

FRANK), the ranking member of the subcommittee, it is suggested that we do have a hearing. There is concern among employees that this might have adverse ramifications, despite the language suggesting otherwise.

So that would be my comment. Should this bill pass anyhow, I would strongly urge the administrators at the Court to deliberate collaboratively with the employee groups there.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the comments of the gentlewoman from California who, by the way, has been a valued member of the Committee on the Judiciary and specifically a valued member of the Subcommittee on Courts and Intellectual Property.

Permit me just to say this, Mr. Speaker, in response. As I said before, the bill requires the Administrative Assistant to the Chief Justice to ensure that no Supreme Court employee will be displaced or have his or her pay reduced. None of the workers at the Court, including the police officers, who are members of the Fraternal Order of Police, oppose this bill, to my knowledge, and the Chief Justice is enthusiastic about its passage.

I think, Mr. Speaker, and I say to my friend, the gentlewoman from California, I think this is an operational problem that can be cured without requiring the Court to submit a larger budget request, and I urge its passage.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just note the very courteous remarks of the chairman, and should this bill pass, that that consideration and administrative deliberation would indeed take place as the chairman has expressed.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the Senate bill, S. 2143.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GRANTING FEDERAL CHARTER TO AMERICAN GI FORUM

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1759) to grant a Federal charter to the American GI Forum of the United States.

The Clerk read as follows:

S. 1759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The American GI Forum of the United States, a nonprofit corporation organized under the laws of the State of Texas, is recognized as such and granted a Federal charter.

SEC. 2. POWERS.

The American GI Forum of the United States (in this Act referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State of Texas and subject to the laws of the State of Texas.

SEC. 3. PURPOSES.

The purposes of the corporation are those provided in its bylaws and articles of incorporation and shall include the following:

(1) To secure the blessing of American democracy at every level of local, State, and national life for all United States citizens.

(2) To uphold and defend the Constitution and the United States flag.

(3) To foster and perpetuate the principles of American democracy based on religious and political freedom for the individual and equal opportunity for all.

(4) To foster and enlarge equal educational opportunities, equal economic opportunities, equal justice under the law, and equal political opportunities for all United States citizens, regardless of race, color, religion, sex, or national origin.

(5) To encourage greater participation of the ethnic minority represented by the corporation in the policy-making and administrative activities of all departments, agencies, and other governmental units of local and State governments and the Federal Government.

(6) To combat all practices of a prejudicial or discriminatory nature in local, State, or national life which curtail, hinder, or deny to any United States citizen an equal opportunity to develop full potential as an individual.

(7) To foster and promote the broader knowledge and appreciation by all United States citizens of their cultural heritage and language.

SEC. 4. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State of Texas and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 5. MEMBERSHIP.

Except as provided in section 8(g), eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the corporation.

SEC. 6. BOARD OF DIRECTORS.

Except as provided in section 8(g), the composition of the board of directors of the corporation and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the corporation and in conformity with the laws of the State of Texas.

SEC. 7. OFFICERS.

Except as provided in section 8(g), the positions of officers of the corporation and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the corporation and in conformity with the laws of the State of Texas.

SEC. 8. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and em-

ployees of the corporation or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation may not make any loan to any member, officer, director, or employee of the corporation.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The corporation may not issue any shares of stock or declare or pay any dividends.

(d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL APPROVAL.—The corporation may not claim the approval of Congress or the authorization of the Federal Government for any of its activities by virtue of this Act.

(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation organized and incorporated under the laws of the State of Texas.

(f) CORPORATE FUNCTION.—The corporation shall function as an educational, patriotic, civic, historical, and research organization under the laws of the State of Texas.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

SEC. 9. LIABILITY.

The corporation shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 10. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the corporation.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the corporation may be inspected by any member having the right to vote in any proceeding of the corporation, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

"(80) American GI Forum of the United States."

SEC. 12. ANNUAL REPORT.

The corporation shall annually submit to Congress a report concerning the activities of the corporation during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 11. The annual report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this Act is expressly reserved to Congress.

SEC. 14. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the corporation fails to maintain its status as a corporation exempt from taxation as provided in the Internal Revenue Code of 1986

the charter granted in this Act shall terminate.

SEC. 15. TERMINATION.

