



Legislative Bulletin.....June 11, 2002

Contents:

Post Office Designations

H.Res. 438—Expressing the sense of the House of Representatives that improving men’s health through fitness and the reduction of obesity should be a priority

H. Res. 269—Expressing the sense of the House of Representatives to honor the life and achievements of 19th Century Italian-American inventor Antonio Meucci, and his work in the invention of the telephone

H.Res. 406—Commemorating and acknowledging the dedication and sacrifice made by the men and women killed or disabled while serving as peace officers

H.Con.Res. 394—Expressing the sense of the Congress concerning the 2002 World Cup and co-hosts Republic of Korea and Japan

H.Con.Res. 213—Expressing the sense of Congress regarding North Korean refugees who are detained in China and returned to North Korea where they face torture, imprisonment, and execution

H.R. 2068—Public Buildings, Property, and Works Amendments Act

H. R. 3297— Mychal Judge Police and Fire Chaplains Public Safety Officers’ Benefit Act of 2002

H.R. 2054—To give the consent of Congress to an agreement or compact between Utah and Nevada regarding a change in the boundaries of those states, and for other purposes.

H.R. 2621—Consumer Product Protection Act

H.R. 2880—Five Nations Citizens Land Reform Act

Post Office Designations

Order of Business: On Tuesday, June 11th, under separate motions to suspend the rules and pass the bill, the House is scheduled to consider legislation renaming three post offices.

H.R. 3738—Herbert Arlene Post Office Building Designation Act (*Brady of Pennsylvania*): Herbert Arlene was a black member of the Pennsylvania House and of the Pennsylvania Senate during the 1960s. He was the first black senator in Pennsylvania. He died in 1989.

H.R. 3739—Rev. Leon Sullivan Post Office Building Designation Act (*Brady of Pennsylvania*): Rev. Leon Sullivan was a minister in Philadelphia and an international civil rights activist. He died in 2001.

H.R. 3740—William V. Cibotti Post Office Building Designation Act (*Brady of Pennsylvania*): William Cibotti was a Philadelphia city councilman and civic activist. He died in 1975.

Cost to Taxpayers: As with most federal building designations, these bills would authorize insignificant expenditures (costs of changing signs, etc.)

Does the Bill Create New Federal Programs or Rules?: The bills would rename post offices.

Constitutional Authority: Committee reports for these bills are unavailable.

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H.Res. 438—Expressing the sense of the House of Representatives that improving men’s health through fitness and the reduction of obesity should be a priority (Toomey)

Order of Business: The resolution is scheduled to be considered on Tuesday, June 11, 2002, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 438 has eight findings including:

- Whereas 61 percent of adults in the United States are considered overweight or obese;
- Whereas 300,000 deaths each year in the United States are associated with being overweight or obese;
- Whereas the economic cost of obesity in the United States was about \$177 billion in 2000;
- Whereas being overweight or obese puts people at a greater risk of heart disease, certain types of cancer, type 2 diabetes, stroke, arthritis, breathing problems, and depression;
- Whereas men who are overweight are 50 percent more likely to have erectile dysfunction and men who are obese are 200 percent more likely to have erectile dysfunction;

And resolves that the House:

“(1) recognizes that being overweight or obese is a major health concern in the United States;
(2) commends and supports the work of all organizations that are taking steps to combat this health problem;
(3) urges all governmental, State, and private organizations to do everything in their power to promote a healthy lifestyle; and
(4) pledges to take proactive steps to intensify its efforts to combat this health problem.”

Additional Information: According to the bill sponsor, in 1994 Congress designated this week (the week prior to and including Father's Day) as National Men's Health Week, with the goal of a nationwide public service campaign designed to help educate men and their families

about the importance of positive health attitudes, preventive health practices, and treatment of health problems for men, who lag behind women by six years in average life expectancy.

Cost to Taxpayers: There is no cost to this resolution.

Does the Bill Create New Federal Programs or Rules?: No.

