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