The charter granted in this Act shall expire if the corporation fails to comply with any of the provisions of this Act.

SEC. 16. DEFINITION OF STATE.

For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1759, the bill we are considering today would grant a Federal charter to the American GI Forum of the United States. This Senate bill is the companion measure to H.R. 3843, introduced and championed by my colleagues, the gentleman from Texas (Mr. RODRIGUEZ) and the gentleman from Texas (Mr. BONILLA).

The American GI Forum will be holding its 50th anniversary celebration during August, and both House and Senate supporters have worked very hard to make sure we pass this legislation in time for that anniversary.

The American GI Forum of the United States is a Hispanic veterans family organization. The organization has more than 100,000 Members and 500 chapters in 32 States and Puerto Rico. Although predominantly Hispanic, the American GI Forum is open to all veterans and their families.

The House subcommittee of jurisdiction suspended the granting of Federal charters to private nonprofit organizations in 1989. Organizations seek Federal charters primarily to obtain the prestige of Federal Government recognition. The charter itself grants no special privileges or legal rights to the organization. It does, however, lead to the public perception that the Federal Government ensures the integrity and worthiness of the group's activities.

Unfortunately, Congress does not have the resources to monitor the activities and operations of the numerous existing federally chartered organizations, and has maintained the moratorium to keep from exacerbating the problem.

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However, it was brought to the attention of the Congress that the cir-

cumstances surrounding the G.I. Forum are such that this exception needs to be made to the moratorium.

The American G.I. Forum of the United States is a family-oriented Hispanic veterans group founded in 1948, and responds to a lack of representation available to Hispanic veterans within already established veterans' organizations. By the 1960s, membership had grown to an amount equal to or greater than that of the major veterans' organizations.

At that time, the American G.I. Forum looked into obtaining a Federal charter like their contemporaries, the American Legion and the VFW. They were told they could not obtain one because their membership was not limited to veterans only. This was a clear misrepresentation. Restrictions on membership have never been a standard for the granting of a Federal charter. Prior to the American G.I. Forum's inquiry, many charters have been given to organizations that were not limited to veterans. The American G.I. Forum tried again to obtain a Federal charter in 1992, but by then the current moratorium on the granting of new Federal charters was in place.

When looking at the historical record, it appears that the general prejudice against Hispanics during the 1950s and 1960s prevented the American G.I. Forum, representing a large portion of the veterans' community, from receiving a Federal charter, rather than any lack of qualification on their part.

Research has already shown that no other group that has consistently represented such a large number of veterans and has been in existence since World War II was subject to rejection for a Federal charter.

The American G.I. Forum's history and situation is unique. It is appropriate, as a matter of policy, to make this exception to the moratorium on the granting of Federal charters, and bestow upon this organization the recognition that should have been granted decades ago. I urge the House to pass this legislation to give the American G.I. Forum this long-overdue recognition.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge Members to support S. 1759, which is the companion bill to H.R. 3843. This measure will permit the American G.I. Forum of the United States to receive a Federal charter.

The American G.I. Forum is a national organization of Hispanic veterans founded in 1948 in Corpus Christi, Texas. The organization has 30 State chapters, over 100,000 members, and is dedicated to addressing issues affecting Hispanic veterans and their families, including resolving problems of discrimination or inequity endured by Hispanic veterans.

The American G.I. Forum sought to obtain a charter, as the chairman has

indicated, 40 years ago when other large veterans' organizations received them, but because of the discrimination, they were denied. This year, the organization celebrates its 50th anniversary. Clearly the American G.I. Forum should receive the same national charter that other veterans' organizations did.

I would like to commend the gentleman from Texas (Mr. Rodriguez) for sponsoring this measure, and am grateful for the bipartisan support for the measure.

Unknown to many, perhaps, in this body, the G.I. Forum was founded in response to the worst kind of racial and ethnic discrimination. In fact, those who had fought for our freedom in World War II and gave their lives for American freedom were denied burial in the cemeteries in Texas because of discrimination against Hispanic Americans. The G.I. Forum sprang up in response to that egregious discrimination.

Since that time, the G.I. Forum has played a crucial role in many parts of this country. I would like to note that in my own community in San Jose, California, the G.I. Forum engages in a variety of absolutely wonderful and admirable activities, including one of the broadest scholarship programs and the most vigorous—one of the most vigorous veterans' groups. They are eager and active participants in the United Veterans' Council in my community, and really play leadership roles in veterans activities.