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H. Res. 269—Expressing the sense of the House of Representatives to honor the life and achievements of 19th Century Italian-American inventor Antonio Meucci, and his work in the invention of the telephone (Fossella)

Order of Business: The resolution is scheduled to be considered on Tuesday, June 11, 2002, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 269 has 11 findings about an Italian immigrant to New York, Antonio Meucci, who, rather than Alexander Graham Bell, may have been the first inventor of the telephone. The findings state that:

- Meucci invented something he later called the “teletrofono,” involving electronic communications, which he set up inside his house, demonstrated in 1860, and had a description of it published in New York's Italian language newspaper;
- Because Meucci could not afford the patent application process, he settled for a caveat, a one year renewable notice of an impending patent, which was first filed on December 28, 1871;
- Meucci later learned that the Western Union affiliate laboratory reportedly lost his working models, and Meucci, who at this point was living on public assistance, was unable to renew the caveat after 1874, which would have cost \$10;
- In March 1876, Alexander Graham Bell, who conducted experiments in the same laboratory where Meucci's materials had been stored, was granted a patent and was thereafter credited with inventing the telephone;
- Whereas on January 13, 1887, the Government of the United States moved to annul the patent issued to Bell on the grounds of fraud and misrepresentation, a case that the Supreme Court found viable and remanded for trial;
- Meucci died in October 1889, the Bell patent expired in January 1893, and the case was discontinued as moot without ever reaching the underlying issue of the true inventor of the telephone entitled to the patent;

And states that the House is resolved:

“That it is the sense of the House of Representatives that the life and achievements of Antonio Meucci should be recognized, and his work in the invention of the telephone should be acknowledged.”

Cost to Taxpayers: There is no cost to this resolution.

Does the Bill Create New Federal Programs or Rules?: No.

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**H.Res. 406—Commemorating and acknowledging the dedication and sacrifice made by the men and women killed or disabled while serving as peace officers
(Hefley)**

Note: According to the resolution’s sponsor, the phrase “peace officer” is interchangeable with “police officer.”

Order of Business: The resolution is scheduled to be considered on Tuesday, June 11, 2002, under a motion to suspend the rules and pass the resolution, with a manager’s amendment.

Summary: H.Res. 406 resolves that the House “honors Federal, State, and local peace officers killed or disabled in the line of duty; supports the goals and ideals of Peace Officers Memorial Day; and calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.”

Additional Background: According the resolution’s seven findings, 70 peace officers died at the World Trade Center in New York City on September 11, 2001, the most peace officers ever killed in a single incident in the history of the Nation. Across the nation, 220 peace officers were killed in the line of duty during 2001, a 57 % increase over year-2000 deaths, and the most deaths for the law enforcement community since 1974. The findings also state that one out of every nine peace officers is assaulted, one out of every 25 peace officers is injured, and one out of every 4,400 peace officers is killed in the line of duty. On May 15, 2002, police officers gathered in Washington, DC, with the families of their recently fallen comrades to honor those comrades and all others who went before them.

Cost to Taxpayers: There is no cost to this resolution.

Does the Bill Create New Federal Programs or Rules?: No.

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H.Con.Res. 394—Expressing the sense of the Congress concerning the 2002 World Cup and co-hosts Republic of Korea and Japan (Royce)

Order of Business: The resolution is scheduled to be considered on Tuesday, June 11th, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 394 would resolve that Congress:

- “appreciates the mutually beneficial relationship between the United States and the Republic of Korea and the United States and Japan;
- “commends the Republic of Korea/Japan 2002 FIFA World Cup organizers for the attention they have given to security precautions during the event; and
- “recognizes and applauds the cooperation of the President of the Republic of Korea, Kim Dae-jung, and the Prime Minister of Japan, Junichiro Koizumi, in the hosting of the largest and most widely viewed World Cup competition in the history of the sport.”

Additional Background: The Republic of Korea and Japan are currently co-hosting the 2002 Federation International Football Association (FIFA) World Cup Korea/Japan, the first to be held in Asia. According to the resolution, 32 nations have been qualified to compete from May 31 through June 30 of 2002, and have sent some 1,500 coaches and athletes to South Korea and Japan, making this year's World Cup the largest ever.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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H.Con.Res. 213—Expressing the sense of Congress regarding North Korean refugees who are detained in China and returned to North Korea where they face torture, imprisonment, and execution (Royce)

Order of Business: The resolution is scheduled to be considered on Tuesday, June 11th, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 213 would resolve that Congress:

- “encourages the Government of China to honor its obligations under the United Nations Convention relating to the Status of Refugees of 1951, as modified by the Protocol relating to the Status of Refugees of 1967, by--
--making genuine efforts to identify and protect the refugees among the North Korean migrants encountered by Chinese authorities, including providing the

- refugees with a reasonable opportunity to request asylum;
- providing North Korean refugees residing in China with a safe asylum;
- halting the forced repatriations of North Korean refugees seeking asylum in China;
- allowing the United Nations High Commissioner for Refugees to have access to all North Korean refugees residing in China; and
- cooperating with the United Nations High Commissioner for Refugees in efforts to resettle the North Korean refugees residing in China in other countries; and
- “encourages the United Nations High Commissioner for Refugees to facilitate the resettlement of the North Korean refugees residing in China in other countries.”

