INTRODUCTION OF THE ''PROTECT AMERICAN JOBS THROUGH THE FOREIGN TRADE ANTITRUST IMPROVEMENTS AMENDMENTS ACT OF 1998''

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. CONYERS. Mr. Speaker, I am pleased to join with my colleagues, Judiciary Committee Chairman Henry Hyde, and Commerce Committee Ranking Member John Dingell, in introducing today the ''Protect American Jobs Through the Foreign Trade Antitrust Improvements Amendments Act of 1998.'' This bill clarifies one of our most important U.S. antitrust laws in order to enshrine the principle that U.S. law reaches anti-competitive foreign cartels, acts, and conspiracies designed to unfairly exclude American products from overseas markets. The principal aim of my bill is to codify the U.S. Department of Justice's current and correct interpretation of the Foreign Trade Antitrust Improvements Act (''FTAIA'') which is embodied in footnote 62 of the International Antitrust Guidelines. The footnote makes it clear that there are no unnecessary jurisdictional or legal roadblocks to challenging anti-competitive acts and conspiracies that take place outside our borders.

We live in an era of economic globalization. Today, America's prosperity depends, not just on vigorous competition within our territorial borders, but on free and fair access to markets in Japan, Europe, Africa, Latin America, China, Russia, and a host of other countries. Anti-competitive practices that block foreign markets to U.S. exporters are just as much a threat to the U.S. economy, as the purely domestic cartels and combinations that the Sherman Act sought to address at the turn of the century.

The opening of global markets has advanced America's current economic prosperity, but it also poses fundamental challenges for U.S. antitrust laws. One example is the U.S. flat glass industry. For the better part of a decade, America's leading flat glass producers have been seeking access to the Japanese market, the biggest and richest in Asia. This isn't a situation where America doesn't have a good product. American companies are leaders in producing and selling high-quality innovative glass products around the world; and in fact, have succeeded in Europe, Asia, the Middle East, Latin America, but not Japan. The fact is that securing distribution effective channels for American glass products has not proved to be a significant barrier to entry in any country but Japan.

My bill aims to address this situation by making an important clarification in the U.S. antitrust laws that govern jurisdiction over foreign firms. It does not change U.S. antitrust law. Instead, it is designed to codify and clarify U.S. antitrust doctrine. Although most observers would agree that the FTAIA established conclusively that DOJ and U.S. firms have jurisdiction to bring an antitrust case against foreign firms engaged in anti-competitive conduct that harms U.S. exporters, enforcement officials misinterpreted the law and said so in a footnote to the International Antitrust Guidelines. That footnote—Footnote 159—created a higher burden for U.S. exporters than Congress had intended by requiring that they show harm to U.S. consumers in order to get their day in court.

This bill would ensure that the will of Congress and the plain meaning of the FTAIA could never again be misconstrued by the federal antitrust agencies, a foreign litigant or a U.S. court. In doing so, it would assist in breaking down anti-competitive foreign barriers to U.S. exports.

While the correction to Footnote 159 was drafted by Assistant Attorney General Jim Rill in the Bush Administration, it has been fully endorsed by the Clinton Administration. I commend Assistant Attorney Generals Rill, Bingaman, and Klein for their strong leadership in strengthening international antitrust enforcement and for bringing cases under the authority of the FTAIA.

By clarifying the jurisdictional requirements of the FTAIA, I hope to encourage the Department of Justice and injured industries to make any necessary use of this important power by challenging cartels, such as those blocking distribution of U.S. products in the U.S. courts, before U.S. juries, under U.S. law.

My bill makes a simple and straightforward point. Anti-competitive foreign cartels and conspiracies are subject to the long-arm of U.S. antitrust law. Foreign producers can run . . . but they can't hide. The global economy may be a reality, but U.S. law applies fully to anti-competitive international cartels, combinations, and conspiracies.

This bill already has the support of industry leaders, including Kodak, PP&G Industries, and Guardian International Corporation, and the National Association of Manufacturers. I look forward to working with other interested parties to bring U.S. law into a new era of international economic globalization, and to ensure that American firms and workers have a timely and effective remedy against those who engage in anti-competitive acts designed to exclude American products or services from the international marketplace.

NAFTA=AMERICAN GHOST TOWNS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. LIPINSKI. Mr. Speaker, I rise today to highlight the inequity that NAFTA has created along the U.S.-Mexico border in Texas. As a recent New York Times article has shown, NAFTA has been a boon to the big companies, and to Mexican labor, but has created ghost towns in American border communities where vibrant, growing cities once burgeoned.

''This whole free-trade thing turned out to be for the big companies, not the little guy,'' Ricardo Grando, a manager at a Brownsville money exchange was quoted as saying in the Times article. For many in the border towns, NAFTA has not brought prosperity, like its supporters claimed, and border communities hoped for. With tariffs removed, workers in Brownsville, El Paso, Laredo, and other towns have watched their jobs walk across the borders to cities like Ciudad Juárez and Matamoros. In fact, Ciudad Juarez boasts a lower unemployment rate than its sister city El Paso.

