

\$3 trillion bill includes no measures to help Americans get back to work, no added support for hard-hit small businesses, and no protections for American jobs.

Congress will be considering providing more virus aid in coming months and weeks. Any recovery legislation will have to be targeted, temporary, and tailored to address the coronavirus emergency.

COVID-19 legislation must include reasonable, responsible liability protections for healthcare providers and for employers, for the small businesses in our States, and it needs to promote economic jobs and growth.

Now, Senate Republicans are focused on reopening America. The American taxpayer can't be asked to pay for items on Speaker PELOSI's \$3 trillion socialist Christmas list. The American people need us to throw them a life preserver, not the anvil that NANCY PELOSI has thrown their way.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. ERNST). Without objection, it is so ordered.

#### CORONAVIRUS

Mr. CORNYN. Madam President, after every natural disaster, after every major emergency, there is always a period of response—that initial triage. Think about performing search and rescue operations, providing medical care, and setting up emergency shelters. You are moving quickly to complete these time-sensitive tasks to get everyone to safety and minimize the loss of life.

At some point, though, you begin to transition to recovery—clearing the debris, restoring power, rebuilding, and eventually trying to return to life as normal. As always, there will be a period of transition between those periods in which you continue to focus on the short-term response while you plan for the longer term recovery. While we face a much different type of crisis today, I believe the same principles apply.

Our heroic healthcare workers continue to respond to this virus on the frontlines. Our farmers, our ranchers, our truckers, our grocery store employees, and food banks are ensuring people have food on their tables. The mailmen, delivery drivers, waste collectors, and other workers in critical sectors are keeping the cogs of our society and our economy running, and slowly but surely, recovery is happening too.

In Texas and other States across the country, businesses are welcoming customers through their doors for the first time in a while. Parks are beginning to reopen, and schools are making plans

for the fall. Every day, the needle is moving in a positive direction, but I am worried that, without some protections for these workers, these businesses, these churches, and these food banks, we are going to reverse course or stop them dead in their tracks. We are already seeing lawsuits piling up that claim somebody did this or did that in a corona-related incident. Unfortunately, there is an economic incentive to use as a cash cow the virus that has infected some 1.5 million Texans, and we are setting up for what could be one of the biggest bonanzas in history in terms of litigation.

You had better believe that those who could find themselves on the receiving end of these lawsuits are taking notice. A recent survey by the National Federation of Independent Business found that nearly 70 percent of small business owners are concerned about liability claims and that hospitals are cautious about resuming procedures, like organ transplants or cancer biopsies, because they could get sued as well. Even if you have done everything the public health officials say you should do and even if you have accommodated every request that the President, the Governor, or the mayor has made, you could still be sued. Even if businesses and hospitals follow all of the relevant guidelines and act in good faith, they could end up fighting very long and very expensive lawsuits. They could end up winning those lawsuits, but they could also end up going bankrupt in the process because defending a lawsuit is not cheap. At a time when we want people to focus like a laser on reopening their businesses and refilling these jobs, we can't allow that incentive for a lawsuit lottery to bleed our health workers dry and deter our recovery.

Congress needs to take action to prevent these opportunistic lawyers from using this crisis to make money and to, at the same time, hurt our economy and hurt our recovery. Leader MCCONNELL and I and others are working on a proposal that would put commonsense reforms in place and protect those who act in good faith from being sued into oblivion. I want to be absolutely clear about the goals of this legislation. There is no effort to pass a blanket immunity. There is no effort to protect bad actors who willingly put their patients, their employees, or customers in danger. What we are talking about is temporary and targeted liability protection for those who act in good faith and follow all of the relevant public health guidelines and direction.

First, we must protect the healthcare workers who are on the frontline of this crisis. These men and women have made tremendous physical and mental sacrifices while serving during this unprecedented time, and we simply can't allow them to be taken to the cleaners by those who are looking for a payout.

More than a dozen States have already provided protections for healthcare workers by raising the

threshold for medical malpractice lawsuits. The Democratic Governor of New York, Andrew Cuomo, has issued an executive order granting healthcare workers immunity from civil liability. Let me make sure people get this. The Democratic Governor of New York has issued an executive order granting healthcare workers immunity from civil liability. Again, this is not a blanket immunity. There are exceptions for gross negligence and willful conduct.

