

the San Mateo County Board of Supervisors to serve on the San Mateo County Health Plan Board where she works to ensure healthcare services for all those without insurance coverage.

Katherine McMillan has three loving, grown children . . . her two daughters Katherine and Mary; and her son, Robert, who is married to Julie and have given her two beautiful grandchildren, Sean McMillan, 6 years old, and Kenny "B" McMillan, 4 years old.

Katherine McMillan is especially proud of rearing her three children as a single working mother all of whom went on to college and are now productive members of our community. She is exceedingly proud of her two grandsons who carry the legacy of her extraordinary spirit into a third generation of McMillan's.

Mr. Speaker, I ask my colleagues to join me in honoring Katherine McMillan, a great and good woman, for her countless contributions to our community and our country and congratulate her on the attainment of her 75th birthday. We are indeed a better country and a better people because of this woman.

TRIBUTE TO JOE SERNA, MAYOR
OF SACRAMENTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. MATSUI. Mr. Speaker, I rise in great sadness to pay tribute to a very distinguished leader, to one of the most honorable public servants I know, and to a true friend. On Sunday, the mayor of Sacramento, and my good friend Joe Serna, lost his courageous battle with kidney cancer. As the community mourns his loss, I ask all my colleagues to join with me in saluting the career and efforts of this extraordinary person.

Joe Serna was born in Stockton and raised in Lodi, California. He grew up the son of an immigrant farm worker, where he was taught the honorable values and hard work ethic that exemplified his career. It was here too that he began a storied and successful career, becoming a sheet metal worker at the age of 19. He went on to earn a Bachelor of Arts degree in social science/government from Sacramento State College in 1966 and attended graduate school at UC, Davis, majoring in political science.

Always wanting to serve others, Mayor Serna entered the Peace Corps in 1966, working in Guatemala as a Community Development volunteer specializing in cooperatives and credit unions. Upon his return to the States, he continued his service by pursuing one of the most noble of all professions—he became a teacher. He joined the faculty at CSU, Sacramento, in 1969 becoming a professor of government. Of course the energy he brought to life was quickly transferred to his students in the classroom, and in 1991 he received the Distinguished Faculty Award.

Continuing his lifelong calling to public service, Joe Serna was first elected to the Sacramento City Council in 1981 and reelected in 1985 and 1989. He was then elected mayor of Sacramento in 1992 and again in 1996.

As mayor, Joe Serna left a proud legacy of leadership and accomplishments. He worked throughout his career to revitalize Sacramento's downtown which included initiating the Sacramento Downtown Partnership Association, the "Art in Public Places" program, and the Thursday Night Market. Joe Serna was selected in 1995 by the National Council for Urban Economic Development to receive their annual Economic Development Leadership Award.

He also established the Mayor's Commission on Our Children's Health and the Mayor's Commission on Education and the City's Future, which led to a new Sacramento City Unified School District Board of Trustees. As part of his active role in improving the Sacramento City School District, he founded the Mayor's Summer Reading Camp, a literacy program for below average scoring second and third grade students.

Over the past three decades Mayor Serna was a member of numerous organizations including the Regional Transit Board of Directors and the Sacramento Housing and Redevelopment Commission. He was the Co-trustee of the Crocker Art Museum Association and an Advisory Board Member of Senior Gleaners, Inc. He also was a former Chair of the Sacramento City/County Sports Commission, member of the Board of the Sacramento Employment and Training Agency, member of the Sacramento Metropolitan Cable Television Commission and Sacramento Air Quality Management Board. From 1970 to 1975, he served as the Director of the United Farmworkers of America's Support Committee in Sacramento County. Mayor Serna also served as a two-time presidential appointed member of the Board of Directors of "Freddie Mac."

Mayor Serna was known as an elected official with profound vision for the future and the energy to implement that vision. He knew how to build coalitions, ignite community involvement, and succeed in achieving his goals. Because of this vision, he leaves a proud legacy in Sacramento of downtown revitalization and growth, a stronger public school system, more jobs, more community police, and a higher quality of life.

What made Mayor Serna such a remarkable leader was his ability and willingness to listen to the community and make himself available to all voices that wanted to be heard. In an era when following the politically expedient route is commonplace, Mayor Serna was never afraid to fight for what he believed in if he knew it was the right thing to do. He never compromised his values and always brought a sense of honor and dignity to the Sacramento community. I thank him for his courage, for his kindness, and for the exceptional integrity he maintained throughout his career. Clearly, Mayor Serna leaves a new standard of leadership that we should all do well to follow.

