

GRANTING THE CONSENT OF CONGRESS TO THE MUTUAL
AID AGREEMENT BETWEEN THE CITIES OF BRISTOL, VIR-
GINIA, AND BRISTOL, TENNESSEE

JULY 24, 1996.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. GEKAS, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.J. Res. 166]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the joint resolution (H.J. Res. 166) granting the consent of Congress to the Mutual Aid Agreement between the city of Bristol, Virginia, and the city of Bristol, Tennessee, having considered the same, report favorably thereon without amendment and recommend that the joint resolution do pass.

SUMMARY AND PURPOSE

H.J. Res. 166 grants consent of the Congress to the Mutual Aid Agreement between the cities of Bristol, Virginia and Bristol, Tennessee providing that law enforcement officers in these cities may cross state lines in the performance of their duties and operate with full authorization in the adjoining city when requested by that city.

BACKGROUND AND NEED FOR THE LEGISLATION

Article I, Section 10, Clause 3 of the United States Constitution provides that: “No State shall without the Consent of Congress * * * enter into any Agreement or Compact with another State, or with a foreign power. * * *” Congressional consent is required for such agreements and compacts in order to determine whether they work to the detriment of another state and to ensure that they do not conflict with Federal law or Federal interests.

The cities of Bristol, Virginia and Bristol, Tennessee, with a collective population of approximately 43,000, sit astride the state border which runs along their main thoroughfare. Virginia and Tennessee have provided by statute that local entities in their respective States may enter into mutual aid agreements for law enforcement assistance with cross-border entities.¹ The statutes provide that such agreements will be considered interstate compacts subject to approval by the Congress.

The two cities developed the mutual aid agreement as a reasonable solution to potential problems created by the existence of a state boundary at their center and in an effort to facilitate cooperation. The city council of Bristol, Tennessee approved the agreement on December 5, 1995, while that of Bristol, Virginia approved it on December 12, 1995.

HEARINGS

The Committee's Subcommittee on Commercial and Administrative Law held a hearing on H.J. Res. 166 on June 27, 1996. Testimony was received from Congressmen Rick Boucher of Virginia and James H. Quillen of Tennessee.

COMMITTEE CONSIDERATION

On June 27, 1996, the Subcommittee on Commercial and Administrative Law met in open session and ordered reported favorably the resolution H.J. Res. 166, without amendment by voice vote, a quorum being present. On July 16, 1996, the Committee met in open session and ordered reported favorably the resolution H.J. Res. 166, without amendment by a recorded vote of 25 yeas to 0 nays, a quorum being present.

¹ Section 15.1-131 of the Code of Virginia and Sections 6-54 and 12-9-1 et seq. of the Tennessee Code Annotated.

VOTE OF THE COMMITTEE

YEAS

NAYS

Mr. Hyde
 Mr. Moorhead
 Mr. McCollum
 Mr. Gekas
 Mr. Coble
 Mr. Smith
 Mr. Schiff
 Mr. Canady
 Mr. Goodlatte
 Mr. Buyer
 Mr. Hoke
 Mr. Bono
 Mr. Heineman
 Mr. Conyers
 Mrs. Schroeder
 Mr. Frank
 Mr. Boucher
 Mr. Reed
 Mr. Nadler
 Mr. Scott
 Mr. Watt
 Mr. Becerra
 Ms. Lofgren
 Ms. Jackson Lee
 Ms. Waters

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(C)(3) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the resolution, H.J. Res. 166, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 18, 1996.

Hon. HENRY J. HYDE,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.J. Res. 166, as ordered reported by the House Committee on the Judiciary on July 16, 1996. CBO estimates that enacting this legislation would result in no cost to the Federal Government. Enacting H.J. Res. 166 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to this legislation.

H.J. Res. 166 would give Congressional consent to the Mutual Aid Agreement between the city of Bristol, Virginia, and the city of Bristol, Tennessee. This agreement would provide for joint law enforcement efforts between the two cities.

The resolution contains no private-sector or intergovernmental mandates as defined in Public Law 104-4 and would have no significant impact on the budget of state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.J. Res. 166 will have no significant inflationary impact on prices and costs in the national economy.