If limiting liability makes sense in New York, then I think it certainly makes sense elsewhere. We need to provide the same level of protection for healthcare workers all across the United States so they can operate without fear of having to defend themselves in lawsuits when they are doing their very best, in a time of crisis, to, in good faith, follow all of the appropriate guidance. Yet we can't stop there. We have to provide similar protections for the workers, the businesses, the schools, the nonprofits, and other institutions that are critical to our recovery.

Think about small business owners—70 percent of whom I know are worried about liability lawsuits, which is according to the National Federation of Independent Business. Once they receive the green light to open their doors, they have to make a very important decision: Is it worth the risk?

Let's say that you are a restaurant owner who has gone through the CDC's newly released decision tree for restaurants and bars and that you are prepared to implement all of the recommended health and safety actions as well as to monitor your staff. There is nothing stopping the first person who walks through the door from suing you in a few weeks because one believes one contracted the virus at your restaurant. It is not just businesses that are facing these types of decisions. Any nonprofit organization or agency that serves the public is in a similar position, even if it has gone to great lengths to comply with public health recommendations.

As our public schools, colleges, and universities weigh decisions about reopening this fall, liability protections are going to play a major factor. Last week, the Committee on the Judiciary held a hearing on liability protections. One of the witnesses we heard from was Lee Tyner, who serves as the general counsel for Texas Christian University in Fort Worth, TX. In his testimony, Lee called this the "cliff problem." He said that this is what his University of Virginia law school professor used to describe as being an uncertain standard of care. A liability cliff is some sort of line that would be catastrophic to cross.

If you know where that cliff is, you are able to make good decisions about how far you are willing to go and what kind of risks you are willing to take, but if you do not know exactly where it is, then uncertainty will likely lead you to avoid the area altogether. In

this case, as Lee pointed out, our country needs our colleges and universities to walk toward the cliff but not to go over it, just as we need healthcare workers, businesses, nursing homes, and nonprofits to do the same. Yet we can't ask them to do it blindly or in the dark or without providing the needed clarity so that they can manage their risks.

I think what is so different about this pandemic is that people get so much contradictory and conflicting information from a variety of sources. Most of us know how to manage risk in our lives, but it is hard to manage uncertainty, and that is what we are asking the Senate and the Congress to do is to provide some certainty in the midst of this uncertainty. These workers and institutions are critical to helping our response and recovery move forward, and we can't ask for or expect them to make decisions without having some level of certainty. They need to know with confidence that, if they are operating in good faith and obeying the public health and other government guidelines, that they will not inadvertently step over the edge of the cliff and find themselves in free fall.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

SAFEGUARDING AMERICA'S FIRST RESPONDERS  
ACT

Mr. GRASSLEY. Madam President, I come to the floor to discuss a piece of legislation that Senator BOOKER and I worked on to help public safety officers.

Since the COVID-19 pandemic began, over 100 first responders have lost their lives to this virus. Unlike the rest of us, these brave men and women, by the very nature of their work, haven't been able to stay home or social distance. In firehouses across the country, firefighters have had to continue sharing confined spaces and respond to emergencies in cramped trucks. Police officers have had to continue to respond to 911 calls and also interact with the public in very close quarters. While most of us are avoiding COVID at all costs, State and county EMT crews have been transporting the infected and others to hospitals for emergency care.

While I am inspired by the bravery of these first responders, I am not at all surprised by the actions they take to protect the people they serve. First responders always answer the calls to action, selflessly placing others before themselves. So, in recognition of the many sacrifices they make, Congress established the Public Safety Officers' Benefits Program a long time ago, in 1976. This law provides first responders with onetime payments if they die or are totally disabled on duty.

Let me be very clear. Nothing can ever put a family back together who has lost a loved one, but the Public Safety Officers' Benefits Program provides some economic relief to grieving

families and gives peace of mind to the first responders themselves in their knowing that their families will not be left destitute if tragedy is to befall them.

