

105TH CONGRESS  
2D SESSION

# H. R. 4090

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 1998

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

To provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Public Safety Officer  
3 Medal of Valor Act of 1998”.

4 **SEC. 2. AUTHORIZATION OF MEDAL.**

5       The President may award, and present in the name  
6 of Congress, a Medal of Valor of appropriate design, with  
7 ribbons and appurtenances, to a public safety officer who  
8 is cited by the Attorney General, on the advice of the  
9 Medal of Valor Review Board, for extraordinary valor  
10 above and beyond the call of duty.

11 **SEC. 3. BOARD.**

12       (a) BOARD.—There is established a permanent Medal  
13 of Valor Review Board (hereinafter in this Act referred  
14 to as the “Board”). The Board shall—

15               (1) be composed of 11 members appointed in  
16 accordance with subsection (b); and

17               (2) conduct its business in accordance with this  
18 Act.

19       (b) MEMBERSHIP.—

20               (1) IN GENERAL.—The members of the Board  
21 shall be appointed as follows:

22                       (A) Two shall be appointed by the Speaker  
23 of the House of Representatives.

24                       (B) Two shall be appointed by the minority  
25 leader of the House of Representatives.

1 (C) Two shall be appointed by the Majority  
2 Leader of the Senate.

3 (D) Two shall be appointed by the Minor-  
4 ity Leader of the Senate.

5 (E) Three shall be appointed by the Presi-  
6 dent, one of whom shall have substantial experi-  
7 ence in firefighting, one of whom shall have  
8 substantial experience in law enforcement, and  
9 one of whom shall have substantial experience  
10 in emergency services.

11 (2) PERSONS ELIGIBLE.—The members of the  
12 Board shall be individuals who have knowledge or  
13 expertise, whether by experience or training, in the  
14 field of public safety.

15 (3) TERM.—The term of a Board member is 4  
16 years.

17 (4) VACANCIES.—Any vacancy in the member-  
18 ship of the Board shall not affect the powers of the  
19 Board and shall be filled in the same manner as the  
20 original appointment.

21 (5) OPERATION OF THE BOARD.—

22 (A) MEETINGS.—The Board shall meet at  
23 the call of the Chairman and not less than  
24 twice each year. The initial meeting of the  
25 Board shall be conducted not later than 30

1 days after the appointment of the last member  
2 of the Board.

3 (B) QUORUM; VOTING; RULES.—A major-  
4 ity of the members of the Board shall constitute  
5 a quorum to conduct business, but the Board  
6 may establish a lesser quorum for conducting  
7 hearings scheduled by the Board. The Board  
8 may establish by majority vote any other rules  
9 for the conduct of the Board’s business, if such  
10 rules are not inconsistent with this Act or other  
11 applicable law.

12 (c) DUTIES.—The Board shall select candidates as  
13 recipients of the Medal of Valor from among those applica-  
14 tions received by the National Medal Office. Not more  
15 often than once each year, the Board shall present to the  
16 Attorney General the name or names of those it rec-  
17 ommends as Medal of Valor recipients. In a given year,  
18 the Board is not required to choose any names, but is lim-  
19 ited to a maximum number of 6 recipients. The Board  
20 shall set an annual timetable for fulfilling its duties under  
21 this Act.

22 (d) HEARINGS.—

23 (1) IN GENERAL.—The Board may hold such  
24 hearings, sit and act at such times and places, ad-  
25 minister such oaths, take such testimony, and re-

1       ceive such evidence as the Board considers advisable  
2       to carry out its duties.

3           (2) WITNESS EXPENSES.—Witnesses requested  
4       to appear before the Board may be paid the same  
5       fees as are paid to witnesses under section 1821 of  
6       title 28, United States Code. The per diem and mile-  
7       age allowances for witnesses shall be paid from  
8       funds appropriated to the Board.

9       (e) INFORMATION FROM FEDERAL AGENCIES.—The  
10      Board may secure directly from any Federal department  
11      or agency such information as the Board considers nec-  
12      essary to carry out its duties. Upon the request of the  
13      Board, the head of such department or agency may fur-  
14      nish such information to the Board.

15      (f) INFORMATION TO BE KEPT CONFIDENTIAL.—  
16      The Board shall not disclose any information which may  
17      compromise an ongoing law enforcement investigation or  
18      is otherwise required by law to be kept confidential.

19      **SEC. 4. BOARD PERSONNEL MATTERS.**

20      (a) COMPENSATION OF MEMBERS.—(1) Except as  
21      provided in paragraph (2), each member of the Board  
22      shall be compensated at a rate equal to the daily equiva-  
23      lent of the annual rate of basic pay prescribed for level  
24      IV of the Executive Schedule under section 5315 of title  
25      5, United States Code, for each day (including travel time)

1 during which such member is engaged in the performance  
2 of the duties of the Board.

3 (2) All members of the Board who serve as officers  
4 or employees of the United States, a State, or a local gov-  
5 ernment, shall serve without compensation in addition to  
6 that received for those services.

7 (b) TRAVEL EXPENSES.—The members of the Board  
8 shall be allowed travel expenses, including per diem in lieu  
9 of subsistence, at rates authorized for employees of agen-  
10 cies under subchapter I of chapter 57 of title 5, United  
11 States Code, while away from their homes or regular  
12 places of business in the performance of service for the  
13 Board.

14 **SEC. 5. DEFINITIONS.**

15 For the purposes of this Act:

16 (1) PUBLIC SAFETY OFFICER.—The term  
17 “Public Safety Officer” has the same meaning given  
18 that term in section 1204 of the Omnibus Crime  
19 Control and Safe Streets Act of 1968.

20 (2) STATE.—The term “State” means each of  
21 the several States of the United States, the District  
22 of Columbia, the Commonwealth of Puerto Rico, the  
23 Virgin Islands, Guam, American Samoa, and the  
24 Commonwealth of the Northern Mariana Islands.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to the Attor-  
3 ney General such sums as may be necessary to carry out  
4 this Act.

5 **SEC. 7. OFFICE.**

6       There is established within the Department of Justice  
7 a national medal office. The office shall staff the Medal  
8 of Valor Review Board and establish criteria and proce-  
9 dures for the submission of recommendations of nominees  
10 for the Medal of Valor.

11 **SEC. 8. CONFORMING REPEAL.**

12       Section 15 of the Federal Fire Prevention and Con-  
13 trol Act of 1974 is repealed.

14 **SEC. 9. CONSULTATION REQUIREMENT.**

15       The Attorney General shall consult with the Institute  
16 of Heraldry within the Department of Defense regarding  
17 the design and artistry of the Medal of Valor. The Attor-  
18 ney General shall also consider suggestions received by the  
19 Department of Justice regarding the design of the medal,  
20 including those made by persons not employed by the  
21 Department.

      Passed the House of Representatives September 9,  
1998.

Attest:

ROBIN H. CARLE,  
*Clerk.*