

like American citizens. The five imperialist judges on the Supreme Court have asserted the power of the Constitution that is reserved specifically to the executive branch and to the legislative branch.

Mr. Speaker, this ought not to be, but that's just the way it is.

CIGARETTE SMUGGLING BETWEEN STATES SHOULD BE A FELONY, NOT A MISDEMEANOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

Mr. WEINER. Mr. Speaker, I rise today to bring to the attention of the House a problem that exists, frankly, in all 50 States and is having a dramatic impact not only on individual States but having an impact tragically on our national security—the problem that tobacco excise taxes, which are levied State by State, have had the unwitting result of having a great incentive for people to smuggle tobacco over State lines. This is happening because of a weakness in the Federal law that makes it a misdemeanor to do so.

Let me explain to you exactly what happens. In a State like New York, for example, the New York State excise tax for each pack of cigarettes is \$2.75. New York City adds another \$1.50 to that tax. So the base tax on cigarettes in New York is the combination of \$2.75 in the State, \$1.50 in the city.

If you go to, say, North Carolina or another State that has a lower tax, there's an enormous amount of incentive for someone to buy the tobacco in a State like North Carolina, sell it in New York on the black market, or sell it on the Internet and wind up saving a great deal of money on that float between the two tax rates.

Now this is illegal under the Jenkins Act. However, it's hardly ever enforced, and when you ask folks at the ATF why it's not enforced, they say quite simply, because the Jenkins Act is too weak. It only makes it a misdemeanor to do these things.

What has become clear in recent months, though, and in recent years, according to the Government Accountability Office, according to the FBI, is that not only are people trying to make a couple of bucks doing this, but terrorist organizations have been funded.

According to a GAO investigation, what has happened is that tobacco is being bought in North Carolina where the tax is only five cents a pack and being resold in Michigan where the tax is 75 cents a pack. They're taking that extra 50 cents which, when you consider cases and cases, truckloads and truckloads, and where do the profits go? \$1.5 million was shipped overseas to Lebanon to fund Hezbollah. This is just one example.

FBI Director Robert Mueller, when he testified about this problem before the Senate, said the following:

“Terrorists now increasingly have to rely on criminal organizations to travel from country to country for false

identifications, for smuggling, being smuggled in or out of a country. They have to rely on other criminal organizations for money laundering. We have had a number of cases where Hezbollah, for instance, has utilized cigarette smuggling to generate revenues to support Hezbollah.”

In this GAO report that revealed this information, both DOJ—Department of Justice—and ATF suggested that if violations of the Jenkins Act were felonies instead of misdemeanors, U.S. Attorneys' Offices might be less reluctant to prosecute.

Well, I'm standing here to recommend that we do just that. We in the Crime Subcommittee of the Judiciary Committee recently had a hearing on my legislation which would do just that. It would raise the stakes on the Jenkins Act, and it would do something else. It would say that no longer can you transfer tobacco through the mail. In order for this selling to be done in a truly efficient way, you don't pack up a truck and drive it across lines; you get an Internet Web site and you offer to transport it over State lines using the mail service.

Now you can't use FedEx, you can't use UPS, and you can't use DHL. Why? Well, because they have all signed a compact, essentially a consent order saying they refuse to carry it. The only way to mail tobacco is through the United States Postal Service. So an additional thing the legislation would do would make that illegal.

This is a serious problem. As the tax goes up, as the difference between the State taxes goes up, it's no longer nickels and dimes, it's millions of dollars, millions of dollars that's going to black market tobacco that's funding nefarious activities and funding terrorism, and we should stop it.

IN DEFENSE OF LUNCHTIME PRAYER AT THE U.S. NAVAL ACADEMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, America was built on Judeo-Christian values. No one who knows the history of our nation can deny that freedom of religion played a critical part in its development. Yet there are those in our society who wish to threaten America's long history of religious freedom by limiting public expressions of religion by people of faith.

In 2001, the Virginia Chapter of the American Civil Liberties Union sued the Virginia Military Institute on behalf of two former cadets who opposed the school's nondenominational pre-supper prayer. In 2003, a three-judge panel of the Fourth Circuit Court of Appeals decided in favor of the ACLU and stripped VMI of its right to prayer, a tradition dating back to the school's founding in 1839. After the ACLU eliminated prayer at this State-supported school, the group expressed interest in locating Naval Academy graduates to

file a suit similar against lunchtime prayer at Annapolis.

In response to this threat, I introduced the Military Academy First Amendment Protection Act, legislation to protect the ability of our military service academies to include the offering of a voluntary, nondenominational prayer as an element of their activities.

With the support of other Members of Congress, this legislation was included as a provision of the fiscal year 2006 National Defense Authorization Act which was signed by the President and became law on January 6, 2006. I am so grateful to my colleagues in both parties who stood with me and acted to protect prayer at the United States Military, Naval, and Air Force Academies.

Since their founding, America's military academies have instilled in our military leaders the principles of our Founding Fathers and the traditions of our great military services. However, today, the American Civil Liberties Union has threatened to sue Annapolis over its tradition of lunchtime prayer.

Mr. Speaker, this is an example of why America is in trouble. Prayer or devotional thought has taken place at meals for midshipmen since the Naval Academy was founded in 1845. These prayers are nondenominational and have been rotated among chaplains of different faiths, from the Catholic to the Protestant to the Rabbi. Those who choose to attend the United States Naval Academy know what the rules are from day one.

Legal threats by the ACLU are not made in the spirit of religious tolerance but in a spirit of intolerance of any expression of faith at all.

Congress has a legitimate role to play in ensuring that the first amendment rights of American citizens are protected. By passing legislation to ensure our service academies' right to offer a voluntary, nondenominational prayer at an otherwise authorized activity of the academy, Congress codifies its belief that decisions respecting prayer should remain in the hands of each service academy's superintendent.

□ 1845

I am pleased that the law protects the right of the superintendent of the Naval Academy to continue the long tradition of lunchtime prayer at Annapolis.

As mission-crucial institutions, it should be the military authorities, and not civilian courts, that decide what practices are essential to fostering leadership and accomplishing the unique military mission.

I am hopeful that my colleagues in Congress will continue to stand with me to ensure the protection of our future military heroes and their first amendment rights.

And I must say, Mr. Speaker, in closing, to those nine members of the