

by the way was one of the first attorneys general to successfully sue the tobacco companies, came to me with this problem: gray marketers have been flooding the State of Florida and other States with cigarettes that skirt the tobacco master settlement agreement.

Loopholes in the Federal law allow gray market cigarettes to enter the country without paying the higher taxes imposed by the master settlement agreement. General Butterworth estimates that the State of Florida alone, just in the State of Florida, will lose \$100 million.

Now, I have to tell my colleagues my guess is we could have 434 other folks get up here from all 50 States and talk about these same kinds of monies that are going to be lost.

What are these monies being used for? They are being used for exactly what the settlement was intended. They are to stop teenage smoking, to help with the health and welfare of these constituencies.

Now, I do not want to have an argument with the gentleman from Texas (Mr. DOGGETT) because you know what, we agree. Maybe the black market issue needs to be addressed. But right now, in this bill, at this time, with a compromise and with consensus from the Senate and the House, this is the part of the piece of legislation that we believe takes the right step.

I think our attorneys general agree with us because they have sent letters. We have all of our State legislatures, 44 of who also have passed legislation.

So I would just say that I believe that, while we still have black market out there, this particular part of this bill needs to be passed. We need to do it for the welfare and health of our constituents.

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

Mr. KLECZKA. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's courtesy in yielding me this time.

Madam Speaker, there is an important element in this bill that I would like to express my appreciation to the gentleman from Illinois (Chairman CRANE); to the gentleman from Texas (Chairman ARCHER); the gentleman from New York (Mr. RANGEL), ranking member; the gentleman from Michigan (Mr. LEVIN); and the staff on both sides of the aisle for dealing with something that actually would penalize good corporate environmental leadership on the part of American companies.

One of the reasons we have been interested in the opportunities for freer trade for American enterprise is an opportunity to extend American environmental standards and expertise around the world.

In my State of Oregon, we have a homegrown shoe company that is now the largest in the world, Nike. It is not just the largest shoe company in the world, but it has developed into a sig-

nificant leader in environmental standards.

For example, in all the factories in which Nike does business around the world, they meet OSHA U.S. air quality standards. They also have developed a fascinating approach to recycling shoes. They call it Reuse a Shoe, where they recycle them instead of landfilling them.

But this company was faced with a bizarre and I think counterproductive interpretation by the U.S. Customs Service because they were going to be penalized for recycling the shoes and giving them away to charity as opposed to simply throwing them in the landfill.

The provisions of the U.S. Customs Law allows companies to get the Customs duty drawback if it is destroyed to the extent that the product has no commercial value. Unfortunately, the Customs Service interpreted that so narrowly that Nike would have been penalized for this Reuse a Shoe program where they grind it up, they make playgrounds for underserved inner-city youth.

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In fact, the track at the White House is used of this recycled material.

I firmly believe that the Customs Service could and should have interpreted the provisions that the product has no commercial value to cover this, because clearly Nike was not benefiting. In fact, it was costing them money to be a good environmental steward, but they thought it was the right thing to do.

I really appreciate the committee's placing a provision in this bill that made clear that a company that is a good environmental steward, that is recycling, is not going to be penalized. I would like to express my appreciation to the committee and the staff for making that adjustment.

Mr. KLECZKA. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CRANE. Madam Speaker, I yield myself such time as I may consume.

I appreciate profoundly the bipartisan support that we have for this legislation and would urge all of my colleagues to support H. Res. 644.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and agree to the resolution, House Resolution 644.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 1109, BEAR PROTECTION ACT OF 2000

Mr. CRANE. Madam Speaker, I rise to a question of the privileges of the House.

Madam Speaker, I offer a privileged resolution (H. Res. 645) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 645

*Resolved*, That the bill of the Senate (S. 1109) entitled the "Bear Protection Act of 2000", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Illinois (Mr. CRANE) and the gentleman from Wisconsin (Mr. KLECZKA) will each control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this resolution is necessary to return to the Senate the bill S. 1109 because it contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. S. 1109 would create a new basis for applying import restrictions and, therefore, violates this constitutional requirement.

S. 1109 prohibits the sale, import and export of bear viscera or any product, item, substance containing, or labeled or advertised as containing, bear viscera. The legislation passed by the other body would have the effect of creating a new basis and mechanism for applying import restrictions. The provision would have a direct effect on tariff revenues. The proposed change in our import laws is a revenue-affecting infringement on the prerogatives of the House, which constitutes a revenue measure in the constitutional sense. Therefore, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. For example, on February 25, 1992, the House returned to the Senate S. 884, requiring the President to impose sanctions, including import restrictions, against countries that failed to eliminate large-scale driftnet fishing. On April 16, 1996, the House returned to the Senate S. 1463, amending the definition of industry under the Safeguard Law with respect to investigations involving the import of perishable agricultural products. Again on October 15, 1998, the House returned to the Senate S. 361, prohibiting the import of products containing, or labeled as containing, any substance derived from rhinoceros or tiger.

