

of achievement in high school. He has participated in F.F.A./4-H for four years and has served as both Secretary and Vice President. Notable among his many activities are his four years on both the Varsity Football and Baseball teams. Tyler also hopes to one day become a teacher.

On behalf of the United States Congress, I am proud to join his many admirers in extending our highest praise and congratulations to Tyler William Losinski for his selection as winner of the 2004 LeGrand Smith Scholarship. This honor not only recognizes his efforts, but is also a testament to the parents, teachers, and other individuals whose personal interest, strong support, and active participation contributed to his success. To this remarkable young man, we extend our most heartfelt good wishes for all his future endeavors.

CONGRATULATING PRESIDENT
CHEN SHUI-BIAN OF TAIWAN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate President Chen Shui-bian of Taiwan for having narrowly won his reelection on March 20. He will be inaugurated as the eleventh president of the Republic of China this May 20th.

As many of us know, Mr. Chen has a very interesting story. He came from a poor Taiwanese farming family. After his university days, he became an active political reformer and activist for many years and served time in prison for his beliefs. After gaining his release, he became a lawmaker and later as mayor of Taipei. He won his first presidential race in March 2000, the first time in Chinese society that an opposition party candidate was elected president. During his first term in office, he led his country toward full democratization and drastically improved Taiwan's human rights record. Today Taiwan's constitution guarantees its citizens basic civil liberties, including freedom of peaceful assembly and association, freedom of speech and press, and freedom of religion.

In the next four years, I am hopeful that Mr. Chen will continue Taiwan's political reforms and strive for better relations with China. Recently, Mr. Chen reiterated his determination to maintain peace and stability in the Taiwan Strait and good relations with the United States.

Mr. Speaker, I wish Mr. Chen the best of luck in all areas. As a beacon of democracy, Taiwan richly deserves our friendship and support.

INTRODUCTION FOR THE EQUAL
SURETY BOND OPPORTUNITY ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Ms. NORTON. Mr. Speaker, today I am pleased to introduce the Equal Surety Bond Opportunity Act (ESBOA). The ESBOA will help qualified women and minority-owned

businesses to compete in the contracting business by helping them obtain adequate surety bonding. In addition, the ESBOA is directed against barriers that many qualified small and emerging construction firms encounter in obtaining surety bonding. I have introduced this bill before. I do so again because it is a common sense way to eliminate a serious form of discrimination without an additional enforcing bureaucracy.

A surety bond is issued by insurers for the purpose of guaranteeing that should a bonded contractor default, a construction project will be completed and the contractors employees and material suppliers will be paid. Surety bonding is mandatory for competing for all Federal construction work in excess of \$25,000, all federally assisted construction projects in excess of \$100,000, and most state and local public construction. However, surety bonding requirements are not restricted to government contracting. Increasingly, private construction contracts also require surety bonding. As surety bonding has become a widespread requirement, the inability to obtain surety bonding can cripple a construction firm, especially a small or a new one.

In 1992, Congress acknowledged the importance of this issue when it enacted the Small Business Credit Crunch Relief Act and included legislation to study the problem of discrimination in the surety bonding field, Public Law 102-366, that I had introduced. The survey provision required the General Accounting Office (GAO) to conduct a comprehensive survey of business firms, especially those owned by women and minorities, to determine their experiences in obtaining surety bonding from corporate surety firms.

The GAO completed the requested survey in June 1995. The survey found that of the 12,000 small construction firms surveyed, 77 percent had never obtained bonds. In addition, minority and women-owned firms were more likely to be asked for certain types of financial documentation. Further, minority-owned firms were also more likely to be asked to provide collateral and to meet additional conditions not required by others.

The ESBOA bill I am introducing today is modeled on the Equal Credit Opportunity Act of 1968, which prohibited discrimination in credit practices. The ESBOA requires the contractor notify the applicant of the action taken on his or her application within 20 days of receipt of a completed bond application. If the applicant is denied bonding, the surety would also be required, upon request, to provide a written statement of specific reasons for each denied request. Furthermore, the bill would provide civil liability in the form of damages and appropriate equitable relief should a surety company fail to comply with this notice requirement.

This legislation would help all contractors to have a better understanding of the reasons behind the denial of their bond applications. Furthermore, the importance of civil penalties cannot be understated for minority applicants who currently have no recourse when they suspect that the denial of surety bonding was based on considerations such as gender, race or religion.

The disclosure of pertinent information to rejected applicants is an equitable principle familiar throughout the federal acquisition process. This is the case when a small business is turned down for a government contract and

has the opportunity to demand a negative pre-award survey. With this information, the business can contest the award or use the information to be better prepared for the next award competition. The more a business knows about what is wrong with its proposal, the greater the likelihood that the next time the business will submit a better and more competitive proposal.

According to the National Association of Minority Contractors (NAMC), many minority contractors reported being turned down for a bond without an explanation. When explanations are not proffered, a perception of discrimination in the surety industry is created. This perception drives minority contractors to obtain sureties outside the mainstream, often at significant additional expense and fewer protections, placing themselves, their subcontractors, and the Government at greater risk.

Civil penalties in this bill are necessary to compel surety bond companies to provide accurate and non-discriminatory reasons for denial of surety bonding. This bill will provide the applicant with the necessary civil remedy should the surety bonding company refuse to provide this important information. In addition to providing essential information for future bond applications, a clear response will identify whether surety bonding companies are using discriminatory or fallacious criteria in making these decisions.

This legislation will create an environment in which small business firms, particularly those owned and controlled by minorities and women, can successfully obtain adequate surety bonding. This legislation will enable us to ferret out continuing biases in the industry. I urge my colleagues to support this bill and help abolish the artificial impediments to the development and survival of emerging small businesses.

TRIBUTE TO WILLIAM "DOC"
SAMKO

HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. MCGOVERN. Mr. Speaker, I am honored today to pay tribute to William "Doc" Samko, in honor of his 37 wonderful years of service to Worcester Academy—my alma mater.

Doc has been the athletic trainer at Worcester Academy since the 1966-67 school year. Throughout his tenure he has been a teacher, a healer, a mentor and a friend to thousands of young students. He has guided them through injury and defeat with grace and humor.

I myself played football at Worcester Academy, although I never really got enough playing time to risk injury. I like to say I played "left bench." It's probably for the best. But I knew that if I ever got hurt, Doc Samko would be there to help.

Before his time at Worcester Academy, Doc worked at Holy Cross College in Worcester, where he helped the likes of Bob Cousy, Tommy Heinsohn, and other greats of that era. A pioneer in his field, Doc has been inducted into the Worcester Academy Hall of Fame and the National Athletic Trainers Hall of Fame.