Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
Oct. 30	106–398	1 [§§ 809, 2814]	114	1654A–208, 1654A–419	484, 1492
Nov. 13	106–518	313	114	2421	13n
Dec. 21	106–554	1(a)(3) [§ 643], (7) [§ 307(a)]	114	2763A–169, 2763A–635	258e–1, 490b
2001					
Nov. 12	107–67	630	115	552	490b–1
Dec. 28	107–107	2812	115	1307	485
2002					
Mar. 12	107–149	116	66	40 App.:1 note, 2, 2 note, 101, 102, 104, 106, 202–205, 207, 214, 224, 225, 302, 303, 401, 403, 405.	

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2068, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2068, a bill to revise, codify, and enact without substantive change certain general and permanent laws relating to public buildings, property, and works, as title 40, ''Public Buildings, Property, and Works'' of the United States Code. The gentleman from Michigan (Mr. CONYERS), the ranking minority member of the Committee on the Judiciary, is a cosponsor of this legislation.

This bill was prepared by the Office of the Law Revision Counsel as part of the program required by title 2, United States Code, 285b, to prepare and submit to the Committee on the Judiciary, one title at a time, a complete compilation, restatement, and revision of the general and permanent laws of the United States. The Committee on the Judiciary has jurisdiction over the revision and codification of the statutes of the United States. This bill is a result of the exercise of that jurisdiction. It makes no substantive change in existing law. Rather, it removes ambiguities, contradictions and other imperfections from existing law and repeals obsolete, superfluous and superseded provisions.

Simply stated, enacting title 40 as positive law will make the title easier and more reliable to use.

I introduced the bill on June 6, 2001. Upon introduction, the bill was circulated for comment to interested parties including committees of Congress and agencies and Departments of the executive branch. Originally, all comments were to be submitted no later than September 10, 2001. However, at the request of the Office of Management and Budget, the due date for comments was extended to March 15, 2002, to provide ample time for study and review. The General Services Administration provided extensive comments on the bill, and several other agencies and Departments of the government also provided comments.

The Office of Law Revision Counsel reviewed and considered all comments, contacting parties to resolve outstanding questions. Some comments, suggesting substantive changes, could not be incorporated in the restatement because this bill makes no substantive change in existing law. Other comments proposing changes to improve organization and clarity were incorporated in the restatement. The Committee on the Judiciary adopted an amendment in the nature of a substitute prepared by the Office of Law Revision Counsel, which reflects the changes resulting from the review and comment process.

The Law Revision Counsel indicates that he is satisfied that this legislation makes no substantive change in existing law. Therefore, no additional cost to the government would be incurred as a result of its enactment.

I urge all members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this uncontroversial bill. The bill was prepared, as the distinguished chairman mentioned, by the Office of the Law Revision Counsel as part of the program required by statute to prepare and submit to the Committee on the Judiciary a complete compilation restatement and revision of the general and permanent laws of the United States, one title at a time. The bill makes no substantive changes in the law. Rather, the bill removes ambiguities, contradictions, and other imperfections from the existing law and repeals obsolete, superfluous, and superceded provisions.

The Law Revision Counsel indicates that he is satisfied that there are no substantive changes in the existing law contained in this bill. Therefore, no additional cost to the government would be incurred as a result of the enactment of H.R. 2068. In addition, I would note that the chairman and ranking member of the Committee on the Judiciary have co-sponsored this bill. I therefore encourage members to support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2068, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MYCHAL JUDGE POLICE AND FIRE CHAPLAINS PUBLIC SAFETY OFFICERS' BENEFIT ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3297) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits, as amended.

The Clerk read as follows:

H.R. 3297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002''.

SEC. 2. BENEFITS FOR CHAPLAINS.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) by redesignating paragraphs (2) through (7) as (3) through (8), respectively;

(2) by inserting after paragraph (1) the following:

''(2) 'chaplain' means any individual serving as an officially recognized or designated member

of a legally organized volunteer fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency;''; and

(3) in subparagraph (A) of paragraph (8), as redesignated by paragraph (1), by inserting after ''firefighter,'' the following: ''as a chaplain,''.

