

TO PERMIT THE PAYMENT OF MEDICAL EXPENSES INCURRED BY THE UNITED STATES PARK POLICE IN THE PERFORMANCE OF DUTY TO BE MADE DIRECTLY BY THE NATIONAL PARK SERVICE, TO ALLOW FOR WAIVER AND INDEMNIFICATION IN MUTUAL LAW ENFORCEMENT AGREEMENTS BETWEEN THE NATIONAL PARK SERVICE AND A STATE OR POLITICAL SUBDIVISION WHEN REQUIRED BY STATE LAW, AND FOR OTHER PURPOSES

SEPTEMBER 14, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4404]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4404) to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

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

SECTION 1. MEDICAL PAYMENTS.

(a) IN GENERAL.—Subsection (e) of the Policemen and Firemen's Retirement and Disability Act (39 Stat. 718, as amended by 71 Stat. 394) is amended by adding at the end the following new sentence: "Notwithstanding the previous sentence, in the case of any member of the United States Park Police, payment shall be made by the National Park Service upon a certificate of the Chief, United States Park Police, setting forth the necessity for such services or treatment and the nature of the injury or disease which rendered the same necessary."

(b) NATIONAL PARK SERVICE REIMBURSEMENT.—Section 6 of the Policemen and Firemen's Retirement and Disability Act Amendments of 1957 (71 Stat. 399) is amended by inserting after the first sentence the following new sentence: "Such

sums are authorized to be appropriated to reimburse the National Park Service, on a monthly basis, for medical benefit payments made from funds appropriated to the National Park Service in the case of any member of the United States Park Police.”.

SEC. 2. INDEMNIFICATION.

(a) IN GENERAL.—Section 10(c) of the Act of August 18, 1970 (Public Law 91–383; 16 U.S.C. 1a–6(c)), is amended—

- (1) by striking “and” at the end of paragraph (2);
- (2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) mutually waive, in any agreement pursuant to paragraphs (1) and (2) of this subsection or pursuant to subsection (b)(1) with any State or political subdivision thereof where State law requires such waiver and indemnification, any and all civil claims against all the other parties thereto and, subject to available appropriations, indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury, which may arise out of the parties’ activities outside their respective jurisdictions under such agreement; and”.

(b) TECHNICAL AMENDMENT.—Paragraph (5) of section 10(c) of the Act of August 18, 1970 (Public Law 91–383; 16 U.S.C. 1a–6(c)) (as redesignated by subsection (a)(2)), is further amended—

- (1) by striking “(5) the” and inserting “The”; and
- (2) by moving the text flush and 2 ems to the left.

PURPOSE OF THE BILL

The purpose of H.R. 4404 is to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The United States Park Police is a unit of the Department of the Interior, National Park Service (NPS). It provides law enforcement services particularly with urban expertise in NPS areas in Washington, D.C., San Francisco, California, and New York City, New York. The United States Park Police operate with 638 total personnel and a fiscal year 2000 requested budget of \$54 million.

H.R. 4404 authorizes the payment of medical expenses incurred by United States Park Police personnel in the performance of their duty to be made directly by the NPS. Currently, payments are made through the District of Columbia, a process which is slow and cumbersome. As a result, reimbursable payments to Park Police have been a hardship for the officers, staff, and their families. The bill would authorize NPS to make direct payments to Park Police personnel. The NPS would then be reimbursed by the Policeman and Fireman’s Retirement and Disability Fund.

H.R. 4404 would also authorize NPS to enter into mutual aid agreements with adjacent law enforcement agencies in Maryland or Virginia. Both these States require that each party to the agreements be indemnified and hold the assisting agency harmless from claims from third parties dealing with property damage or personnel injury. This bill would authorize these agreements and promote further cooperation between State authorities and United States Park Police in the District of Columbia.

COMMITTEE ACTION

H.R. 4404 was introduced by Congressman Jim Hansen (R-UT) on May 9, 2000. The bill was referred to the Committee on Resources, and additionally to the Committee on Government Reform. Within the Committee on Resources, the bill was referred to the Subcommittee on National Parks and Public Lands. On June 8, 2000, the Subcommittee held a hearing on the bill. On June 22, 2000, the Subcommittee met to consider the bill. An amendment in the nature of a substitute was offered by Congressman Hansen which provided for several technical changes. The amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the Resources Committee by voice vote. On June 28, 2000, the Full Committee met to consider the bill. No additional amendments were offered and the bill, as amended, was ordered favorably reported by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 17, 2000.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4404, a bill to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a state or political subdivision when required by state law, and for other purposes.