Ciudad Jaurez's largest employers are corporations such as General Motors, Ford, and United Technologies, where average wages are $1.36. Compare this to the $7.71 for factory jobs in El Paso, when there are no jobs. The largest employers in El Paso are two schools and a military base. With lower wages just feet away, it is no wonder why companies take their operations across the border.

Mr. Speaker, NAFTA's ill effects can be seen along the U.S.-Mexican border. Just as I and other critics of NAFTA said in 1993, the cheap, unsafe labor markets in Mexico are too inviting to U.S. companies, and American workers are losing jobs by the thousands. Not only are jobs stolen in El Paso, but they are lost in major cities far away from the border, such as my hometown of Chicago. If we do not end this NAFTA injustice, NAFTA ghost towns will pop up all across America.

PANAMANIAN ELECTION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BALLENGER. Mr. Speaker, the Panamanian people are soon to encounter an important vote that may affect the future of their democracy. On August 30, Panama will hold a plebiscite to decide whether to amend the constitution to allow the current president, Ernesto Perez Ballardares, to run for a second term. The Panamanian people seem to have developed a stable democracy and I hope they understand that any change could be the beginning of a retreat from this democracy. I trust the Panamanian people will recognize the importance of this vote. In addition, I hope international election observers will help guarantee an honest vote.

TRIBUTE TO DR. JOHN H. BLOSSOM

HON. GEROGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Dr. John H. Blossom for his life long dedication and hard work in the health care arena. Mr. Blossom's care giving efforts in decentralized rural clinics has allowed other physicians to enter and start their own practice.

For nearly three decades, Dr. John H. Blossom has worked to establish physician training programs in rural clinics through his long-standing relationship with the University of California, San Francisco-Fresno Medical education program.

Dr. Blossom began training family practice residents in decentralized rural clinics. This idea of recruiting physicians to generally underserved areas worked well and has since been used in many other parts of the country.

Dr. Blossom first came to Fresno for training at Valley Medical Center and was appointed chief resident in 1974. Once he completed his residency training, Dr. Blossom became a medical director of a community health center in Mendota, a small rural town west of Fresno.

During the two years that he provided patient care services there, he introduced that

site to medical education, forging an alliance between the Fresno Family Practice and the Firebaugh-Mendota Health Center. This brought medical students from a variety of west coast medical schools.

Mr. Speaker, it is with great honor that I pay tribute to Dr. John H. Blossom. Dr. Blossom's life long dedication and hardwork in the health care arena has allowed other physicians to enter and start their own practice. I ask my Colleagues to join me in wishing Dr. Blossom many years of success.

GRATULACJE, POLISH LEGION OF AMERICAN VETERANS LADIES AUXILIARY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a group of people who are the embodiment of the American spirit of volunteering and selfless dedication to others. These people are the members of the Polish Legion of American Veterans Ladies Auxiliary. The objective of this group is to bring moral and material support to hospitalized veterans and aid widows and orphans of the Polish Legion of American Veterans. It is these wives, mothers, sisters, daughters, granddaughters and nieces of honorably discharged Veterans of the Armed Forces, who preserve the eminence and sanctity of American ideals.

On Saturday, August 22, 1998, Michigan will celebrate the Legion's 75th anniversary in Lansing. With members from 66 chapters throughout the nation, in attendance, this event will not only be a time to celebrate, but also a time to reflect. It will be a time in which both members and the community will come together and solemnize 75 years of community service and involvement.

The first chapter of the ''Ladies Legion'' of the American Veterans of Polish Extraction Association was formed, in Chicago Illinois in September 1920. It wasn't until 1931 that the Polish American Veterans held a Consolidating Convention in Cleveland. It was at that time Ohio formally adopted the name of Polish Legion Of American Veterans, U.S.A. An Auxiliary of the National Ladies Legion was also formally formed. The first official consolidated Ladies National Convention was held in 1932 in Hamtramck, Michigan, represented by 56 delegates from the several states where their membership originated.

Today membership in the Ladies Auxiliary continues to grow and new projects have been implemented. The Auxiliary provides service to U.S.O. centers (Detroit), the Aid to the Blind Program (Illinois), which includes braille flags, books to schools, American essay and poster contests for middle school students, financial aid and scholarships to students and Hospitalized Veterans Wheelchair Olympics, to name a few.

Mr. Speaker, PLAV Ladies Auxiliary has been working tirelessly for 75 years to improve the quality of the lives of others. Their efforts should not go unrewarded. Please join me today in congratulating the Ladies Legion on its 75th anniversary, and hoping they will enjoy countless more years into the future.