I want to emphasize that this action does not constitute a rejection of the Senate bill on its merits. S. 1109, however, was passed by the other body as a free-standing bill in contravention to the constitutional requirement that revenue measures originate in the House of Representatives.

Accordingly, the proposed action today is purely procedural in nature and is necessary to preserve the prerogatives of the House to originate revenue matters. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

Madam Speaker, I reserve the balance of my time.

Mr. KLECZKA. Madam Speaker, I yield myself such time as I may consume to simply say that I support the resolution and concur with the remarks of the gentleman from Illinois.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CRANE. Madam Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### ACCOMPLISHMENTS FOR AMERICA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, as the 106th Congress comes to a close, I would like to highlight the achievements of this Republican Congress, achievements which I think make a difference in the lives of millions of Americans.

This Republican Congress is paying down the national debt, boosting education funding, and providing prescription drug coverage for millions of seniors, just to name a few of its significant accomplishments.

To expand on these, Madam Speaker, we reduced the national debt by more than \$500 billion, that is half a trillion dollars, and devoted 100 percent of the Social Security and Medicare Trust Funds to strengthen retirement security.

Also, Republicans increased funding for education by more than \$2 billion over the last year. We have given parents and local school officials, not Washington bureaucrats, more control over Federal education dollars.

Madam Speaker, we have also worked to ensure that in America no senior has to choose between putting food on the table and medicine in the cabinet. Our Republican \$40 billion plan establishes a voluntary, affordable prescription drug benefit that is available to every senior.

I am confident that history will be as good to this Republican-led Congress as we have been to the American people.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### TRIBUTE TO GAIL WEISS

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

Mr. CLAY. Madam Speaker, my colleagues are all aware of my pending departure at the end of this Congress. Since my announcement, not a day has gone by without someone wishing me their best or an organization or a university giving me a tribute in acknowledgment of my commitment to their causes.

For 32 years, I have served in this body representing the people of Missouri, but Madam Speaker, there is another person who has served beside me for those 32 years and will also leave this House at the end of this session. She was never elected to this body, never placed her signature on the corner of any bill that was placed in the hopper, but she has had a great impact on the proceedings of this House. That person, Madam Speaker, is Gail Weiss, the Democratic staff director of the Committee on Education and the Workforce.

At the end of the Johnson administration, she was a young legislative liaison in the office of Economic Development who chose not to stay on for the new Nixon administration. I was a new Member in need of a legislative assistant who knew the issues of my committee assignment, education and labor. Gail came to work for me, and other than for a brief sabbatical to live in London working for a British member of parliament, she has been at my side for the entire 32 years.

After a few years in my personal office, she additionally has assisted me on the Education and Labor staff, then the Post Office and Civil Service staff, where she became the queen of amending the Hatch Act. For 20 years, she carried the torch to grant political rights to Federal and postal workers, and finally stood proudly by my side as President Clinton signed my bill into law allowing for those rights. This was shortly after she stood by my side as President Clinton signed his first bill into law, another piece of Clay legislation that Gail helped to enact, the Family and Medical Leave Act.

As the last staff director of the Post Office and Civil Service Committee, she turned out the lights after my colleagues from the majority abolished that committee. She did so with a smile and the resolve that showed she was dedicated to serving this House. No

words or phrases could tear down the commitment she had to help fight to improve the lives of working families and to raise the standard of living for the less fortunate among us.

Dedication and commitment are words often bantered about in tributes to Members of this House, but rarely have words so aptly described a staff member. Gail's demeanor has always been predicated upon hard work. Ask any of her colleagues to describe her, and they will always say fair, frank, honest, and hard working. She lived by the motto of never asking anyone to do anything that she would not do. There is no doubt about her toughness, her tenacity, and her frank New York mannerisms. But at the end of the battle, she always has a smile on her face.

When our party lost control of this House, many wondered how we could protect the ideals and philosophy that we were committed to. Gail helped to find a way to do just that. When I informed her that we would lose 75 percent of the staff we had operated with, she just smiled and thought of how we could get jobs for those who were leaving.

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So I am very fortunate that Gail has been committed to my legislative ideas. We all are blessed by the dedication of great staff members. But 32 years, 16 Congresses is a tenure of service rarely achieved. There are few legislative times that have served as long as Gail.

I once said that she was my fair lady. But she is one of the fairest ladies to have graced this House. I ask that my colleagues join me in expressing our thanks, appreciation, and admiration for her service, loyalty, and friendship. Because of her presence, my service in this House, in this Congress, has been for the better.

So, Madam Speaker, I thank Gail, my fair lady, for helping to make that possible.

#### GENERAL LEAVE

Ms. PRYCE of Ohio. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

#### RETIREMENT OF HON. TILLIE FOWLER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. PRYCE) is recognized for 5 minutes.

Ms. PRYCE of Ohio. Madam Speaker, I rise now to honor one of our colleagues who will be sorely missed next year in the United States House of Representatives, my good friend, the