(b) ELIGIBLE BENEFICIARIES.—Section 1201(a) of such Act (42 U.S.C. 3796(a)) is amended—

(1) in paragraph (3), by striking ''or'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

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

''(4) if there is no surviving spouse or surviving child, to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 11, 2001, and shall apply to injuries or deaths that occur in the line of duty on or after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3297, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1545

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the events of September 11 have brought to life the heroism displayed by our public safety officers and those who assist them in the line of duty. This tragedy has also created many unique and unfortunate situations that have not been fully contemplated prior to September 11. In these cases, we have a responsibility as a Congress to act so that our laws treat fairly those who die in the line of duty.

Father Mychal F. Judge, a priest who years earlier had consoled the families of TWA Flight 800 after it exploded off of Long Island and who had gone on a recent peace mission to Northern Ireland, had been a chaplain with the New York City Fire Department since 1992. He was ministering to the victims at the World Trade Center when a rain of debris showered upon him, resulting in his death.

This legislation is given a short name in recognition of Father Judge and his efforts while addressing two concerns which his situation has brought to light. Under current law, the Bureau of Justice Assistance is directed to make payment of monetary benefits to the survivors of public safety officers who are killed in the line of duty. This bill addresses any ambiguity in existing law by specifically naming chaplains who are in service as being eligible for the same benefits as other public service officers.

Under current law, benefits may only be paid to the spouse, child or parent of the deceased. H.R. 3297 allows benefits to be paid to whomever the chaplain has designated as the beneficiary of his or her life insurance policy in the event that the deceased has no living spouse, child or parent. In the case of Father Judge, the benefit would go to his two surviving sisters.

I urge all Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3297, the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002. I worked closely with the gentleman from Illinois (Mr. MANZULLO) on this bill to extend the Public Safety Officers Program, PSOP, to chaplains; and I want to thank him, as well as the gentleman from Wisconsin (Chairman SENSENBRENNER), the ranking member, the gentleman from Michigan (Mr. CONYERS), and the House leadership for bringing this bill to the floor.

Father Mychal Judge was the pastor of the Church of St. Francis of Assisi on West 31st Street in Manhattan and the official chaplain of the New York City Fire Department. On September 11 of last year when the first plane hit Tower 1 of the World Trade Center, Father Mike, as he was known, joined his fellow firefighters by rushing to the scene. New York City Mayor Rudy Giuliani later said he saw the chaplain at the World Trade Center and asked him to pray for us. Father Judge was selflessly doing his duty when he was killed by falling pieces of the Trade Center Tower. Today is the 9-month anniversary of the attack, and I think it quite fitting that today we honor Father Michael Judge and the many other public safety officers who made the ultimate sacrifice that fateful day in September. Clearly, Father Judge provided heroic service to our Nation and ought to be eligible for the PSOP program.

As you know, the PSOP program provides financial assistance, counseling and the recognition of a grateful Nation to the spouses, children or parents of public safety officers killed or permanently injured or those permanently or totally disabled as a result of traumatic injuries sustained in the line of duty.

Father Judge is one of several chaplains who have died in the line of duty since the PSOP program was created. This bill would acknowledge their service to our country by clarifying their eligibility in the PSOP program and by enabling the designated beneficiaries to access the benefits provided by the program.

These changes would help individuals, like Father Judge, who as a Franciscan Brother could not have a spouse and child, but who did leave two sisters. Under current law, siblings are not eligible. Similarly, this legislation would help other heroes who perished in the line of duty on September 11 and left behind loved ones, for example fiances, who are not covered by the existing law.

This legislation passed the House Committee on the Judiciary and the full Senate unanimously and without controversy. It is endorsed by the National Association of Police Organizations, the International Association of Fire Fighters, and the American Federation of State, County and Municipal Employees.

Again I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER); the ranking member, the gentleman from Michigan (Mr. CONYERS); the majority leader, the gentleman from Texas (Mr. ARMEY); the minority leader, the gentleman from Missouri (Mr. GEPHARDT); and, of course, my colleague, the gentleman from Illinois (Mr. MANZULLO), for working so tirelessly to bring this bill to the floor. I also want to thank my colleague, the gentleman from Queens, New York (Mr. CROWLEY), for bringing this problem to our attention way back in September and for his steadfast support of our firefighters in New York.

