

much acceptance among members of the House or Senate Small Business Committees.

Given Administrator Barreto's stated preference for resolving the funding crisis associated with the §7(a) lending programs through an expansion of express loans, the sponsors are concerned that the Administrator will take regulatory actions that unduly favor express lending over other types of lending authorized by §7(a) of the Small Business Act. As such, the sponsors determined that it was appropriate to impose certain restrictions on the Administrator's operation of the expanded Express Loan Pilot Program in order to prevent actions that unnecessarily and unduly favor express lending.

Any significant policy change in the operation of the lending programs authorized by §7(a) of the Small Business Act requires notification to the House and Senate Small Business Committees. Subsection 6(e) does not limit the restrictions imposed on the Administrator's regulatory discretion to those matters that would require notification pursuant to §7(a)(24) of the Small Business Act.

The most significant restriction is that the Administrator cannot take any action that directly forces a lender to make an express loan for any level. Thus, if a lender wishes to make an express loan for \$1.5 million dollars and is a designated express lender, the lender may do so. If the same lender is qualified to make other types of loans and wants to make a \$1.5 million dollar loan at a 75 percent guarantee, the Administrator may take no action that forces the lender to select the 50 percent guarantee over the 75 percent guarantee.

One mechanism for demonstrating favoritism is to impose conditions on loan programs other than express loans that have the effect of coercing lenders to make express loans. Paragraph (2) of subsection 6(e) ensures that the Administrator imposes like terms and conditions on both express and other lending programs authorized by §7(a) of the Small Business Act. The sponsors intend that this requirement apply to all of the terms and conditions of loans made pursuant to §7(a) of the Small Business Act, including collateral and the likelihood of repayment standards.

Even if the terms and conditions on the loans are identical, the Administrator has other mechanisms for demonstrating favoritism of express lenders over other types of Administrator-designated lenders. For example, the Administrator could delay processing of 75 percent guarantee loans, i.e., loans other than express loans, such that lenders would, for all practical terms, be required to do express loans. Thus, paragraph (3) of subsection 6(e) prevents the Administrator from making any personnel changes or altering the application of resources (be it personnel, equipment, or funding) that increases the loan processing and disbursement times for all loans authorized by §7(a) of the Small Business Act as those were in effect on October 1, 2003. For example, if the time for disbursement of an express loan was five days and the time for disbursement of a 75 percent guaranteed loan was seven days, the Administrator may take no action that increases the relative disparity between the express loan and the 75 percent guarantee loan. Nothing in this subsection shall be interpreted to prevent the Administrator from improving the overall processing, approval, or disbursement rates of all loans except that any such improvements must affect all lenders and all lending programs operating pursuant to §7(a) of the Small Business Act in an identical manner.

To ensure that the sponsors' intent is clear that the expansion of the express loan is optional and the Administrator shall take no

action that has the practical effect of making it mandatory, the sponsors incorporated a catchall requirement that the Administrator not take action to create incentives that would favor express loans over other types of loans. The sponsors believe that the determination of the appropriate nature of a loan should not be made by regulatory fiat but by the sound judgment of lenders, borrowers, and the Administrator's commercial loan officers.

The dramatic expansion of the express loan program, even on a temporary basis, may shed dramatic light on the purposes for which such loans are made. That information will be critical in resolving, on a long-term basis, the funding issues associated with the §7(a) lending programs. Therefore, the sponsors requested, to the extent practicable, monthly reports on the types and purposes for express loans made in excess of the current pilot program cap of \$250,000.

Subsection 6(g) terminates the effectiveness of various subsections after September 30, 2004. Subsection (d) has its own internal sunset provision. No sunset is made on subsection (a), as it simply codifies existing practice of the Administrator with respect to definitions related to express loans. Nothing in subsection (g) is intended by the sponsors to constitute a permanent change in any program authorized pursuant to §7(a) of the Small Business Act.

Section 7. FY 2004 Deferred Participation Standards

As already noted, the sponsors are concerned that regulatory or other administrative changes in loan programs could have the practical implication of forcing lenders to make express loans. The sponsors determined that by freezing all terms and conditions of loans as they existed on October 1, 2003 would be a sound means of deterring favoritism for express lending. The sponsors intend this provision to require, upon enactment, the lifting of the cap on loans made pursuant to §7(a) of the Small Business Act that are currently in place. Section (7) does permit the Administrator to modify those terms and conditions if needed to ensure continued operation of the program within the amounts appropriated. Although the sponsors, based on assertions by the Office of Management and Budget, believe that the Administrator will have sufficient funds through the end of the fiscal year to operate without any regulatory restraints, the sponsors do not want to prevent the Administrator from taking actions needed to prevent violations of the Anti-Deficiency Act. In other words, the sponsors fully expect the terms and conditions of October 1, 2003 to apply unless unusual and very unexpected consequences occur. Should such changes be necessary, nothing in H.R. 4062 repeals, either implicitly or explicitly, the notification requirements set forth in §7(a)(24).

