

of whom I'd just read?
Curled up on a poncho,
the floor for a bed?

I realized the families
that I saw this night,
owed their lives to these soldiers
who were willing to fight.

Soon round the world,
the children would play,
and grown-ups would celebrate
a bright Christmas day.

They all enjoyed freedom
each month of the year,
because of the soldiers,
like the one lying here.

I couldn't help wonder
how many lay alone,
on a cold Christmas eve
in a land far from home.

The very thought
brought a tear to my eye,
I dropped to my knees
and started to cry.

The soldier awakened
and I heard a rough voice,
"Santa don't cry,
this life is my choice;
I fight for freedom,
I don't ask for more,
my life is my god,
my country, my Corps."

The soldier rolled over
and drifted to sleep,
I couldn't control it,
I continued to weep.

I kept watch for hours,
so silent and still
and we both shivered
from the cold night's chill.

I didn't want to leave
on that cold, dark, night,
this guardian of honor
so willing to fight.

Then the soldier rolled over,
with a voice soft and pure,
whispered, "carry on Santa,"
it's Christmas Day, all is secure."

One look at my watch,
and I knew he was right
"Merry Christmas my friend,
and to all a good night."

IN HONOR OF THE UKRAINIAN
BANDURIST CHORUS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to congratulate the Ukrainian Bandurist Chorus on their 50th Anniversary in America. The Ukrainian Bandurist Chorus is an all-male musical ensemble consisting of 20 instrumentalists and vocalists. The chorus was originally founded in Kyiv, Ukraine in 1918. The ensemble relocated in Detroit, Michigan in 1949. This internationally recognized ensemble has performed at such well-known theaters as Carnegie Hall, the Kennedy Center, Bolshoi Theater, and Massey Hall. In addition, the Ukrainian Bandurist Chorus has entertained many world figures and personalities with their exciting programs of folk songs, religious works and the exotic sounds of the bandura.

Three generations of members have passed through the ranks of the Ukrainian Bandurist

EXTENSIONS OF REMARKS

Chorus since its displacement from Ukraine in 1942. In addition to its mission of carrying the tradition of the bandura to the 21st century, the Chorus is also charged with preserving its past for future generations. The history of the Ukraine Bandurist Chorus can be traced directly to the 12th Archeological Congress in Kharkiv, Ukraine in 1902. The first professional bandurist chorus was formed in Kyiv in 1918 during the height of the country's brief period of independence. During a time of increased popularity and resurgence of the Ukrainian arts and culture, the group developed into a professional touring group. Following this time of heightened regard, the Chorus' history evolved into a turbulent one. The bandurist ideal of God, truth, freedom, and human dignity herald through song were under attack by the newly formed Soviet Union. As a result many of the original members of the Ukrainian bandurist Chorus were executed. After years of persecution and exploitation the Chorus was forced to immigrate to Detroit. During a time of devastation and uncertainty, Hryhory Kytasty, the long standing director acted as a role model and inspiration to the young bandurists. Kytasty worked hard to further the art of the bandura in the free world.

Today, the majority of the Chorus members are 2nd and 3rd generation Americans and Canadians. Fortified by a whole new generation of young musicians, the Chorus has captivated audiences in major concert halls in the United States, Canada, Europe and Australia for more than 50 years. The current director of the Ukrainian Bandurist Chorus is Oleh Mahlay, a recognized prized musician and a member of the chorus since 1987. Mahlay, who hails from Cleveland, Ohio, received a bachelor of arts in music history and literature from Case Western University. He also studied voice and piano at the Cleveland Institute of Music. Mahlay has received numerous accolades for his musical abilities and contributions such as the Kennedy Prize for Creative Achievement in Music from Carnegie Mellon University. He has participated in the Chorus' two triumphant tours of Ukraine in 1991 and 1994, and had his premier as a conductor of the group in 1994.

It is truly an honor for me to recognize this exceptional group. The music of the Ukrainian Bandurist Chorus is as captivating as it is moving and visibly heartfelt. The songs of the group are full of emotion and stand testimony to the ideals of the bandurist. My distinguished colleagues, please join me in honoring the very special anniversary of the magnificent Ukrainian Bandurist Chorus.

INTRODUCTION OF THE SMALL
BUSINESS FRANCHISE ACT OF 1999

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. CONYERS. Mr. Speaker, today I am proud to reintroduce, with my good friend from North Carolina, Mr. COBLE, the Small Business Franchise Act. This legislation represents hard work, and a good faith effort to strike an ap-

propriate, bipartisan balance between the rights of franchisors and franchisees. These issues have been the subject of a hearing in this Judiciary Committee earlier this year, and the issues merit action by this Congress.

Protecting the rights of franchisees is ultimately about protecting the rights of small business. They often face enormous odds and a daunting inequality of bargaining power when dealing with national franchisors. Unfortunately, the law often offers little recourse in the face of great harm.

There is currently no federal law establishing standards of conduct for parties to a franchise contract. The Federal Trade Commission rule promulgated in 1979, (16 CFR §436), was designed to deter fraud and misrepresentation in the re-sales process and provide disclosure requirements and prohibitions concerning franchise agreements. The FTC maintains, however, that it has no jurisdiction after the franchise agreement is signed.

As a result, in the absence of any Federal regulation, a number of complaints have been lodged in recent years, principally stemming from the fact that franchisees do not have equal bargaining power with large franchisors. The concerns include the following:

(1) Taking of Property without Compensation. Franchise agreements generally include a covenant not-to-compete that prohibits the franchisee from becoming an independent business owner in a similar business upon expiration of the contract. This can appropriate to the franchisor all of the equity built up by the franchisee without compensation.

(2) Devaluation of Assets. Franchisors often induce a franchisee to invest in creating a business and then establish a competing outlet in such proximity to the franchisee that the franchisee suffers economic harm.

(3) Restraint of Trade. Most franchise relationships mandate that franchisees purchase supplies, furniture, etc. from the franchisor or sources approved by the franchisor. While it may be appropriate for franchisors to exercise some control concerning the products or services offered to franchisees, tying franchisees to certain vendors can cost franchisees millions of dollars, prevents competition among vendors, and can have an adverse impact upon consumers.

(4) Inflated Pricing. Many franchise agreements specify that the franchisor has the right to enter into contractual arrangements with vendors who sell goods and services to franchisees that are mandated by the franchise agreement. It has been alleged that these vendors often provide kickbacks and commissions to the franchisor in return for being allowed to sell their products and services to a captive market. Instead of passing these kickbacks and commissions on to the franchisee to reduce their cost of goods sold and increase their margin, these payments, it is asserted, benefit the franchisor.

While our nation has enjoyed an unprecedented economic boom, it is essential that Congress ensure that prosperity reaches down to the small businesses that make up the heart and soul of our economy. We have an obligation to ensure that the law governing this segment of the economy, which every American patronizes routinely is fair and balanced.