I am proud that although there has been a moratorium, we are able to make an exception in this case, because the discrimination that Hispanic soldiers and their families found subsequent to World War II unfortunately continued in the fifties and perhaps sixties, as the chairman has indicated. I think it is a proud day that this Congress can go back, acknowledge the errors of our past, and rectify them, and especially on this 50th anniversary of the G.I. Forum. I would urge my colleagues to support this bill.

Mr. ORTIZ. Mr. Speaker, I rise today to offer my unconditional support for the extension of a Federal Charter to the American GI Forum, an organization founded and maintained by Dr. Hector Garcia of Corpus Christi, who was my personal hero and one of the most important Americans of our time.

Dr. Garcia was a different breed of patriot and citizen. Long before the issue of civil rights was on anyone else's agenda, Dr. Hector Garcia recognized the need for equal rights for the citizens of the United States, particularly in our little corner of the world in South Texas. Rather than make the larger elements of society uncomfortable with a direct public assault on the status quo, Dr. Garcia began making quiet inroads into the system. He began his work by establishing the GI Forum, initially to help Hispanic war veterans get the veterans' benefits routinely denied to them.

Dr. Garcia encouraged all of us to become involved. He articulated clearly why it was necessary for Hispanics to show an interest in the workings of our city, our community and

our country. He underscored the basic workings of democracy, preaching his message about the strength of numbers, the necessity of registering to vote, and the power of voting.

Today, Dr. Garcia's message is the political gospel to which we all adhere; and his pulpit was the GI Forum. While others fought the system, often unsuccessfully, Dr. Garcia worked within the system to open it up for everyone to participate. He amazed us all with his wisdom, foresight, and longevity.

Dr. Garcia began fighting for the cause of civil rights in 1948—long before others joined that cause. He fought for basic, fundamental civil, human and individual rights. The seeds he planted all those years ago have grown into ideas whose roots are firmly planted in South Texas. Those seeds have produced today's leaders and laid the foundation for tomorrow's pioneers.

As a veteran, I am particularly grateful to Dr. Garcia for his very special service, during conflict with the enemy, and within the bureaucracy. The American GI forum was originally intended to guide WWI and WWII veterans through the maze of bureaucracy to obtain their educational and medical benefits, and it grew into the highly acclaimed civil rights organization.

The seeds of Dr. Garcia's inspiration and leadership have sprouted, and they will continue to grow and succeed, just as he planned. Dr. Garcia was a tremendously decent man, and his legacy to us is to treat each other decently as human beings. He embodied the Golden Rule: "Do unto others as you would have them do unto you." There are a host of people in South Texas who received free medical care from him because they simply couldn't afford to pay him.

We all appreciate his simple decency, and I commend the Veterans' Affairs Committee for their wisdom in granting a Federal Charter to the American GI Forum. It is a fitting legacy for both the American GI Forum and for the man who founded it.

Mr. BONILLA. Mr. Speaker, I rise in strong support of S. 1759, legislation granting a federal charter to the American GI Forum (AGIF). This legislation is identical to H.R. 3843, a bill introduced by my colleague Mr. RODRIGUEZ and myself, and worthy of all our support. The Senate passed S. 1759 last week and it is up to us to pass it today so that it becomes law.

It is particularly fitting that we are approving this legislation this Congress, as this year the GI Forum is celebrating its 50th anniversary.

The American GI Forum was founded by the late Dr. Hector P. Garcia on March 26, 1948, in Corpus Christi. Today, the GI Forum has 500 chapters and over 100,000 members. The GI Forum is the largest national veterans service organization without a federal charter. It is only fitting that this patriotic family organization receive recognition with a federal charter. The GI Forum members have earned this special recognition through their sacrifices on behalf of America.

I commend the Senate for passing this legislation and urge all my colleagues to join me in voting for this important bill. The American GI Forum is an institution in Texas and the Hispanic community. This bipartisan bill provides a means for this Congress to recognize the service of more than 1,000,000 Hispanic veterans. Let's take this opportunity to provide GI Forum the recognition it deserves. Please join me in voting for S. 1759.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of granting a federal charter to the American GI Forum (AGIF), the nation's oldest and largest Hispanic veterans organization.

