

the administration does not succeed in implementing the sweeping new restrictions of the New York accords as a mere executive agreement. Defense Secretary William Cohen has already issued guidance to the Pentagon for compliance with the New York "demarkation" agreements on theater missile defenses, systems which were not even covered in the original ABM Treaty. The body which implements the ABM Treaty, the Standing Consultative Commission (SCC), will meet again in Geneva in September. Unless blocked by Congress, that meeting will approve a periodic five-year renewal of the 1972 ABM Treaty and take further steps to harden the New York ABM agreement into a fait accompli. Compounding the offense, the American delegation of the SCC is led by a man who has never received Senate confirmation.

Congress must insist that the White House stop the illegal implementation of the New York ABM agreement and submit it for the Senate's advice and consent in a timely fashion, using all the tools at its disposal if necessary. For example, Congress should amend the relevant appropriations bill to prohibit any funds for ABM treaty-related activities of the SCC until the Senate has had the chance to approve the new ABM package. The Senate can take legislative "hostages," denying confirmation to administration appointees until the White House keeps its promise to submit the new agreements.

The unprecedented refusal of a U.S. president to perform the most important functions of his office—provide for the common defense and uphold the law—confronts the American people with a stark moral and political dilemma. If we are to have no say through our representatives in Congress over policies that put our lives in jeopardy, can we claim any longer to be self-governing citizens of a constitutional republic? The Rumsfeld Commission has sounded a clear warning about the threat of ballistic missiles. But this warning tell us something else—we can no longer cling to the illusion that the character of our leaders doesn't count. If our leaders won't fulfill their most important moral and political responsibilities, then we the people must hold them accountable. The ancient Greeks believed that a man's character is his fate. The same may be said of nations.

POLITICAL VOTE AND A POLITICAL DEBATE ON A WOMAN'S RIGHT TO CHOOSE

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 23, 1998*

Mr. STARK. Mr. Speaker, I rise today to oppose the vote to override the President's veto of legislation passed by this Congress to criminalize a specific abortion procedure used in catastrophic pregnancies. Make no mistake about it, this is a political vote and a political debate—a debate fraught with inflammatory rhetoric and distorted facts.

The fact is, there is no medical procedure called a "partial birth abortion"—that's a name made up by opponents of choice to distort the issue. What we're talking about is a procedure used in late term catastrophic pregnancies, when the fetus has a horrible abnormality, or the pregnancy seriously threatens the mother's life or health.

The vote to override the President's veto of this bill is a blatant attempt to shelter the hy-

pocrisy of the abortion debate—that the strongest opponents of the right to choose also oppose programs promoting comprehensive sex education and birth control, which actually reduce unintended pregnancies. Instead, anti-choice Members of Congress would make access to family planning options more difficult, more dangerous, more expensive, and more humiliating. A vote to override the President's veto would threaten doctors with fines and imprisonment, and prevents not one teen pregnancy.

Doctors, not politicians, must decide what medical treatments are the best for these patients. Doctors use this procedure when they believe it is the safest way to end a pregnancy and leave the woman with the best chance to have a healthy baby in the future. Congress should not second-guess their medical judgment.

I ask my colleagues in the majority, who often express their disdain at the federal government's involvement in their personal lives, to oppose the veto override. It doesn't get more personal than this.

SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

SPEECH OF

**HON. JANE HARMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 23, 1998*

Ms. HARMAN. Mr. Speaker, as an original cosponsor of H.R. 1689, this day has been a long time coming.

I first want to commend the chairmen and ranking members of the relevant committees, as well as my friend and colleague, ANNA ESHOO, for their leadership.

Mr. Speaker, in 1995, Congress enacted, over the President's veto, the Securities Litigation Reform Act. This act limits the opportunities to bring abusive and frivolous class action suits—suits which divert precious financial resources from leading-edge high technology companies. The act continues protections for investors against genuine fraud, as it should, but protects forward-looking statements made by companies issuing nationally-traded securities from strike suits.

With "strike" suits in Federal courts less likely to succeed, a new venue has been increasingly used—State courts. Such suits potentially have the same chilling effect as those previously brought in Federal court—until today.

The measure before us, the Securities Litigation Uniform Standards Act, sets forth clear and uniform standards for bringing securities class actions under State law and would generally proscribe bringing a private class action suit involving 50 or more parties except in Federal court.

Mr. Speaker, enactment of this measure should complete an important reform initiated in 1995. Securities litigation needed reform. The future of our Nation's competitive advantage in the world lies in our ability to develop products and services that are on the leading edge of technology and research. The business ventures which undertake such activities are among the fastest growing sectors of our economy. Indeed, in many places in our country, including California's 36th District, they are the pride of our economy.

