



Legislative Bulletin.....March 18, 2003

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H.Con.Res. 26 — Condemning the punishment of execution by stoning as a gross violation of human rights (*McCollum*)

Order of Business: The resolution is scheduled for consideration on Tuesday, March 18th, under a motion to suspend the rules and pass the bill.

Summary: The resolution includes a variety of findings including:

- death by stoning “continues to be imposed as a form of punishment in several countries” and is “an exceptionally cruel form of punishment that violates internationally accepted standards of human rights”;
- death by stoning has been used as punishment for women who have been accused of adultery or individuals accused of blasphemy;
- in July, 2002, Amnesty International referred to execution by stoning as “a method specifically designed to increase the victim’s suffering”; and
- in 2002, the European Union, Australian government, the President of Mexico, and other world leaders “condemned stoning and called for clemency for individuals sentenced to stoning.

The resolution concludes by resolving that Congress “condemns the practice of execution by stoning, and calls upon the international community to recognize this practice as a gross violation of human rights. H.Con.Res. 26 also calls on the President to “formally communicate this resolution to governments imposing this cruel punishment and urge the suspension of sentences of death by stoning” and to “direct the Secretary of State to work with the international community toward the repeal of stoning laws and adherence to international standards of human rights.”

Committee Action: The resolution was referred to the Committee on International Relations and approved by voice vote on March 5, 2003.

Cost to Taxpayers: The resolution directly authorizes no expenditure, although it does include requests for action by the Administration that would likely fall within regular duties.

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

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H.R. 868 — Nicaragua Property Dispute Settlement Act of 2003 (Ballenger)

Order of Business: The bill is scheduled for consideration on Tuesday, March 18th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 868 amends section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, which prohibits U.S. assistance to any government that does not resolve property disputes in a timely and orderly fashion. Specifically, the bill adds language requiring that all claims by U.S. citizens against the government of Nicaragua for the taking of property between January 1, 1956, and January 9, 2002, be submitted in writing to the Department of State or the U.S. embassy in Nicaragua. H.R. 868 would also require the Secretary of State to set a deadline for the filing of new claims. After the deadline, no new claims for seizures during the specified time period may be used to determine eligibility for U.S. assistance under section 527, but American citizens would still be able pursue claims.

Note: the U.S. government has waived the section 527 prohibition on assistance with regard to Nicaragua since enactment of the section because of Nicaragua's progress in resolving property claims.

Additional Background: During the Sandinista regime in Nicaragua (1979-1990), thousands of pieces of property were taken by the government from private owners. The Nicaraguan government has taken action to resolve claims, but according to the State Department, the number of pending claims is increasing as newly naturalized U.S. citizens are filing long-standing claims.

Committee Action: The bill was referred to the Committee on International Relations and approved by voice vote on March 5, 2003.

Administration Position: According to the International Relations Committee, the Department of State supports the bill.

Cost to Taxpayers: The Congressional Budget Office estimates that H.R. 868 will have no significant budgetary effect.

Does the Bill Create New Federal Programs or Rules?: The bill adds new requirements for citizens filing property claims against the government of Nicaragua.

Constitutional Authority: A committee report citing constitutional authority is not available.

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H. Res. 109—Urging passage of a resolution addressing human rights abuses in North Korea at the 59th session of the United Nations Commission on Human Rights, and calling on the Government of North Korea to respect and protect the human rights of its citizens (Smith of New Jersey)

Order of Business: The resolution will be considered on Tuesday, March 18, 2003, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 109 has 17 findings regarding North Korea, including that the government regime “executes political prisoners, opponents of the regime, some repatriated defectors, some members of underground churches, and others, sometimes at public meetings attended by workers, students, and school children.” The government is also said to hold an estimated 150,000 to 200,000 political prisoners in camps where forced labor, beatings, torture, and executions take place, and in which many prisoners also die from disease, starvation, and exposure. The resolution’s findings detail eyewitness testimony received by the House that 1) camp inmates have been used as sources of slave labor, as targets for martial arts practice, and as experimental victims in the testing of chemical and biological poisons; 2) that female camp prisoners “are not permitted to have children and their newborn babies are routinely and brutally killed by camp authorities;” and that 3) a group of Christian prisoners was tortured to death in 1990 “for refusing to repudiate their faith.” The findings also state that “more than 1,000,000 North Koreans are estimated to have died of starvation since 1995 because of the failure of the centralized agricultural system operated by the Government of North Korea.”