Additional Background: According to the resolution, between 100,000 and 300,000 North Korean refugees, fleeing government-induced starvation, are estimated to be residing in China without the permission of the Government of China. The Governments of China and North Korea have begun aggressive campaigns to locate North Koreans who are in China without permission and to forcibly return them to North Korea, where they face government imprisonment, torture, and execution. Often, this repatriation is in direct violation of UN directives on refugees.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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H.R. 2068—Public Buildings, Property, and Works Amendments Act (Sensenbrenner)

Order of Business: The bill is scheduled to be considered on Tuesday, June 11th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2068 would revise, codify, and enact “without substantive change” federal laws related to public buildings, property, and works as title 40, U.S. Code. The bill restates and reassembles current law to make non-substantive changes in language and conforming technical amendments, while bringing together thousands of provisions from various titles of the U.S. Code (though mostly title 40) under one title. The affected provisions go as far back as May 7, 1822, and as recent as March 12, 2002. The bill would also delete obsolete or overridden provisions of law.

H.R. 2068 contains no new authorizations or spending. It merely assembles into one title of the U.S. Code current laws relating to public buildings, property, and works.

The Judiciary Committee states in House Report 107-479: “As in other codification bills enacting titles of the United States Code into positive law, this bill makes no substantive

change in the law. It is sometimes feared that mere changes in terminology and style will result in changes in substance or impair the precedent value of earlier judicial decisions and other interpretations. This fear is not warranted for a codification law. In ordinary amendatory legislation, intent to change substance can be inferred from a change in language. In a codification law, however, the courts uphold the contrary presumption: the law is intended to remain substantively unchanged.”

Examples of the *hundreds* of items (related to federal property) that are linguistically or technically revised or restated in this bill are:

- Warehousing of medical supplies
- Reimbursement for transfer of excess federal property
- Utilization of excess furniture
- Disposing of surplus vessels
- Depositing proceeds from the sale of property
- Management of buildings by the Administrator of General Services
- Lease agreements
- Installation and repair of sidewalks
- Purchase of electricity
- Establishing motor vehicle pools
- Selection of architects and engineers
- Transfer of federal property to the states
- Disposition of unfit horses and mules
- Acquiring new lands
- Naming buildings
- Wage rate requirements
- Safety standards
- Rules for use of U.S. Capitol grounds
- Prohibited activities on Supreme Court grounds
- Policing of the Smithsonian Institution and the Kennedy Center
- Protection of federal buildings in DC
- Jurisdiction of the National Park Service in DC
- Reservation of parking spaces in DC for Members of Congress
- Authorizations for commemorative works
- Maintenance of Theodore Roosevelt Island
- Information technology acquisition pilot programs
- Disposal of excess computer equipment
- The Appalachian Regional (development) Commission
- Telecommunications accessibility for hearing-impaired and speech-impaired individuals

Cost to Taxpayers: CBO states that enacting H.R. 2068 would result in no cost to the federal government, since the bill is re-stating current law with non-substantive language and technical changes.

Does the Bill Create New Federal Programs or Rules?: No. The bill makes non-substantive, reorganizational and clarifying changes to current law.

Constitutional Authority: The Judiciary Committee, in House Report 107-479, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

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H.R. 3297— Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 (Manzullo)

Order of Business: The bill is scheduled to be considered on Tuesday, June 11, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3297 will amend the Public Safety Officers Benefits (PSOB) program to:

1. include the family or life insurance beneficiary of chaplains who die in the line of duty within law enforcement and firefighting units as eligible to receive a \$250,000 federal payment.
2. to grant the \$250,000 federal payment to the living life insurance policy beneficiary of any public safety officer who dies in the line of duty without a surviving spouse or child.

A chaplain will be covered under the program if he is a member of a legally organized fire or police department and was responding to a fire, rescue, or police emergency at the time of his death. According to the Committee, it is currently unclear whether chaplains who are employed by police and fire departments and who die in the line of duty are eligible for PSOB benefits. Furthermore under the current program, a benefit of \$250,000 is paid:

- (1) to the spouse,
- (2) or in the absence of a spouse, to dependent children,
- (3) or in the absence of a spouse or dependent children, to the victim's parents.

