

confine his remarks to the pending bill before this House.

Mr. LARSON of Connecticut. Mr. Speaker, my point was as much as, just as people in between the lines, the current lines that exist in Utah and Nevada and between East Wendover and Wendover, find a difficulty with what they are presented with, this is analogous to what people are up against in this country. Many seniors in my district have to travel from Connecticut to Canada to seek prescription drug relief.

#### POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I must once again reiterate my point of order.

The SPEAKER pro tempore. The Chair will insist that the gentleman from Connecticut keep his comments on the bill before the House today. As the Chair has ruled previously, the gentleman will confine his comments to the bill that is presently before the House.

Mr. LARSON of Connecticut. Mr. Speaker, I again would just point out that East Wendover is a desolate mining town of only about 1,500 residents and is largely in debt. Several public hearings have been held by the city councils on the east and west to determine whether East Wendover should be annexed to West Wendover.

Opposition to the annexation has emerged primarily from residents and business interests in West Wendover concerned with the economic impact of acquiring East Wendover's debt.

Supporters argue that the acquisition of East Wendover's airport, which once housed the Enola Gay, would attract more tourists to the city's casinos. Although there has been no vocal opposition to the annexation based on disagreement with Nevada's more liberal laws, most published reports note the large presence of a Mormon population in Utah.

And again these are the problems that the citizens face here. Again, I would like to commend the gentleman from Utah (Mr. HANSEN) for the outstanding job that he has done representing his constituents. I only hope that other constituents across this country who struggle with similar kinds of issues, though they are not specific to these lines, but when we cross boundary lines for prescription drugs and turn people that otherwise would be able to receive them—

Mr. SENSENBRENNER. Mr. Speaker—

The SPEAKER pro tempore. The gentleman will suspend.

Mr. LARSON of Connecticut. It complicates the problem. I thank the Chair for his indulgence and I yield back the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is not a controversial bill, and despite the fact that a number of my colleagues feel strongly that the residents of Wendover and

West Wendover should be entitled to prescription drug benefits, a point, by the way, which I agree with, the bill itself is not controversial; and I therefore strongly encourage my colleagues to vote in favor of the bill and support the bill.

I commend the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Utah (Mr. HANSEN) for bringing it forward. It is nice to know that the gentleman from Utah (Mr. HANSEN) believes in gerrymandering. I am just sorry that he did not bring this early enough to get these people out of Utah soon enough that we would not have to have fought with Utah about whether these residents were there for this census, and we would not be all the way up in the United States Supreme Court arguing with Utah about whether they deserve a new congressional district or North Carolina deserves a new congressional district.

But that is kind of far afield, too. They did not get that done in time to resolve that dispute, but it is still a good bill. I encourage my colleagues to support it.

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

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

Just to get back on track, Mr. Speaker, let me say that what H.R. 2054 does is that it says that at the general election in November of this year, the residents of Wendover, Utah, and West Wendover, Nevada, will vote on a plan of merger, a marriage contract, if you will. If the voters in both communities support this procedure, then the next step is to have the Utah and Nevada legislatures consider whether or not the State lines should be adjusted so that Wendover, Utah, would be put into the State of Nevada.

Nevada has got a provision in its State constitution that delineates the boundaries of the State. Should both States approve it, there would have to be an amendment proposed by the two sections of the State legislature and approved by the voters of the State of Nevada in the general election of 2006.

Should that all happen, then the State boundary would be adjusted, because the consent of Congress would be given in advance under these procedures through the enactment of H.R. 2054. And should that happen, this will be the first time since 1863 that a State boundary was changed for a reason other than the fact that the river constituting the boundary between two States has changed course.

In 1863, during the Civil War, as we all know, the Congress admitted West Virginia as a State, carving the loyalist counties of the Commonwealth of Virginia out of that Commonwealth and establishing them as a separate State. So what we are doing here is setting in motion something that might not have happened in our country for 140 years.

So even though this bill is non-controversial, it is somewhat prece-

dent-setting, and it is precedent-setting in that in fact the Congress is giving the say to the people of these two communities on whether or not they want the State line adjusted. If either of the communities says, no way, we do not want to have that, then this whole issue is moot and everybody who wants to talk about this issue will forever hold their peace.

With that, I urge the passage of this bill.

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. 2054, 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.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wando Evans, one of his secretaries.

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

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2431) 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, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2431

*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’ includes 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 Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3297) was laid on the table.

### CONSUMER PRODUCT PROTECTION ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2621) to amend title 18, United States Code, with respect to consumer product protection, as amended.

