



Legislative Bulletin..... March 22, 2001

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**H.R. 802— Public Safety Officer Medal of Valor Act of 2001
(Smith, Lamar)**

Order of Business: H.R. 802 will be considered under suspension of the rules.

Summary: This bill would authorize the creation of a Public Safety Medal of Valor to be awarded as the nation’s highest honor to public safety officers (including paid or unpaid firefighters, law enforcement officers—such as court or civil defense officers, and emergency services officers) who exhibit extraordinary behavior “beyond the call of duty” (as cited by the Attorney General). The bill would also establish a Medal of Valor Review Board whose members would be appointed by Congress and the president to choose the medal recipients. Within the Department of Justice, there would also be established a Medal of Valor office to support the work of the Review Board. H.R. 802 would also eliminate the “President's Award For Outstanding Public Safety Service.”

An identical bill, H.R. 46, passed the House by a vote of 412 to 2 (R.C. # 81) on April 13, 1999, and passed the Senate with an amendment by unanimous consent on December 15, 2000. The Senate and the House never reconciled the two versions of the bill.

Cost to Taxpayers: For H.R. 46, the CBO estimated that the implementation of this legislation would cost about \$250,000 annually. Most of this cost is associated with the Board’s hearings and the administrative services of the support office in the Department of Justice.

Does the Bill Create New Federal Programs or Rules?: YES:

- A Medal of Valor Review Board
--The Board may hold hearings and pay for the per diem and travel expenses of witnesses

--Non-government members of the Board will be paid daily in accordance with level IV of the Executive Schedule for federal employees and may be compensated for travel expenses.

- A National Medal of Valor Office within the Justice Department to provide administrative support

Constitutional Authority: The committee report for H.R. 46 finds constitutional authority in Article I, section 8, but does not cite a specific clause.

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H.R. 247—Tornado Shelters Act (Bachus)

Order of Business: This bill will be considered under an open rule.

Summary: This bill would amend the Housing and Community Development Act of 1974 to allow community development block grants (CDBG) to be used to build tornado shelters in manufactured home parks with 20 or more units in states where tornadoes have occurred in any of the three preceding fiscal years. The bill also authorizes loans and grants to nonprofit and for-profit entities (including the owners of the manufactured home parks) for the construction or improvement of tornado shelters. Shelters would have to meet federal standards of construction and safety, be big enough to fit all the residents of the housing park at one time, and be in a housing park that has or is located sufficiently near a tornado warning system.

Cost to Taxpayers: This bill would authorize no new money.

Does the Bill Create New Federal Programs or Rules?: No, the bill expands the number of permissible uses for community development block grant (CDBG) funds.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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AMENDMENTS:

Trafficant: Mr. Trafficant may offer an amendment expressing the sense of Congress that all equipment and products should, to the greatest extent possible, be made in America and requiring the Secretary of HUD to notify grant recipients that to the greatest extent possible equipment and products used to complete the purpose of the grant should be American made.

H.R. 1099— The Coast Guard Personnel and Maritime Safety Act of 2001 (Young, Don)

Order of Business: The House completed debate on the bill on Wednesday, March 21, but the vote will be held today.

Summary: The bill is largely made up of policy provisions that were originally included in the Coast Guard Reauthorization Act from the 106th Congress. The Reauthorization bill was passed by the House on March 17, 1999 by a vote of 424-7 (Roll Call #55), but was never reported from the Conference Committee. Note: the bill under consideration does not include a broad authorization for Coast Guard appropriations.

The provisions of this bill can be divided into three main areas: 1) those that make changes in laws governing Coast Guard personnel, 2) those that deal with Coast Guard and marine safety, and 3) miscellaneous adjustments to Coast Guard operations and policies.

Coast Guard personnel: This bill would:

- Allow the Coast Guard Band Director to be promoted from the rank of Commander to Captain
- Authorize the Secretary of Transportation to give leaves of absence to personnel in isolated duty stations
- Permit the Coast Guard to promote officers ahead of their peers within a given promotion zone.