The proposed legislation would insert "life insurance policy beneficiary" after children (2) but before parents (3). The bill makes the PSOB changes retroactive to September 11, 2001.

Additional Information: On September 11, 2001, Father Mychal Judge, chaplain with the New York City Fire Department, was killed by falling debris at the World Trade Center as he was delivering last rights to victims. He was survived by his two sisters, neither of whom qualified for the benefits paid only to spouses, children, or parents.

Nine other public safety officer victims of the September 11 attacks died without spouses or children. News reports mentioned that fiancées, other relatives, and domestic partners of public safety officer victims are currently ineligible for the \$250,000 federal payments. As

long as a person is designating in a victims' life insurance as a beneficiary, under H.R. 3297, he or she will now be eligible for federal payments.

Administration's Views: The Department of Justice (which administers the PSOB) sent a letter to the House Judiciary Committee, dated May 10, expressing its support for the "overall goal of the Act" but also its "serious concerns" about the life insurance beneficiary amendment, which "would substantially alter the complexion, character, and scope of the PSOB Act" by making the program more like an insurance program and by preempting the existing statute (by placing life insurance beneficiary before parents as eligible beneficiaries). According to DOJ, "The Act was carefully crafted to pay the PSOB benefit only to immediate family members—those who would most likely suffer financially from the public safety officer's death" (which, DOJ notes, is one of the reasons married children or non-student children over 18 currently are not beneficiaries). Under H.R. 3297, potentially any life insurance beneficiary, no matter how closely related or not, could receive the \$250,000 payment, which DOJ calls a "drastic departure from the original legislative intention." A former spouse who is named as a beneficiary under a divorce agreement would be eligible for the \$250,000 federal payment before the victim's parents, as would a beneficiary listed in an outdated, but never updated, life insurance policy, according to DOJ.

Cost to Taxpayers: CBO estimates that implementing H.R. 3297 would cost \$2 million in direct spending in FY02 (because the bill is retroactive) and by less than \$500,000 in each year thereafter. According to CBO, of the approximately 450 public safety officers killed in the September 11th attacks, there are 10 individuals known to have died without spouses, children, or parents. Based on information collected by CBO, a majority of the 10 deceased individuals had life insurance policies, thus the beneficiaries of those policies would be eligible for a \$250,000 federal payment under H.R. 3297. Under PSOB, officers who have been permanently disabled are eligible for the same payment; however, this payment is subject to the availability of appropriations.

Does the Bill Create New Federal Programs or Rules?: The bill specifically adds fire and police department chaplains who die in the line of duty to the Public Safety Officers Benefits program and creates a new category of eligible recipients based on their designation as a life insurance beneficiary.

Constitutional Authority: The Judiciary Committee (in House Report #107-384) finds constitutional authority under Article I, Section 8, clause 18 (all laws necessary and proper) of the Constitution.

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H.R. 2054 — To give the consent of Congress to an agreement or compact between Utah and Nevada regarding a change in the boundaries of those states, and for other purposes (Hansen)

Order of Business: The bill is scheduled to be considered on Tuesday, June 11th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2054 gives the consent of Congress for Utah and Nevada to enter into an agreement or compact regarding the boundaries of those states. The agreement/compact must meet the following requirements:

1. The legislatures of Utah and Nevada consent to the agreement through the enactment of legislation, no later than December 31, 2006.
2. The agreement does not conflict with federal law.
3. The agreement does not change the boundary of any other state.
4. The agreement does not transfer more than 10,000 acres of land from Utah to Nevada.
5. The agreement is for the primary purpose of changing the boundaries of Utah and Nevada so that land within the boundary of the city of Wendover, Utah, including the municipal airport, will be located in Nevada.
6. The agreement is consented to by a majority of voters in West Wendover, Nevada and Wendover, Utah.

The agreement would become effective once the above criteria are met.

Additional Background: The cities of Wendover, Utah and West Wendover, Nevada are divided by a line painted across the street, but have very different economies. West Wendover, Nevada is a thriving city with an economy based primarily on tourism generated by local casinos. While many of the residents of Wendover, Utah work in the casinos in West Wendover, the city has been unable to benefit from the local tourism and has faced steady erosion in the local tax base. For some time the two communities have looked for ways to merge their economies and share the delivery of public services, even considering shifting the state boundaries.