I would also like to extend my deepest and heartfelt sympathies to Mayor Serna's wife, Isabelle, his son Phillip, and his daughter, Lisa. I along with the city of Sacramento and the California community mourn with them.

Mr. Speaker, the city of Sacramento has suffered a tremendous loss of one of its most distinguished and visionary leaders, as well as one of its best citizens. We will all miss him dearly.

REMEMBERING THOMAS D. WELLS
III

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. SANDLIN. Mr. Speaker, I rise today to remember a great American, a great Texan, and a great friend. Thomas D. "Tommy" Wells, the long-time County Attorney for Lamar County, Texas, died on October 15, 1999, will be sorely missed.

Tommy served Lamar County as County Attorney for twenty years and will always be remembered as an exemplary public servant. But I will remember Tommy as a friend—a man dedicated to his family, committed to always doing the right thing.

My friend Tommy was an inspiration to the people of East Texas. He graduated from Paris High School and received his bachelor's degree from Baylor University. After graduating from law school at St. Mary's University, he returned to Paris to practice law.

Subsequently, Tommy won five consecutive elections to the County Attorney post. He was elected president of the Texas County and District Attorney's Association and also served on the State Bar of Texas Grievance Committee. After leaving his prosecutor's post for private practice, Tommy continued to serve his state as a special prosecutor.

Clearly Tommy was a credit to his profession—but his lasting legacy is his family. Tommy and his wife of thirty years, Rusty, raised two sons in Paris. Nothing was more important to Tommy Wells than his family.

His dedication to his family's activities brought him closer to his community. Tommy taught Sunday School for the First Baptist Church of Paris and coached football for Optimist teams. He was active with the Paris Boys Club. He served on the board of the Salvation Army and was a member of the "Old Men's Club."

Tommy Wells was not an old man, though. He died at age fifty-four. A young man both in age and spirit, he contributed more to Lamar County in his brief life than its residents ever could have asked of him.

Mr. Speaker, East Texas has lost a leader and a friend. His wife, sons, and mother have lost a dear member of their family. But the City of Paris and Lamar County gained so much from the life of Tommy Wells. We celebrate his life and are grateful for his time with us.

PARNICK JENNINGS

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. BARR of Georgia. Mr. Speaker, sooner or later, all of us have to deal with the death of a loved one. Often, during that difficult time, the devotion, counsel, and wisdom of another person can make a bad experience a little easier to bear.

Parnick Jennings of Rome, GA, is one such person. For the past 50 years, he has operated Jennings Funeral Home in Cartersville,

GA. In the process, he has consoled thousands of grieving friends, spouses, relatives, and children as they work through the most difficult moments of their lives.

The involvement by Parnick Jennings in our society and his community, however, have not ended at the doors of his business. After graduating from the University of Tennessee, he served with the U.S. military during the Korean war. Since then, he has been involved in many civic groups such as the Rome Kiwanis Club, where he is a charter member, and the Floyd County Baptist Association, where he served as a Brotherhood Director.

Mr. Jennings has also served his community on the Shorter College Board of Trustees, and the Southern Baptist Sunday School Board of Trustees. In all that he has done, he has given freely of his time and energy to make northwest Georgia a better in which place to live and work.

I join a grateful community in offering a sincere thanks for a lifetime of devotion to others exemplified by Parnick Jennings.

RECOGNITION OF DONNA
GALBRAITH AND GERRY SCHULTZ

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. BONIOR. Mr. Speaker, over the last ten years, a tradition has been established in the Port Huron Community. This December will mark the tenth anniversary of the Nutcracker Ballet Theater's production of the timeless Christmas classic "The Nutcracker". Friends and fans of the production are gathering tonight to honor the heart of the theater company—Donna Galbraith and Gerry Schultz.

These two individuals have given tirelessly to the community. It is through their vision and commitment, that the Nutcracker Ballet has become the can't miss event of the holiday season in Port Huron.

Donna and Gerry have made the Nutcracker a part of their lives, and used it to touch the lives of so many others. Without their leadership and direction, the production simply would not be possible. They have brought together dancers from across the region, many of whom have moved on to participate in nationally recognized dance troupes. Donna and Gerry have taken a personal role in the development of thousands of young people in our community. Through rehearsals, training, and character building, they have made their presence felt beyond the stage and into the day to day lives of so many children and families.

The Blue Water Area is a better place because of the leadership and dedication of Donna Galbraith and Gerry Schultz. Every town in America needs a Donna and Gerry of its own to remind them of the wonderful joy that the work of two individuals can bring to an entire region.

