

Mr. Speaker, several years ago when my father died, I found the words of Angelo Patri, the American educator and columnist very comforting. He said, "in one sense there is no death. You will always feel her life touching yours, her voice speaking to you, her spirit looking out other eyes, talking to you in the familiar things she touched, worked with, loved as familiar friends. She lives on in your life and in the lives of all others who knew her."

Jean's passing will truly be a loss to our country and our students. My thoughts and prayers go out to Jean's husband, John, as well their family and friends. She has left behind many who respected and admired her, and her absence will certainly be felt by all.

BLACK LUNG BENEFITS SURVIVORS EQUITY ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1999

Mr. RAHALL. Mr. Speaker, today I am introducing legislation aimed at providing equity in the treatment of benefits for eligible survivors of recipients of black lung benefits. In past Congresses, I have introduced legislation to make more comprehensive reforms to the federal black lung benefits program in an effort to make it more responsive to those who suffer from this crippling disease. However, in light of a pending Labor Department rulemaking in this area, I am withholding the introduction of that comprehensive bill at this time. In this regard, I believe that some comity is in order as we wait the promulgation of final rules under that proceeding. In the interim, the bill I am introducing today is very limited in scope.

In 1981, Congress amended the Black Lung Benefits Act in several respects. Facing insolvency, at the time the driving motivation for the legislation was to shore up the Black Lung Disability Trust Fund through which benefit payments are made to beneficiaries where mine employment terminated prior to 1970, or where no mine operator can be assigned liability. Through a variety of measures, solvency was restored as a result of those 1981 amendments which had the support of the United Mine Workers of America as well as most of the coal industry. Yet, one provision of the 1981 Act in particular was most troublesome. This provision involved the treatment of surviving spouses of deceased coal miner beneficiaries and the manner by which they could continue to receive black lung benefits.

As it now stands, due to the 1981 amendments, there is a dual and inequitable standard governing how benefits are handled for surviving spouses of deceased beneficiaries. In the event a beneficiary died prior to January 1, 1982—the effective date of the 1981 Act—benefits continued uninterrupted to the surviving spouse. However, if the beneficiary dies after January 1, 1982, the surviving spouse must file a new claim in order to try to continue receiving the benefits and must prove that the miner died as a result of black lung disease despite the fact that the miner was already deemed eligible to receive benefits prior to death. This is illogical, unfair and outright insane.

The legislation I am introducing today simply removes the requirement that a surviving

spouse must refile a claim in order to continue receiving benefits. It provides for equitable treatment and recognizes that since the Black Lung Trust Fund is very solvent, there is no need to penalize beneficiaries any further.

SEATS BELTS ON SCHOOL BUSES

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to reintroduce legislation to require seat belts on school buses. My bill would prohibit the manufacture, sale, delivery, or importation of school buses that do not have seat belts, and impose civil penalties for those that do not comply.

The children of this country deserve safe transportation to and from school, and their parents deserve peace of mind. My fellow colleagues, we have the responsibility to do all we can to give it to them.

Since 1985, nearly 1,500 people have died in school bus-related crashes. School bus occupants accounted for 11 percent of these deaths.

Every year, approximately 394,000 public school buses travel about 4.3 billion miles to transport 23.5 million children to and from school-related activities. These numbers argue for the highest level of safety we can provide. I believe my bill is a step in the right direction.

I urge my colleagues to also support this important legislation, which has been endorsed by the American Medical Association and the American College of Emergency Physicians.

New Jersey and New York are the only two states that have school bus seat belt laws, but only New Jersey makes their use mandatory and enforces the law statewide. A New Jersey study concluded that despite the relative safety of school buses, they could be made safer. I agree, and so did the AMA when it wrote me, "We believe that, if enacted, your bill would provide millions of American school children with the same basic safeguard which has long been mandatory in all automobiles."

We must work together, at the local, State, and Federal level to prevent school bus injuries.

