

well as for our dedicated healthcare professionals. Can you imagine serving on the frontline of this fight against the pandemic, doing everything you can possibly do to help people who are sick and injured, and, despite acting in good faith to protect employees, customers, or patients, we know that a certain element of the bar are lining up to file opportunistic lawsuits against these hard-working men and women, people who I think we all consider to be heroes.

Across the country, lawsuits have already begun rolling in by the hundreds. Unless we take action, we are going to wake up from this pandemic only to find ourselves in a legal nightmare.

Now, I want to be clear. Bad actors don't deserve blanket immunity. We are all in agreement on that point, but hard-working Americans who are trying to do the best thing and follow, in good faith, the guidance that their government gives them deserve a safe harbor from frivolous litigation and nuisance lawsuits. This Chamber is full of lawyers—Democrat lawyers, Republican lawyers—who are well aware of just how damaging this unlimited litigation that will ensue will be on our economic recovery.

While House Democrats have been crafting their dead-on-arrival liberal wish list, we have been working on legislation which can and should gain bipartisan support and protect our frontline workers in the process.

We are working on legislation to provide liability protections for the men and women who have supported us through this crisis and who will be the key to our recovery from this crisis. We simply must protect those who have acted in good faith from having to defend costly legal battles—only to win—only to lose their business because they can't survive that additional burden—going through the pandemic, the shutdown, only to find, just when you think you are coming out of it, that you are being drowned with litigation costs.

I believe we should continue to provide an opportunity to seek legal recourse for those who act willfully or exercise reckless disregard for the health and safety of others. Those are the kinds of cases that deserve, in my opinion, access to compensation.

Make no mistake, our country's road to recovery isn't going to be easy, and we have already caught a glimpse of the next epidemic, the lawsuit epidemic, that is waiting around the corner.

Unlike House Democrats, who are moving full-speed ahead, the Senate has chosen to tap the brakes and figure out the best way to avoid hitting the brakes, economically and from a public health perspective.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate to

proceed to executive session for the en bloc consideration of Executive Calendar Nos. 583 and 633 through 639 and all nominations on the Secretary's desk; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; and that the President be immediately notified of the Senate's action, all en bloc, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows

IN THE ARMY

The following named Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Aaron R. Dean, II

IN THE AIR FORCE

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Michael W. Bank
Col. Monica M. Brouse
Col. Allan R. Cecil
Col. Michael A. Comstock
Col. Kevin V. Doyle
Col. Akshai M. Gandhi
Col. Thomas C. Hannon
Col. Thomas J. James
Col. David W. Manson
Col. John J. Ptak, Jr.
Col. Michael D. Stohler
Col. Edwin A. VanDerWolde
Col. Mark A. Vavra

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Gary M. Brito

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Carl P. Chebi
Rear Adm. (lh) David A. Goggins
Rear Adm. (lh) Douglas W. Small

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Rick Freedman

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Susan Bryerjoyner
Capt. John A. Watkins

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Mark A. Melson
Capt. Michael S. Sciretta

The following named officers for appointment in the United States Navy to the grade

indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Eugene H. Black, III

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE ARMY

PN1463 ARMY nominations (965) beginning WILLIAM P. ABBOTT, and ending D015041, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1464 ARMY nominations (628) beginning DAVIS M. ABT, and ending D014989, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1465 ARMY nominations (628) beginning JAMIE E. ABEL, and ending D014063, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1466 ARMY nominations (40) beginning ADESOLA O. ADEPEGBA, and ending G010437, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1522 ARMY nomination of Jamal D. Snell, which was received by the Senate and appeared in the Congressional Record of February 12, 2020.

PN1640 ARMY nomination of Kelly L. French, which was received by the Senate and appeared in the Congressional Record of March 2, 2020.

PN1696 ARMY nomination of William A. Forbes, which was received by the Senate and appeared in the Congressional Record of March 16, 2020.

IN THE MARINE CORPS

PN1366 MARINE CORPS nominations (2) beginning JEFFREY T. JONES, II, and ending JUAN F. RODRIGUEZ, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2020.

PN1487 MARINE CORPS nominations (6) beginning MATTHEW S. BREEN, and ending REYES J. RIVAS, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1488-1 MARINE CORPS nominations (395) beginning BRETT D. ABBAMONTE, and ending JASON C. YURISIC, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1658-1 MARINE CORPS nominations (106) beginning JOSHUA D. ANDERSON, and ending SCOTT W. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of March 2, 2020.

IN THE NAVY

PN1482 NAVY nomination of Daniel M. Wiegrefe, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1570 NAVY nomination of Katherine L. Jaudon, which was received by the Senate and appeared in the Congressional Record of February 13, 2020.

PN1654 NAVY nomination of Paul D. Sargent, which was received by the Senate and appeared in the Congressional Record of March 2, 2020.

PN1657 NAVY nomination of Christopher C. Supko, which was received by the Senate and appeared in the Congressional Record of March 2, 2020.

PN1697 NAVY nomination of James G. Buckley, which was received by the Senate and appeared in the Congressional Record of March 16, 2020.

PN1698 NAVY nomination of Michael G. Matson, which was received by the Senate and appeared in the Congressional Record of March 16, 2020.

