

# LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on April 10, 2003. A day after taking part in the national Day of Silence to promote school safety for gay, lesbian, bisexual, and transgendered students, 16-year-old Caitlin Meuse was savagely attacked in Concord, MA. According to police, the attack may have been related to her participation in the event at her high school. Meuse had been struck by a blunt object such as a baseball bat or a tire iron. Knocked unconscious and bleeding from the head, Caitlin was found lying in the street by a neighbor near her home. She was held in intensive care at the hospital for 2 days and was treated for a head injury, missing front teeth, a fractured nose, deep cuts and severe facial swelling.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## PREVENT ALL CIGARETTE TRAFFICKING ACT OF 2003

Mr. KOHL. Mr. President, I rise today in support of the Prevent All Cigarette Trafficking Act, "PACT Act" of 2003. This legislation addressed the growing problem of cigarette smuggling, and the connection between these activities and terrorist funding. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, 10 cigarette smuggling cases were initiated in 1998. That has grown to approximately 160 in 2002.

Cigarette smuggling can be defined as the movement of cigarettes from low-tax areas to high-tax areas in order to avoid the payment of taxes when the cigarettes are resold. Smugglers buy cigarettes in low-tax States such as North Carolina and Kentucky, and drive or ship the product to high-tax States and sell them on the street, to convenience stores, or to conspirators without paying the required State taxes. Some smugglers affix fraudulent State tax stamps to make it appear they have paid the State taxes that are due. The profits for cigarettes smuggling can be enormous. In North Carolina, a pack of cigarettes is taxed 5 cents. In New York, the State tax is \$1.50 and in New York City, an additional \$1.50 a pack city tax is levied.

It is clear that cigarette trafficking is becoming a method of terrorist fi-

naning. In an investigation last month, the AFT arrested 17 individuals who are alleged to have smuggled more than \$20 million worth of cigarettes. The ring allegedly purchased cigarettes in Virginia, where the state tax is 3 cents and resold them in California without paying the California tax, which is 87 cents. In another recent investigation, the AFT disrupted a cigarette smuggling scheme between North Carolina and Michigan participants allegedly smuggled at least \$8 million worth of cigarettes and sent the proceeds to Hezbollah to support terrorist activities.

The Internet is contributing to the smuggling problem because many Internet cigarette retailers are not paying the required taxes when shipments are sent to buyers in various States. It is impossible to know what happens to these ill-gotten gains. Currently, there are hundreds of tobacco retailers on the Internet claiming to sell tax-free cigarettes. Several openly proclaim on their websites that they do not report internet tobacco sales to any State's tax administrator. This is a flagrant violation of the law in every State. A recent Government Accounting Office report advised that States will lose approximately \$1.5 billion in tax revenues by the year 2005 if the current state of Internet tobacco sales continues. More than ever, state governments need these tax dollars.

Compounding the problem, counterfeit cigarettes, on which smugglers have paid no taxes, are becoming more and more common. In 2001, the U.S. Customs Service made 24 seizures of counterfeit cigarettes. In 2002, they made 255 seizures. Phillip Morris estimates that 100 billion counterfeit cigarettes are produced in China alone.

The PACT Act will combat tobacco smuggling in a number of ways. First, in order to assist law enforcement and fight terrorism funding, this legislation will make violations of the Jenkins Act a felony thereby encouraging more investigations and prosecutions. The Jenkins Act, 18 U.S.C. 375, requires any person who sells and ships cigarettes across State lines to anyone other than a licensed distributor, to report the sale to the buyer's State tobacco tax administrator, thus allowing State and local governments to collect the taxes that are lawfully due. The current penalty for violating the Jenkins Act is a misdemeanor.

In my State of Wisconsin, in 2001, State authorities referred a Jenkins Act violation to the U.S. Attorney who said that this was a matter that should be handled administratively. However, Wisconsin and most States do not have remedies for these violations and they have little recourse against vendors.

This legislation also amends the Jenkins Act by explicitly expanding the definition of "sales" to include sales to a consumer via the mails, telephone, or the Internet. It will also require both sellers and shippers to submit the required reports, even when sales are to a

licensed distributor. Finally, the "PACT Act" will empower State Attorneys General, and persons holding a Federal permit to manufacture or import cigarettes, to bring civil actions in Federal court to restrain violations of the Jenkins Act and to seek civil damages for the losses they have incurred. This will allow State Attorneys General to stop violators of this Federal law from operating as well as recoup their tax losses.

The PACT Act also strengthens the Contraband Cigarette Trafficking Act ("CCTA"), 18 U.S.C. 2342, which makes it unlawful for any person to ship, transport, receive, possess, sell, distribute, or purchase contraband cigarettes. Under the CCTA, contraband cigarettes is defined as 60,000 cigarettes or more which bear no tax stamp. This legislation will lower the threshold from 60,000 to 10,000 in order for smuggled cigarettes to be considered "contraband," thereby allowing ATF to open more investigations and seek more Federal prosecutions of cigarette smugglers.