H.Res. 109 resolves that the House of Representatives:

- (1) urges the Secretary of State to draft, introduce, and work toward the passage of a resolution addressing human rights abuses in North Korea at the 59th session of the United Nations Commission on Human Rights; and
- (2) calls on the Government of the Democratic People's Republic of Korea to respect and protect the human rights of its citizens, such as those recognized in the Universal Declaration of Human Rights.

Additional Information: The 59th session of the United Nations Commission on Human Rights is scheduled to be held in Geneva, Switzerland from March 17 to April 25, 2003.

Cost to Taxpayers: While the resolution authorizes no expenditure, the Secretary is required to draft a resolution. CBO estimates on previous resolutions have noted that these duties are not outside the State Department's normal course of business and thus not likely to yield additional expenditures for the government.

Does the Bill Create New Federal Programs or Rules: The resolution urges the Secretary of State to draft, introduce, and work toward the passage of a resolution at an upcoming UN conference.

Committee Action: H.Res.122 was referred to the House Committee on International Relations on February 27, 2003. The resolution was considered by the Committee on March 5, 2003 and passed by voice vote.

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H.R. 145— To designate the Federal building located at 290 Broadway in New York, New York, as the “Ted Weiss Federal Building” (*Nadler*)

Order of Business: The resolution will be considered on Tuesday, March 18, 2003, under a motion to suspend the rules and pass the bill.

Summary: The bill designates the Federal building located at 290 Broadway in New York, New York, as the “Ted Weiss Federal Building,” and ensures that any legal reference to the Federal building is deemed a reference to the “Ted Weiss Federal Building.”

Additional Information: According to the Committee, Ted Weiss was born in Gava, Hungary, and in 1938 at the age of 11, to escape persecution by the Nazi regime, Ted Weiss and his family took passage on one of the last passenger ships to leave Hamburg, Germany. Upon his graduation from high school, Ted Weiss joined the United States Army. He became a naturalized U.S. citizen and was admitted to the practice of law in 1953. From 1955 to 1959, Ted Weiss served as an Assistant District Attorney for New York City. From 1959 to 1976, he was in private practice in New York City and from 1962 to 1977, he served on the New York City Council.

In 1976, Congressman Weiss was elected to the U.S. House of Representatives to serve in the 95th and for each of the seven succeeding Congresses. He was a member of the Banking, Finance and Urban Affairs; Foreign Affairs; and Government Operations Committees, as well as the Select Committee on Children, Youth, and Families and Advisory Commission on Intergovernmental Relations. Congressman Weiss passed away on September 4, 1992.

Cost to Taxpayers: CBO estimates that H.R. 145 would have no significant impact on the federal budget, and would not affect direct spending or revenues.

Does the Bill Create New Federal Programs or Rules: The bill renames a federal building.

Committee Action: H.R.145 was referred to the House Committee on Transportation and Infrastructure on January 7, 2003. The resolution was considered by the Committee on February 26, 2003, and passed by voice vote.

Constitutional Authority: The Committee on Transportation and Infrastructure (in report number 108-30) finds authority under Article I, section 8 of the Constitution (Powers of Congress) but fails to cite a specific clause.

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H.R. 314 — Mortgage Servicing Clarification Act (Royce)

Order of Business: The bill is scheduled for consideration on Tuesday, March 18th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 314 would amend the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) to exempt a servicer of federally related mortgage loans secured by first liens from certain debt collection disclosure requirements, if such servicer is a debt collector whose *primary* function is servicing such loans and whose debt collection is only incidental.

Additional Background: The House passed legislation identical to H.R. 314 (H.R. 163) in the 107th Congress by voice vote on October 7, 2002.

Committee Action: The bill was referred to the Committee on Financial Services but was not considered.

Cost to Taxpayers: Though no cost estimate is available, nothing in the legislation suggests any cost to the taxpayer.

Does the Bill Create New Federal Programs or Rules?: The bill would exempt federal mortgage loan servicers from certain disclosure requirements.

Constitutional Authority: A committee report citing constitutional authority is not available.

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