

## (d) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and each other agency head that makes a payment under subsection (i)(2) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b) of this section, shall prescribe regulations required under subsection (i)(4)(A) of such Act.

(2) NOTICE TO CONGRESS.—Not later than 210 days after the date of the enactment of this Act, the Secretary of State and the agency heads described in paragraph (1) shall submit to the appropriate congressional committees the regulations prescribed in accordance with paragraph (1).

## CONFIDENTIALITY OPPORTUNITIES FOR PEER SUPPORT COUNSELING ACT

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 1502 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1502) 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. SCHUMER. I ask unanimous consent that the Cortez Masto substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 2115), in the nature of a substitute, was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

### 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 given the term “Federal law enforcement officer” in section 115 of title 18, United States Code.

(3) PEER SUPPORT COMMUNICATION.—The term “peer support communication” includes—

(A) an oral or written communication made in the course of a peer support counseling session;

(B) a note or report arising out of a peer support counseling session;

(C) a record of a peer support counseling session; or

(D) with respect to a communication made by a peer support participant in the course of

a peer support counseling session, another communication, regarding the first communication, that is made between a peer support specialist and—

(i) another peer support specialist;

(ii) a staff member of a peer support counseling program; or

(iii) a supervisor of the peer support specialist.

(4) PEER SUPPORT COUNSELING PROGRAM.—The term “peer support counseling program” means a program provided by a law enforcement agency that provides counseling services from a peer support specialist to a law enforcement officer of the agency.

(5) PEER SUPPORT COUNSELING SESSION.—The term “peer support counseling session” means any counseling formally provided through a peer support counseling program between a peer support specialist and 1 or more law enforcement officers.

(6) PEER SUPPORT PARTICIPANT.—The term “peer support participant” means a law enforcement officer who receives counseling services from a peer support specialist.

(7) PEER SUPPORT SPECIALIST.—The term “peer support specialist” means a law enforcement officer who—

(A) has received training in—

(i) peer support counseling; and

(ii) providing emotional and moral support to law enforcement officers who have been involved in or exposed to an emotionally traumatic experience in the course of employment; and

(B) is designated by a law enforcement agency to provide the services described in subparagraph (A).

(b) PROHIBITION.—Except as provided in subsection (c), a peer support specialist or a peer support participant may not disclose the contents of a peer support communication to an individual who was not a party to the peer support communication.

(c) EXCEPTIONS.—Subsection (b) shall not apply to a peer support communication if—

(1) the peer support communication contains—

(A) an explicit threat of suicide by an individual in which the individual—

(i) shares—

(I) an intent to die by suicide; and

(II) a plan for a suicide attempt or the means by which the individual plans to carry out a suicide attempt; and

(ii) does not solely share that the individual is experiencing suicidal thoughts;

(B) an explicit threat by an individual of imminent and serious physical bodily harm or death to another individual;

(C) information—

(i) relating to the abuse or neglect of—

(I) a child; or

(II) an older or vulnerable individual; or

(ii) that is required by law to be reported; or

(D) an admission of criminal conduct;

(2) the disclosure is permitted by each peer support participant who was a party to, as applicable—

(A) the peer support communication;

(B) the peer support counseling session out of which the peer support communication arose;

(C) the peer support counseling session of which the peer support communication is a record; or

(D) the communication made in the course of a peer support counseling session that the peer support communication is regarding;

(3) a court of competent jurisdiction issues an order or subpoena requiring the disclosure of the peer support communication; or

(4) the peer support communication contains information that is required by law to be disclosed.

(d) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to prohibit the disclosure of—

(1) an observation made by a law enforcement officer of a peer support participant outside of a peer support counseling session; or

(2) knowledge of a law enforcement officer about a peer support participant not gained from a peer support communication.

(e) DISCLOSURE OF RIGHTS.—Before the initial peer support counseling session of a peer support participant, a peer support specialist shall inform the peer support participant in writing of the confidentiality requirement under subsection (b) and the exceptions to the requirement under subsection (c).

### SEC. 3. BEST PRACTICES AND SUPPORT.

(a) DEFINITIONS.—In this section:

(1) FIRST RESPONDER.—The term “first responder” has the meaning given the term “public safety officer” in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284).

(2) FIRST RESPONDER AGENCY.—The term “first responder agency” means a Federal, State, local, or Tribal agency that employs or otherwise engages the services of a first responder.

(3) PEER SUPPORT COUNSELING PROGRAM.—The term “peer support counseling program” means a program provided by a first responder agency that provides counseling services from a peer support specialist to a first responder of the first responder agency.