Finally, the PACT Act will grant ATF the ability to utilize funds earned during undercover operations to offset expenses that are incurred during those investigations. This will make the ATF's powers more comparable to those of other investigative agencies such as that the FBI and DEA, may use non-appropriated funds to make undercover purchases and pay other investigative expenses. ATF needs this authority in part because of the huge costs associated with purchasing tens of thousands of cigarettes in undercover investigations.

Cigarette smuggling is increasing and must be addressed. Enhancing the criminal laws to reduce cigarette smuggling will help deny terrorists a needed source of funding and help our States collect their revenue.

## ADDITIONAL STATEMENTS

### HONORING THE GIRL SCOUTS WHO HAVE RECEIVED THE SILVER AND GOLD AWARDS

• Mr. CHAFEE. Mr. President, I rise today to honor the Girl Scouts in Rhode Island who have received the Silver and Gold Awards for 2002.

I praise all of the hard work the girls have done throughout the year to receive their respective awards.

Mr. Girl Scout Gold Award is the highest and most prestigious award a girl can earn in girl scouting. A girl who has earned the Girl Scout Gold Award can look forward to greater access to college scholarships, paid internships, and community awards.

I ask that the list of the girls receiving the awards be printed in the RECORD.

The list follows.

#### GOLD AWARD RECIPIENTS

Allison Arden, Erin Blackbird, Stephanie Bobola, Laura Cochran, Rachel Cooper,

Marie De Noia, Jillian Dean, Kellie Deschene, Mary Dolan, Feliscia Facenda, Amanda Fandetti, Sarah Gautreau, Milena Gianfrancesco, and Melissa Gibb.

Allison Gibbs, Rachel Glidden, Heather Hopkins, Kimberly McCarthy, Meghan McDermott, Maria Ousterhout, Jessica Piemonte, Brittany Rousseau, Martha Seeger, Brittany Smith, Meredith Uhl, Clara Weinstock, April Whiting, and Stacia Wierzbicki.

#### SILVER AWARD RECIPIENTS

Jenna Alessandro, Danielle Almeida, Ludovica Almeida, Whitney Anderson, Heather Arzoomanian, Lauren Asermely, Amanda Ayraassran, Ashley Badeau, Rebecca Bessette, Lauren Bray, Caroline Canning, Sara Caron, Julie Correia, Gina Cosimano, Meagan Covino, Kara Creelman, Katherine Crossley, Amanda Crough, Shaina Curran, Jacqueline Cyr, Brenna De Cotis, and Justine De Cotis.

Danielle Dube, Katie Flynn, Lauren Gainor, Sarah Gardner, Christa Gignac, Julie Gillard, Kristen Girard, Jennifer Gregson, Julie Hall, Rebecca Hamel, Nicole Henderson, Lee Ann Hennessey, Hannah Hughes, Cailiin Humphreys, Alex Innocenti, Meaghan Kennedy, Alexandra Klara, Keeley Klitz, Elizabeth Kubiak, Emily Lonardo, Christina Lorenzo, and Sarah Lozy.

Jessica Martin, Lauren McCormick, Molly McKeen, Kasie McMahon, Peggy McQuaid, Amanda Mitchell, Ashley Mitchell, Ashley Mogayzel, Danielle Morin, Danielle Mott, Amy Mullen, Miranda Nero, Shaina O'Malley, Diana Otto, Lauren Palmer, Brianna Petty, Hanna Phelan, Ashley Pincins, Stephanie Pitassi, Brittany Pope, Allison Powell, and Amanda Ricci.

Genie Rudolph, Lauren Ruggieri, Laura Saltzman, Kara Schnabel, Amanda Shurtleff, Katelyn Singleton, Molly Smith, Kirsten Stickel, Katherine Swiczewicz, Molly Tierney, Andrea Tomasso, Lauren Turgeon, Marissa Varin, Kayla Wall, Christina Washington, Kayla Wilcox, Katie Williams, Jessica Woolmington, Taylor Woolmington, Amanda Wordell, Jessica Wordell.●

#### HONORING QUINCY JONES

● Ms. CANTWELL. Mr. President, 2003 is the officially designated Year of the Blues. As we now look to music and the arts to guide us through trying times, it is an honor to pay tribute to an international monument to music: Quincy Delight Jones, Jr. and his passion for music education.

He is a veritable Renaissance Man, an orchestrator, arranger, conductor, composer, magazine publisher, executive, writer—and music, film and television producer. In his far-flung enterprises, he is the very modern model of a major music mogul. It will take another artist decades to approach his record 27 Grammy Awards and Kennedy Center Honors. And it can be said without exaggeration that the music of Quincy Jones is otherworldly: Apollo 11 astronaut Buzz Aldrin chose the Quincy Jones-Frank Sinatra rendition of “Fly Me to the Moon” as the first song to be played on lunar soil.

