

A two-part documentary by Ken Burns is set to air tonight and Wednesday on Public Broadcasting System stations in the Midlands. Burns' effort follows a popular book by historian Stephen Ambrose, whose "Undaunted Courage" described the trip in detail. The book relied on historical records, letters and memoirs, as well as journals of the expedition written by Meriwether Lewis, William Clark and other members of the party. More than 800,000 copies have been sold.

The expedition was commissioned by President Thomas Jefferson to explore the newly purchased Louisiana Territory. Jefferson ordered Lewis to follow the Missouri River as far as he could, then keep going beyond U.S. territory in an attempt to find a convenient water route to the Pacific.

There is no fast and easy route by water. But the explorations of Lewis and Clark succeeded in another way. They opened the continent to further settlement, identified scores of new plants and animals and launched tentative but cordial relationships with Indian tribes.

Current signs of interest include a 10 percent increase of visitors at Fort Clatsop near Astoria, Ore., where the explorers wintered. Membership in the Lewis and Clark Trail Heritage Foundation has risen. A flood of books on the subject is about to hit the stores.

Archaeological digs are proceeding at Fort Clatsop, at Fort Mandan, another wintering site in North Dakota, and at the Great Falls of the Missouri. The first major archeological survey of sites on the trail began recently.

Lewis and Clark sites throughout the West and Midwest are gearing up for tourists as the bicentennial approaches. New Park Service interpretative centers in North Dakota and Montana will aid visitors.

In the Midlands, the Western Historic Trails Center in Council Bluffs, which presents information on the Lewis and Clark expedition and trails that went through the region, is ready for visitors. A new observation deck was constructed at Ponca State Park, overlooking part of the expedition's route. It is one of 10 markers being constructed in Nebraska to emphasize the highlights of the voyage. A Lewis and Clark national Historical Trail Interpretative Center is planned at Nebraska City.

Commemorations in Sioux City will revolve around the riverboat at the Sgt. Floyd Museum and Welcome Center. Floyd, a well-liked leader, was the only member of the party who didn't survive the trip.

The Lewis and Clark voyage of exploration was a major event in the life of the infant nation. The courage of the two leaders and their men was exceptional. The intellectual curiosity and scientific observational skills of Lewis were astounding. The party's combination of luck, pluck and ability has few equals. It's appropriate that the public is taking an interest in their story.

Though many Members of Congress seem to be having a difficult time making up their minds whether "fast-track" is in the national interest, the sensible Lincoln Journal Star newspaper in Lincoln, NE correctly acknowledges that the logic behind "fast-track" "[i]s a simple numbers game." This editorial properly recognizes that 96 percent of the world's consumers live outside of the United States, and we ignore them to our own detriment. Maybe a reading of the attached editorial will inject some fresh Midwestern air into the protectionist fog hanging over the District of Columbia and the Capitol. It's certainly worth a try.

[From the Lincoln Journal Star, Nov. 7, 1997]

**PRESIDENT'S FAST-TRACK AUTHORITY IS
NEEDED IN A GLOBAL ECONOMY**

(Unsigned editorials are the opinion of the
Lincoln Journal Star)

It's a bit surprising that a question exists on whether President Clinton should be granted fast-track authority in trade negotiations. Every president since Gerald Ford has had the power. In fact, fast-track authority had never lapsed until it expired on Sept. 30.

But Democrats are finding it difficult to support Clinton on the issue because of the vigorous opposition of organized labor, which has paid for radio and television advertising, organized phone calls to congressional offices and threatened to withhold campaign funding.

In Congress, trade protectionists led by Rep. Richard Gephardt, D-Mo., have been joined by Republicans, who hate to see Clinton win anything, to create a cliffhanger. Analysts predict a close vote in the House. In the Senate, where there is more support for fast-track powers, opponents have succeeded in delaying action.

The concept of fast-track authority is easily described. It gives the president the authority to negotiate trade agreements, which Congress then can reject but cannot amend. Without such authority, any member of Congress might want to change this line or that of any trade agreement sent to it for approval. If that were the case, it's doubtful that any country would negotiate with the United States.

At this point in history, there is overwhelming evidence that free trade benefits the United States. It's a simple numbers game. The United States has 4 percent of the world's consumers. The rest live in countries where the economies often are expected to grow at rates that will exceed those in developed countries like the United States. Many Latin American countries, for example, are expected to have annual growth rates of as much as 5 or 10 percent. If the United States wants to maintain or increase its wealth, it needs to sell to those consumers.

International trade is already of major importance to the national economy. There has been a 35 percent increase in American exports since 1992. In 1996, U.S. exports of goods and services reached a record \$836 billion, employing 16.7 million workers.