Coast Guard and marine safety: This bill would require foreign-flag ships to monitor radio-telephone frequencies among ships when operating within U.S. waters between three and twelve miles offshore. Six reports eliminated by the Federal Reports Elimination and Sunset Act of 1995 would be reinstated:

- Coast Guard Operations and Expenditures
- Summary of Marine Casualties Reported During Prior Fiscal Year
- User Fee Activities and Amounts
- Conditions of Public Ports of the United States
- Activities of Federal Maritime Commission
- Activities of Interagency Coordinating Committee on Oil Pollution Research.

The Coast Guard would be authorized to borrow up to \$100 million for oil spill cleanup, but the funds would have to be repaid by the responsible parties. Civil penalties for negligent maritime operations or the interference with safe maritime operation would be raised from \$1,000 to \$5,000 for recreational vessels and \$25,000 for commercial vessels.

The existence of six Coast Guard advisory committees would be extended through September 30, 2005: Commercial Fishing Industry Vessel Advisory Committee, Houston-Galveston Navigation Safety Advisory Committee, Lower Mississippi River Waterway Advisory Committee, Navigation Safety Advisory Council, National Boating Safety Advisory Council,

and Towing Safety Advisory Committee. Some advisory committees are funded with secretarial support and/or pay and travel expenses for the committee members.

The Coast Guard would be required to report to Congress within 90 days the progress on implementing the NTSB's recommendations following the "Morning Dew" accident and to study expanding waterway safety committees (which are normally for safety at small harbors) to include small and medium-size ports.

The State Recreational Boating Safety Grant Program would have its federal funding increased by \$1 million, from \$82 million to \$83 million.

Miscellaneous: This bill would allow the Coast Guard to accept up to 7 PC-170 patrol ships from the Navy, without cost to the Coast Guard.

Commercial vessels entering U.S. waters would be required to notify the Coast Guard 24 hours prior to entry of:

- The name of the vessel
- The destination of the vessel
- The time of entry into U.S. waters
- Any dangerous cargo aboard
- Any hazardous conditions on the vessel
- Any additional information "to demonstrate compliance with applicable international agreements to which the United States is a party."

The Coast Guard would be authorized to operate a vessel to provide technical assistance, including law enforcement training, to foreign coast guards, navies, or other maritime services.

The prohibition of the implementation of any new maritime user fees would be extended from September 30, 2001, to September 30, 2006. The Coast Guard would be required to continue to offer advice and technical assistance to organizations in the Great Lakes region that maintain lighthouses.

The bill would authorize the conveyance of the Naval Reserve Pier in Portland, Maine, to a private development corporation (provided that the corporation lease portions of the property to the U.S. government for 30 years without any additional direct payment). The bill would also authorize the conveyance of the Slip Point Light Station in Clallam County, Washington, to the County, and Point Pinos Light in California to the City of Pacific Grove, California. In both cases, the Coast Guard would still have to be allowed access to the property at any time for the purpose of maritime assistance.

The Coast Guard would be allowed to contract with public and private foreign and domestic entities for the performance of work at the Coast Guard Yard in Baltimore.

Possible Concerns: The bill would allow the Coast Guard to contract with foreign companies to perform work at Coast Guard Yard in Baltimore. The bill would also authorize the Coast Guard to provide technical assistance to foreign maritime forces.

Cost to Taxpayers: No CBO estimate is available at the time of this writing, but some costs associated with this bill include:

- The \$1 million increase in a grant program
- The costs associated with the extension of six Coast Guard advisory committees (pay, travel expenses, and per diem for committee members on several of the committees, plus secretarial support for some of the committees)
- The costs of maintaining a vessel to provide technical assistance for foreign maritime forces
- The costs associated with the reinstatement of six reports eliminated after the enactment of the Federal Reports Elimination and Sunset Act of 1995.

On the other hand, the government may save or increase revenues from the following provisions:

- Increased civil penalties for negligence or interference with safe operation of vessels
- Disposals of certain federal property

Does the Bill Create New Federal Programs or Rules?: YES, as discussed in the summary above:

- The reinstatement of six federal reports
- The extension of six Coast Guard advisory committees
- Requirements for ships to notify the Coast Guard 24 hours before entering U.S. waters
- Requirements for the Coast Guard to offer assistance for lighthouse maintenance in the Great Lakes region, to report to Congress about the progress of changes after the “morning Dew” accident, and to study waterway safety committee expansion to small and medium-size ports.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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