But if these business ventures are saddled by the costs and distractions of unwarranted lawsuits, filed when stock prices fluctuate for reasons often beyond the control of business management, the consequences are to chill economic growth. Despite the absence of wrongdoing by managers, corporations are essentially forced to pay large sums to avoid even larger expenses associated with their legal defense. The ultimate loser, of course, is the individual long-term investor whose share value was diminished as a result of these suits.

Mr. Speaker, let me assure my colleagues that the reform measure before us continues to protect investors. It recognizes the important role the private litigation system has played in maintaining the integrity of our capital markets. Yet, at the same time, the bill recognizes that forum shopping cannot be a new pathway for enterprising parties to gain new profits. The rights of the aggrieved investor to seek justice and restitution is maintained, while the opportunity to manipulate procedures to the detriment of the company and legitimate investors is hopefully ended.

The Securities Litigation Uniform Standards Act is supported by the Securities and Exchange Commission and the administration and I urge its support.

THE GROWING U.S. TRADE DEFICIT WITH CHINA AND JAPAN

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 24, 1998*

Mr. LIPINSKI. Mr. Speaker, I rise today to speak about our rapidly growing trade deficit with China and Japan and to strongly urge the Administration to take stronger measures to lower foreign trade barriers to American goods and services.

China and Japan are this nation's largest deficit trading partners. In 1997, our respective trade deficits with China and Japan were \$53 billion and \$58.6 billion. That's a combined deficit of over \$110 billion. Needless to say, but nevertheless an important issue to emphasize, the massive trade deficits with Japan and China costs us billions of dollars of exports and tens of thousands—even hundreds of thousands of jobs.

The Administration bears a large part of the blame by deferring to our deficit trading partners during negotiations instead of being more aggressive in promoting fair trade agreements that advance the interests of American workers. It's not as if the Administration does not have the tools to force foreign nations to open up their markets. They do. Section 301 of the Trade Act of 1974 comes to mind. It just seems to me that they lack the will and initiative. Do they even care about the great American middle class, or are they just pandering for political posturing?

I strongly believe with all of my heart that the Administration can do more to open up foreign markets, especially with our largest deficit trading partners: China and Japan. Section 301 is a powerful tool in our arsenal. Congress gave it to the executive branch, but this Administration has been extremely reluctant to

use it. Since this Administration came into office in 1992, not once has a Section 301 investigation been initiated against China despite the overwhelming evidence of massive trade barriers to American products.

Back in 1991, the Bush Administration initiated a Section 301 case against China. We pushed, and China blinked. Since then, however, China has consistently failed to follow through with their obligations outlined in the agreement. It's time to pull out Section 301 again, because American jobs and American working families are at stake here. It's time to stop talking about the problem and time to start doing something about the problem.

#### PERSONAL EXPLANATION

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 24, 1998*

Mr. CONYERS. Mr. Speaker, yesterday evening I was at the White House and missed three Roll Call votes.

On rollcall vote No. 330, I was unavoidably detained. Had I been present, I would have voted "no," and I ask unanimous consent that this statement be placed in the appropriate portion of the RECORD.

On rollcall vote No. 333, I was unavoidably detained. Had I been present, I would have voted "present," and I ask unanimous consent that this statement be placed in the appropriate portion of the RECORD.

On rollcall vote No. 334, I was unavoidable detained. Had I been present, I would have voted "aye."

#### TRIBUTE TO MINISTER O'LANDA DRAPER

### HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 23, 1998*

Mr. FORD. Mr. Speaker. I rise today to honor the memory of international—acclaimed gospel music recording artist Minister O'lанда Draper, whose recent death at the age of thirty-four has marked a tragic loss for the city of Memphis, Tennessee, the music industry, and humankind.

The growth and evolution of this twentieth century psalmist has its roots in the richest tradition of Memphis music. O'lанда Draper's phenomenal musical talents were recognized by his mother, Marie Draper, and others early in his childhood. In order to prepare for what he knew to be his calling in life, O'lанда studies at Overton Performing Arts High under the director of his mentor, Ms. Lula Hedgemon. It was here that he first directed and led a choir, a skill which he continued to develop at the University of Memphis, directing the University's Gospel Choir. At the age of twenty-two with these experiences, O'lанда set out on his own and formed a twelve member gospel choir known as "O'lанда Draper and the Associates."

From that point, O'lанда Draper's reputation as an innovative arranger, composer, and musician catapulted him into the heights of the gospel music industry. Most notably, his de-

monstrative, energetic method of choir direction became a signature style which changed the face of the musical genre of contemporary Gospel.