As the original sponsor of the House bill, HR 3843, I am especially gratified by the imminent passage of this bill. For too long, the American GI Forum has waited for this recognition. Now, on the eve of its 50th Annual Convention, to be held in its home state of Texas, we are in a position to present the AGIF membership what it rightfully deserves.

The American GI Forum was founded fifty years ago in Corpus Christi, Texas by the late Dr. Hector P. Garcia, a medical doctor and Army veteran of World War II. This year, the AGIF celebrates its 50th year of service to our Nation's veterans and their families. Today, the AGIF has over 100,000 members in 500 chapters across 32 states and Puerto Rico.

This is not the first time the AGIF has sought a federal charter. At least as early as the 1960's, in an era when Hispanic veterans were facing exclusion and discrimination, AGIF approached Congress for a federal charter. Several groups were almost routinely given charters, but the American GI Forum was left out. As the American GI Forum enters its 50th Year, it is fitting to secure passage of this important legislation.

Within the veteran community, a federal charter is deemed to be recognition of a national veteran organization's commitment and service to our nation's veterans. The Hispanic community is among the most patriotic in America, historically ready to answer the call to service. Having earned the highest number of medals of honor per capita, Hispanic Americans have a distinguished record of valor and patriotism. There are more than 1,000,000 Hispanic veterans alive today.

I urge you to join us in passing this legislation to grant a federal charter to this worthy organization. I would like to take this opportunity to thank the Chairman of the Judiciary Subcommittee on Immigration and Claims, Mr. SMITH of San Antonio, for his help and his staff's help in passing this bill. I would also like to thank the distinguished Chairman of the Senate Judiciary Committee and his staff for their work in expediting passage of this historic legislation.

Ms. LOFGREN. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the Senate bill, S. 1759.

The question was taken; and (two-thirds having vote in favor thereof), the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PRIVATE TRUSTEE REFORM ACT OF 1998

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2592) to amend title II of the United States Code to provide private trustees the right to seek judicial re-

view of United States trustee actions related to trustee expenses and trustee removal, as amended.

The Clerk read as follows:

H.R. 2592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Trustee Reform Act of 1998".

SEC. 2. SUSPENSION AND TERMINATION OF PANEL TRUSTEES AND STANDING TRUSTEES.

Section 586(d) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(d)", and
(2) by adding at the end the following:

"(2) A trustee whose appointment to the panel or as a standing trustee is terminated or who ceases to be assigned to cases filed under title 11 may obtain judicial review of the final agency decision by commencing an action in the United States district court for the district in which the panel member or standing trustee resides, after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this section if the agency fails to make a final agency decision within 90 days after the trustee requests administrative remedies. The Attorney General shall prescribe procedures to implement this paragraph."

SEC. 3. EXPENSES OF STANDING TRUSTEES.

Section 586(e) of title 28, United States Code, is amended by adding at the end the following:

"(3) After first exhausting all available administrative remedies, an individual appointed under subsection (b) of this section may obtain judicial review of final agency action to deny a claim of actual, necessary expenses under this paragraph by commencing an action in the United States district court in the district where the individual resides.

"(4) The Attorney General shall prescribe procedures to implement this subsection."

SEC. 4. PROCEDURES FOR AND STANDARD OF REVIEW.

Section 157 of title 28, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and

(2) by inserting after subsection (c) the following:

"(d)(1) In conducting judicial review under section 586(d)(2) or section 586(e)(3) of this title, the district court shall determine whether to retain the case or to refer the case to a bankruptcy judge in the district. Any bankruptcy judge to whom a case is referred shall submit a recommendation for disposition to the district court based solely on a review of the administrative record before the agency, and a final order or judgment shall be entered by the district court after considering the bankruptcy judge's recommendation, and after reviewing those matters to which any party has timely and specifically objected. The decision of the agency shall be affirmed unless it is unreasonable and without cause based upon the administrative record before the agency.

"(2)(A) The district courts of the United States shall have jurisdiction to review final agency decisions under subsection 586(d)(2) and final agency actions under subsection 586(e)(3).

"(B) Bankruptcy judges are authorized to submit to such courts recommendations in accordance with paragraph (1)."