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

Sincerely,

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

Enclosure.

H.R. 4404—A bill to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a state or political subdivision when required by state law, and for other purposes.

CBO estimates that enacting H.R. 4404 would have no significant impact on federal spending. Because the legislation could help the National Park Service (NPS) to pay certain employee expenses more efficiently, federal outlays could occur more rapidly than they have in the recent past. Any such effect would be temporary (in the first year or two following enactment), minor (less than \$100,000 in total), and subject to the availability of appropriated funds. Also, as a result of efficiencies resulting from this legislation, the NPS could realize small net savings in annual employment-related expenses in the long run, but CBO estimates that any such changes would be negligible.

H.R. 4404 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Section 1 would amend Title IV of the District of Columbia Code to state that the NPS will pay directly to vendors all eligible medical bills submitted for members of the United States Park Police (USPP) who are injured or become ill while performing their duties. This section also would authorize the appropriation of whatever amounts are necessary to reimburse the NPS for such payments. Title IV currently requires the District of Columbia to make medical payments directly to the vendors—for the USPP, for certain members of the U.S. Secret Service, and for members of its own Metropolitan Police and Fire Departments. The title also au-

authorize appropriations from the U.S. Treasury of whatever amounts are needed to reimburse the District monthly for all medical bills that it has paid for federal employees.

Implementing section 1 would neither alter the financial obligations of the NPS to any USPP member nor affect the dollar amount owed by that agency for medical expenses of the USPP. The NPS would continue to pay the amounts—an average of about \$400,000 annually—but to different people, and possibly more quickly. CBO estimates that, in general, the NPS would be able to process claims for medical expenses more rapidly (and, in the long run, possibly more cheaply) under this legislation because it would eliminate the District as a third party in each transaction. This change would reduce the number of time-consuming steps in the payment process and help to expedite the payment of any backlog that the District might have remaining at the time of enactment. CBO estimates that the effect of paying off outstanding bills and implementing a more timely payment schedule would result in a one-time outlay increase of less than \$100,000 (assuming that appropriated funds are available for this purpose).

Section 2 would authorize the Secretary of the Interior to waive all claims against state or local governments that enter into mutual law enforcement agreements with the NPS. Subject to the availability of appropriated funds, the NPS also would be authorized to indemnify these governments against third-party claims that may arise from actions taken by state or local police when assisting the agency.

According to information provided by the NPS, the agency has, since the early 1990s, executed agreements that contain mutual waivers and indemnification clauses with local law enforcement agencies in at least two states, Virginia and Maryland. Because section 2 would codify a practice that has already been in use by the NPS for several years, CBO expects that enacting this provision would have no effect on the federal budget.

The CBO staff contact is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt State, local, or tribal law.

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, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

POLICEMEN AND FIREMEN'S RETIREMENT AND DISABILITY ACT

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DEFINITIONS

SEC. 12. (a) * * *

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MEDICAL AND HOSPITAL SERVICE

(e) Whenever any member shall become temporarily disabled by injury received or disease contracted in the performance of duty, to such an extent as to require medical or surgical services, other than such as can be rendered by the Commissioners, or to require hospital treatment, the expense of such medical or surgical services, or hospital treatment, shall be paid by the District of Columbia; but no such expense shall be paid except upon a certificate of the Commissioners setting forth the necessity for such services or treatment and the nature of the injury or disease which rendered the same necessary. *Notwithstanding the previous sentence, in the case of any member of the United States Park Police, payment shall be made by the National Park Service upon a certificate of the Chief, United States Park Police, setting forth the necessity for such services or treatment and the nature of the injury or disease which rendered the same necessary.*

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SECTION 6 OF THE POLICEMEN AND FIREMEN'S RETIREMENT AND DISABILITY ACT AMENDMENTS OF 1957