SECTION-BY-SECTION ANALYSIS

Section 1. Congressional consent

Sec. 1. This section gives the consent of Congress to the Mutual Aid Agreement between the cities of Bristol, Virginia and Bristol, Tennessee. The text of the agreement is set out in enumerated paragraphs in the section. The agreement notes at the outset the state statutory authority under which it was entered into and recites the desire for cooperation and assistance that motivated it.

Paragraph 1 provides that each city will respond to requests of law enforcement assistance only if such requests are made by the senior law enforcement officer on duty for the requesting city, or his or her designee, pursuant to the terms of the agreement, to the senior law enforcement officer of the city from which assistance is requested.

Paragraph 2 provides that upon receiving a request for assistance the senior law enforcement officer in the responding city will authorize a response consisting of a minimum of one vehicle and one person to a maximum of 50 percent of its available personnel and resources. The response is to be determined by the circumstances prompting the request and, although there can be discussion between the senior law enforcement officers in the request-

ing and responding cities, the decision of the latter shall be final. If an emergency exists in the responding city at the time of a request for law enforcement assistance, the senior law enforcement official in the responding city may chose to use all equipment and personnel in his own city. The agreement provides that that official should inform the senior law enforcement official in the requesting city of his or her decision.

Paragraph 3 provides that the requesting city shall not be liable or responsible for the equipment or other personal property of the personnel of the responding city which is lost, stolen or damaged during a response.

Paragraph 4 provides that the responding city assumes all liabilities and responsibility as between it and the requesting city for damage to its own equipment and personal property. The responding city assumes liability and responsibility as between the cities for damage caused by its own equipment and/or the negligence of its personnel occurring outside the jurisdiction of the requesting city while en route to or from the latter.

Paragraph 5 provides that the responding city assumes no responsibility or liability for damage or injury occurring due to actions taken in responding to a request under the agreement. Such liability and responsibility rests solely with the requesting city and within which boundaries the property exists or the incident occurs.

Paragraph 6 provides that each city waves all claims against the other city arising out of activities in the other's jurisdiction under the agreement. To the extent permitted by law, the requesting city shall indemnify and hold harmless the responding city (including its officers, agents and employees) from all third party claims by third parties for property damage or personal injury arising out of activities of the responding city within the jurisdiction of the requesting city.

Paragraph 7 provides that the responding city assumes no responsibility or liability for damage or injury occurring within the jurisdiction of the requesting city due to actions taken in responding under the agreement. It provides that, in accordance with Virginia and Tennessee law, personnel of the responding city shall, while they are providing assistance in the requesting city under the agreement, be deemed employees of the requesting city for purposes of tort liability.

Paragraph 8 provides that no compensation will be due or paid by either city for mutual aid law enforcement assistance rendered under the agreement.

Paragraph 9 provides that, except as provided under Paragraph 7, neither city will make a claim for compensation against the other for any loss, damage or personal injury occurring as a result of law enforcement assistance rendered under the agreement. Rights or claims to such are expressly waived.

Paragraph 10 provides that when law enforcement assistance is rendered under the agreement, the senior law enforcement officer on duty in the requesting city shall be in command as to strategy, tactics and overall direction of operations. Orders or directions regarding the operations of the responding party shall be relayed to the senior law enforcement officer of the responding city.

Paragraph 11 provides that either city may terminate the agreement upon 60 days written notice to the other city.

Paragraph 12 provides that the agreement takes effect upon its execution by the cities' respective mayors and chiefs of police, approval by the city councils and by the Congress.

Section 2. Right to alter, amend, or repeal

Section 2 reserves to the Congress the right to alter, amend or repeal the joint resolution and provides that it shall not be construed as impairing or affecting any right or jurisdiction of the United States in and over the region forming the subject of the agreement.

Section 3. Construction and severability

Section 3 provides that the terms of the agreement shall be reasonably and liberally construed to effectuate its purposes. If any part of the agreement, or the legislation enabling it, is held invalid, the remainder of the agreement or its application to other situations shall not be affected.