

116TH CONGRESS
2D SESSION

H. R. 7020

To provide a cause of action for violations of laws related to COVID–19, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2020

Ms. SCHAKOWSKY (for herself, Mr. TAKANO, Mr. GARCÍA of Illinois, and Mr. CARTWRIGHT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide a cause of action for violations of laws related to 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 “COVID Justice and
5 Accountability Act”.

6 **SEC. 2. CAUSE OF ACTION FOR VIOLATIONS OF COVID–19**
7 **LAWS.**

8 Notwithstanding any other provision of law, an indi-
9 vidual may bring a cause of action in the appropriate dis-
10 trict court of the United States against any person who

1 violates or fails to comply with a requirement under the
2 CARES Act (Public Law 116–136) or the Families First
3 Coronavirus Response Act (Public Law 116–127), or an
4 amendment made by each such Act, for harm that the in-
5 dividual suffered as a result of such violation or failure.

6 **SEC. 3. TEMPORARY SUSPENSION OF ARBITRATION.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of this law, during the covered emergency period no
9 predispute arbitration agreement or predispute joint-ac-
10 tion waiver shall be valid or enforceable with respect to
11 an employment dispute, consumer dispute, antitrust dis-
12 pute, or civil rights dispute.

13 (b) APPLICABILITY.—

14 (1) IN GENERAL.—An issue as to whether this
15 section applies with respect to a dispute shall be de-
16 termined under Federal law. The applicability of this
17 section to an agreement to arbitrate and the validity
18 and enforceability of an agreement to which this sec-
19 tion applies shall be determined by a court, rather
20 than an arbitrator, irrespective of whether the party
21 resisting arbitration challenges the arbitration agree-
22 ment specifically or in conjunction with other terms
23 of the contract containing such agreement, and irre-
24 spective of whether the agreement purports to dele-
25 gate such determinations to an arbitrator.

1 (2) COLLECTIVE BARGAINING AGREEMENTS.—

2 Nothing in this section shall apply to any arbitration
3 provision in a contract between an employer and a
4 labor organization or between labor organizations,
5 except that no such arbitration provision shall have
6 the effect of waiving the right of a worker to seek
7 judicial enforcement of a right arising under a provi-
8 sion of the Constitution of the United States, a
9 State constitution, or a Federal or State statute, or
10 public policy arising therefrom.

11 (c) DEFINITIONS.—In this section:

12 (1) The term “covered emergency period”
13 means the period beginning on the date on which the
14 President declared a national emergency under the
15 National Emergencies Act (50 U.S.C. 1601 et seq.)
16 with respect to the Coronavirus Disease 2019
17 (COVID–19) and ending on the date that is 180
18 days after such emergency is terminated.

19 (2) The term “antitrust dispute” means a dis-
20 pute—

21 (A) arising from an alleged violation of the
22 antitrust laws (as defined in subsection (a) of
23 the first section of the Clayton Act) or State
24 antitrust laws; and

1 (B) in which the plaintiffs seek certifi-
2 cation as a class under rule 23 of the Federal
3 Rules of Civil Procedure or a comparable rule
4 or provision of State law.

5 (3) The term “civil rights dispute” means a dis-
6 pute—

7 (A) arising from an alleged violation of—

8 (i) the Constitution of the United
9 States or the constitution of a State; and

10 (ii) any Federal, State, or local law
11 that prohibits discrimination on the basis
12 of race, sex, age, gender identity, sexual
13 orientation, disability, religion, national or-
14 igin, or any legally protected status in edu-
15 cation, employment, credit, housing, public
16 accommodations and facilities, voting, vet-
17 erans or servicemembers, health care, or a
18 program funded or conducted by the Fed-
19 eral Government or State government, in-
20 cluding any law referred to or described in
21 section 62(e) of the Internal Revenue Code
22 of 1986, including parts of such law not
23 explicitly referenced in such section but
24 that relate to protecting individuals on any
25 such basis; and

1 (B) in which at least one party alleging a
2 violation described in subparagraph (A) is one
3 or more individuals (or their authorized rep-
4 resentative), including one or more individuals
5 seeking certification as a class under rule 23 of
6 the Federal Rules of Civil Procedure or a com-
7 parable rule or provision of State law.

8 (4) The term “consumer dispute” means a dis-
9 pute between—

10 (A) one or more individuals who seek or
11 acquire real or personal property, services (in-
12 cluding services related to digital technology),
13 securities or other investments, money, or credit
14 for personal, family, or household purposes in-
15 cluding an individual or individuals who seek
16 certification as a class under rule 23 of the
17 Federal Rules of Civil Procedure or a com-
18 parable rule or provision of State law; and

19 (B)(i) the seller or provider of such prop-
20 erty, services, securities or other investments,
21 money, or credit; or

22 (ii) a third party involved in the selling,
23 providing of, payment for, receipt or use of in-
24 formation about, or other relationship to any

1 such property, services, securities or other in-
2 vestments, money, or credit.

3 (5) The term “employment dispute” means a
4 dispute between one or more individuals (or their
5 authorized representative) and a person arising out
6 of or related to the work relationship or prospective
7 work relationship between them, including a dispute
8 regarding the terms of or payment for, advertising
9 of, recruiting for, referring of, arranging for, or dis-
10 cipline or discharge in connection with, such work,
11 regardless of whether the individual is or would be
12 classified as an employee or an independent con-
13 tractor with respect to such work, and including a
14 dispute arising under any law referred to or de-
15 scribed in section 62(e) of the Internal Revenue
16 Code of 1986, including parts of such law not explic-
17 itly referenced in such section but that relate to pro-
18 tecting individuals on any such basis, and including
19 a dispute in which an individual or individuals seek
20 certification as a class under rule 23 of the Federal
21 Rules of Civil Procedure or as a collective action
22 under section 16(b) of the Fair Labor Standards
23 Act, or a comparable rule or provision of State law.

24 (6) The term “predispute arbitration agree-
25 ment” means an agreement to arbitrate a dispute

1 that has not yet arisen at the time of the making
2 of the agreement.

3 (7) The term “predispute joint-action waiver”
4 means an agreement, whether or not part of a
5 predispute arbitration agreement, that would pro-
6 hibit, or waive the right of, one of the parties to the
7 agreement to participate in a joint, class, or collec-
8 tive action in a judicial, arbitral, administrative, or
9 other forum, concerning a dispute that has not yet
10 arisen at the time of the making of the agreement.

11 (d) APPLICATION.—This section shall apply with re-
12 spect to any dispute or claim that arises or accrues on
13 or after the date on which the covered emergency period
14 began.

15 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall be construed to prohibit the use of arbitration
17 on a voluntary basis after the dispute arises.

○