I also would like to thank Senator LEAHY for championing the companion bill in the Senate, as well as the NAPO, the IAFF and AFSCME for advocating this legislation on behalf of public safety officers all across this country.

I urge all my colleagues to support this necessary and important legislation. It is a fitting tribute to Father Mychal Judge and the more than 400 public safety officers who gave their lives protecting American citizens during the worst attack ever on American soil.

Mr. MANZULLO. Mr. Speaker, under the Omnibus Crime Control and Safe Streets Act of 1968, the families of any police officer, federal law enforcement officer, parole officer and firefighter, killed in the line of duty are entitled to compensation. These unsung heros will have the assurance of knowing that in the event of their death in the line of duty their lived ones will be taken care of with the one-time $250,000 federal death benefit. The families of police and fire chaplains should be entitled to this same benefit.

When I first came to Congress in 1993, I was approached by a constituent, Rockford Police Chaplain Father William Wentink, who asked that I consider working to include in this benefit police and fire chaplains killed in the line of duty.

Police and fire chaplains share the same on-the-job dangers as their colleagues. These men and women go to work every day and perform their duties diligently and quietly, responding to the same crime and fire scenes as their co-workers. Most chaplains are volunteers.

This year, H.R. 3297 is named for one of our fallen heros, Father Mychal Judge, who, in response to the vicious September 11th terrorist attacks, died while serving his city and his nation in his capacity of a fire chaplain in the New York Fire Department. However, Father Mychal is not the first police or fire chaplain killed in the line-of-duty. We should not forget the two others who fell before him: First, William Paris, with the Detroit Police Department back in the early 1970s, who was killed when a criminal in a barricade situation demanded to speak to a chaplain. He was gunned down by the perpetrator; second, the Reverend Bruce Bryan, a police chaplain from Carson, California who was killed while on duty. Reverend Bryan was shot four times execution-style by a person that he and a deputy sheriff were driving home.

Mr. Speaker, the tragic events of September 11th have changed the hearts and minds of the vast majority of people in this great country. No longer are we asking our brave emergency services personnel to react to random, but dangerous problems. We have asked them to step up and take on those actions caused by terrorist attackers. We should not—we cannot—let another Congress go by without addressing this very important issue.

Mr. Speaker, with that I also want to wholeheartedly thank Chairman SENSENBRENNER and Representative NADLER, who, along with the diligent work of their staffers, have helped make this near decade-long goal a reality.

I urge all Members to support this legislation.

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 3297.

The Public Safety Officers' Benefit program was created in 1976 to assist in the recruitment and retention of law enforcement officers, firefighters and emergency medical technicians. But it is much more than a tool for attracting and keeping qualified public safety officers. It is a way of doing what is right by the men and women who selflessly risk their lives every day to protect each and every one of us.

The death benefit provides a one-time, lump sum payment of $259,038 payable to the surviving spouse, children or parents of a public safety officer killed in the line of duty.

H.R. 3297 makes a common sense, and compassionate, change, allowing for an individual named on a life insurance policy to receive the benefit if a deceased officer leaves no surviving child or spouse.

Policy officers, firefighters and EMT's put themselves in harm's way every day without stopping to consider the race, religion or family life of the people they are attempting to save. We owe it to them to do the same as we provide much-needed financial assistance to the loved ones they leave behind.

I urge my colleagues to support this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, on September 11, 2002, Reverend Mychal Judge responded to the attack on the World Trade Center as a New York City Fire Department chaplain. He braved the fire, falling debris, and chaos on the scene to administer last rites to victims in the lobby. Father Judge paid the ultimate price for his heroic actions; he too lost his life on that tragic day.

Under the existing Public Safety Officer Benefit program, chaplains of fire and police departments are not eligible for public safety officer benefits. While no amount of money can replace their fallen brother, Father Judge's two surviving sisters currently cannot receive benefits from this program. This bill, H.R. 3297, will extend Federal death benefits to officially designated chaplains of volunteer and professional police and fire departments that were killed in the line of duty. This will broaden the number of eligible beneficiaries.

