

help, they cannot be assisted. According to the Federal Bureau of Investigation and the Food and Drug Administration's Office of Criminal Investigation, these actions are not covered by federal product tampering statutes. Those laws only cover the actual product themselves, but not the packaging. In response to incidents in their respective states, both New Jersey and California passed laws to criminalize this behavior. These States should be commended, but more should be done. Federal law needs to be amended accordingly.

The Product Packaging Protection Act of 2001 would prohibit the placement of any writing or other material inside a consumer product without the permission of the manufacturer, authorized distributor, or retailer. An exception would be made where the manufacturer places inserts in the product solely for promotional purposes. The penalty for violation of this measure would be a fine of up to \$250,000 per offense and/or imprisonment of up to three years. Closing this gap in Federal law would appropriately punish people whose actions violate the integrity of the food product, compromise consumer's faith in the food they purchase in the grocery store, and damage the good name and reputation of the food manufacturer.

I look forward to its consideration and passage.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD following the completion of my remarks. I also ask unanimous consent that copies of the remarks of cosponsoring Senators be printed immediately following my statement.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1233

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 "Product Packaging Protection Act of 2001".

SEC. 2. TAMPERING WITH CONSUMER PRODUCTS.

Section 1365 of title 18, United States Code, is amended—

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

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

"(f)(1) Whoever, without the consent of the manufacturer, retailer, or authorized distributor, intentionally tampers with a consumer product that is sold in interstate or foreign commerce by knowingly placing or inserting any writing in the consumer product, or the container for the consumer product, before the sale of the consumer product to any consumer shall be fined under this title, imprisoned not more than three years, or both.

"(2) As used in paragraph (1) of this subsection, the term 'writing' means any form of representation or communication, including handbills, notices, or advertising, that

contain letters, words, or pictorial representations."

Mr. HATCH. Mr. President, I am proud to sponsor, along with my good friend and esteemed colleague, Senator KOHL, the Product Packaging Protection Act of 2001. Other cosponsors include Senator DEWINE and the distinguished Chairman of the Judiciary Committee, Senator LEAHY.

This bipartisan legislation addresses a troubling development that has been increasingly reported over the last several years—the discovery by consumers of unauthorized pamphlets placed inside the packaging of everyday consumer products, such as breakfast cereal and frozen foods. In many cases, unsuspecting consumers, including young children, have found offensive messages inserted into the products they have purchased, including pamphlets explicitly advocating violence against particular racial, ethnic, and religious groups.

While Federal law currently prohibits tampering with consumer products that taints the product, or renders the labeling materially false, the law does not currently prohibit someone placing writings in or on the product after the product has left the manufacturer's control. The legislation being introduced today will close this loophole—providing the FBI and other Federal law enforcement agencies with jurisdiction to investigate these incidents and bring the perpetrators to justice.

With all the recent focus on protecting our children from corrupting influences on the Internet, we should not ignore old-fashioned "low tech" avenues by which harmful and often hateful messages may be disseminated. It is intolerable for the distributors of our foodstuffs and other consumer products to become the unwitting carriers of offensive harmful messages.

I look forward to working with Senator KOHL to ensure passage of this important legislation.

Mr. LEAHY. Madam President, I am pleased to join Senator KOHL, and others, on introducing the Product Packaging Protection Act of 2001.

Over the last few years, consumer complaints had been made about offensive material being inserted in various consumer products. These offensive materials range from neo-Nazi and anti-Semitic hate messages to pornographic images and disturbing anti-abortion images. Unfortunately, these materials have been found in consumer products often used by children, such as cereal boxes. Moreover, such activities pose risks to the safety of consumer products, which consumers reasonably expect to obtain from the store in pristine condition and without those products having been opened by unauthorized individuals.

To address this problem, this legislation would add a new prohibition to the Federal Anti-Tampering Act, 18 U.S.C. § 1365, to prohibit a person from intentionally tampering with a consumer

product, without the consent of the manufacturer, retailer, or authorized distributor by inserting a writing in the consumer product or its container prior to its sale to a consumer. A person convicted of violating this new provision would be subject to a fine or up to two years' imprisonment. The term "tamper" is defined to mean meddling for the purpose of altering, damaging or misusing a product. See Webster's Dictionary. The bill describes in precise terms the tampering activity that would fall within the new criminal prohibition, and is intended to extend further protection to consumer products.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1040. Mr. DORGAN (for himself, Mrs. BOXER, Mr. TORRICELLI, Mr. DAYTON, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1041. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1042. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1043. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1044. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1045. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1046. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1047. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1048. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1049. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1050. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1051. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1052. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1053. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1054. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1055. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. Murray and intended to be proposed to the bill (H.R. 2299) supra; which was ordered to lie on the table.

SA 1056. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1057. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. Murray and intended to be proposed to the bill (H.R. 2299) supra; which was ordered to lie on the table.

