

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 1999

APRIL 12, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 46]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 46) to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

	Page
Purpose and Summary	1
Background and Need for Legislation	2
Hearings	3
Committee Consideration	3
Vote of the Committee	4
Committee Oversight Findings	4
Committee on Government Reform Findings	4
New Budget Authority and Tax Expenditures	4
Congressional Budget Office Estimate (CBO Letter)	4
Constitutional Authority Statement	5
Section-by-Section Analysis and Discussion	5
Changes in Existing Law Made by the Bill, as Reported	7

PURPOSE AND SUMMARY

H.R. 46, the “Public Safety Officer Medal of Valor Act of 1999,” establishes a medal, given by the President in the name of the United States Congress, to a public safety officer who is recognized by the Attorney General for extraordinary valor above and beyond the call of duty. The Attorney General is limited to naming not more than six medal recipients in a given year.

The legislation creates the Medal of Valor Review Board composed of eleven members appointed by Congress and the President. The members of the Review Board, who shall serve four year terms, shall be persons with knowledge or experience in the field of public safety, including firefighter, law enforcement and emergency services expertise. Each year, the Board will be charged with reviewing applications and determining which names to present to the Attorney General for approval. They may conduct hearings and take testimony as necessary. The Board will be staffed by a new office within the Department of Justice, known as the National Medal Office. The Committee expects that this office shall consist of a few persons who will be available to review material, acquire background information and otherwise assist the Medal of Valor Review Board.

BACKGROUND AND NEED FOR THE LEGISLATION

At all levels of State and local government, extraordinary acts of heroism by public safety officers are rewarded with public recognition and praise. At the federal level, many agencies award their own medals to law enforcement officers who demonstrate heroism. For example, the Federal Bureau of Investigation gives a Medal of Valor for "exceptional acts of heroism or voluntary risk of personal safety and life, and the act must have occurred in the direct line of duty or within the scope of FBI employment and in the face of criminal adversaries." The agency also gives the Shield of Bravery, the Medal of Meritorious Achievement, and the FBI Star. Additionally, the FBI Memorial Star is presented to a surviving relative of an honored fallen agent.

Many other countries recognize their public safety officers with a national medal. Great Britain presents the "Queen's Fire Service Medal" and the "Queen's Police Medal" for public safety officers who commit acts of extraordinary heroism. Canada awards the "Police Exemplary Service Medal" and the "Royal Canadian Mounted Police Long Service Medal." The "Australian Police Medal" is awarded for distinguished service, and India gives the "Police Exemplary Service Medal." Many other countries, including France, Italy, Belgium and Korea, award public safety officers who commit acts of extraordinary heroism and valor with a national medal.

H.R. 46, the "Public Safety Officer Medal of Valor," is an attempt to rectify the failure of the United States to award a national medal to public safety officers. The Committee notes that there was an earlier attempt to create such a prestigious award, but that legislation did not garner the enthusiasm and interest which the Committee expects will be generated by H.R. 46. This legislation repeals that earlier law, and replaces it with the new structure within the Department of Justice.

The significance of this medal must also be viewed within the larger context of national medals. There are many national medals given out by the Federal Government to both military personnel and civilians for acts of heroism and bravery. Protocol regarding these awards is strictly observed, and military personnel are careful to wear medals properly and in order. The most famous of these is the Medal of Honor, "given in the name of the Congress of the United States." (For this reason it is generally referred to as the

Congressional Medal of Honor.) Also well-known are the “crosses,” i.e., the Navy Cross and the Distinguished Flying Cross. Other famous decorations include the Purple Heart and the Prisoner of War Medal. Many other medals are equally prestigious but less familiar to the general public.

To be considered as a recipient of the Medal of Honor, a person must have demonstrated “Conspicuous Gallantry and Intrepidity at the Risk of Life, Above and Beyond the Call of Duty, in Action Involving Actual Conflict with an Opposing Armed Force.” The Medal of Honor is unique in many respects: it is the only medal presented by the President; it is worn around the neck; and receipt qualifies the honoree for a special lifetime pension. To be considered for the Distinguished Service Cross, a person must demonstrate “Extraordinary Heroism in Connection with Military Operations Against an Opposing Armed Force.” The Silver Star, awarded for “Gallantry in Action Against an Opposing Armed Force,” stands as the United States’ third highest award for combat valor. Significantly, the Federal Government does not award a medal of such high caliber to public safety officers who commit comparable acts of heroism and bravery.

H.R. 46 requires the Attorney General to consider suggestions received by the Department of Justice regarding the design of the medal. However, the Attorney General is not obligated to make any changes based on such suggestions, nor is the Attorney General required to respond to any submitted proposals. However, the Attorney General is required to consult with the Institute of Heraldry within the Department of Defense regarding the appropriate design, shape, size, and color of the medal, as well as any other issues the Institute may raise. As the office charged with creation of nearly every medal or seal awarded or used by the Federal Government, including all military medals, the Institute of Heraldry is uniquely positioned to aid the Attorney General with the creation of this medal. The Institute can help ensure that the Medal of Valor will not conflict with any previously created medal.

The Fraternal Order of Police, the National Association of Police Organizations, the National Troopers Coalition, the Law Enforcement Alliance of America, the International Brotherhood of Police Officers, and the Federal Law Enforcement Officers Association support passage of this legislation.

HEARINGS

No hearings were held on H.R. 46. In the 105th Congress, the Committee’s Subcommittee on Crime held one day of hearings on “Congressional Recognition for Acts of Exceptional Valor by Public Safety Officers,” on May 14, 1998. Testimony was received from five witnesses, representing five organizations.

COMMITTEE CONSIDERATION

On March 24, 1999, the Committee met in open session and ordered favorably reported the bill H.R. 46 without amendment by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

There were no recorded votes.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII 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 FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 3(c)(4) of rule XIII of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

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

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 46, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 26, 1999.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 46, the Public Safety Officer Medal of Valor Act of 1999.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 46—Public Safety Officer Medal of Valor Act of 1999

H.R. 46 would authorize the award of a medal to public safety officers cited by the Attorney General for extraordinary valor above and beyond the call of duty. The bill would create a Medal of Valor Review Board composed of 11 members appointed by the Congress and the President. The board would be supported by a new office within the Department of Justice. It would be authorized to con-

duct hearings and collect information from federal agencies to evaluate the applications of prospective recipients and could recommend up to six candidates to the Attorney General each year.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 46 would cost about \$250,000 annually. CBO assumes that the board would rely primarily on hearings and testimony provided by witnesses and would meet no more than 10 days each year. We expect that the new office at the Department of Justice would provide only administrative services. The bill would not affect spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 46 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS

Section 1 Short Title: This section states that this Act may be cited as the “Public Safety Officer Medal of Valor Act of 1999.”

Section 2. Authorization of Medal: This section establishes the Medal of Valor. It states that the President may award, and present in the name of the Congress of the United States, a medal of appropriate design, with ribbons and appurtenances, to a public safety officer who is cited by the Attorney General, on the advice of the Medal of Valor Review Board, for extraordinary valor above and beyond the call of duty.

Section 3. Board: Subsection (a) establishes a permanent Medal of Valor Review Board composed of eleven members.

Subsection (b) describes who shall be eligible for Board membership. The Board shall be composed of persons who have knowledge or expertise in the field of public safety, and members shall serve four year terms. Board members shall be appointed as follows: two by the Speaker of the House of Representatives; two by the Minority Leader of the House of Representatives; two by the Majority Leader of the Senate; two by the Minority Leader of the Senate; and three by the President of the United States. The President is required to appoint one person who has substantial experience in firefighting, one person who has substantial experience in law enforcement, and one person who has substantial experience in emergency services. The Committee intends that this limitation on the President’s choices will ensure that all segments of public safety are represented by at least one member on the Review Board. The Board shall meet at the call of the Chairman, and not less than twice each year. The initial meeting of the Board shall be con-

ducted not later than thirty days after the appointment of the last member of the Board.

Subsection (c) directs the Board to select candidates as recipients of the Medal of Valor from among those applications received by the National Medal Office. Once each year, the Board shall present the name or names of those persons it recommends to the Attorney General. In a given year, the Board is not required to select any names, but also is limited to selecting not more than six nominees.