The Clerk read as follows:

*H.R. 2621*

*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 "Consumer Product Protection Act of 2002".*

#### SEC. 2. UNAUTHORIZED PLACEMENT OF WRITING WITH A CONSUMER PRODUCT.

(a) IN GENERAL.—Section 1365 of title 18, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as (g) and (h) respectively;

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) Whoever knowingly stamps, prints, places, or inserts any writing in or on any consumer product that affects interstate or foreign commerce, or the box, package, or other container of any such product, prior to its sale to any consumer, shall be fined under this title or imprisoned not more than one year, or both.

"(2) This subsection shall not apply in any case in which the manufacturer, retailer, or distributor of the product in the due course of business consents to the stamping, printing, placing, or inserting of a writing."; and

(3) in subsection (h) (as redesignated by paragraph (1))—

(A) in paragraph (3)(D), by striking "and";

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by adding after paragraph (4) the following:

"(5) the term 'writing' means any form of representation or communication (including handbills, notices, or advertising) that contains letters, words, graphic, or pictorial representations."

(b) CONFORMING AMENDMENT.—Section 2332b(g)(3) of title 18, United States Code, is amended by striking "1365(g)(3)" and inserting "1365".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will be recognized for 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. 2621, 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, H.R. 2621, the Consumer Product Protection Act of 2002, would prohibit any person from knowingly stamping, printing, placing, or inserting any writing in or on any consumer product prior to its sale without the consent of the manufacturer, distributor, or retailer of such product.

Under current law, tampering with a product's packaging is not illegal, as long as it does not cause the labeling to be false or misleading or endanger the health or safety of consumers. Consumer protection laws, therefore, fail to address conduct which, although it does not adulterate the actual product or alter its labeling, is still harmful to business and consumers.

Product tampering transforms businesses' desirable products into vehicles for undesirable messages. Businesses should be able to control the messages associated with their products, and persons who interfere with those products and harm the image of their company should be prosecuted.

Recent product tampering cases have shown that adults and children across the country have been subjected to violent, racist, gory, or otherwise offensive materials placed between layers of packaging. Leaflets have been found that attack African Americans, praise the Holocaust, and encourage the killing of immigrants. This legislation will appropriately punish those who knowingly insert these materials into product containers by making it a criminal act.

Just one company, Kraft Foods, estimates that they have received nearly 100 complaints in the last 5 years, but also believe many more cases have gone unreported. The manufacturers have concluded, after investigation, that many of these materials are placed in the packaging once the products have left their control. Often, the products are tampered with while in retail stores or are bought, tampered with, and later returned.

Parents can monitor their children's television shows, the music they listen to, and the books they read; but they cannot be expected to anticipate that

offensive materials may be found in a cereal box.

I urge my colleagues to support this legislation.

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

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

Mr. Speaker, I am pleased to be the lead Democrat on H.R. 2621, the Consumer Product Protection Act of 2002. I want to recognize and thank the gentlewoman from Pennsylvania (Ms. HART) for introducing the bill and for her excellent work on this issue. I want to thank the chairman and ranking member of the Subcommittee on Crime, Terrorism and Homeland Security for their help in bringing this bill to the floor; and of course, I thank the chairman and ranking member of the full committee for their support of this bill.

I also want to recognize the staff who have worked hard to bring this legislation to the floor. Their work behind the scenes makes this House function effectively. I urge my colleagues to support and pass this legislation today.

Mr. Speaker, over the last several years, consumers have been finding offensive materials attached to or inserted inside the packaging of a variety of products. Most of these inserts are material that is offensive in nature. They are racist, anti-Semitic, or anti-gay. Finding offensive material can be shocking, but it is especially objectionable when a child opens a box and finds offensive, even pornographic, material inside.

Responding to customer complaints, manufacturers have sought law enforcement help to address this problem. However, it has become clear that law enforcement officials lack the authority to prosecute these crimes under State or Federal law. Both the FBI's and the FDA's offices of criminal investigations do not believe they have the current authority to prosecute these crimes.

The Consumer Product Protection Act would address this gap in Federal law and give authorities the tools they need to investigate and prosecute these acts. Only two States, California and New Jersey, currently have laws prohibiting this practice. This bill would amend the Federal Anti-Tampering Act by making it a crime for a person to place any writing, either on the outside of a package or the inside, prior to its sale to a consumer.

There are exceptions in this bill for promotional and sales purposes if allowed by the manufacturer, distributor, or retailer. To address some concerns about the appropriateness of punishments, the committee and subcommittee modified the original legislation to make the crime a misdemeanor instead of a felony.

I am pleased to be an original cosponsor of this bill and strongly urge the House to pass this bill.

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