SA 1058. Mrs. MURRAY (for Mr. FITZGERALD (for herself, Mr. DURBIN, Mr. BAYH, and Mr. LUGAR)) proposed an amendment to amendment SA 1025 submitted by Mrs. Murray and intended to be proposed to the bill (H.R. 2299) supra.

SA 1059. Mr. ALLARD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1060. Mr. DASCHLE (for Mr. TORRICELLI) proposed an amendment to the bill S. Res. 128, calling on the Government of the People's Republic of China to immediately and unconditionally release all American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of the detained scholars for their release, and for other purposes.

SA 1061. Mr. TORRICELLI proposed an amendment to the bill S. Res. 128, supra.

SA 1062. Mr. DASCHLE (for Mr. TORRICELLI) proposed an amendment to the bill S. Res. 128, supra.

TEXT OF AMENDMENTS

SA 1040. Mr. DORGAN (for himself, Mrs. BOXER, Mr. TORRICELLI, Mr. DAYTON, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

Strike section 343 and insert the following:

SEC. 343. None of the funds in this Act may be used to process applications by Mexico-domiciled motor carriers for conditional or permanent authority to operate beyond the United States municipalities and commercial zones adjacent to the United States-Mexico border.

SA 1041. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 55, line 7, add after the period the following: "Any discussions of the Secretary, the Administration, or other public entity, regarding the aviation capacity crisis in the Chicago area shall include the State of Indiana and the Gary-Chicago Airport as part of the solution to the crisis."

SA 1042. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30,

2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) **RESCISSIONS.**—There is rescinded an amount equal to 1 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2002 in this Act for each department, agency, instrumentality, or entity of the Federal Government funded in this Act: *Provided*, That this reduction percentage shall be applied on a pro rata basis to each program, project, and activity subject to the rescission.

(b) **DEBT REDUCTION.**—The amount rescinded pursuant to this section shall be deposited into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt.

(c) **REPORT.**—The Director of the Office of Management and Budget shall include in the President's budget submitted for fiscal year 2003 a report specifying the reductions made to each account pursuant to this section.

SA 1043. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 ____. **STUDY OF AVAILABILITY AND USE OF E85.**

(a) **DEFINITION OF E85.**—In this section, the term "E85" means motor vehicle fuel that consists of 85 percent ethanol and 15 percent gasoline.

(b) **STUDY.**—The Secretary of Transportation shall conduct a study and submit to Congress a report on—

- (1) the availability of E85 fueling stations;
- (2) the quantity of E85 used by the Federal Government; and
- (3) methods for increasing the quantity of E85 used in the United States.

SA 1044. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 ____. **REPORT ON RENEWABLE FUEL REQUIREMENT.**

In consultation with the Secretary of Agriculture, the Secretary of Transportation shall conduct a study and submit to Congress a report on the potential costs and benefits for agricultural producers, the environment, and the energy security of the United States of implementing a requirement, phased in over several years, that the motor vehicle fuel sold or introduced into commerce in the United States be comprised of not less than a specified percentage of renewable fuel, which percentage would be equal to 5 percent by calendar year 2016.

SA 1045. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending Sep-

tember 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 ____. **PILOT PROGRAM ON E85 FUELING STATIONS.**

(a) **DEFINITION OF E85.**—In this section, the term "E85" means motor vehicle fuel that consists of 85 percent ethanol and 15 percent gasoline.

(b) **ESTABLISHMENT OF PILOT PROGRAM.**—The Secretary of Transportation shall establish a pilot program to increase the number of E85 fueling stations in the Chicago, Illinois, metropolitan area to at least 50 by the end of fiscal year 2002.

(c) **REPORT TO CONGRESS.**—As soon as practicable after the end of fiscal year 2002, the Secretary of Transportation shall submit to Congress a report on the results of the pilot program.

(d) **FUNDING.**—Notwithstanding any other provision of this Act, the Secretary of Transportation shall use \$3,000,000 of funds made available to the Secretary under this Act to carry out this section.

SA 1046. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 ____. **STUDY OF TRANSPORTATION OF ETHANOL.**

In consultation with the Secretary of Agriculture, the Secretary of Transportation shall conduct a study and submit to Congress a report on the ability of the United States transportation system to transport ethanol to—

- (1) areas in the State of California; and
- (2) other areas in the United States that—
 - (A) use reformulated gasoline under section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)); and

(B) as of the date of enactment of this Act, use methyl tertiary butyl ether in that reformulated gasoline.

SA 1047. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 ____. **PLAN TO INCREASE USE OF RENEWABLE FUEL BY FEDERAL FLEETS.**

In consultation with the heads of other Federal agencies, the Secretary of Transportation shall develop a plan to increase the quantity of motor vehicle fuel used by Federal fleets (as defined in section 303(b)(3) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(3))) that consists of renewable fuel to not less than 5 percent by calendar year 2016.

SA 1048. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes;