generally accepted accounting principles, the amount of revenue and profit it earns from the sale of equipment, fixtures, supplies, goods, or services to the franchisee.

Subsection (e) excepts reasonable quantities of goods and services that the franchisor requires the franchisee to obtain from the franchisor or its affiliate from the requirements of subsection (a), but only if the goods and services are central to the franchised business and either are actually manufactured or produced by the franchisor or its affiliate, or incorporate a trade secret or other intellectual property owned by the franchisor or its affiliate.

SECTION 11. ENCROACHMENT

Subsection (a) prohibits a franchisor from placing, or licensing another to place, one or more, new outlet(s) in unreasonable proximity to an established outlet, if (i) the intent or probable effect of establishing the new outlet(s) is to cause a diminution of gross sales by the established outlet of more than five percent in the twelve months immediately following establishment of the new outlet(s), and (ii) the established franchisee offers goods or services identified by the same trademark as those offered by the new outlet(s), or has premises that are identified by the same trademark as the new outlet(s).

Subsection (b) creates an exception to this section if, before a new outlet(s) opens for business, a franchisor offers in writing to each franchisee of an established outlet concerned to pay to the franchisee an amount equal to fifty percent of the gross sales of the new outlet(s), for the first twenty-four months of operation of the new outlet(s), if the sales of the established outlet decline by more than five percent in the twelve months immediately following establishment of the new outlet(s), as a consequence of the opening of such outlet(s).

Subsection (c) places upon the franchisor the burden of proof to show that, or the extent to which, a decline in sales of an established franchised outlet occurred for reasons other than the opening of the new outlet(s), if the franchisor makes a written offer under subsection (b) or in an action or proceeding brought under section 12.

SECTION 12. PRIVATE RIGHT OF ACTION

Subsection (a) gives a party to a franchise who is injured by a violation or impending violation of this Act a right of action for all damages caused by the violation, including costs of litigation and reasonable attorney's fees, against any person found to be liable for such violation.

Subsection (b) makes jointly and severally liable every person who directly or indirectly controls a person liable under subsection (a), every partner in a firm so liable, every principal executive officer or director of a corporation so liable, every person occupying a similar status or performing similar functions and every employee of a person so liable who materially aids in the act or transaction constituting the violation, unless the person who would otherwise be liable hereunder had no knowledge of or reasonable grounds to know of the existence of the facts by reason of which the liability is alleged to exist.

Subsection (c) states that nothing in the Act shall be construed to limit the right of a franchisor and a franchisee to engage in arbitration, mediation, or other nonjudicial dispute resolution, either in advance or after a dispute arises, provided that the standards and protections applied in any binding nonjudicial procedure agreed to by the parties are not less than the requirements set forth in the Act.

Subsection (d) prohibits an action from being commenced more than five years after the date on which the violation occurs, or three years after the date on which the violation is discovered or should have been discovered through exercise of reasonable diligence.

Subsection (e) provides for venue in the jurisdiction where the franchise business is located.

Subsection (f) states that the private rights created by the Act are in addition, to, and not in lieu of, other rights or remedies created by Federal or State law.

SECTION 13. SCOPE AND APPLICABILITY

Subsection (a) applies the requirements of the Act to franchise agreements entered into, amended, exchanged, or renewed after the date of enactment of the Act, except as provided in subsection (b).

Subsection (b) delays implementation of Section 3 of the act until ninety days after the date of enactment of the Act and applies Section 3's requirements only to actions, practices, disclosures, and statements occurring on or after such date.

SECTION 14. DEFINITIONS

Defines terms used in the Act.

INTRODUCTION OF THE GUN-FREE HOSPITAL ZONE ACT

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. MEEHAN. Mr. Speaker, I rise today to introduce the ''Gun-Free Hospital Zone Act.'' A bill that will provide protection and peace of mind to doctors, nurses, patients, and administrative staffs of hospitals throughout the country.

The need for this legislation was brought to my attention by my constituent, Bernadett Vajda, whose father, Janos, was tragically murdered at the Holy Family Hospital in Methuen, MA.