Cost to Taxpayers: CBO estimates the bill would have no cost to the federal government.

Does the Bill Create New Federal Programs or Rules?: The bill gives the consent of Congress for an agreement between Utah and Nevada to change the boundaries of those states and sets requirements for such an agreement.

Constitutional Authority: A report from the Judiciary Committee, House Report 107-469, cites Article I, Section 10, Clause 3.

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H.R. 2621—Consumer Product Protection Act (Hart)

Order of Business: The bill is scheduled to be considered on Tuesday, June 11th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2621 would criminalize the deliberate and unauthorized stamping, printing, placing, or inserting of a writing (defined as any form of representation or communication, including handbills, notices, or advertising, that contains letters, words, graphic, or pictorial representations) in or on any consumer product that affects interstate or foreign commerce (or the box, package, or other container of such a product) prior to its sale without the consent of the product manufacturer, retailer, or distributor.

Additional Background: The Judiciary Committee, in House Report 107-485, provides the following background:

“In the past 5 years, manufacturers of food products regularly found that grocery stores have received complaints from consumers about hate-filled, pornographic, or political literature found in groceries. It appears that the literature is being folded and inserted into certain groceries that are packaged in boxes. Cereal boxes, frozen pizza boxes, and macaroni and cheese boxes are among the more frequently tampered product packages. Kraft Foods has reported over 100 incidents in the past 5 years. It is likely that many more cases go unreported by consumers who simply throw away the offending material and do not report the event.

“Under current Federal law, tampering with a product's *packaging* is not illegal, so long as the actor does not cause the labeling to become false or misleading....18 U.S.C. Sec. 1365... focuses on tampering which endangers the health or safety of consumers or renders the labeling of a product false or misleading, but leaves unregulated conduct which neither adulterates the actual product nor alters the labeling.”

Cost to Taxpayers: CBO estimates that, because of the low number of cases likely to be involved, the costs of implementing H.R. 2621 would be insignificant. Any such additional costs for enforcing the new federal crime would be subject to annual appropriations. Any fines collected would be scored as government revenues, which are deposited in the Crime Victims Fund and spent in subsequent years.

Does the Bill Create New Federal Programs or Rules?: The bill would create a new federal crime, as described above.

Constitutional Authority: The Judiciary Committee, in House Report 107-485, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

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H.R. 2880—Five Nations Citizens Land Reform Act (Watkins)

Order of Business: The bill is scheduled to be considered on Tuesday, June 11th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2880 transfers from Oklahoma State courts to the Federal Government jurisdiction over the conveyance, inheritance, lease, encumbrance, and partition of restricted property belonging to the members of the Cherokee Nation, Chickasaw Nation, Choctaw Nation, Seminole Nation of Oklahoma, and Muscogee (Creek) Nation.

Specifically, changes in H.R. 2880 include:

- Subjecting restricted property to “restrictions against alienation, conveyance, lease, mortgage, creation of liens, or other encumbrances, regardless of the degree of Indian blood of the Indian citizen who owns such property.” The restrictions continue upon “acquisition of such property by an Indian citizen by inheritance, devise, gift, or exchange,” unless waiver criteria are met. Indian citizens may also apply to the Secretary of Interior to have restrictions on property removed.
- Giving the Secretary of Interior exclusive authority to approve conveyances or leases of restricted property by an Indian citizen and “exclusive jurisdiction to approve the partition of property located within the last treaty boundaries of 1 or more of the Five Nations, all of which is held in common, in trust, or in restricted status, by more than 1 Indian citizen owner.” The Secretary is also given approval authority for surface and mineral leases.
- Giving the Secretary exclusive jurisdiction over inheritance, probate, and other judicial proceedings of the tribes.

Additional Background: Unlike other Indian tribes, the Cherokee Nation, Chickasaw Nation, Choctaw Nation, Seminole Nation of Oklahoma, and Muscogee (Creek) Nation had the jurisdiction over their land placed with the Oklahoma State courts, not with the federal government. As a result, Indian citizens have been required to resolve property issues in multiple state courts rather than one central agency.

A bill similar to H.R. 2880 (H.R. 5308) passed the House in the 106th Congress by voice vote on October 17, 2000.

Cost to Taxpayers: No cost estimate is available.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill transfers jurisdiction over the property of five Oklahoma Indian tribes from state courts to the Department of Interior.

Constitutional Authority: No committee report citing constitutional authority is available.

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