

PROTECTING AMERICA'S FIRST RESPONDERS ACT

On Thursday, May 16, 2019, the Senate passed S. 1208, as follows:

S. 1208

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

"(iii) 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.

MEASURES PLACED ON THE CALENDAR—H.R. 312 AND H.R. 2578

Mr. McCONNELL. Mr. President, I understand there are two bills at the desk due for a second reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the second time en bloc.

The senior assistant legislative clerk read as follows:

A bill (H.R. 312) to reaffirm the Mashpee Wampanoag Tribe reservation, and for other purposes.

A bill (H.R. 2578) to reauthorize the National Flood Insurance Program, and for other purposes.

Mr. McCONNELL. In order to place the bills on the calendar under the provisions of rule XIV, I would object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

ALASKA REMOTE GENERATOR RELIABILITY AND PROTECTION ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 19, S. 163.

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

The senior legislative clerk read as follows:

A bill (S. 163) to prevent catastrophic failure or shutdown of remote diesel power engines due to emission control devices, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent that the bill 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 bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 163

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 “Alaska Remote Generator Reliability and Protection Act”.

SEC. 2. REVISION OF REGULATIONS REQUIRED.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall revise section 60.4216(c) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), by striking “that was not certified” and all that follows through “compared to engine-out emissions” and inserting “must have that engine certified as meeting at least Tier 3 PM standards”.

(b) EMISSIONS AND ENERGY RELIABILITY STUDY.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report assessing options for the Federal Government to assist remote areas in the State of Alaska in meeting the energy needs of those areas in an affordable and reliable manner using—

(1) existing emissions control technology; or

(2) other technology that achieves emissions reductions similar to the technology described in paragraph (1).

ORDERS FOR TUESDAY, MAY 21, 2019

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Tuesday, May 21; further, 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, morning business be closed, and the Senate proceed to executive session and resume consideration of the Collins nomination. Finally, I ask that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings.

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

ORDER FOR ADJOURNMENT

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senator WHITEHOUSE.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here today for the 243rd time to call on this Chamber to wake up to the reality of climate change. I thank my colleague Senator CORNYN for his recent statement acknowledging that the days of ignoring this are over. Now it is time to do something with keeping global warming below the 1.5 or 2 degrees Centigrade threshold target.

I speak regularly about the fossil fuel industry’s relentless grip on Congress and how that grip prevents action on climate. Don’t get me wrong—they are still at it, but they are not the only thing slowing progress. Another impediment is the wide swathes of our news media that cover the issue torpidly or not at all or as actual propagators of falsehood.

Look at the big climate stories the media ought to be covering just from 2018. The year 2018 brought two landmark climate science reports. One was the Intergovernmental Panel on Climate Change report on what warming of 1.5 degrees Celsius above preindustrial levels will do. The other was the Trump administration’s own National Climate Assessment. These two studies delivered the starker warnings on climate change ever—that the damage from climate change is already occurring, that world economies are now at risk, and that we are almost out of time to prevent the worst consequences.

Even the fossil fuel industry and its stooges in the Trump administration didn’t contest the science behind these reports. They know their science-denial campaign is phony. They know the real science is irrefutable. So it is better to hide from it than fight it, I guess.

The year 2018 also brought devastating natural disasters linked to climate change. Out West, wildfires in California broke records. Hurricanes supercharged by warming oceans slammed the east coast, gulf coast, and Caribbean. Floods, droughts, and rising seas were reported across the United States and around the globe.