Janos was simply visiting a hospital patient, Dr. Suzan Kamm, when he was attacked and shot to death by the estranged husband of Dr. Kamm.

It is very easy to imagine how this bill would have saved Mr. Vajda's life. Had the gunman, Dr. James Kartell, been aware of the prohibition of firearms in a hospital, he would have not carried one with him that fateful day. And when Dr. Kartell reached the fourth floor of the hospital and approached the room where his estranged wife had been admitted, he would have been unarmed.

What happened next, the chance encounter between Dr. Kartell and Mr. Vajda, would still have been emotional, potentially even resulted in violence, but without a gun at the scene, it almost certainly would not have resulted in murder.

Unfortunately, we witness frustration expressed in workplace violence increasingly in our country. Whether it be the tragic shooting recently in Hawaii, the murders this summer in Atlanta, or the all too numerous acts of violence at post offices, we have become accustomed to seeing the image of the emotional employee who resorts to violence.

Emotions run high at hospitals on a daily basis. Life and death decisions are made constantly in emergency rooms and hospitals throughout our country. In this atmosphere of heightened emotion and decreased logic, unthinking acts of violence are more likely and less preventable.

This legislation deals with a very real issue, but do not just take my word for it, look at the statistics on workplace violence at hospitals. According to the Bureau of Labor Statistics, health care and social service workers have the highest incidence of injuries from workplace violence. Further, health care workers rank only behind convenience store clerks and taxi cab drivers in terms of workplace risk of homicide.

Emergency room physicians and nurses are at special risk. According to the Emergency Nurses Association, 24 percent of emergency room staff are exposed to physical violence with a weapon 1–5 times a year. The rate of violence is increasing annually.

In 1997, 7 percent of emergency room nurses reported that they have been subjected to between 1 and 10 physical incidents involving firearms in the workplace during the past year. One nurse from the Colorado Nurses Association reported that ''no hospital unit and no hospital—large or small, urban or rural—is immune'' from violent gun attacks.

It is my goal to not only to make it less likely that tragic deaths like Mr. Vajda's occur, but also that nurses and doctors feel safer to do their jobs without worrying about whether the next person to walk in the emergency room door has a gun. For that reason, this legislation is supported by the medical professionals at Holy Family Hospital who hope never to experience a tragic incident like Mr. Vajda's death ever again.

THE U.S. COAST GUARD: MAY THEY ALWAYS BE READY

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. McINTOSH. Mr. Speaker, I submit for the RECORD, the following article about the U.S. Coast Guard's Deepwater Mission Project. ''Moving Into the Next Century: Recapitalization Will Ensure That the Coast Guard Remains Semper Paratus'' was written by Ernest Blazar of the Lexington Institute and appeared in the August 1999 edition of Sea Power magazine. I call this article to your attention because I feel it is one of the best articles about the Coast Guard's need to modernize their fleet of cutters and aircraft for the 21st century.

[From Sea Power, Aug. 1999]

MOVING INTO THE NEXT CENTURY

(By Ernest Blazar)

In 1969, the Coast Guard's high-endurance Hamilton-class cutter USCGC *Dallas* sailed the waters of South Vietnam, executing seven combat patrols. She provided naval gunfire support more than 150 times, firing over 7,500 rounds of five-inch ammunition. She destroyed 58 sampans and attacked 29 enemy supply routes, base camps, or rest areas.

On 22 June 1999, the same 378-foot-long ship—which was commissioned in 1967—left her homeport (Charleston, S.C.) for yet another overseas patrol. Assigned to the Navy's Sixth Fleet for three months, *Dallas* is helping to patrol the Adriatic Sea after NATO's successful air campaign against Yugoslavia.

The durable cutter's three decades of service clearly demonstrate the Coast Guard's ability to wring the last ounce of usefulness

from its aging ships—but it also underscores the fact that the Coast Guard has been forced, primarily for budget reasons, to carry out its military, maritime-safety, law-enforcement, and other missions with outdated resources that are badly in need of replacement and repair. Some Coast Guard ships were in active service during World War II.