(4) PEER SUPPORT PARTICIPANT.—The term “peer support participant” means a first responder who receives counseling services from a peer support specialist.

(5) PEER SUPPORT SPECIALIST.—The term “peer support specialist” means a first responder who—

(A) has received training in—

(i) peer support counseling; and

(ii) providing emotional and moral support to first responders who have been involved in or exposed to an emotionally traumatic experience in the course of the duties of those first responders; and

(B) is designated by a first responder agency to provide the services described in subparagraph (A).

(b) REPORT ON BEST PRACTICES.—Not later than 2 years after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of Health and Human Services, shall develop a report on best practices and professional standards for peer support counseling programs for first responder agencies that includes—

(1) advice on—

(A) establishing and operating peer support counseling programs; and

(B) training and certifying peer support specialists;

(2) a code of ethics for peer support specialists;

(3) recommendations for continuing education for peer support specialists;

(4) advice on disclosing to first responders any confidentiality rights of peer support participants; and

(5) information on—

(A) the different types of peer support counseling programs in use by first responder agencies;

(B) any differences in peer support counseling programs offered across categories of first responders; and

(C) the important role senior first responders play in supporting access to mental health resources.

(c) IMPLEMENTATION.—The Attorney General shall support and encourage the implementation of peer support counseling programs in first responder agencies by—

(1) making the report developed under subsection (b) publicly available on the website of the Department of Justice; and

(2) providing a list of peer support specialist training programs on the website of the Department of Justice.

#### SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that Federal, State, local, and Tribal police officers, sheriffs, and other law enforcement officers across the United States who serve with valor, dignity, and integrity deserve the gratitude and respect of Congress.

The bill (S. 1502), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### SUPPORTING THE DESIGNATION OF MAY 2021 AS NATIONAL CANCER RESEARCH MONTH

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration and the Senate now proceed to S. Res. 253.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 253) supporting the designation of May 2021 as "National Cancer Research Month".

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

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 253) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of May 27, 2021, under "Submitted Resolutions.")

#### ORDERS FOR TUESDAY, JUNE 8, 2021

Mr. SCHUMER. Finally, Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, June 8; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that upon the conclusion of morning business, the Senate resume consideration of the Neals nomination postcloture; that at 11:30 a.m., all postcloture time expire; that following the cloture vote on the Rodriguez nomination, the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings; further, that the postcloture time on the Rodriguez nomination expire at 3 p.m.; that the order of Friday, May 28, with respect to S. 1260 be executed immediately following the disposition of the Rodriguez nomination; that the cloture motion on the motion to proceed to H.R. 7 ripen following the disposition of S. 1260; and finally, that if any of the nominations are confirmed, that the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:18 p.m., adjourned until Tuesday, June 8, 2021, at 10 a.m.

#### NOMINATIONS

Executive nominations received on May 27, 2021 by the Senate:

##### DEPARTMENT OF THE TREASURY

BRIAN EDDIE NELSON, OF CALIFORNIA, TO BE UNDER SECRETARY FOR TERRORISM AND FINANCIAL CRIMES, VICE SIGAL MANDELKER, RESIGNED.

ELIZABETH ROSENBERG, OF VERMONT, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY, VICE MARSHALL BILLINGSLEA.

##### DEPARTMENT OF COMMERCE

ARUN VENKATARAMAN, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE, VICE IAN PAUL STEFF.

##### EXECUTIVE OFFICE OF THE PRESIDENT

SARAH BIANCHI, OF VIRGINIA, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE (ASIA, AFRICA, INVESTMENT, SERVICES, TEXTILES, AND INDUSTRIAL COMPETITIVENESS), WITH THE RANK OF AMBASSADOR, VICE JEFFREY GERRISH.

##### DEPARTMENT OF EDUCATION

ELIZABETH MERRILL BROWN, OF MARYLAND, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION, VICE CARLOS G. MUNIZ, RESIGNED.

##### NATIONAL LABOR RELATIONS BOARD

GWYNNE A. WILCOX, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2023, VICE MARK GASTON PEARCE, TERM EXPIRED.

##### DEPARTMENT OF JUSTICE

MATTHEW G. OLSEN, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JOHN C. DEMERS.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624, 7037, AND 7064:

##### *To be brigadier general*

COL. ALISON C. MARTIN  
COL. DAVID E. MENDELSON  
COL. GEORGE R. SMAWLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be brigadier general*

COL. EUGENE D. COX  
COL. CLINTON K. MURRAY  
COL. DEYDRE S. TEYHEN