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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Redeemer and friend, the fountain of wisdom and strength, we borrow our heartbeats from You. Today, guide our Senators to new heights of achievement, providing them with robust health, faith for their perplexities, and light for the path ahead.

Lord, give them fulfillment as they strive to be instruments of Your providence. Supply their needs according to Your riches in glory, giving them the serenity to accept what can't be changed, the courage to change what they can, and the wisdom to know one from the other. Bring them to the end of this day with satisfied hearts and clear consciences.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The Senator from Iowa.

PROTECTING AMERICA'S FIRST RESPONDERS ACT

Mr. GRASSLEY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 83, S. 1208.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1208) to amend the Omnibus Crime Control and Safe Streets Act of 1968

with respect to payments to certain public safety officers who have become permanently and totally disabled as a result of personal injuries sustained in the line of duty, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting America's First Responders Act".

SEC. 2. PAYMENT OF DEATH AND DISABILITY BENEFITS UNDER THE PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAM.

Section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281) is amended—

(1) in subsection (b), by striking the period at the end and inserting the following: “, unless the claim under this subsection has been pending for more than 1 year, in which case the amount payable shall be the amount that would be payable if the catastrophic injury occurred on the date on which the Bureau makes a final determination that the public safety officer is entitled to a benefit payment under this subsection.”;

(2) in subsection (c), by striking “\$3,000” and inserting “\$6,000, adjusted in accordance with subsection (h),”;

(3) in subsection (h), by inserting “and the level of the interim benefit payable immediately before such October 1 under subsection (c)” after “subsection (a)”;

(4) by striking subsection (i) and inserting the following:

“(i) The amount payable under subsection (a), with respect to the death of a public safety officer, shall be the greater of—

“(1) the amount payable under that subsection as of the date of death of the public safety officer; or

“(2) the amount that would be payable under that subsection if the death of the public safety officer occurred on the date on which the Bureau makes a final determination that the public safety officer is entitled to a benefit payment under that subsection.”; and

(5) in subsection (m), by inserting “, (b),” after “subsection (a)”.

SEC. 3. DEFINITIONS FOR THE PURPOSES OF THE PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAM.

Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) ‘catastrophic injury’ means an injury, the direct and proximate consequences of which—

“(A) permanently prevent an individual from performing any gainful work; or

“(B) cause an individual to become—

“(i) paraplegic;

“(ii) quadriplegic; or

“(iii) blind.”;

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “at the time of the public safety officer's fatal or catastrophic injury” and inserting “as of the date of the public safety officer's death from a fatal injury or the date of determination of the public safety officer's disability from a catastrophic injury”;

(3) in paragraph (4), by inserting “, including an individual who, in the capacity of the individual as such a member, engages in scene security or traffic management as the primary or only duty of the individual during emergency response” before the semicolon;

(4) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively; and

(5) by inserting after paragraph (4) the following:

“(5) ‘gainful work’—

“(A) means any activity usually performed for pay or profit, regardless of whether a profit is realized; and

“(B) does not include work performed in a situation in which, after an individual sustains an injury—

“(i) the individual—

“(I) re-enters the workforce; and

“(II) leaves the workforce after less than 90 days because of the inability of the individual to overcome the injury;

“(ii) because of the injury—

“(I) the individual is permitted, in carrying out work, to—

“(aa) perform at a lower standard of productivity or efficiency than other similarly situated employees;

“(bb) work irregular hours; or

“(cc) take frequent rest periods; or

“(II) the individual is only able to work within a framework of specially arranged circumstances, such as a circumstance in which 1 or more other individuals are required to assist

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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the individual in preparing for work or traveling to and from work;

“(iii)(I) the individual practices a hobby usually performed for pay or profit, regardless of whether a profit is realized; and

“(II) the primary intent of the individual in practicing the hobby described in subclause (I)—

“(aa) is physical, mental, or emotional rehabilitation of the individual from the injury; and

“(bb) is not realization of profit; or

“(iv) the individual is given the opportunity to work—

“(I) despite the injury of the individual; and

“(II) on the basis of—

“(aa) a family relationship of the individual;

“(bb) a past association of the individual with the employer giving the individual the opportunity to work; or

“(cc) any other altruistic reason;”.

SEC. 4. RETROACTIVE APPLICABILITY.

