

Congress of the United States
House of Representatives
Washington, DC 20515

June 12, 2020

Director Robert R. Redfield, MD
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329 USA

Administrator Seema Verma
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Verma and Director Redfield:

We are writing today regarding input we have received as part of our effort leading the bipartisan Congressional Regional Recovery Task Force. The group is focused, in part, on developing bipartisan recommendations and policy proposals to support businesses and get Americans safely back to work. As part of our efforts, we have heard from workers, mayors, and businesses regarding concerns about both the speed and safety of reopening.

The current pandemic presents significant challenges to businesses and their workers. These challenges include the absolute necessity to protect the health and wellbeing of our nation's workforce. We appreciate both the Centers for Disease Control (CDC) and the Centers for Medicare and Medicaid Services' (CMS) efforts thus far to provide thoughtful and timely guidance that supports our nation's goal of reopening the economy safely and productively. However, there is a critical need for guidance around business closures upon an identified COVID-19 positive case. Given the role such guidance plays in informing states' reopening plans, it is critical that any issued guidance strikes a careful balance between safety and reopening. However, it is also crucial to note that reopening and safety are not always incompatible. More so, there are times when remaining open is actually conducive to safety. Specifically, businesses may be incentivized *not* to test their employees should the ramifications always guarantee a closure.

A safe and productive reopening of our nation necessitates clear guidance surrounding closures of businesses upon a positive case in the workplace. As such, we are calling on the CDC and CMS to issue guidelines that clearly delineate circumstances that may require a business to shut down, and circumstances where a business can remain safely operational even if a positive case is identified. While we acknowledge that not all businesses can remain safely open following a positive test, there are some businesses that can; a one size fits all model cannot properly address all the unique circumstances and businesses.

In light of these concerns, please provide guidelines that address the following:

1. What circumstances may necessitate closure upon a positive case of an employee?
2. What circumstances may allow a business to remain safely operational upon a positive case of an employee?
3. How do guidelines differ based on industry?
4. How do guidelines differ based on size of the business?
5. If a business closes following a positive test, what timeline and circumstances should they consider for reopening?

We request that the CDC and CMS respond to this request no later than June 26, 2020. Thank you for your prompt attention to this important issue.

Sincerely,

Mikie Sherrill
Member of Congress

Peter T. King
Member of Congress

Jim Himes
Member of Congress

Brian Fitzpatrick
Member of Congress

Elise Stefanik
Member of Congress