"O'lанда Draper and the Associates" played a significant role in the development of a creative revival of the gospel music industry. The heightened exposure and renewed appeal of gospel music attracted a new generation of fans. Minister Draper was a five-time Grammy nominee and a Dove, Vision, and Stellar award winner. A member of the Board of Governors for the National Academy of Recording Arts and Sciences, Minister Draper performed for Presidents Carter, Bush, and Clinton, and for the 1994 Grammy Awards show. Some of the most esteemed members of the gospel and secular music industries recorded and performed with Minister Draper because of his dynamism, excellence and creativity. With only six albums to their credit, "O'lанда Draper and the Associates" has already set an international standard for gospel music choirs.

O'lанда's is a message of love, that defined the invigorating life of this ordained Church of God in Christ minister. His efforts to reach out to the distressed communities of this nation were evidenced by his support for AIDS victims and teenage mothers. His humanitarianism shown brightly with his established scholarship fund and financial support of homeless shelters. His love of God illuminated the lives of many as he shared the beautiful precepts of faith and hope through the wondrous gift of song.

His voice has now joined the heavenly choir to sing before the throne of our God forever, in that place where trouble shall cease and joy shall have no end.

For his life and magnanimous contributions to the community, Mr. Speaker, I would ask you and my colleagues in the U.S. House of Representatives to join with me in honoring the memory of this champion of God's crusade Minister O'lанда Draper.

#### INTRODUCTION OF THE ENDANGERED SPECIES CONSOLIDATION ACT

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 24, 1998*

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing the Endangered Species Consolidation Act which is a very simple, good government bill. This bill will reduce the number of federal agencies with direct responsibility for implementing and enforcing the Endangered Species Act.

The Endangered Species Act was originally enacted in 1973 to provide a federal program to insure that our plant and wildlife resources were protected from extinction. The Endangered Species Act or ESA as it is more commonly called, divides responsibility for its implementation and enforcement between two different federal agencies in two separate federal Departments. The Fish and Wildlife Service within the Department of the Interior is the primary federal agency with responsibility for enforcing the law. The 1997 budget for direct endangered species enforcement within the Fish and Wildlife Service is approximately \$80 million. The Fish and Wildlife Service is re-

sponsible for listing and developing rules to protect all land based endangered or threatened species and all fresh water fish.

The National Marine Fisheries Service (NMFS), a division of the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce has responsibility to implement and enforce the Endangered Species Act when it involves fish in the oceans or which migrate to the oceans, as well as marine mammals and sea turtles. Their annual budget is approximately \$20 million.

The Fish and Wildlife Service has approximately 800 employees assigned to protect endangered species, while the National Marine Fisheries Service has approximately 270 employees assigned to protect endangered species.

With the listing of various species of salmon which can migrate hundreds of miles inland to spawn, the jurisdictional reach of the National Marine Fisheries Service now overlaps that of the Fish and Wildlife Service. Many companies and individuals are being required to obtain permits for land based activities from both the Fish and Wildlife Service and the National Marine Fisheries Service for the same activities because of the presence of species that are under the regulation of both agencies. In addition, federal agencies that impact endangered species must conduct consultations with both the Fish and Wildlife Service and the National Marine Fisheries Service in many cases. For example, a timber company in Washington with land adjacent to a stream where salmon migrate and with spotted owl habitat will have to obtain a permit from both agencies to conduct its business.

Having two agencies with overlapping responsibility is a waste of taxpayer funding and takes away resources that can be spent directly on species recovery.

This bill would simply transfer authority for enforcement of the Endangered Species Act to the Fish and Wildlife Service. The National Marine Fisheries Service would continue to regulate all other fishing activities and fisheries management, as well as continuing to protect all marine mammals.

Under the ESA, all federal agencies are required to use their resources and authorities to protect endangered species. Whenever the actions of any federal agencies are likely to impact an endangered species, that federal agency is required to enter into a consultation with the federal agency that has primary responsibility for endangered species—The Fish and Wildlife Service, except when the species is one under the jurisdiction of the National Marine Fisheries Service. In that case, the agency must consult with NMFS. This duplication of effort and overlapping of responsibility has become very burdensome, expensive, and time consuming, not just for private citizens but for federal agencies as well.

It is time for us to consolidate the ESA functions of these two agencies into one primary agency. This means that when the NMFS will conduct an activity that affects an endangered species, such as issuing fishing permits, it will also be required to consult with the Fish and Wildlife Service, to insure that its activities do not harm those species.

This bill will save time and money for everyone involved in protecting endangered species and most of all will give the taxpayers the most and best conservation for our taxpayer dollars.