaurant & Hospitality Association  
Alabama Retail Association  
Alaska Hotel & Lodging Association  
Alliance of Wisconsin Retailers  
Arizona Lodging & Tourism Association  
Arizona Retailers Association  
Arkansas Grocery and Retail Association  
Arkansas Hospitality Association  
Association of Lodging Professionals  
California Hotel & Lodging Association

California Retailers Association  
Casino Association of Indiana  
Cincinnati Hotel Association  
Coalition of Franchise Associations  
Colorado Hotel & Lodging Association  
Connecticut Lodging Association  
Connecticut Retail Merchants Association  
Deadwood Casino Association  
Delaware Hotel & Lodging Association  
Elevanta  
Florida Restaurant & Lodging Association  
Florida Retail Federation  
Franchise Business Services  
Franchise Management Advisory Council  
Georgia Hotel & Lodging Association  
Hospitality Maine  
Hospitality Minnesota  
Hotel Association of New York City  
Hotel Association of Washington DC  
Idaho Lodging & Restaurant Association  
Idaho Retailers Association  
Illinois Casino Gaming  
Illinois Hotel & Lodging Association  
Illinois Retail Merchants Association  
Indiana Restaurant & Lodging Association  
Iowa Gaming Association  
Iowa Retail Federation  
Kentucky Retail Federation  
Louisiana Casino Association

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<sup>1</sup> See, e.g., [American Hotel and Lodging Association's Industry-Wide Cleaning Standards and "Safe Stay" Initiative](#); [U.S. Travel Association's Industry Guidance for Promoting Health and Safety of All Travelers](#); [National Restaurant Association's ServSafe Guidance for restaurant reopening](#); [National Retail Federation's "Operation Open Doors"](#);

Louisiana Retailers Association  
Lowcountry Hospitality Association  
Maryland Association of Chain Drug Stores  
Maryland Food Industry Council  
Maryland Hotel & Lodging Association  
Maryland Retailers Association  
Massachusetts Lodging Association  
Michigan Restaurant & Lodging Association  
National Franchisee Association  
Nebraska Hotel & Lodging Association  
Nebraska Retail Federation  
Nevada Hotel & Lodging Association  
Nevada Resort Association  
New Hampshire Retail Association  
New Jersey Hotel & Lodging Association  
New Jersey Restaurant & Hospitality Association  
New Jersey Retail Merchants Association  
New Mexico Retail Association  
New York State Hospitality & Tourism Association  
North Carolina Restaurant and Lodging Association  
North Carolina Retail Merchants Association  
North Dakota Retail Association  
Ocean City, MD Hotel-Motel-Restaurant Association  
Ohio Council of Retail Merchants  
Ohio Hotel & Lodging Association  
Oklahoma Hotel & Lodging Association  
Oregon Restaurant & Lodging Association  
Pennsylvania Restaurant & Lodging Association  
Pennsylvania Retailers Association  
Regulatory Management Counselors, P.C.  
Retail Association of Maine

Michigan Retailers Association  
Minnesota Retailers Association  
Mississippi Gaming & Hospitality Association  
Missouri Retailers Association  
Missouri Tire Industry Association  
Montana Lodging & Hospitality Association  
Montana Restaurant Association  
Montana Retail Association  
Retail Association of Nevada  
Retail Council of New York State  
Retailers Association of Massachusetts  
Rhode Island Hospitality Association  
Small Business & Entrepreneurship Council  
South Carolina Restaurant & Lodging Association  
South Carolina Retail Association  
St. Louis Area Hotel Association  
Tennessee Hospitality & Tourism Association  
Texas Hotel & Lodging Association  
Texas Retailers Association  
Tri State Jewelers Association  
Unique Lodging of Ohio  
Utah Tourism Industry Association  
Vermont Chamber of Commerce  
Vermont Retail and Grocers Association  
Virginia Restaurant, Lodging, and Travel Association  
Washington Hospitality Association  
Washington Retail Association  
West Virginia Hospitality & Travel Association  
Wisconsin Hotel & Lodging Association  
Wyoming Lodging & Restaurant Association