

July 30, 2020

RE: S.3733 and H.R. 6988, the Helping Gig Economy Workers Act of 2020

Dear Majority Leader McConnell, Majority Whip Thune & Senator Cornyn:

The undersigned organizations, representing millions of taxpayers, thank you for your insistence that the next COVID-19 relief bill include liability protections for businesses, schools, and nonprofits in compliance with public health guidelines. Unless Congress acts, a tidal wave of frivolous lawsuits could dampen our already fragile economic recovery.

In particular, we are grateful that Senate Republicans have embraced protections for app-based platform companies that work with independent contractors. **Senators Braun, Cassidy, Loeffler, and Scott, and Representatives Miller and Cuellar have introduced S.3733 and H.R. 6988, the Helping Gig Economy Workers Act of 2020, and Senate Republicans included similar protections in the SAFE TO WORK Act for joint employment and independent contracting, which is also included in the HEALS Act.** These measures would provide app-based platform companies that provide PPE and other worker protections with a safe harbor for the length of the pandemic.

As families increasingly rely on delivery and ride-sharing platforms to access supplies, groceries, take-out meals, and prescriptions, app and internet-based businesses have proven critical throughout the COVID-19 pandemic. These platforms have also provided flexible earnings opportunities for hundreds of thousands of Americans during these challenging economic times.

During the pandemic, many app-based platform companies – like countless others across the country – have proactively provided workers with sick pay, personal protection equipment like masks and hand sanitizer, and access to health services. Without tailored legal protections, we are concerned that opponents of these companies will sue and seek to use these actions as evidence of an employer-employee relationship under federal law. Special interests have utilized state laws like the disastrous AB5 in California to try and eliminate the app-based platform business model entirely. Congress should not follow California's path at the federal level.

In addition, we believe Congress should focus on protecting the freelance economy in the face of sustained attacks on the left. Independent contracting has been in the crosshairs in state capitals around the country. The ultimate goal of these efforts is to force companies to reclassify independent contractors as employees. If other states follow California's lead and erect barriers that impede commerce, Congress may need to step in and create a federal standard. Without robust protections, both independent contractors and the millions of Americans who depend on them will be harmed as these goods and services disappear forever.

We strongly support your efforts to ensure that liability protections for innovative companies are included in any final agreement on COVID-19 relief.

Sincerely,

Grover G. Norquist
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Americans for Tax Reform

Dave Wallace, II
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FAIR Energy Foundation

Dick Patten
President
American Business Defense Council

Adam Brandon
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Krisztina Pusok
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Small Business & Entrepreneurship Council

James L. Martin
Founder / Chairman
60 Plus Association

Saulius "Saul" Anuzis
President
60 Plus Association

CC: Senators Braun, Cassidy, Loeffler, Tim Scott, Congresswoman Carol Miller, Secretary Mnuchin, Mark Meadows