(a) DEFINITIONS.—For the purposes of this section—

(1) the term “covered beneficiary” means an individual who—

(A) is, or was, a child or spouse of a covered individual described in paragraph (3)(B); and

(B) would have been eligible for educational assistance under subpart 2 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10301 et seq.) if the amendments made by section 3 of this Act had been in effect on the date on which the determination described in paragraph (3)(B)(i) of this subsection was made;

(2) the term “covered claimant” means an individual who is a claimant on the estate of a deceased covered individual—

(A) described in paragraph (3)(B); and

(B) who died on or before the date of enactment of this Act;

(3) the term “covered individual” means—

(A) a beneficiary of a benefit under the Public Safety Officers’ Death Benefit Program that was paid—

(i) with respect to a death or disability of a public safety officer sustained as the direct or proximate result of a personal injury sustained in the line of duty; and

(ii) during the covered period; or

(B) a public safety officer who—

(i) was determined during the covered period to be ineligible for a benefit payment under section 1201(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(b)); and

(ii) would have been eligible for a benefit payment under subpart L of that title due to the disability of the public safety officer if the amendments made by section 3 had been in effect on the date on which the determination described in clause (i) was made;

(4) the term “covered period” means the period—

(A) beginning on the date of enactment of title XIII of the Crime Control Act of 1990 (Public Law 101-647; 104 Stat. 4834); and

(B) ending on the day before the date of enactment of the Protecting America’s First Responders Act;

(5) the term “public safety officer” has the meaning given the term in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284); and

(6) the term “Public Safety Officers’ Death Benefit Program” means the program established under part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281 et seq.).

(b) APPLICABILITY.—The amendments made by sections 2 and 3 shall apply to a death or disability of a public safety officer sustained as the direct or proximate result of a personal injury sustained in the line of duty—

(1) subject to subsection (c), during the covered period; or

(2) on or after the date of enactment of this Act.

(c) PAYMENT.—

(1) IN GENERAL.—Subject to paragraph (2), upon application of a covered individual, covered beneficiary, or covered claimant, the Bureau of Justice Assistance shall make a lump sum payment to the covered individual, covered beneficiary, or covered claimant in the amount equal to the difference, if any, between—

(A) in the case of a covered individual—

(i) the amount of the total benefit payment the covered individual would have received under the Public Safety Officers’ Death Benefit Program as of the date of the lump sum payment, if the amendments made by sections 2 and 3 had been in effect on the date on which the covered individual—

(I) received the final benefit payment under the Public Safety Officers’ Death Benefit Program; or

(II) was determined to be ineligible for a benefit payment under section 1201(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(b)); and

(ii) the amount of the total benefit payment the covered individual received under the Public Safety Officers’ Death Benefit Program before the date of enactment of this Act;

(B) in the case of a covered beneficiary, the amount of the total benefit payment the covered beneficiary would have received under subpart 2 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10301 et seq.) if the amendments made by section 3 of this Act had been in effect on the date on which the determination described in subsection (a)(3)(B)(i) of this section was made; and

(C) in the case of a covered claimant, the amount of the total benefit payment the covered individual on whose estate the covered claimant is a claimant would have received under the Public Safety Officers’ Death Benefit Program as of the date of the lump sum payment, if the amendments made by sections 2 and 3 had been in effect on the date on which the determination described in subsection (a)(3)(B)(i) of this section was made.

(2) APPLICATION.—A covered individual, covered beneficiary, or covered claimant desiring a lump sum payment under paragraph (1) shall apply to the Bureau of Justice Assistance for such lump sum payment not later than 3 years after the date of enactment of this Act.

SEC. 5. DUE DILIGENCE IN PAYING BENEFIT CLAIMS UNDER THE PUBLIC SAFETY OFFICERS’ DEATH BENEFITS PROGRAM.

Section 1206(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10288(b)) is amended by striking “the Bureau may not” and all that follows and inserting the following: “the Bureau—

“(1) shall use all available investigative tools, including subpoenas, to—

“(A) expedite the processing of the benefit claim; and

“(B) obtain necessary information or documentation from third parties, including public agencies; and

“(2) may not abandon the benefit claim unless the Bureau has used the investigative tools available to the Bureau to obtain the necessary information or documentation, including subpoenas.”.

SEC. 6. EDUCATIONAL ASSISTANCE TO DEPENDENTS OF PUBLIC SAFETY OFFICERS KILLED OR DISABLED IN THE LINE OF DUTY.

Section 1216(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10306(b)) is amended, in the first sentence, by striking “may” and inserting “shall”.

SEC. 7. COLLECTION OF DATA ON KILLED OR DISABLED LAW ENFORCEMENT OFFICERS.

Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(5) operate a central clearinghouse for statistics on law enforcement officers under the Uniform Crime Reporting Program, including data on law enforcement officers who, while performing their duties, were—

“(A) feloniously killed;

“(B) accidentally killed;

“(C) feloniously assaulted; or

“(D) severely and permanently disabled.”.

SEC. 8. GAO REPORT ON MEDICAL COSTS.

(a) DEFINITION.—In this section, the term “disabled officer” means a public safety officer to whom a benefit is payable under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281 et seq.) based on the permanent and total disability of the officer, as described in section 1201(b) of that subpart (34 U.S.C. 10281(b)).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that estimates the average medical costs incurred by a disabled officer over the lifetime of the officer after sustaining the injury that caused the disability.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the committee-reported amendment be agreed to and the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee-reported amendment was agreed to.

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

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

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1208), as amended, was passed as follows:

(The bill (S. 1208) is printed in the RECORD of Monday, May 20, 2019.)

Mr. GRASSLEY. Madam 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.

Mr. GRASSLEY. I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

NOMINATIONS

Mr. McCONNELL. Madam President, yesterday the Senate voted to confirm Kenneth Lee of California to serve as a U.S. circuit court judge for the Ninth Circuit. Yet another well-qualified nominee will now bring impressive legal experience and fine academic credentials to the job of upholding the rule of law as a Federal judge.

Mr. Lee is far from the only nominee to an important position whom the Senate confirmed this week.

On Tuesday we confirmed Michael Truncale of Texas to the Federal bench in the Eastern District of Texas, and today we will consider three more of

the President's abundantly qualified picks to fill vacancies in the executive branch and in the judiciary.

First, we will vote on Wendy Vitter of Louisiana, who has been nominated to be a U.S. district court judge for the Eastern District of Louisiana. Ms. Vitter's impressive legal career includes experience in private practice and a decade in the Orleans Parish District Attorney's Office, where she handled more than 100 felony jury trials. Ms. Vitter has been favorably reported twice by our colleagues on the Judiciary Committee. I would urge every one of our colleagues to vote to confirm her today.

Following the Vitter nomination, we will turn to Brian Bulatao, nominated to serve as Under Secretary of State for Management. As I have mentioned, the job description is essentially that of chief operating officer at the State Department, ensuring that tens of thousands of diplomats, civil servants, and staff are provided for and a host of important missions around the world can actually be carried out.

Fortunately, we have a strong nominee who is up to the task. Mr. Bulatao is a graduate of West Point and Harvard Business School. After service in the Army, he founded a business and worked in financial management before entering public service as chief operating officer at the CIA.

In Chairman RISCH's assessment, he is "eminently qualified." Our colleagues on the Foreign Relations Committee certainly agree, having favorably reported his nomination with no opposition.

It has been 11 long months since the Senate first received his nomination—11 months. I am glad that today we will finally be able to put partisan delay behind us and get the nominee confirmed.

Finally, the Senate will vote today on the nomination of Jeffrey Rosen to serve as Deputy Attorney General. As I have discussed earlier in the week, the President has chosen a nominee with a rock-solid legal reputation who served with distinction as the Deputy Secretary of Transportation and who would be a clear asset to the Department of Justice and to the Nation in this new capacity.

So I would urge my colleagues to join me in voting to confirm each of these three well-qualified nominees for Federal service.

ECONOMIC GROWTH

Mr. McCONNELL. Madam President, on another matter, this week I have been discussing the stark contrast between the remarkable opportunity economy that Republican policies have helped to unlock for the middle class and my Democratic colleagues' hard turn toward far-left ideas that would stifle all the progress. Our colleagues across the aisle, particularly over in the House, have given top billing to the legislation that would end Medicare as seniors know it, eliminate every private healthcare plan American families have chosen to meet their needs, and replace all of it—all of it—with a one-size-fits-all, government-run insurance system while piling heavy taxes on the middle class. And, of course, they have touted a proposal to drop an anvil—an anvil—on a high-speed U.S. economy and shove a host of new Federal rules between American citizens and their everyday life choices—all in the name of going "green."

Now, most of my colleagues across the aisle know full well what would happen if the supposed Green New Deal actually became reality. They know what winding down our affordable forms of domestic energy and the millions of jobs that support their production would do to a U.S. economy that is currently firing on all cylinders. They know what turning families' own choices about where to live, what to drive, and how to make a living into Washington, DC's official business would mean for the historic levels of job opportunities and the wage growth that we have seen over the past 2 years. All of that would come to a screeching halt.

Remember, our Democratic colleagues tried to claim this outlandish proposal—this truly outlandish proposal—was just a conversation starter from the farthest left fringes. But, then, push came to shove. Then, the