BLACK AMERICANS' RIGHT TO VOTE WILL NOT EXPIRE IN 2007

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. RANGEL. Mr. Speaker, I rise in commemoration of the thirty-third anniversary of the signing of the Voting Rights Act of 1965. On this day, it is fitting that we take the time to assure Black Americans that they will not lose their right to vote in 2007, contrary to a widespread rumor that has been circulating around the country.

To correct the misunderstanding of the Voting Rights Act, I am introducing in the CONGRESSIONAL RECORD an article that was featured in The New York Amsterdam News (July 16–July 22, 1998.

DON'T PANIC—YOUR RIGHT TO VOTE WILL NOT EXPIRE

(By Charles B. Rangel)

I am writing to address a widespread rumor that in the year 2007, Blacks will lose the right to vote. The recent editorial by Brandy Darling, ''Blacks' right to vote ends by the year 2007,'' is the latest reinforcement of well-intentioned but frightening misinformation. There is no expiration date on African-Americans' voting rights. This right is provided and guaranteed by the 15th Amendment to the U.S. Constitution.

The confusion is due to a misunderstanding of the Voting Rights Act. First enacted in 1965, the law removed the infamous barriers that had been systematically imposed to prevent Blacks from voting for nearly a century, despite the mandate of the 15th Amendment. Among those forbidden practices were the imposition of poll taxes and literacy tests, not to mention the threat of violence.

While some provisions of the Voting Rights Act will expire in the year 2007, the most important protections of African-American voting rights will remain in place. The prohibition against racial discrimination in voting is permanent and is guaranteed in the 15th Amendment. Prohibitions against poll taxes, literacy tests and the like have no expiration date. Technically these protections could be removed by amending the law, but that would provoke a monumental battle.

Certain provisions in the Voting Rights Act will expire in 2007 with serious implications for non-English speaking citizens and for the election of minority office holders.

States or political subdivisions with significant numbers of non-English speaking citizens would no longer be required to provide bilingual services to eligible voters. If not corrected, this could minimize the growing political strength of Hispanics.

The growth in number of minority elected officials could also be affected by the expiring administrative provisions of the act. It includes the requirement for preclearance of election observers. This provision does not guarantee election of minorities. Rather, it prevents jurisdictions with a history of discrimination and racial polarization from manipulating the electoral systems to render the Black vote ineffective.

Although African-Americans were granted the right to vote in 1870 with the passage of the 15th Amendment the legal and illegal measures which many southern states used to prevent Blacks from voting resulted in the exclusion of most African-American citizens from voting for nearly a century. In response, in 1965, Congress passed the first Voting Rights Act.

Generally, the Voting Rights Act was first applied to any stake or political jurisdiction that used tests or other devices as a condition for voter registration. The law was amended by Congress in 1970, 1975, 1982 and 1992 to expand coverage beyond the southern states and to apply to non-English speaking citizens. There is no truth to the claim that the extension of the Voting Rights Act requires ratification by the states. To be renewed, only a vote by Congress is required.

Soon after emancipation from slavery, Blacks earned the right to vote. This victory did not come easily. African-Americans were subjected to fraud, violence (including murder) and other unsavory tactics as a means to stop them from voting. Over the years, Blacks have sacrificed unduly for the right to vote. No one should ever have to experience such threats. That is why it is extremely important for African-Americans to continue to monitor potential threats to their right to vote.

We must be mindful of the fact that most of the gains made over the years have resulted from political activism. On the other hand, many of the losses that we are now experiencing stem from political apathy. In the 1996 presidential election, approximately 51 percent of African-Americans voted. To look at it another way, almost half of the eligible African-Americans voters did not vote in the last presidential election. If there are 40 African-American members in the U.S. Congress using a little over half of the voting power, imagine what can be done if all Black Americans participated in the political process.

Black America is under attack. Affirmative action is being dismantled; Black churches are burning; racial hate crimes are on the rise; public schools are crumbling; and young Black men are filling the jails. These are reasons why we must fight back politically. And the struggle cannot end there. There is a serious need for improvements in education and training, affordable housing and increased job opportunities. Blacks must be prepared to compete in a global technological society.

Although the rumors over the Voting Rights Act are not true, the concern is real. Blacks are not in danger of losing the right to vote. However, the political power of African-Americans is being diluted. There is a need to monitor political threats and to inform the president and Congress of your concerns.

EXECUTION OF BAHA'I IN IRAN—PERSECUTION OF MINORITY RELIGIONS CONTINUES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. PORTER. Mr. Speaker, it was with cautious hope that we observed last year the election of a ''moderate'' leader of Iran and the first tentative signs that the government of Iran might be willing to rejoin the community of nations. Iranian President Mohammed Khatami addressed the American people and expressed his dedication to the principles of freedom, justice, and the rule of law for all Iranians. Unfortunately, it appears that Iran's hardliners, led by Ayatollah Khomenni, remain committed to keeping Iran a pariah state and are apparently using Iran's largest religious minority, the Baha'is, to send a rebuke to both the moderates in Iran and to the international community.