It is not just ships, though. The Coast Guard's 190 fixed-wing aircraft and helicopters also need replacement, and often need repairs to sustain acceptable readiness and safety levels. Exacerbating the problem is the fact that these air and surface platforms were purchased piecemeal over decades, so they were never properly integrated with the right communication and data links or fitted with proper sensors. (One problem afflicting today's fleet is that the Coast Guard's HH–60J Jayhawk helicopters are too large to land on any but the largest of the service's cutters.)

CASUALTIES UP, AVAILABILITY DOWN

The overall situation has caused numerous problems for the Coast Guard, and also has degraded the service's ''ability to manage the tactical picture,'' said Rear Adm. Ernest Riutta, assistant commandant for operations.

The end result is a steady decline in readiness and in the availability of Coast Guard ships and aircraft to perform their missions. Machinery and electronics casualties have increased 45 percent in 10 years, for example, and the nonavailability rate for HU–25 Falcon medium-range search aircraft has doubled since 1996.

To remedy these problems the Coast Guard has developed a plan to replace and modernize its current ships, aircraft, and command, control, and communications (C3) network. That plan is called ''Deepwater.'' One of its main aims is to ensure that the new ships, aircraft, and C3 equipment the Coast Guard will be buying in the future are fully interoperable from the start, instead of knitted together haphazardly, as has been the case in the past.

To ensure that the proposed fleet recapitalization is well-planned and can be carried out in a cost-effective manner the Coast Guard has issued contracts to three industry teams:

Avondale Industries—Newport News Shipbuilding—Boeing—Raytheon.

Science Applications International—Bath Iron Works—Marinette Marine—Sikorsky.

Lockheed Martin—Ingalls Shipbuidling—Litton—Bollinger Shipyards—Bell Helicopter Textron.

Each member of each team possesses expertise in areas of operational importance to the Coast Guard. Lockheed Martin's Government and Electronic Systems Division in Moorestown, N.J., for example, has long supplied the Navy with such important systems as the highly successful Aegis SPY–1 radar system, the Mk92 fire-control radar carried on Perry-class guided-missile frigates, and the Mk41 vertical-launch system. The company also has a strong reputation for successfully integrating varied naval communications and combat systems.

SHORTFALLS AND STATISTICS

To fully understand Deepwater, one must first examine the shortfalls in platforms and equipment currently affecting the Coast Guard. One telling statistic: Seven of the service's nine classes of ships and aircraft will reach the end of their originally projected service lives within the next 15 years.

The Coast Guard relies upon three classes of cutters for its long-and medium-range surface missions: the 378-foot Hamilton-class high-endurance cutters (WHECs); the 270-foot Famous-class medium-endurance cutters (WMECs); and the 210-foot Reliance-class WMECs.

All of these ships are aging—some were built as long ago as the late 1960s—and are becoming increasingly difficult to maintain. They also are technologically obsolescent. The diesel engines of the Reliance-class cutters are so old, in fact, that they are used elsewhere only on the locomotives in South Africa.

These ships also impose a heavy personnel burden on the Coast Guard. The *Dallas*, for example, normally carries a crew of 19 officers and 152 enlisted personnel, more than twice the number required to operate highly automated modern cutters of similar size. The Danish Thetis-class offshore patrol vessel is 369 feet long, displaces 3,500 tons, and has a 90-day endurance—but operates with a crew of only 90 personnel. A larger crew means a higher payroll of course. What this mans is that the Coast Guard has been forced, in essence, to pay a sizable surcharge simply because it has not been provided the funds needed to buy new advanced-technology ships.

OPERATIONAL INCOMPATIBILITIES

There are several operational factors to consider, moreover. The Reliance class cutters are equipped with surface-search radars, for example, but have no sonars and no electronic countermeasures systems. They are capable of landing helicopters, but have no hangar facilities.

