HATS OFF TO STANDARD STEEL

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the Standard Steel Co. as it celebrates 200 years of continuous operations. Standard Steel, a division of the Freedom Forge Corp., is one of the largest employers in my congressional district and the oldest steel manufacturer in Pennsylvania. Located more specifically in Burnham, Mifflin County, PA, Standard Steel has been providing both quality jobs and quality products in the Keystone State for the past two centuries.

It all started in 1795 when a tiny frontier forge was founded in the hills of central Pennsylvania. From this meager beginning Standard Steel has grown as a company, as America has grown as a nation. Today, the company is a leading producer of forged products and specialty steels. With locations in Latrobe and Burnham, PA, Standard Steel employs over 1,600 people. Over the years, employees at both locations have earned a reputation for their work ethic and steadfast commitment to the manufacturing of a high-caliber product.

Mr. Speaker, in honor of Standard Steel's two centuries of excellence Mifflin County and the Borough of Burnham have declared the week of May 28–June 3 as Standard Steel Week. As the company celebrates its 200th birthday this week, it is my great honor to rise today to pay tribute to all of those who have helped to make Standard Steel what it was, what it is, and what it will be.

INTRODUCTION OF THE ENDANGERED SPECIES RELISTING ACT OF 1995

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. DOOLEY. Mr. Speaker, I rise today to introduce the Endangered Species Relisting Act of 1995. I represent the most productive agricultural region in the entire country, and as such, we have experienced our fair share of frustration with the Endangered Species Act. Of the 944 U.S. species currently listed as endangered or threatened, my home State of California has 107 of these listed species.

This bill is not intended to be a comprehensive reform of the Endangered Species Act, but rather a focused approach to address specific issues that I believe must be a part of the debate on reforming the Endangered Species Act. I would like to take this opportunity to explain my legislation.

First, I think it is very important that we not only amend the process for future listings of species, but that we ensure that those species already on the list meet a level of scientific scrutiny. For that reason, my legislation requires relisting of all species now on the threatened and endangered list. The concept is simple. if the science is there, the species can stay on the list. If the science isn't there, it come off. One of the most disturbing aspects of the current listing process is that a species like the San Joaquin kit fox, which was originally listed in 1967, was placed on the list with little or no scientific information.

The second concept in my proposal is to require peer review of all science used in all stages of the listing and delisting process. This is a simple concept that merely ensures that one scientist or group of scientists doesn't unilaterally make decisions on a species. I think that this concept has been embraced by nearly all involved in the ESA debate.

The next concept deals with the development of recovery plans. I believe that recovery should be the cornerstone of the Endangered Species Act. Leaving species on the threatened or endangered list for 30 years is not a productive way of protecting important species. I believe we must make a determination of whether a species can be recovered and implement a plan quickly. Without a timeline for recovery, landowners are left in a situation of not knowing what can and cannot be done on their property and how long these restrictions will last. My proposal would require the development of a recovery plan within 12 months after the listing of a species. More importantly, it would require the Secretary of the Interior to consider multiple recovery plans and to choose the least cost alternative. This provision is based on a provision of the Clean Water Act. It allowed for the development of a historic agreement on the bay-delta in California.

Finally, my proposal address the issue of incidental take. As you know, under current law, a landowner must apply for an incidental take permit. This can be a long and frustrating process. However, without a permit, any destruction of critical habitat or killing of a listed species constitutes a violation of the law regardless of the intent of the landowner. This section of my proposal attempts to allow landowners to engage in certain activities that may result in the incidental take of critical habitat or a listed species without being subject to action under the ESA, without going through the present onerous permit process.

As I stated earlier, the current endangered species list has well over 700 species listed. However, according to the Fish and Wildlife Service only 17 species have ever been removed from the list—and some of these have been removed because they became extinct, not because they were recovered. It seems that progress on recovering species is, at best, ineffective. At worst, the recover portion of the Endangered Species Act seems to be nonexistent.

I hope that we will be able to make responsible reforms to the ESA to ensure that significant species are protected, while balancing the economic and social costs of such protection. I want to be able to point to an ESA that actually accomplishes the recovery of species and gives landowners some certainty of the availability of land for continue and future use.

MEMORIAL TO SEYMOUR B. DURST, FATHER OF THE NATIONAL DEBT CLOCK

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. MINGE. Mr. Speaker, I would like to take a moment to recognize the passing of a remarkable person and dedicated citizen, Mr. Seymour Durst. the son of an Austrian immigrant, Seymour Durst became a successful developer of commercial real estate in New York City. But he will probably be best remembered as the individual responsible for installing the national debt clock in Times Square in New York City in 1988. Due to his intense personal commitment to making all Americans aware of the silent and evergrowing danger of our national debt and its attendant interest costs, Mr. Durst sponsored the national debt clock from his private means from 1988 until today. In honor of his dedication to keeping citizens conscious of the national debt, the national debt clock will remain in Times Square as a reminder of our responsibility to our children and our country.

RECOGNITION OF CARECEN'S COMMUNITY LEADER AWARDS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Ms. ROYBAL-ALLARD. Mr. Speaker, I would like to congratulate the 1995 Central American Resource Center's [CARECEN] honorees: Joe R. Hicks, Inquilinos Unidos, R. Samuel Paz, and the law firm of Loeb & Loeb.

Joe R. Hicks is the executive director of the Southern Christian Leadership Conference of Greater Los Angeles. CARECEN is honoring Mr. Hicks for his leadership in the struggle against prejudice and inequality, and for building bridges among the diverse racial and religious groups in our community.

Inquilinos Unidos—United Tenants—is being honored for helping organize low-income tenants in the immigrant community, and for empowering them to improve their living conditions.

R. Samuel Paz, a distinguished Los Angeles civil rights attorney, is honored today for his courageous defense of and advocacy for civil and human rights of immigrants and all victims of oppression and injustice.

The final honoree, Loeb & Loeb, a full service international law firm of 200 attorneys, is being honored for its dedication to public interest and the betterment of our society, and for its generous pro bono legal service to CARECEN.

Again, I congratulate these honorees and I join CARECEN in expressing my gratitude for their role in improving the quality of life for the people of the city of Los Angeles.

OFFICE ON WOMEN'S HEALTH

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mrs. MORELLA. Mr. Speaker, today Congresswoman Nita Lowey and I, together with 14 of our colleagues who serve on the executive committee of the Congressional Caucus for Women's Issues, introduced legislation to establish permanent statutory authority for the Public Health Service Office of Women's Health.

With this bill, we hope to create an enduring structure within which the current well-documented ongoing needs and gaps in research,

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 Graving 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 rangland 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