The most persuasive argument against free trade is that it can mean that industries gravitate to nations that will permit them to degrade the environment, or use child and prison labor. Under the proposed fast-track legislation, however, Clinton has the authority to negotiate agreements that protect against those outcomes.

In the end, the issue of free trade reaches basic questions of economic freedom. The United States has led the world in open markets, free enterprise and competition. Everywhere, nations are adopting those values. Since the end of World War II, global tariffs have dropped from an average of 40 percent to 5 percent.

For the United States to continue to play an important leadership role in the global economy, Congress needs to restore fast-track authority to the president.

**LEGISLATION TO PROMOTE FAIR
FRANCHISING**

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. LaFALCE. Mr. Speaker, I am today introducing legislation to address serious prob-

lems 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 prior Congresses.

In the past two decades franchising has changed the way Americans do business and the way we purchase goods and services. In large and small communities in my district and across the Nation the growing majority of businesses are either franchises or licensed outlets of national companies or retail chains. Franchising has been a significant factor driving both the expansion of our service economy and the growth of our small business sector.

Thousands of American families invest in franchises each year in the hope of realizing dreams of business ownership and economic independence. Unfortunately, too many of these dreams are shattered by franchise promoters who never fulfill promises to help build successful businesses. Rather than owning their own business, many franchisees find they have merely purchased below-minimum wage jobs that have neither the benefits or protections available to employees nor the legal rights and remedies of business ownership. For many franchisees, dreams of business ownership often turn into legal and financial nightmares.

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. We have no Federal laws governing the sale or operation of franchise businesses and the only regulatory procedure at the Federal level, the Federal Trade Commission'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.

These problems are compounded by the fact that franchise contracts are written by franchisors to preempt every legal remedy available to franchisees. As a former chairman of the American Bar Association's Franchise Forum told the Small Business Committee several years ago, indemnification provisions in franchise contracts 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 in franchise contracts 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—are routinely denied in franchise contracts.

In short, a huge and growing number of American business owners are routinely required to forego their basic rights and legal remedies just because they choose to become franchisees.

The bill I am introducing today, the Federal Fair Franchise Practices Act, addresses these problems and does so not by increasing Government regulation, but by enhancing private remedies that permit individual franchisees to protect their legitimate financial interests in a court of law.

My bill would promote greater fairness and equity in franchise relationships by establishing minimal standards of conduct for franchise practices, by prohibiting the most abusive acts by franchisors, by clarifying the legal rights of franchise owners, and by nullifying procedural devices intended to block available legal remedies.

In addition, the bill incorporates basic prohibitions against fraud, misrepresentation and discrimination elsewhere in Federal law and applies them to franchise sales and business practices. It protects the right of franchisees to organize franchisee trade associations and to engage in collective legal action to protect their financial interests. And it provides a private right of actions for violations of Federal franchise disclosure requirements—something the FTC has requested for 18 years.

Mr. Speaker, franchising has undergone tremendous growth in the past two decades and now dominates our nation's retail and services sectors. But Federal law and regulation have failed to keep pace. Federal guidelines intended to protect the public from false or misleading franchise promotions are sadly out of date and only marginally enforced. Legal rights and standards taken for granted in other business relationships continue to be debated and denied in franchising arrangements.

It is time Congress acted to provide basic protections in Federal law to discourage fraudulent and abusive franchising practices and to help strengthen the American dream of small business ownership. I believe the proposals I am introducing could constitute landmark legislation. In much the same way that the Wagner Act helped revolutionize labor-management relations in the industrial economy of the 1930's this legislation can help restore fairness and balance in the growing franchising sector of the services-based economy of the 1990's.

I recommend this legislation to the consideration of my colleagues and I urge its adoption by the Congress.

TRIBUTE TO BILL AND DALE
BELCHER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to recognize Bill and Dale Belcher on being chosen as Golden Condor Award winners for their many years of outstanding service to their community and Scouting.

Their work with the Scouts has spanned decades and has had a tremendous impact on the many young people they have worked with over the years. Their sense of community extends far beyond the boundaries of Scouting. For some, that would be enough public service, but not for Bill and Dale. Each of them has dedicated their life to a variety of service organizations. Both Bill and Dale have been very involved in their church and served as executives with United Way.

Dale is active with Soroptimist International, Oxnard Women's Club, and a host of other organizations. Bill is a 20-year veteran of the U.S. Navy, and a longtime member of the Rotary Club, just to name a few.