Section 8. Temporary Increase in Loan Limit

Access to capital is vital to the growth of small businesses. Particularly for manufacturers and high technology research and development businesses, typical amounts of capital available under the loan programs authorized by §7(a) of the Small Business Act often are inadequate. If these manufacturers and high technology companies are investing to increase their productivity, the job creation requirements of Title V of the Small Business Investment Act may make it difficult, if not impossible, to obtain that type of financing. Therefore, the sponsors determined that it would be appropriate to temporarily increase the amount of the loan guarantee from \$1 million to \$1.5 million. No additional changes were made in the overall statutory cap of a gross \$2 million loan. The sponsors did not believe that was necessary

because any additional gaps in financing can be addressed using combination financing, under the terms of this Act. Given the fact that borrowers are getting an additional increment in loan guarantees, the sponsors determined that it would be appropriate to require an additional 0.25 percent fee for the amount of guarantee in excess of \$1 million. Thus, on the amount of the guarantee between \$1 million and \$1.5 million, the upfront fee authorized pursuant to §7(a)(18) of the Small Business Act increases from 3.5 percent to 3.75 percent. This is consistent with typical commercial lending practices of charging fees that are commensurate with the lenders' exposure to risk.

IN RECOGNITION OF THE 1ST BATTALION, 69TH INFANTRY OF THE NEW YORK NATIONAL GUARD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mrs. MALONEY. Mr. Speaker, I rise to recognize the soldiers of the 1st Battalion, 69th Infantry of the New York National Guard, who are currently preparing to serve their country in Iraq. Additionally, I would like to extend my appreciation and gratitude to all of our brave National Guard and Reserve soldiers, whose time, energy and sacrifice do so much to ensure the safety of our nation and fellow citizens.

Today's National Guard soldiers are part of a rich tradition in American life that stretches back to the Revolutionary War. At that time, our Founding Fathers placed the country's security in the hands of citizen-soldiers who organized and trained in their home states. The members of our current National Guard, in addition to demonstrating leadership in private enterprise, public service and a variety of other professions, must also be ready to put their ordinary lives "on hold"—often at a moment's notice—to serve their country.

The 1st Battalion, 69th Infantry has a distinguished history in both battle and disaster response. As part of the Irish Brigade during the Civil War, the 69th Infantry was famous for its tenacity on the battlefield and earned its nickname, "The Fighting 69th," from Confederate General Robert E. Lee. The 69th also took part in the Spanish-American War, World War I and World War II, where its soldiers fought in the battles of Makin, Saipan and Okinawa.

The regiment was initially formed by Irish-American residents of New York City; through the years, the unit has taken great pride in being a reflection of New York and its immigrant population. Today, the Battalion is an incredibly diverse group whose common goal is the protection of the American people.

The Fighting 69th are infantry soldiers—the "guns on the ground"—whose mission is to engage and destroy enemy forces in close combat. Upon deployment to Iraq, the Battalion will likely be asked to perform highly difficult and dangerous assignments. Despite the challenges that these men and women will likely encounter, their spirit and resolve is remarkable. Indeed, they are ready and eager to serve their country.

The Battalion has also mobilized during emergencies in their home state of New York. The Battalion Commander, Lt. Col. Geoffrey Slack, informs me that the Fighting 69th was

the first National Guard unit to arrive on the scene following the attacks of September 11, 2001. In the hours after the attacks, the Battalion assisted medical teams treating the wounded and helped significantly in rescue and recovery operations. The Battalion worked through the night and into the morning of September 12th, when they were directed to secure the perimeter around Ground Zero. This mission continued for the next 315 days. During this time, Battalion soldiers were also deployed to secure the bridges and tunnels leading to and from Manhattan. Additionally, the unit's armory was the initial support center for family members of World Trade Center victims.

In closing, I ask that my colleagues also recognize and honor the tremendous courage of Lt. Gerard Baptiste, a Fighting 69th soldier who died on September 11th while on duty as a New York City Firefighter. Lt. Baptiste gave his life to help rescue those who were trapped in the north tower of the World Trade Center. I hope that Lt. Baptiste's friends, family and fellow soldiers will accept my sincere condolences for their loss.

Mr. Speaker, I request that my distinguished colleagues rise and pay tribute to the 1st Battalion, 69th Infantry of the New York National Guard. All Americans should be grateful for the dedication demonstrated every day by both the men and women of the Fighting 69th and all of the brave soldiers serving in National Guard and Reserve units throughout our nation.

HONORING THE LIFE OF MR. AMOS CROOMS, JR.

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. KILPATRICK. Mr. Speaker, I rise today to honor the life of Mr. Amos Crooms, Jr., who passed away February 15, 2004.

Mr. Crooms spent most of his adult life in public service and his selfless dedication is an inspiration for us all. He enlisted in the Navy in 1959 and was assigned to the USS *Topeka* when it was deployed to respond to the Cuban Missile Crisis in 1962.