THREE NORTH CAROLINIANS HONOR FORGOTTEN AMERICAN HERO

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1999

Mr. ETHERIDGE. Mr. Speaker, so often the brave men and women who fought on the front lines of American wars are forgotten by our government and ignored in our society. People who risked everything to preserve our freedom now make up a significant portion of the homeless population, languish in hospital suffering from multiple disorders, and are laid to rest without the honors they have rightly earned. I rise today to honor three strong North Carolinians who fought to ensure that such a veteran received a proper burial.

Robert Joseph Burke, known around his community as Sarge, was a highly decorated,

but down on his luck, veteran of the Korean War who passed away on November 5, 1998 in an apartment fire. His body laid unclaimed for weeks, the victim of government bureaucracy, until Dennis Rogers, a journalist for Raleigh's *The News & Observer*, learned of his plight from Mr. Burke's friends at the Scramble Dog Inn, his local hangout. Debbie Jernigan, the owner, had helped him over the years with food and medical care and was there with him the night he died from his burns. Mr. Rogers contacted a member of my staff, Miyoshi Jones for help. Ms. Jones worked untiringly fighting the bureaucratic red tape that held his remains hostage, and her efforts resulted in Mr. Burke's burial at the Sandhills Veterans Cemetery at Fort Bragg.

I would like to enter into the record two articles written by Mr. Rogers that beautifully articulate the story of the valiant efforts of these brave North Carolinians to honor the memory of one of America's heroes.

[*News & Observer*, December 23, 1998]

DENNIS ROGERS: LIFE'S LESSONS, PART ONE

Every day at 2 p.m., Robert Joseph Burke would come through the doors of the Scramble Dog Inn on Western Boulevard. The bartender didn't have to ask: a hot beer and a bottle of Texas Pete on the side.

He'd leave about dark, easing his way to his nearby apartment. There he'd try again to chase the memories away with cheap wine.

The cops say he was drunk Nov. 5 when he fell asleep in his apartment with a cigarette in his hand. They took him to the burn center in Chapel Hill, but he died the next day.

He was 68.

He was also a pain in the neck, a hopeless flirt and a proud man who once was a hero. Oh my, the stories he could weave of those days when he was a kid from Brooklyn, back when he was a soldier and young and sober.

He liked to be called Sarge.

"You'd sit there all day and listen to his stories," said Debbie Jernigan, his friend and the owner of the Scramble Dog. "There was so much kindness in him. And so much bull."

But barroom war stories don't earn you the Silver Star for heroism. Or the Bronze Star, either. His military records say he once wore them both, along with the two Purple Hearts he earned for being twice wounded in combat in Korea. And there was his Combat Infantryman Badge and his Ranger insignia, solid proof that once this tale-telling old man was as tough as a cob, and brave, too.

That could be the end of this story, I guess.

But a remarkable thing happened when Sarge died. He may have lived his later years as a forgotten man from a forgotten war, a barely taking up space, talking to anyone who'd listen and killing himself one beer and one cigarette at a time in a roadside tavern. But because of two strong women, he did not go quietly into that long, long night. Not Sarge.

The first is Debbie Jernigan, the den mother of the Scramble Dog crew. She is the best friend a down-and-outer ever had. She had turned the old bar that opened in 1956 into a working-class refuge, a place to see a friendly face smile when the real world turned mean and cold.

She is quick to give others the credit, but they know what she's done for them, how she nagged and mothered and fed them and paid for a cab to take them home on those nights when the beer and good times got too good. That's why they felt such a loss when the Dog burned to the ground earlier this year.

"We took care of each other there," Debbie said. "We took up collections or held cookouts or poker runs. We tried to help people

stand on their feet and get back a little of their pride.

"Sarge was living in an old pickup truck behind the bar when we first got to know him. When the people in the bar found out he was homeless, they chipped in and bought him a tent."

Sarge proudly moved his new tent to the woods behind the Scramble Dog where, of course, he set it on fire with his hard drinking and endless smoking.

"You know what he did then?" Debbie asks. "His false teeth had been burned in the fire and he brought them to me and asked me to clean them. Can you believe that?"

Well, yes, because it wasn't the last time Sarge would test Debbie's patience.

