

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 1998

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JULY 31, 1998.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
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Mr. McCOLLUM, from the Committee on the Judiciary,  
submitted the following

REPORT

[To accompany H.R. 4090]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4090) 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 with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

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

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

The President may award, and present in the name of Congress, a Medal of Valor 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.

**SEC. 3. BOARD.**

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

- (1) be composed of 11 members appointed in accordance with subsection (b); and
- (2) conduct its business in accordance with this Act.

(b) **MEMBERSHIP.**—

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

- (A) 2 shall be appointed by the Speaker of the House of Representatives.
- (B) 2 shall be appointed by the minority leader of the House of Representatives.
- (C) 2 shall be appointed by the Majority Leader of the Senate.
- (D) 2 shall be appointed by the Minority Leader of the Senate.
- (E) 3 shall be appointed by the President, one of whom shall have substantial experience in firefighting, one of whom shall have substantial experience in law enforcement, and one of whom shall have substantial experience in emergency services.

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

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

(4) **VACANCIES.**—Any vacancy in the membership of the Board shall not affect the powers of the Board and shall be filled in the same manner as the original appointment.

(5) **OPERATION OF THE BOARD.**—

(A) **MEETINGS.**—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 conducted not later than 30 days after the appointment of the last member of the Board.

(B) **QUORUM; VOTING; RULES.**—A majority of the members of the Board shall constitute a quorum to conduct business, but the Board may establish a lesser quorum for conducting hearings scheduled by the Board. The Board may establish by majority vote any other rules for the conduct of the Board’s business, if such rules are not inconsistent with this Act or other applicable law.

(c) **DUTIES.**—The Board shall select candidates as recipients of the Medal of Valor from among those applications received by the National Medal Office. Not more often than once each year, the Board shall present to the Attorney General the name or names of those it recommends as Medal of Valor recipients. In a given year, the Board is not required to choose any names, but is limited to a maximum number of 6 recipients. The Board shall set an annual timetable for fulfilling its duties under this Act.

(d) **HEARINGS.**—

(1) **IN GENERAL.**—The Board may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Board considers advisable to carry out its duties.

(2) **WITNESS EXPENSES.**—Witnesses requested to appear before the Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Board.

(e) **INFORMATION FROM FEDERAL AGENCIES.**—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out its duties. Upon the request of the Board, the head of such department or agency may furnish such information to the Board.

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

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

(a) **COMPENSATION OF MEMBERS.**—(1) Except as provided in paragraph (2), each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of 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.

(2) 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.

(b) TRAVEL EXPENSES.—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.

**SEC. 5. DEFINITIONS.**

For the purposes of this Act:

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

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

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

There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this Act.

**SEC. 7. OFFICE.**

There is established 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.

**SEC. 8. CONFORMING REPEAL.**

Section 15 of the Federal Fire Prevention and Control Act of 1974 is repealed.

**SEC. 9. CONSULTATION REQUIREMENT.**

The Attorney General shall consult with the Institute of Heraldry within the Department of Defense regarding the design and artistry of the Medal of Valor. The Attorney General shall also consider suggestions received by the Department of Justice regarding the design of the medal, including those made by persons not employed by the Department.

PURPOSE AND SUMMARY

H.R. 4090, the Public Safety Officer Medal of Valor Act of 1998,” establishes a medal, given by the President in the name of the Congress of the United States, 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. 4090, 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. 4090. H.R. 4090 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. 4090 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, and the Federal Law Enforcement Officers Association support passage of this legislation.

#### HEARINGS

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 June 19, 1998, the Subcommittee on Crime met in open session and ordered reported favorably a Committee Print, which was later introduced as H.R. 4090, by a voice vote, a quorum being present. On July 16, 1998, the Committee met in open session and ordered reported favorably the bill H.R. 4090 with amendment by voice vote, a quorum being present.

#### VOTE OF THE COMMITTEE

There were no recorded votes.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(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(1)(3)(D) of rule XI of the Rules of the House of Representatives.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(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(1)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth H.R. 4090, 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 24, 1998.*

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. 4090, Public Safety Officer Medal of Valor Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Grabowicz and Joanna Wilson.

Sincerely,

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

Enclosure.

*H.R. 4090—Public Safety Officer Medal of Valor Act of 1998*

H.R. 4090 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 conduct 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. 4090 would cost roughly \$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 direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 4090 contains no intergovernmental or private-sector mandates as defined in Unfunded Mandates Reform Act and would have no impact on state, local, or tribal governments.

The CBO staff contacts for this estimate are Mark Grabowicz and Joanna Wilson. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to rule XI, clause 2(1)(4) 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

##### *Sec. 1. Short title*

This section states that this Act may be cited as the “Public Safety Officer Medal of Valor Act of 1998.”

##### *Sec. 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.

##### *Sec. 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 conducted 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.

#### *Sec. 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.

#### *Sec. 5. Definitions*

This section defines “public safety officer” and “state” for purposes of this legislation.

#### *Sec. 6. Authorization of Appropriations*

This section authorizes to be appropriated to the Attorney General such sums as may be necessary.

#### *Sec. 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.

#### *Sec. 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.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 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):

**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.]

