

117TH CONGRESS
1ST SESSION

H. R. 5898

To protect covered entities that take measures to comply with the guidelines of the Centers for Disease Control and Prevention to prevent or mitigate the spread of the virus that causes COVID–19, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2021

Ms. LOIS FRANKEL of Florida (for herself, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Mr. CRIST, Mr. DEUTCH, Mr. GALLEG0, Ms. GARCIA of Texas, Mr. JOHNSON of Georgia, Ms. JOHNSON of Texas, Mrs. KIRKPATRICK, Mr. SOTO, Mr. VEASEY, Ms. WASSERMAN SCHULTZ, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To protect covered entities that take measures to comply with the guidelines of the Centers for Disease Control and Prevention to prevent or mitigate the spread of the virus that causes COVID–19, 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 “Let Our Cities And
5 Local businesses Help Employees Achieve Long-Term
6 Health Act” or the “LOCAL HEALTH Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) According to the Department of Health and
4 Human Services, a nationwide public health emer-
5 gency caused by the COVID–19 pandemic began on
6 January 27, 2020.

7 (2) To curb the spread of the disease, State
8 and local governments enacted necessary restrictions
9 on businesses.

10 (3) On June 8, 2020, the National Bureau of
11 Economic Research announced that the United
12 States entered into a recession in March 2020.

13 (4) According to the Bureau of Labor Statis-
14 tics, in April 2020, the nationwide unemployment
15 rate of 14.7 percent was the highest recorded
16 monthly rate since the Great Depression.

17 (5) By August 2021, the unemployment rate
18 was down to 5.2 percent, still 1.7 percent higher
19 than in February 2020, before the pandemic began.

20 (6) The duration of unemployment has in-
21 creased over the course of the pandemic.

22 (7) The percentage of unemployed individuals
23 who have been unemployed for 27 weeks or more
24 was 37.4 percent in August 2021, compared to 19.3
25 percent in February 2020.

1 (8) As of August 2021, 5.6 million people re-
2 ported being unable to work because an employer
3 closed or lost significant employees during the pan-
4 demic.

5 (9) The decline in gross domestic product in the
6 second quarter of 2020 of 31.4 percent was the
7 highest rate of decline since before World War II.

8 (10) In the initial months of the pandemic, 74
9 percent of small employers reported revenue loss.

10 (11) Although the economy has improved since
11 April 2020, many indicators show the economy has
12 not fully recovered, and in some cases, economic re-
13 covery is slowing.

14 (12) Experts at the Centers for Disease Control
15 and Prevention, World Health Organization, and
16 other public health experts in the United States and
17 around the world have identified proven measures to
18 curb the spread of the virus that causes COVID–19,
19 including the use of properly fitted masks and other
20 face coverings, social distancing, and mass vaccina-
21 tion.

22 (13) As of September 17, 2021, the Commis-
23 sioner of Food and Drugs has approved one vaccine
24 and issued emergency use authorizations for two ad-
25 ditional vaccines, all of which have proven to signifi-

1 cantly reduce the rate of infection of COVID–19 and
2 the risk of serious disease, hospitalization, and
3 death.

4 (14) The widespread use of these measures has
5 allowed many employers, schools, and other entities
6 to safely resume prepandemic operations.

7 (15) Studies show that full vaccination against
8 SARS–CoV–2 is between 85 to 95 percent effective
9 in preventing infection and between 96 and 100 per-
10 cent effective in preventing severe, critical, or fatal
11 disease.

12 (16) School closures due to COVID–19 have
13 impacted labor force participation.

14 (17) Between February and September 2020,
15 approximately 900,000 mothers and 300,000 fathers
16 left the workforce.

17 (18) One in ten working mothers quit a job due
18 to COVID–19 and more than half reported school
19 closures as a reason for leaving the workforce.

20 (19) Three out of ten working mothers missed
21 work due to school or daycare closures.

22 (20) The Centers for Disease Control and Pre-
23 vention has found that mask mandates have helped
24 schools stay open and avoid outbreaks of COVID–
25 19.

1 **SEC. 3. PROTECTIONS FOR COMPLYING WITH GUIDELINES**
2 **OF THE CENTERS FOR DISEASE CONTROL**
3 **AND PREVENTION.**

4 (a) IN GENERAL.—Subject to subsection (b), each
5 covered entity may take measures to prevent or mitigate
6 the spread of the virus that causes COVID–19 in accord-
7 ance with the guidelines of the Centers for Disease Control
8 and Prevention in effect as of the date of such measures.

9 (b) EXCEPTIONS.—This section does not authorize a
10 covered entity to take measures that are inconsistent
11 with—

12 (1) accommodations required under the Ameri-
13 cans with Disabilities Act of 1990 (42 U.S.C. 12101
14 et seq.); or

15 (2) exemptions for sincerely held religious be-
16 liefs that are required under applicable law.

17 (c) MEASURES INCLUDED AND OTHER MEASURES IN
18 ACCORDANCE WITH CDC GUIDELINES.—A measure
19 under subsection (a) may include a requirement with re-
20 spect to—

21 (1) the use of a properly fitted mask or other
22 face covering;

23 (2) a covered entity verifying the vaccination
24 status of an employee or an individual;

25 (3) an employee or individual undergoing a di-
26 agnostic test; and

1 (4) a covered entity ensuring that employees
2 and individuals maintain a sufficient distance when
3 possible.

4 (d) STATE PREEMPTION.—No State may establish,
5 enforce, or continue in effect a State law or regulation
6 that prohibits or restricts any measure to the extent such
7 measure is authorized by this section.

8 (e) IMMUNITY.—A covered entity, including an em-
9 ployee or officer thereof carrying out the directive of a cov-
10 ered entity pursuant to a measure under this Act, shall
11 be immune from suit and liability under Federal and State
12 law with respect to all claims, including State enforcement
13 actions, caused by, arising out of, relating to, or resulting
14 from a measure taken pursuant to this Act, unless such
15 measure involves negligent behavior or willful misconduct.

16 (f) COVERED ENTITY DEFINED.—In this Act, the
17 term “covered entity” means—

18 (1) a private business; or

19 (2) a local, county, or municipal government or
20 agency.

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