Unfortunately, the Public Safety Officers' Benefits Program wasn't designed to deal with a global pandemic of this type or magnitude that we were made aware of in the United States in late January. Under the existing statute then, to be awarded benefits, first responders had to be able to prove that they contracted COVID on duty. From the reports we get, it is kind of hard to tell where one comes in contact with it. So the last thing a grieving family needs to be worried about then, after experiencing the loss of a loved one, is whether the family will be able to successfully prove that its loved one contracted COVID in the line of duty and that it qualifies for the loss of life under the 1976 law.

Almost as soon as the nationwide stay-at-home order was instituted, I began working with Senator BOOKER to craft language to create a presumption that would allow families to receive benefits without having to prove that their loved ones contracted a deadly virus on duty. Senator BOOKER and I were determined to get this done as soon as possible because we understood that families who have lost loved ones will soon begin filing for benefits. We know that the number is about 100 at this point.

Our bill is entitled "Safeguarding America's First Responders Act," or SAFR, pronounced "safer" for short. The bill was introduced on May 5, which was 1 day after the Senate returned to session.

This bill is the product of several weeks of friendly negotiations and input from fire groups and police groups. The bill garnered a total of 22 bipartisan cosponsors, including the entire New York and New Jersey delegations. Last Thursday, the Senate unanimously passed our bill. It now is in the House, where we hope it will receive immediate consideration. I know our colleagues in the House are deeply concerned about our first responders, and I would expect this to have a successful effort over there. I have been working with Congressman PASCRELL and others on several other reforms for the Public Safety Officers' Benefits Program, so I think it has been well received over there by some outstanding people who can carry it to victory.

There is no excuse for this bill not to receive a vote as soon as possible. It is the only bill of its kind that has the support of the International Association of Firefighters, of the International Association of Fire Chiefs, and of several State and Federal police groups. It was coauthored by Senator BOOKER and features the support of 11 Democrats and 10 Republican Senators as original cosponsors, including the Senate minority leader. SAFR, this bill, also has the support of the Department of Justice, which stands ready to

pay out benefits to grieving families but is limited by statute as to what it can do under existing law—hence, the importance of this legislation.

Simply put, this bill is a no-brainer. I urge Speaker PELOSI to schedule a vote on SAFR as soon as the House returns to session.

It is now my privilege to thank Senator BOOKER and to yield to my colleague from New Jersey, who worked so hard to get this done as well.

Mr. BOOKER. Madam President, let me just say, right at the top, how grateful I am to stand on the Senate floor again with Senator CHUCK GRASSLEY. He has been one of the great partners I have had in my short time in the Senate, and I am honored to have gotten a lot of good work done and good law passed. I thank him and his entire staff. They were all tremendous to work with and went above and beyond for us to get this done at a very quick pace. I thank our colleagues for acting with the urgency that this issue demands.

I am excited that this bill was able to pass, for it will ensure that the families of first responders who lose their lives to the coronavirus will be taken care of under the Public Safety Officers' Benefits Program. We expect now that over 100 of these death benefit claims will be submitted to the Department of Justice in the coming days and weeks, and we cannot leave these grieving families to fight alone for the benefits they need and deserve. As Senator GRASSLEY very pointedly put it, we hope that the House of Representatives will pick up this legislation for immediate consideration.

While COVID-19 has changed daily life across this country, for so many of us, I am grateful that my colleague and so many of my colleagues understand that our firefighters, our EMTs, our police officers, and our other emergency service personnel continue to put their lives on the line to protect our communities and have done so at significant and increased risk to themselves and their families.

In hard-hit areas across our Nation, we see first responders stepping up to enormous risk. Being a first responder during this pandemic is not a job; it is an all-consuming mission and, unfortunately, a tremendous sacrifice. It is responding to a call and knowing that, just by stepping inside someone's home, you are running a high risk of exposing yourself to the virus. It is wondering whether your personal protective gear—or PPE—that you have on is enough. In many cases, it is wondering whether your PPE is even real, with there being so many of our first responders, unfortunately, using whatever they can scrounge up. Whether it is the buying of foreign masks that are not designed for use in the United States or the buying of them from unknown vendors, they are doing what they can to protect themselves as they go about their urgent mission.