I ask you all to join me today in recognizing the dedication of Donna Galbraith and Gerry Schultz as they bring the true spirit of the holidays to Port Huron once again.

THE SMALL BUSINESS FRANCHISE
ACT OF 1999

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. COBLE. Mr. Speaker, I rise today to reintroduce the Small Business Franchise Act of 1999.

In the closing days of the 105th Congress, Congressman CONYERS and I introduced similar legislation aimed at leveling the playing field in the business relationship between corporations that sell franchises and the small businessmen and women who invest in them. Franchise businesses represent a large and growing segment of our nation's retail and service businesses and are rapidly replacing more traditional forms of small business ownership in our economy. As a result, franchise owners have become the heart and soul of America's economic engine and the backbone of local commerce.

The franchisor/franchisee relationship is fundamentally an economic one where the objective of each party is to make money. Capitalism at its best one would think. Unfortunately, that is where the mutuality ends. In the context of a means to an end, the interests of the franchisee and franchisor are not always the same. For instance, because the parent corporations collect royalties on sales, not profits, it is in the economic interest of the corporate franchisor to open more outlets, even if it is at the expense of an existing franchisee. It is exactly this type of activity that has brought us here today.

As a conservative Republican who supports smaller government and less regulation, many people have asked why I support franchise legislation. First of all, this legislation is not about bigger government and more regulation—it is about protecting freedom. The freedom for small business entrepreneurs to contract fairly, honestly, and without fear of retribution. Second, the Constitution provides Congress with the authority to regulate interstate commerce which Congress has already done for some franchisees by enacting the Petroleum Marketers Act and the Automobile Dealers Day in Court Act. I believe the time has come to apply these same standards to all franchise business relationships.

One of the key provisions of this legislation applies the Duty of Good Faith and Fair Dealing to the franchise relationship. One would think that this obligation is inherent in all contractual relationships, however, because there has been inconsistency in judicial interpretation, clarification is needed. The Duty of Good Faith provision requires both the franchisor and the franchisee to act in good faith in its performance and enforcement of the contract. A Duty of Good Faith obligates each party to do nothing that would have the effect of destroying or injuring the right of the other party to obtain and receive the expected fruits of the contract. If the franchisees are willing to apply this provision to themselves, why are the franchisors unwilling to do the same?

There is also great concern among franchisees about monopolistic behavior among franchisors with respect to sourcing re-

quirements. Many franchise contracts require franchisees to purchase equipment, fixture, supplies, goods and services directly from the franchisor or its subsidiary, thus eliminating competition from the system and driving up costs for the franchisees and ultimately the consumer. Under this legislation, competition would be injected into the procurement process, ultimately lowering costs for everyone. Along these same lines, franchisors would also be required to disclose any rebates, commissions, payments or other benefits resulting from the mandated sourcing requirement imposed on the franchisees. These kinds of "kickback" have been illegal in other industries for years, and the time has come to shine the light of day on these long-standing franchisor abuses.

During the past 20 years, there has been tremendous change in the franchising industry, and as a result, I believe the time has come for Congress to examine this issue and level the playing field for small business franchisees across our great nation. The legislation that I introduce today, along with my distinguished colleague from Michigan, Congressman JOHN CONYERS, addresses the fundamental and necessary safeguards that this industry so desperately needs. This legislation, like the Automobile Dealers Day in Court Act and the Petroleum Marketing Practices Act, rights the imbalance that has existed for too long in the franchisor/franchisee relationship.

PERSONAL EXPLANATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. GARY MILLER of California. Mr. Speaker, on Monday, November 8, I was inadvertently detained and unable to vote on the following measures:

Rollcall No. 574, recognizing the generous contribution made by each living person who has donated a kidney to save a life;

Rollcall No. 575, amending the Ethics in Government Act of 1978 to reauthorize funding for the Office of Government Ethics; and

Rollcall No. 576, recognizing and honoring Payne Steward and expressing the condolences of the House of Representatives to his family on his death and to the families of those who died with him.

Had I been present, I would have voted "aye" on rollcall Nos. 574, 575, and 576.

HONORING AGNES FUSS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. GORDON. Mr. Speaker, I rise today to honor Mrs. Agnes Fuss for her years of service to her country and her community. "Miss Agnes" is the person in the Upper Cumberland area of my district call when they need help.

Perhaps because she is a federal retiree, she is especially good at providing assistance