Even the somewhat less antiquated Famous-class WMEC, built in the 1980s, lack the ability to maintain real-time voice, video, or data links with other Coast Guard assets; they also have no Link-11 or Link-16 capability, essential for the exchange of tactical data with other U.S. military forces.

There also are shortfalls in speed. None of the Coast guard's cutters can match the so-called ''''go-fast'' boats—drug smuggling craft that can achieve high rates of speed. Smugglers often are also armed with night-vision goggles, satellite phones, and digital precision-location equipment, widely available commercial gear that Coast Guard vessels do not have.

The Coast Guard's aviation assets suffer from similar limitations. The HH–65A Dolphin helicopters, for example, are operationally compatible with the Reliance, Hamilton, and Famous cutters, but the Dolphin's sensor payload is less than it could be because of weight handling limitations on the cutters.

The service's HH–60J Jayhawk helicopters are capable of long-range operations, and have significant endurance, but these helicopters are compatible only with the Famous-class WMECs—which can give them only limited on board maintenance and logistics support, unfortunately.

Among the Coast Guard's fixed-wing aviation assets are 20 HU–25 Falcon medium-range search jets, all of which are over 14 years old and suffer from engine supportability problems. Their APG–66 radar provides a good intercept capability—but only eight of the HU–25s are equipped with that radar. The remaining 12 Falcons simply lack the modern sensor packages they need to carry out their missions. One indication of the limited utility of the Falcon fleet is the fact that the Coast Guard put 17 others Falcons into storage in 1998.

DEEP, DARK DEFICIENCIES

The deficiency in sensors puts Coast Guard ships and aircraft at a severe disadvantage against maritime lawbreakers, according to Capt. Craig Schnappinger, the Coast Guard's Deepwater program manager. ''They can see us before we can see them.''

The Coast Guard's 23 HC–130 fixed-wing aircraft, which are used for long-range aerial-search missions, are being fitted with new FLIR and electro-optical sensor packages and Global Positioning System receivers. This is one of the few bright spots in Coast Guard aviation today. Otherwise, the picture is dark. ''Scrutiny of individual platform capabilities,'' according to the Coast Guard's ''21st Century Hemispheric Maritime Security' document, ''reveals an unintegrated system that falls well short of optimum tactical requirements.''

One of the more promising hardware solutions to its aviation problems that the Coast Guard is considering is the HV–609, a commercial tilrotor craft that can take off and land like a helicopter but fly like a fixed-wing aircraft. Now under development by Bell Helicopter Textron, the HV–609 will have a speed of 275 knots and a range of 750 nautical miles, and will be able to carry a significant payload. Because of its versatility the Coast Guard might possibly use the '609 to replace several different types of aviation platforms now in the inventory—thereby helping to streamline logistics and maintenance costs in the future.

The Coast Guard protects the nation's maritime borders and carriers out numerous missions of importance to all Americans. But continuing to operate aging platforms that are not equipped with modern sensors guarantees a future filled with hazard and difficulty not only for the Coast Guard itself but for all whose lives are touched by the sea.

By recapitalizing the force, the Coast Guard believes, it will be able to operate more safety and efficiency—and more cost-effectively as well. ''I think we are moving in the right direction,'' said Riutta. Congressional approval of the Deepwater program, he said, will ''more u into the next century and equip our people with the resources [needed] to do their jobs properly.''

EAGLE SCOUTS HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, six outstanding young individuals from the 3rd Congressional District of Illinois, all who have completed a major goal in their scouting career.

The following young men of the 3rd Congressional District of Illinois have earned the high rank of Eagle Scout in the fall and winter seasons: Anthony Cesaro, Eric Charles Fritz, John A. Studnicka Jr., Brandon William Pfizenmaier, Peter William Davidovith, and Charles Lamphier. These young men have demonstrated their commitment to their communities, and have perpetuated the principles of scouting. It is important to note that less than two percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities.

In light of the commendable leadership and courageous activities performed by these fine young men, I ask my colleagues to join me in honoring the above scouts for attaining the highest honor in Scouting—the Rank of Eagle. Let us wish them the very best in all of their future endeavors.