REIMBURSEMENT TO DISTRICT OF COLUMBIA

SEC. 6. There are hereby authorized to be appropriated from revenues of the United States such sums as are necessary to reimburse the District of Columbia, on a monthly basis, for benefit payments made from revenues of the District of Columbia to or for Federal employees and to or for the surviving children and spouse of such Federal employees under the provisions of the Policemen and Firemen's Retirement and Disability Act, to the extent that such benefit payments exceed the deductions from the salaries of Federal employees for credit to the revenues of the District of Columbia. *Such sums are authorized to be appropriated to reimburse the National Park Service, on a monthly basis, for medical benefit payments made from funds appropriated to the National Park Service in the case of any member of the United States Park Police.* For the purpose of this section, (a) the term "benefit payments" includes relief, retirement compensation, pensions, and annuities and medical, surgical, hospital, and funeral expenses, and (b) the term "Federal employees" means and includes such members of the United States Park Police force as are paid from funds of the United States, members of the White House Police force and such members of the United States Secret Service Division as have or may hereafter become entitled to benefits under the Policemen and Firemen's Retirement and Disability Act.

SECTION 10 OF THE ACT OF AUGUST 18, 1970

AN ACT To improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes

SEC. 10. (a) * * *

* * * * *

(c) The Secretary of the Interior is hereby authorized to—

(1) * * *

(2) cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement of supervision of the laws or ordinances of that State or subdivision; **[and]**

(3) *mutually waive, in any agreement pursuant to paragraphs (1) and (2) of this subsection or pursuant to subsection (b)(1) with any State or political subdivision thereof where State law requires such waiver and indemnification, any and all civil claims against all the other parties thereto and, subject to available appropriations, indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury, which may arise out of the parties' activities outside their respective jurisdictions under such agreement; and*

[(3)] (4) provide limited reimbursement, to a State or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred in connection with its activities within that system which were rendered pursuant to paragraph (1) of this subsection.

[(4) the]

The authorities provided by this subsection shall supplement the law enforcement responsibilities of the National Park Service, and shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 8, 2000.

Hon. DAN BURTON,
Chairman, Committee on Government Reform, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On June 28, 2000, the Committee on Resources ordered favorably reported by unanimous consent H.R. 4404, to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes. The bill was referred primarily to Resources and additionally to the Committee on Government Reform because of the amendments made to the Police-men and Firemen's Retirement and Disability Act.

Among other things, H.R. 4404 authorizes the payment of medical expenses incurred by United States Park Police personnel in the performance of their duties to be made directly by the National Park Service of the Department of the Interior. Currently, payments are made through the District of Columbia, a process which is slow and cumbersome. As a result, reimbursable payments to Park Police have been a hardship for officers and their families. Under H.R. 4404, the National Park Service would pay Park Police officers directly, and then the Park Service would be reimbursed by the Policemen and Firemen's Retirement and Disability Fund. Congressman Jim Hansen, Chairman of the Subcommittee on National Parks and Public Lands, introduced the bill at the request of the Park Police.

Congressman Hansen would like to schedule this important legislation for consideration by the House of Representatives before we adjourn. Therefore, given the very few days left of the 106th Congress, I ask if you would allow the Committee on Government Reform to be discharged from further consideration of the bill. This action would not prejudice your jurisdiction over the subject matter of the bill, or serve as precedent for future referrals. If a conference on the bill with the Senate becomes necessary, I would support your request to have members of your committee be appointed to the conference committee. Finally, I would be pleased to include this letter and your response in the Committee on Resources' bill report to memorialize this understanding.

Earlier this summer, my staff was in contact with your staff about this bill, and I hope that we will be able to help the Park Police with this small personnel issue. I enclose a copy of the bill as ordered reported and draft bill report for your review. Thank you for your consideration of my request and look forward to your timely response.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, September 13, 2000.

Hon. DON YOUNG,
*Chairman, Committee on Resources, House of Representatives,
Longworth House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: In response to your request and in the interest of expediting Floor consideration of the bill, the Committee will not exercise its jurisdiction over H.R. 4404. A bill to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service.

As you know, House Rules grant the Committee on Government Reform wide jurisdiction over Federal civil service including inter-governmental personnel; and the status of officers and of the United States, including their compensation, classification, and retirement. This action should not, however, be construed as waiving the Committee's jurisdiction over future legislation of a similar nature. I would also request that members of the Government Reform

Committee be appointed as conferees if a conference committee is appointed.

I look forward to working with you on this and other issues throughout the remainder of the 106th Congress.

Sincerely,

DAN BURTON,
Chairman.

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