PN1699 NAVY nomination of Kevan M. Mellendick, which was received by the Senate and appeared in the Congressional Record of March 16, 2020.

PN1700 NAVY nomination of Andrew S. Morris, which was received by the Senate and appeared in the Congressional Record of March 16, 2020.

PN1701 NAVY nomination of Andrew D. Cordrey, which was received by the Senate and appeared in the Congressional Record of March 16, 2020.

PN1702 NAVY nomination of Nicholas R. Leinweber, which was received by the Senate and appeared in the Congressional Record of March 16, 2020.

PN1703 NAVY nomination of Sean A. McKay, which was received by the Senate and appeared in the Congressional Record of March 16, 2020.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

SAFEGUARDING AMERICA'S FIRST RESPONDERS ACT OF 2020

Mr. CORNYN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged and that the Senate proceed to the immediate consideration of S. 3607.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3607) to extend public safety officer death benefits to public safety officers whose death is caused by COVID-19, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. CORNYN. Mr. President, I ask unanimous consent that the Grassley-Booker amendment at the desk be considered and agreed to, and that the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1587) was agreed to, as follows:

(Purpose: To improve the bill)

In section 2(a)(5), strike “deaths resulting from infectious disease sustained by public safety officers in carrying out their duties, the determination of claims may” and insert “deaths and permanent and total disabilities resulting from infectious disease sustained by public safety officers in carrying out their duties, the determination of claims involving personal injuries believed to have resulted from COVID-19 or its complications may”.

In section 3, strike “As determined” and insert “(a) DEATH BENEFITS.—As determined”.

At the end of section 3, add the following:

(b) DISABILITY BENEFITS.—As determined by the Bureau of Justice Assistance, COVID-19 (or complications therefrom) suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of section 1201(b) of title I of the

Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(b)), sustained in the line of duty by the officer, if—

(1) the officer engaged in a line of duty action or activity between January 1, 2020, and December 31, 2021; and

(2) the officer was diagnosed with COVID-19 (or evidence indicates that the officer had COVID-19) during the 45-day period beginning on the last day of duty of the officer.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CORNYN. Mr. President, I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3607), as amended, was passed, as follows:

S. 3607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Safeguarding America’s First Responders Act of 2020”.

SEC. 2. SENSE OF CONGRESS; PURPOSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) an infectious disease pandemic known as COVID-19 exists;

(2) to date, there is much still unknown about COVID-19, but it is known that COVID-19 and related complications may be fatal;

(3) services provided by public safety officers are nonetheless essential during this pandemic;

(4) due to the COVID-19 pandemic and what is currently known about how the disease is spread, public safety officers are uncharacteristically at risk of contracting the disease; and

(5) although the Public Safety Officers’ Benefits program currently covers deaths and permanent and total disabilities resulting from infectious disease sustained by public safety officers in carrying out their duties, the determination of claims involving personal injuries believed to have resulted from COVID-19 or its complications may be uniquely challenging or delayed given the lack of—

(A) definitive testing and medical records at this time; and

(B) a definitive uniform body of medical information about how the disease is spread or its effects.

(b) PURPOSE.—The purpose of this Act is to establish a carefully drawn framework wherein claims under the Public Safety Officers’ Benefits program, arising under the unique circumstances described in subsection (a), can be processed expeditiously and under fair and clear standards.

SEC. 3. PUBLIC SAFETY OFFICER BENEFITS.

(a) DEATH BENEFITS.—As determined by the Bureau of Justice Assistance, unless competent medical evidence establishes that the death of a public safety officer (as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284)) was directly and proximately caused by something other than COVID-19, COVID-19 (or complications therefrom) suffered by the public safety officer shall be presumed to constitute a personal injury within the meaning of section 1201(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(a)), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

(1) the officer engaged in a line of duty action or activity between January 1, 2020, and December 31, 2021;

(2) the officer was diagnosed with COVID-19 (or evidence indicates that the officer had COVID-19) during the 45-day period beginning on the last day of duty of the officer; and

(3) evidence indicates that the officer had COVID-19 (or complications therefrom) at the time of the officer’s death.

(b) DISABILITY BENEFITS.—As determined by the Bureau of Justice Assistance, COVID-19 (or complications therefrom) suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of section 1201(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(b)), sustained in the line of duty by the officer, if—

(1) the officer engaged in a line of duty action or activity between January 1, 2020, and December 31, 2021; and

(2) the officer was diagnosed with COVID-19 (or evidence indicates that the officer had COVID-19) during the 45-day period beginning on the last day of duty of the officer.

Mr. CORNYN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIDENTIALITY OPPORTUNITIES FOR PEER SUPPORT COUNSELING ACT

Mr. CORNYN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3434 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3434) to make Federal law enforcement officer peer support communications confidential, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. CORNYN. I further ask unanimous consent that the bill be read a third time and passed, and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3434) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Confidentiality Opportunities for Peer Support Counseling Act” or the “COPS Counseling Act”.

SEC. 2. CONFIDENTIALITY OF PEER SUPPORT COMMUNICATIONS.

(a) DEFINITIONS.—In this section:

(1) LAW ENFORCEMENT AGENCY.—The term “law enforcement agency” means a Federal agency that employs a law enforcement officer.

(2) LAW ENFORCEMENT OFFICER.—The term “law enforcement officer” has the meaning