Mr. Speaker, Bill and Dale Belcher stand as shining examples of the difference two people

can make in the lives of many. I would like to extend my sincere congratulations to Dale and Bill on having been chosen as Golden Condor Award winners and thank them for their work in our community.

ROUGH DRAFT OF LEGISLATION
TO IMPROVE QUALITY OF CARE
IN NATION'S DIALYSIS CENTERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. STARK. Mr. Speaker, I am today including in the CONGRESSIONAL RECORD the rough draft of a bill which represents several years of hard work within the kidney disease community on how to improve the quality of care for our Nation's nearly 250,000 kidney disease patients.

I am asking that the bill be printed in the RECORD in the closing hours of this session of the 105th Congress, so that interested parties can study the proposal over the next several months and offer suggestions and changes. I will be working on the bill over the coming months to develop a consensus on this effort to improve the quality of life of the Nation's kidney disease patients, and I hope to introduce it formally, with appropriate changes, when the second session meets in January.

Basically, the draft bill would create a continuous quality improvement [CQI] program that requires all providers treating end-stage renal disease patients under Medicare to provide data on the outcomes and quality of life of their patients, and to seek to improve that quality.

Those who achieve outstanding quality outcomes will be recognized for their special contributions. Those who fail to meet agreed-upon quality standards will be counseled and worked with to improve. Patients in most communities where there is more than one dialysis provider will be empowered to switch to centers which provide the better outcomes and quality. All the care givers, including the doctors, will be part of the new effort of measurement and improvement.

The result should be improved mortality and morbidity rates, improved energy levels, improved rates of return to work, and of transplantation.

Mr. Speaker, for over 23 years Medicare has been paying for the catastrophic expenses of treating end-stage renal disease, through three times a week life-giving dialysis, through transplantation, and through all the extra hospitalizations, tests, and pharmaceuticals needed by these citizens. The cost per patient per year is, counting everything, estimated between \$50,000 and \$60,000.

The program has been a tremendous success. It has saved enormous numbers of lives and in many cases provided a good quality of life for decades in which people have continued to contribute to their communities and loved ones.

Yet, after 23 years experience, we can and should do better. There are enormous differences between dialysis centers. After adjusting for every imaginable factor, scholars continue to find that some dialysis centers have death rates much higher than the average. To be blunt, some dialysis centers should

be avoided as dangerous to one's health. Some dialysis centers seldom or never refer patients—on whom they make some money—to transplantation so that they will never again need dialysis. Some centers' patients spend many more days per year in the hospital than the "best practice" centers. Some centers are able to get their patients back to work; in others, a lifetime of disability and welfare becomes the norm. And as the GAO reported to Congress on September 26, the number of appropriate lab tests given to ESRD patients vary enormously among centers, raising questions of quality and of fraud and abuse.

With Medicare—not total—expenditures on ESRD patients likely to be about \$9 billion in the coming year, we need to do better. We need to reduce the hospitalization rates and the unexplained death rates. We need to increase the opportunities for transplantation and for the return to work and a full range of normal activities. The draft bill would—I believe—help patients and providers work together to achieve these goals.

Finally, managed care has become a fact of life for most Americans, but most ESRD patients are not in managed care. Indeed, currently there is a prohibition on patients who reach ESRD status joining a managed care plan—although a person already in a managed care plan who reaches ESRD can stay in his or her plan. The fear has been that a managed care company could so cut access to services and quality care for these very vulnerable patients that it could lead to greatly increased patient death and illness. Until we have strong quality standards in place and know how to measure ESRD outcomes, it is dangerous to place these patients in systems designed to reduce utilization. The CQI legislation I am introducing will help ensure that for those few ESRD patients in managed care, there is a guarantee of quality. The lessons learned from this legislation will help permit the day when we could confidently entrust this population to disease management programs.

I want to thank all of the rental and patient associations who have been working with HCFA to improve quality and who have been offering suggestions for CQI legislation. In particular, I want to thank the Renal Physicians Association. This draft legislation builds on many of the ideas that are already underway in the renal community and at HCFA, and I believe it is a bill that can achieve consensus support throughout the renal community.

To repeat, I welcome additional suggestions and refinements to this proposal—and hope it is legislation that we can move forward in 1998.

TO HONOR AMERICA'S VETERANS

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 8, 1997

Mr. MALONEY. Mr. Speaker, I rise today to honor our Nation's veterans.

When in 1958 President Eisenhower signed the bill proclaiming November 11th Veteran's Day, he called for Americans everywhere to rededicate themselves to the cause of a lasting peace. He proclaimed that day an occasion for honoring all Veterans of all wars, a group that currently includes more than 27 million Americans, over 50,000 of whom reside in