

policy, programs, and education and training in women's health will continue to be addressed. It will ensure that important initiatives—in breast cancer detection and eradication, in the promotion of healthy behaviors and disease prevention, in improved public information about women's health, in better informed health care professionals, among others—will reach fruition.

Senator OLYMPIA SNOWE has introduced similar legislation in the Senate. Our bills are similar to the measure adopted by both the House and Senate last year, but that did not achieve final passage.

Mr. Speaker, the Public Health Service's Office on Women's Health, established within the Office of the Assistant Secretary for Health in 1991 by the Bush administration, is the focal point for women's health activities in the Department of Health and Human Services. By administering crosscutting initiatives across the PHS, the OWH is able to fill gaps in knowledge, and to initiate and synthesize program activities in ways that no other single PHS agency or office could accomplish alone.

I urge my colleagues to join us in supporting this important legislation.

#### THE LIVESTOCK GRAZING ACT OF 1995

**HON. BARBARA CUBIN**

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 25, 1995*

Mrs. CUBIN. Mr. Speaker, I rise in support of the Livestock Grazing Act of 1995 and urge my colleagues that if they have not already done so to cosponsor this important legislation.

Mr. Speaker, as with most bills that are introduced in this body, this legislation is not perfect; it could use a bit of fine tuning. But we must start somewhere if we are to defeat Rangeland Reform 94 and provide long-term stability for the Federal lands livestock industry and rural communities across the West. The Livestock Grazing Act of 1995 gives us just one more opportunity to deliver on our promise to change the way the Federal Government manages our public lands and turn more of that responsibility over to the States. We can and should act now to pass this legislation; unless we do so by August 21, the entire livestock industry is at risk.

I would also like to point out that for quite some time the Wyoming public lands management model had divided the stewards that live on the land and the communities whose economies are dependent on that resource. But after having reviewed this proposal in some detail, I am pleased to report that those same divided factions have endorsed this grazing proposal for the good of the whole. They have told me in the strongest of terms that "the act may need a little work, but it is far superior to rangeland reform." I could not agree more and will do everything I can to see that this bill is enacted into law.

This bill is the product of many hours of work by various National and State representatives of the livestock industry, and numerous Members of Congress and their staffs and I thank them for their efforts. I would particularly like to thank all of those in Wyoming who took time out of their busy schedules to come to

Washington to work on this bill. It is a good bill and I hope that we will move it swiftly through Congress.

#### MEDICARE FUNDING

**HON. MATTHEW G. MARTINEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 25, 1995*

Mr. MARTINEZ. Mr. Speaker, I rise today to denounce the mean-spirited and destructive proposals to slash funding for the Medicare Program. Medicare provides many of America's seniors with their only source of health insurance.

In showing their total lack of concern in this area, Republicans have proposed cutting Medicare spending by nearly \$300 billion. Let me say that again, \$300 billion. These cuts would result in a drastic 25-percent reduction in Medicare spending by the year 2002. These unprecedented reductions in Medicare spending would certainly damage seniors' access to health care and the quality of care they receive.

Never in my time in Congress have I seen such a total disregard for the needs of seniors. If these cuts are enacted at the completion of the budget process, we will not only be harming current Medicare recipients, but also the many other hard-working Americans who have been planning their retirement with the current level of Medicare benefits in mind.

I implore my colleagues on the other side of the aisle to realize the misguided and mean-spirited nature of their proposal. When we do consider legislation to enact these cuts, I ask all my colleagues to consider: Is it right for Congress to target honest, tax-paying senior Americans in their drive to lower taxes for corporate moguls?

#### LEGISLATION TO PROMOTE FAIR FRANCHISING

**HON. JOHN J. LaFALCE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 25, 1995*

Mr. LaFALCE. Mr. Speaker, I am today introducing legislation, H.R. 1717, to address serious problems in the promotion and sale of franchise businesses and in the conduct of franchise business relationships. The legislation incorporates key proposals from bills I introduced in the 103d Congress.

We have heard a great deal this year about the problems and burdens confronting small business owners and about the many shortcomings of our legal system. Nowhere are these two problems more pronounced than in business franchising.

The large majority of franchise owners have invested much of their life savings to acquire and build their business. They work hard, play by the many rules imposed on them by franchisors, and contribute significantly to the success of national franchise systems. And yet, these owners lack the same basic rights and legal remedies enjoyed by all other business persons to assure they will not be victimized by unfair or fraudulent practices and have equal opportunity to share in the rewards of the American dream of business ownership.

Business franchising has become a major force driving the expansion of our service economy and the growth of new small business. The growing franchising sector of the economy encompasses more than a half million businesses, employs more than 7 million workers and accounts for more than \$900 billion in annual U.S. retail sales. Thousands of American families invest in franchises each year to pursue dreams of business ownership and economic independence.

I find it unbelievable that a sector of our economy this large and with annual sales nearly equal to our Nation's annual expenditures for health care—a topic which dominated much of our debate in the last Congress—could continue to be almost devoid of governmental regulation and congressional oversight. We have no Federal laws governing the sale or operation of franchise businesses and the only regulatory procedure at the Federal level, the FTC's franchise disclosure rule, is outdated and inadequately enforced. Only a handful of States have laws or regulations governing franchise sales and practices, and most of these now defer to the Federal Government for enforcement.

Unfortunately, the result is that increasing numbers of franchise investors are finding their dreams of business ownership shattered by franchise promoters who never fulfill their promises to help build successful business or by large corporations more intent on saturating the market with new franchises than on assuring that these franchises are profitable. Rather than owning a business, many find they have merely purchased low-paying management jobs with few of the protections and benefits they had as employees. Others lose their savings, retirement, and even their homes in fraudulent franchise ventures.

These problems stem, in large part, from the fact that Federal and State law have failed to keep pace with the rapid development of franchising and offer franchisees little, if any, viable legal recourse against fraudulent and abusive conduct by franchisors. Franchise contracts are written to preempt every legal remedy available to franchisees. As the chair of the American Bar Association's Franchise Forum told the Small Business Committee, indemnification provisions are drafted so broadly as to protect franchisors even "for the franchisor's gross negligence, wanton recklessness and intentional misconduct."

Procedural devices also are routinely employed to bar legal actions, to deny coverage of protections in State laws and to make litigation inconvenient and costly. Even basic principles of common law applicable to all other business relationships—concepts such as good faith, good cause, duty of competence and due care, and fiduciary responsibility—continue to be debated and denied within franchise relationships.

In short, a growing segment of the American population is routinely required to forego basic rights and legal remedies just because they choose to become franchisees.

Equally serious problems in franchising also result from inadequacies in Federal and State standards for disclosure of material information about franchise opportunities. Each year thousands of prospective franchisees are induced to make one of the most important investments of their lives with information that is incomplete and misleading. Documented information on franchise sales and profits is rarely