Look for the rest of the story in this space Friday.

[News & Observer, December 25, 1998]

DENNIS ROGERS: FINALLY, A FAREWELL FOR SARGE

Robert Joseph Burke died in an apartment fire Nov. 5, just another old man who went to sleep with a cigarette in his hand.

Sarge, as he liked to be called, spent his days drinking at the Scramble Dog Inn on Western Boulevard and telling war stories that few people took seriously.

But the stories were true and he had the medals to back them up: the Silver Star, the Bronze Star and two Purple Hearts that proved he was everything he said, a combat-tested Ranger who fought bravely in Korea.

"He was a sweet old man," said Debbie Jernigan, the bar owner who had befriended him. "There was so much kindness in him. And so much bull."

"I had to ban him from the bar several times. He just would not leave the women who came in there alone. I wouldn't put up with mess. But when I'd throw him out, he'd go stand across the street and look at the front door like a sad puppy. I was hard on him sometimes, but he needed that."

Debbie let Sarge eat free when the bar had a charity cookout. She got him medical care. Once she learned that his war stories were true, she fought with the Veterans Administration to get him help. And when he died, she held his hand to help him through the last dark night of his life.

Sarge was dead. But other than Debbie and those who were his family at the bar, nobody seemed to care. His body was taken to the medical examiner's office in Chapel Hill, where it lay unclaimed for several weeks. Desperate, his friend Jerry Rengler called me for help.

I tried, but the bureaucracy would not be moved. That's just terrible, one suit after another said, and then came up with reasons why it was always someone else's responsibility.

Then came Myoshi Jones, who works for Rep. Bob Etheridge of the 2nd district. When I couldn't find anyone in government willing to do the right thing, I did what thousands do every day: I called my congressman. Myoshi, who works in Etheridge's Durham office, was assigned the case.

Standing maybe 5 feet tall and weighing about 100 pounds, she took on the entire government and it was not a fair fight. As a government official said of her later. "Who is that woman? She's chewing on people from one end of town to the other."

"They made me mad," Myoshi said. "They weren't treating that man right. I'm from a military family, and I'm sensitive to veteran issues."

The battle took a month, but on Monday, six weeks after he died, Robert Joseph Burke, American soldier and bona fide hero, was laid to rest in the Sandhills Veterans Cemetery at Fort Bragg. He was interred with the quiet dignity and honor he was due.

Rep. Etheridge, in the classiest move I've seen a congressman make lately, was there to pay his respects. When the brief service was over, Rengler accepted the flag that had covered his remains. He presented it to Myoshi Jones for her untiring efforts.

To all who helped, like Lois Raver, veterans service officer for Orange County, and my neighbor Alex Lee, who took care of the funeral arrangements, my gratitude. Thanks to you, an old soldier, almost forgotten by the nation he served so valiantly, is finally at rest with his comrades.

INTRODUCTION OF THE PROTECT AMERICAN JOBS THROUGH THE FOREIGN TRADE ANTITRUST IMPROVEMENTS AMENDMENTS ACT OF 1999

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1999

Mr. CONYERS. Mr. Speaker, I am pleased to join with my colleague, Commerce Committee Ranking member JOHN DINGELL, in introducing today the "Protect American Jobs Through the Foreign Trade Antitrust Improvements Amendments Act of 1999." 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 principle aim of my bill is to codify the U.S. Department of Justice's current and correct interpretation of the Foreign Trade Anti-trust 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 intended by requiring that they show harm to U.S. consumers in order to get their day in court. The 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, Bingman, 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 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.

CELEBRATING THE PRINCIPLES OF KWANZAA—A TRIBUTE TO DR. E. ALMA FLAGG

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1999

Mr. PAYNE. Mr. Speaker, it gives me great pleasure to inform my colleagues of a special event and a special person. In the African American community Kwanzaa, a festive, non-religious celebration, is held reflecting upon our rich heritage. It begins on December 26 and lasts for seven days. Each day focuses on one of seven principles; unity, self-determination, collective work and responsibility,