Quincy Jones's own musical odyssey began earnest in Seattle, where his family had moved to seek better job opportunities in the industrial boom of World War II America. Still trapped in poverty, Quincy and his brother broke into a Seattle recreation hall in search

of free meal, but stumbled upon an upright piano. Merely riffing on the ivory keys summoned pleasure in an instant. Playing the piano, he wrote later, enabled him to “hope and cope.”

Early on Quincy Jones could straddle styles of music—and the egos of musicians. In Seattle, as a student in integrated schools and a band member with Ray Charles playing gigs at black and white venues, he learned to gracefully balance the cusp between commerce and art. He is, as Duke Ellington would say, “beyond category.”

Quincy, says arranger Bill Mathieu, is “a culminator . . . his music contains nearly everything of value that has been done before.” He was—and is—an innovator, able as Washington University Professor Gerald Early wrote, to shape the world artistically, breaking down barriers and moving across boundaries. “Jones has become a virtual epoch in American popular cultural history, a person of such importance and achievement that is difficult to imagine the era without him.”

His greatest contribution to our times may be as a passionate proselytizer for music education in the classroom. Half a century ago, in his first forays abroad, Quincy made the startling discovery that people around the globe knew and cherished American music—sometimes more than American themselves did. So in his early twenties, even as he was inventing new music, he made it his mission to teach and preserve the legacy of our musical heritage.

Music consists of only 12 notes, yet in its infinite varieties it beguiles, bewitches and beckons us. It can, as Leonard Bernstein observed, name the unnamable and communicate the unknowable. Music not only entertains and uplifts—it edifies and empowers. To know the history of American music is to grasp the history of America.

Duke Ellington divided the entire musical opus into two categories: Good and Bad. Thomas Jefferson, perhaps the most lyrical of the founding fathers and himself a composer, believed not only in public education, but that music and musical training was an essential component of good citizenship.

President John F. Kennedy knew that arts were good for the nation, good for the soul. “The life of the arts far from being an interruption, a distraction, in the life of a nation, is close to the center of a nation's purpose—and is a test of the quality of a nation's civilization.”

Widely lauded children's television programming such as Sesame Street and Mr. Roger's Neighborhood have long discovered that the lessons of learning and of life are best realized when music is attached to them. As the late, beloved Fred Rogers often claimed about his early piano playing, “By the time I was five-years-old, I could laugh or be very angry through the ends of my fingers.”

“If you don't get kids in kindergarten” cautions Fred Anton, the CEO

of Warner Bros. Publications, “you won't get them later in high school. If you can reach children when they are young, music will stay with them forever.” To that end, Warner Bros. has spent four years bringing together pioneers in music, linguistics, the sciences and fine arts and asked them to reinvent music education. Music education, from pre-K through high school, benefits everyone, says Anton, not just future virtuosos: “You are going to develop critical thinking skills and better team players. And this won't be the dreary music programs of 20 or 40 years ago. This is for today's kids.”

A classic musical piece such as “Follow the Drinking Gourd” incorporates the new thinking. Children learn that in the Civil War era slaves sang code songs to each other, passing along messages of where to escape and find safe houses. The Drinking Gourd was the North Star. By teaching the kids the story—the “Behind the Music” vignette—it brings them into the song, while at the same time teaches impart lessons in history, social studies, and even astronomy.

Whether a genius such as Quincy Jones or an enthusiastic student embracing early violin lessons, artists at all levels savor the undiluted joy of the musical mind. It is the flow experience, where passion and precision unite, and one loses track of time and space. In a musical mode, dreamers dream and the impossible seems possible.

Music stirs our creative impulses—and it invariably contributes to our math, linguistic and science learning. The most ardent champion of music education today would indubitably be Albert Einstein. When asked about the theory of relativity, he explained, “It occurred to me by intuition, and music was the driving force behind that intuition. My discovery was the result of musical perception.”

Harvard University's Dr. Howard Gardner, whose landmark research in Mind Intelligences was first published 20 years ago, asserts that all of us are gifted with music in the brain, an intelligence that when tapped—especially when we are young—generates bountiful lifetime rewards in all of our other academic and social endeavors.

We have empirical data linking music education to higher test scores, lower school dropout rates, higher cognitive skills and an increased ability for students to analyze and evaluate information. A University of California School for Medicine San Francisco paper concluded that learning to play an instrument “refines the development of the brain and entire neuromuscular system.”

Other brain research contends that music and arts activities develop the intellect, lead to higher test results in mathematics, science and history and strengthens synapses and spatial reasoning in all brain systems.

Students exposed to music education are more disciplined, dexterous, coordinated, creative and self-assured. They