

(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.



Mr. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART), the author of this bill.

Ms. HART. Mr. Speaker, I also rise in support, obviously, of the Consumer Product Protection Act of 2002. I am pleased that the committee has chosen to take action on it so quickly.

Protecting consumers has always been an important issue for the Congress. It is also an issue I worked on as a State senator. I am pleased today to continue that important work.

This act addresses an issue that is a result of a shortfall of the current Federal anti-tampering act. Under that act, it is a crime for an individual to alter the label of a product or harm the safety of a consumer. It is not, however, a crime to place an unwanted item in or on a product without causing harm to that product.

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For example, a message on a piece of paper placed inside a cereal box but outside of that product's inner bag is not a violation of current law. Someone could walk into your local market, slip pornographic material into the packaging of a food product without actually opening that package, and not be charged with a crime. To any consumer, the package would look perfectly fine without any evidence of tampering. The fact that this is not a crime seems ludicrous. That is why we are here today, to close this loophole in the law.

Imagine opening a box of cake mix, finding a piece of literature with hate-filled messages and racial slurs; even worse, imagine if your child opened the package, finding such material. That is just the story we heard in our hearings from Tracey Weaver about her 10-year-old son. The flyer in the box that he opened read that he had won a free vacation, but on the back it contained racial hate material.

Incidents such as this happen all too often. Kraft Foods, for example, had stated that there had been more than 100 reported incidents in the past 5 years. This accounts for only one company and only the incidents that were reported. Perhaps the greatest injustice here is that when consumers such as Mrs. Weaver contact those manufacturers, the manufacturers as well as law enforcement were unable to respond in any way because it was not against the law. The authorities could not trace the source of the problem because they had no authority to do so under the Federal Anti-Tampering Act because it was not a crime, again, to place such material in a box.

This bill would criminalize those actions. It clearly states that placing unauthorized material in or on a product is a crime under the Anti-Tampering Act. The legislation accomplishes three things: First, it ensures that law enforcement has the ability to pursue and prosecute the perpetrator by design-

ating this activity as criminal under the statute. Second, it empowers the offended manufacturer to address the complaints and concerns of their customers and regain the confidence of those consumers which they could lose through no fault of their own. And finally, it provides for punishment for those who commit these acts and puts others on notice that this type of behavior will not be tolerated.

I again thank my colleagues, the gentlewoman from Wisconsin (Ms. BALDWIN), for joining me in sponsoring this important legislation, and especially the gentleman from Wisconsin (Mr. SENSENBRENNER) for helping us bring it to the floor. I urge my colleagues to support it as well.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H.R. 2621, Consumer Product Protection Act. Current consumer protection legislation was enacted in response to the imbalances in the marketplace, which concerned consumers. Consumers now have greater access to a variety of goods and services. A consumer who learns how to protect himself is less likely to be harmed.

Taking into account the needs of consumers and recognizing that consumers often face imbalances, consumers have the right of access to non-hazardous products. We should develop, strengthen and maintain a strong consumer protection policy. We should provide or maintain adequate infrastructure to develop, implement and monitor consumer protection policies and laws.

Consumers participate in competitive retail markets. Consumers' ability to choose among uniform disclosures of terms of service, prices, and relevant attributes of consumer products. Vigilant enforcement against unfair or deceptive business practices is critical to ensure that consumers obtain the benefits of competition. H.R. 2621 Consumer Product Protection Act of 2002, amends the Federal criminal code to prohibit the placement of a writing in or on a consumer product prior to its sale to any consumer without the consent of the product manufacturer, distributor, or retailer. Subjects violators to a fine, imprisonment of up to one year, or both. Therefore, I urge my colleagues to support this bill.

Ms. BALDWIN. 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. 2621, 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.

#### FIVE NATIONS INDIAN LAND REFORM ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 2880) to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations, historically referred to as the Five Civilized Tribes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2880

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Five Nations Indian Land Reform Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Definitions.

#### TITLE I—RESTRICTIONS; REMOVAL OF RESTRICTIONS

- Sec. 101. Restrictions on real property.
- Sec. 102. Reinvestment of proceeds from condemnation or conveyance of restricted property.
- Sec. 103. Trust funds.
- Sec. 104. Period of restrictions.
- Sec. 105. Removal of restrictions.
- Sec. 106. Exemptions from prior claims.
- Sec. 107. Fractional interests.

#### TITLE II—ADMINISTRATIVE APPROVAL OF CONVEYANCES, PARTITIONS, LEASES, AND MORTGAGES; MANAGEMENT OF MINERAL INTERESTS

- Sec. 201. Approval authority for conveyances and leases.
- Sec. 202. Approval of conveyances.
- Sec. 203. Reimposition of restrictions on restricted property conveyed to Indian housing authorities.
- Sec. 204. Administrative approval of partition in kind.
- Sec. 205. Surface leases.
- Sec. 206. Secretarial approval of mineral leases or agreements.
- Sec. 207. Management of mineral interests.
- Sec. 208. Mortgages.

#### TITLE III—PROBATE, HEIRSHIP DETERMINATION, AND OTHER PROCEEDINGS AFFECTING TITLE TO RESTRICTED PROPERTY

- Sec. 301. Actions affecting restricted property.
- Sec. 302. Heirship determinations and probates.
- Sec. 303. Actions to cure title defects.
- Sec. 304. Involuntary partitions of restricted property.
- Sec. 305. Requirements for actions to cure title defects and involuntary partitions.
- Sec. 306. Pending State proceedings.

#### TITLE IV—MISCELLANEOUS

- Sec. 401. Regulations.
- Sec. 402. Validation of certain transactions; savings clause.
- Sec. 403. Repeals.
- Sec. 404. Secretarial trust responsibility.
- Sec. 405. Representation by attorneys for the Department of the Interior.
- Sec. 406. Filing requirements; constructive notice.
- Sec. 407. Publication of designated officials.
- Sec. 408. Rule of construction.
- Sec. 409. Transmission of power from Indian lands in Oklahoma.
- Sec. 410. Authorization of appropriations.
- Sec. 411. Effective date.

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1970, Federal Indian policy has encouraged Indian self-determination and economic self-sufficiency. The exercise of Federal instrumentality jurisdiction by the