The bill also addresses the issue of deceased public safety officers without immediate families. Nine public safety officers died on September 11 without spouses, children, or surviving parents. H.R. 3297 will expand the Public Safety Officer program to extend death benefits to the beneficiary named on the deceased officer's life insurance policy. All expanded benefits will be effective as of September 11, 2001. Benefits are intended to pay for burial of the fallen officer and grief counseling services for the family.

Mr. Speaker, I fully support H.R. 3297 to extend the current Federal death benefits to the families of chaplains killed while responding to police and fire emergencies. I cannot think of a finer way to honor the brave officers that lost their lives on September 11, and in other emergency situations. Therefore, I ask my colleagues to join me in support of H.R. 3297 to remember the public safety officers that have lost their lives in service to our great Nation by voting in favor of the bill.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 3297, amending the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits.

On September 11th, our Nation witnessed the best and the worst of humanity. The despicable and cowardly terrorist acts were valiantly countered with the incredible heroism and courage of our firefighters, law enforcement officers, emergency personnel, and our fellow citizens. On that day, as in emergencies before and since, men of the cloth such as Father Mychal F. Judge were also present to give comfort to victims and rescuers alike.

Sadly, Father Judge was the first confirmed death on that day of infamy. Accordingly, it is incumbent upon our Nation to honor heroes of faith such as Father Judge by bestowing upon them public safety officer status. I believe that it is a fitting tribute to their memory. Accordingly, I urge my fellow colleagues to fully support this important measure.

Ms. JACKSON–LEE of Texas. Mr. Speaker, I rise today in support of this vital legislation. I personally want to extend my sympathy and the sympathy of the citizens of the eighteenth congressional district of Texas for the families that lost loved ones. In particular my condolences go to the family of Mychal Judge, the New York Fire Department priest who died in the Twin Towers catastrophe and who the bill is named after. My colleague, the gentleman from New York, Mr. NADLER sponsored this bill in the Judiciary Committee.

His reasons for introducing this legislation were noble. The legislation should clear up confusion about whether chaplains qualify for Federal benefits. This legislation will provide that if there is no surviving spouse or surviving child, any such benefits shall be paid to the person designated by such officer as a beneficiary under that officer's most recently executed life insurance policy, provided that such person survived such officer. Current law restricts such beneficiaries to the spouse, child, or parent. I implore the members of this august body to pass H.R. 3297.

Mr. NADLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3297, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GIVING CONSENT OF CONGRESS TO AGREEMENT OR COMPACT BETWEEN UTAH AND NEVADA REGARDING CHANGE IN BOUNDARIES

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read as follows:

H.R. 2054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT TO AGREEMENT OR COMPACT.

(a) CONSENT GIVEN.—The consent of the Congress of the United States is given to Utah and Nevada to enter into an agreement or compact that meets the following requirements:

(1) The agreement or compact is consented to by the legislatures of Utah and Nevada and such consent is evidenced through Acts enacted by the legislatures of Utah and Nevada not later than December 31, 2006.

(2) The agreement or compact is not in conflict with any Federal law.

(3) The agreement or compact does not change the boundary of any other State.

(4) The agreement or compact does not result in the transfer to Nevada of more than a total of 10,000 acres of lands that are located within Utah on the date of the enactment of this Act.

(5) The agreement or compact is entered into for the primary purpose of changing the boundaries of Utah and Nevada so that the lands located within the municipal boundaries of the city of Wendover, Utah, on the date of the enactment of this Act, including the municipal airport, shall, after the implementation of the agreement or compact, be located within the boundaries of Nevada. This paragraph shall not prohibit the agreement or compact from including provisions that are reasonably related to the following:

(A) A change in the boundaries of Utah and Nevada for the purposes described in this paragraph.

(B) Including other Utah lands immediately surrounding the municipal boundaries of Wendover, Utah, as described in this paragraph, in a transfer to Nevada if such inclusion would—

(i) facilitate the management of lands transferred under the agreement or compact or the