Subsection (d) permits the Board to hold hearings, sit and act at such times and places, administer such oaths, and take such testimony and evidence as it considers advisable to carry out its duties. Witnesses requested to appear before the Board may be paid the same fees as are paid to witnesses under § 1821, title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Board.

Subsections (e) and (f) permit the Board to request any information it deems necessary from any Federal department or agency. A department or agency which provides information to the Board may require that the information be kept confidential. The Committee intends that this provision will allow potential recipients or other appropriate persons to testify before the Board without fear that sensitive law enforcement information will become available to the public.

Section 4. Board Personnel Matters: This section provides that each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed under § 5315, title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. However, all members of the Board who serve as officers or employees of the United States, a State, or a local government, shall serve without compensation in addition to that received for those services. The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

Section 5. Definitions: This section defines “public safety officer” and “state” for purposes of this legislation. The Committee intends that this legislation shall encompass all levels of federal, state and local law enforcement, including State Department Diplomatic Security Service personnel.

Section 6. Authorization of Appropriations: This section authorizes to be appropriated to the Attorney General such sums as may be necessary.

Section 7. Office: This section establishes within the Department of Justice a national medal office. The office shall staff the Medal of Valor Review Board and establish criteria and procedures for the submission of recommendations of nominees for the Medal of Valor. The Committee expects that only a small number of staff will be necessary to carry out the purposes of this Act.

Section 8. Conforming Repeal: This section repeals section 15 of the Federal Fire Prevention and Control Act of 1974. The Committee intends this legislation to replace that earlier attempt by

Congress to create a national medal for law enforcement, and thus, this section is necessary as a conforming change.

Section 9. Consultation Requirement: This section directs the Attorney General to consult with the Institute of Heraldry within the Department of Defense regarding the design and artistry of the Medal of Valor. The Attorney General is also permitted, but not required, to consider suggestions received by the Department of Justice from the public regarding the design of the medal.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets and existing law in which no change is proposed is shown in roman):

SECTION 15 OF THE FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974

【PUBLIC SAFETY AWARDS

【SEC. 15. (a) ESTABLISHMENT.—There are hereby established two classes of honorary awards for the recognition of outstanding and distinguished service by public safety officers—

【(1) the President's Award for Outstanding Public Safety Service ("President's Award"); and

【(2) the Secretary's Award For Distinguished Public Safety Service ("Secretary's Award").

【(b) DESCRIPTION.—(1) The President's Award shall be presented by the President of the United States to public safety officers for extraordinary valor in the line of duty or for outstanding contribution to public safety.

【(2) The Secretary's Award shall be presented by the Secretary or by the Attorney General to public safety officers for distinguished service in the field of public safety.

【(c) SELECTION.—The Secretary and the Attorney General shall advise and assist the President in the selection of individuals to whom the President's Award shall be tendered and in the course of performing such duties they shall seek and review nominations for such awards which are submitted to them by Federal, State, county, and local government officials. They shall annually transmit to the President the names of those individuals determined by them to merit the award, together with the reasons therefor. Recipients of the President's Award shall be selected by the President.

【(d) LIMITATION.—(1) There shall not be presented in any one calendar year in excess of twelve President's Awards.

【(2) There shall be no limitation on the number of Secretary's Awards presented.

【(e) AWARD.—(1) Each President's Award shall consist of—

【(A) a medal suitably inscribed, bearing such devices and emblems, and struck from such material as the Secretary of the Treasury, after consultation with the Secretary and the Attorney General deems appropriate. The Secretary of the Treasury shall cause the medal to be struck and furnished to the President; and

[(B) an appropriate citation.

[(2) Each Secretary's Award shall consist of an appropriate citation.

[(f) REGULATIONS.—The Secretary and the Attorney General are authorized and directed to issue jointly such regulations as may be necessary to carry out this section.

[(g) DEFINITIONS.—As used in this section, the term “public safety officer” means a person serving a public agency, with or without compensation, as—

[(1) a firefighter;

[(2) a law enforcement officer, including a corrections or court officer; or

[(3) a civil defense officer.]