After Mr. Crooms' honorable discharge from the Navy in 1963 he returned to Detroit and joined the Detroit Police Department in 1967. He served on the front line of law enforcement by working in the newly created mini-stations on narcotics, undercover operations, and recruiting. As one of Detroit's finest, he received many citations for his 26 years of service.

Mr. Crooms' dedication to public service has inspired many of his family members and friends to pursue careers in public service. His devotion to his country, family, and the city of Detroit will be remembered, and the city is a better place for his contributions to the community.

Mr. Speaker, in closing, I would like to pay tribute to the life and work of Mr. Amos Crooms, Jr. and express my deepest condolences to his family and to all who knew and loved him.

IN RECOGNITION OF MINORITY CANCER AWARENESS WEEK

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. DAVIS of Florida. Mr. Speaker, this week is National Minority Cancer Awareness Week. This national campaign was initiated by Congress in 1987 to heighten awareness of the unequal hardship of cancer borne by racial and ethnic minority populations and other medically underserved communities.

Despite all the progress that has been made in the battle against cancer a disproportionate burden of cancer continues to plague a number of populations. For instance:

African-American men have the highest rate of prostate cancer in the world and the lowest rate of survival. The head of the American Cancer Society, Charles J. McDonald, MD, says: "Black men in America are 1.5 times more likely to develop prostate cancer and are 2 to 3 times more likely to die of the disease than white men."

Cancer is the leading cause of death for Asian American women.

Even controlling for poverty level, African American, American Indian, Alaskan Native, Asian American and Pacific Islander men all have a lower 5-year survival rate than non-Hispanic white males.

The consequences of inadequate access to preventive services and early detection are that diseases like cancer are more often diagnosed at later stages when the severity is likely to be greater and options for treatment, as well as the odds of survival, are decreased.

The American Cancer Society urges more education about all forms of cancer and stronger involvement of community grassroots organizations, particularly in underserved minority communities, to engage in advocacy and in education and patient support initiatives.

I urge us all to heed the recommendations of the American Cancer Society because the future of America as a whole will be influenced substantially by our success in improving the health of minorities and other medically underserved populations.

INTRODUCTION OF A BILL TO EXTEND THE FARM CREDIT ACT OF 1971 TO THE FISHING INDUSTRY

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. LoBIONDO. Mr. Speaker, the Farm Credit Act of 1971 allows the Farm Credit Administration to oversee and regulate banks and associations to provide long-term and short-term credit and financial services to farmers, ranchers, producers, and commercial fishermen in all 50 States and the Commonwealth of Puerto Rico. In many parts of the country, Farm Credit is an important and significant lender to the farming and commercial fishing industry. Over one-fourth of the total credit used by farmers and fishermen derives from the FCA through a network of Farm Credit Banks, Federal Land Banks, Production

Credit Associations, and Banks for Cooperatives.

Under the current law, Farm Credit institutions are also authorized to finance individuals furnishing farm-related services related to their operating needs including custom fertilizers, irrigation installation, and land leveling services. It has been brought to my attention by a local Farm Credit institution in my District that a similar authorization to provide credit and financial services for individuals furnishing services to producers and harvesters of aquatic products does not exist. As a result of this limitation, Farm Credit institutions are not authorized to finance businesses such as boat repair shops, net makers, ice suppliers, or dock operations that provide necessary services for commercial fisherman.

This omission in the Farm Credit Act means that Farm Credit institutions cannot serve the commercial fishing industry in the same manner that they currently serve the farming industry. The Farm Credit Act clearly states that it includes fishermen, but then does not go on to include those who support the industry in the same way it includes those that support the farming industry.

An amendment is needed to the Farm Credit Act to authorize Farm Credit institutions to serve businesses that provide services related to the operating needs of producers and harvesters of aquatic products. This bill would extend the Farm Credit Act to numerous commercial fishing industry providers such as boat repair shops and dock operators that provide the necessary business needs to these fishermen.

I urge my colleagues in the House to support this legislation.

REINTRODUCTION OF LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the bipartisan Local Law Enforcement Hate Crimes Prevention Act of 2003, along with Representatives PELOSI, SKELTON, FRANK, BALDWIN, ROS-LEHTINEN, KOLBE, FOLEY, SHAYS, and more than 170 other original cosponsors.

There is no more important time in the history of this Nation, since the civil rights era, to pass legislation that sanctions hate violence. The FBI has reported a dramatic increase in hate motivated violence since the September 11 terrorist attacks which has sent a wave of fear through our immigrant communities. While the overall crime rate has grown by approximately 2 percent, the number of reported hate crimes have increased dramatically from 8,063 in 2000 to 9,730 in 2001, a 20.7 percent increase.

Although it is unclear how many of the 2001 reported hate crimes were directed at individuals in the aftermath of the September 11 terrorist attacks, we do know that the number of reported "anti-Islamic" crimes increased from 28 in 2000 to 481 in 2001, which represents an increase of over 1600 percent. In addition, the number of hate crimes directed at individuals on the basis of their national origin/ethnicity more than doubled—from 911 in 2000 to