

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Living Wage Responsibility Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) According to data from fiscal year 1999, approximately 162,000 Federal contract workers did not earn a wage sufficient to lift a family of four out of poverty. Just under 60 percent of these poorly paid workers work for large firms and 62 percent work on Department of Defense contracts. These workers represent 11 percent of the total 1.4 million Federal contract workers in the United States.

(2) As of September 2000, 14,356 workers employed by the Federal Government earned less than the poverty level for a family of four.

(3) A majority of workers earning less than a living wage are adult females working full-time. A disproportionate number of workers earning less than a living wage are minorities.

(4) The Federal Government provides billions of dollars to businesses each year, through spending programs, grants and Government-favored financing.

(5) In fiscal year 1999, the Federal Government awarded contracts worth over \$208 billion.

(6) Congress must ensure that Federal dollars are used responsibly to improve the economic security and well-being of Americans across the country.

SEC. 3. POVERTY-LEVEL WAGE.

(a) **GENERAL RULE.**—Notwithstanding any other law that does not specifically exempt itself from this Act and except as provided in subsection (b), the Federal Government and any employer under a Federal contract for an amount exceeding \$10,000 (or a subcontract under such a contract) shall pay to each of their respective workers—

(1) an hourly wage (or salary equivalent) sufficient for a worker to earn, while working 40 hours a week on a full-time basis, the amount of the Federal poverty level for a family of four (as published in the Federal Register by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); and

(2) an additional amount, determined by the Secretary based on the locality in which a worker resides, sufficient to cover the costs to such worker to obtain any fringe benefits not provided by the worker's employer.

(b) **EXEMPTIONS.**—Subsection (a) does not apply to the following:

(1) A small-business concern (as that term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

(2) A nonprofit organization exempt from Federal income tax under section 501(c) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)), if the ratio of the total wages of the chief executive officer of such organization to the wages of the full-time equivalent of the lowest paid worker is not greater than 25 to 1.

(c) **RETALIATION PROHIBITED.**—It shall be unlawful for any employer subject to subsection (a) to terminate or suspend the employment of a worker on the basis of such worker's allegation of a violation of subsection (a).

(d) **CONTRACT REQUIREMENT.**—Any contract subject to subsection (a) shall contain a provision requiring the Federal contractor to ensure that any worker hired under such contract (or a subcontract thereof) shall be paid in accordance with subsection (a).

SEC. 4. ENFORCEMENT BY SECRETARY.

(a) **IN GENERAL.**—If the Secretary determines (in a written finding setting forth a

detailed explanation of such determination), after notice and an opportunity for a hearing on the record, that a Federal contractor (or any subcontractor thereof) subject to section 3 has engaged in a pattern or practice of violations of section 3, the following shall apply to such Federal contractor:

(1) **CONTRACT CANCELLATION.**—After final adjudication of a pattern or practice of violations, the United States may cancel any contract (or the remainder thereof) with the Federal contractor that is a part of the pattern or practice of violations.

(2) **RESTITUTION.**—A Federal contractor whose contract is cancelled under paragraph (1) shall be liable to the United States in an amount equal to the costs to the Government in obtaining a replacement contractor to cover the remainder of any contract cancelled under paragraph (1).

(3) **CONTRACT INELIGIBILITY.**—After final adjudication of a pattern or practice of violations, the Federal contractor shall be ineligible to enter into, extend, or renew a contract with the United States for a period of five years after the date of such adjudication.

(4) **PUBLICATION.**—Not later than 90 days after final adjudication of a pattern or practice of violations, the Secretary shall publish in the Federal Register a notice describing the ineligibility of the Federal contractor under paragraph (3).

(b) **SAFE HARBOR.**—Subsection (a) shall not apply if—

(1) the Federal contractor has entered into a consent agreement with the Secretary with regard to a pattern or practice of violations of section 3 and has paid to any aggrieved workers all wages due them, to the satisfaction of the Secretary; or

(2) the Secretary determines, after consultation with the affected Government entity, that cancellation or debarment under subsection (a) would not be in the best interests of the Nation or of such Government entity.

(c) **JUDICIAL REVIEW.**—Any Federal contractor aggrieved by an adverse determination of the Secretary under subsection (a) may seek review of such determination in an appropriate court.

SEC. 5. EMERGENCIES.

The President may suspend the provisions of this Act in times of emergency.

SEC. 6. PRIVATE RIGHT OF ACTION.

(a) **ACTION.**—A worker aggrieved by a violation of section 3 may, in a civil action, recover appropriate relief. A civil action under this section shall be filed not later than 3 years after the commission of such violation. A civil action may not be brought under this section if an employer subject to section 3 has paid or reinstated the worker as a result of an administrative action under section 4.

(b) **RELIEF.**—In this section, the term "appropriate relief" means—

(1) injunction of a violation of section 3;

(2) actual damages or, if the court finds that the employer willfully violated section 3, three times actual damages;

(3) reasonable attorney fees and the costs of the action; and

(4) any other relief the court deems appropriate in the circumstances of the case.

SEC. 7. RULEMAKING.

The Secretary shall make rules to carry out this Act, which shall take effect not later than 120 days after the date of enactment of this Act.

SEC. 8. DEFINITIONS.

In this Act:

(1) The term "employer" means a person who has economic power to set a worker's terms and conditions of employment, regardless of the formality of an employment relationship.

- (2) The term "fringe benefits" means—
 - (A) medical or hospital care or contributions to a health insurance plan;
 - (B) contributions to a retirement plan;
 - (C) life insurance;
 - (D) disability insurance; and
 - (E) vacation and holiday pay.
- (3) The term "Secretary" means the Secretary of Labor.

TRIBUTE TO IRVING M. ROSENBAUM ON HIS 80TH BIRTHDAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to a great man who will shortly celebrate his 80th birthday—Irving M. Rosenbaum. In addition to the commendable accomplishment of attaining the age of 80, Mr. Rosenbaum, has provided extraordinary commitment and leadership on behalf of the Open University of Israel.

The Open University of Israel, modeled after the Open University in Great Britain, welcomed its first students in 1976. With a current enrollment of approximately 29,000 students, the Open University of Israel has a flexible teaching style that allows many working and older students the opportunity to receive a college education. Students hail from all over Israel and from virtually every walk of life. Utilizing the Internet, satellites, cable TV and other methods, the University is able to provide long distance learning to almost any student who desires it.

Mr. Speaker, Irving Rosenbaum has played an active role in the University's history through the American Friends of The Open University of Israel. During the past thirteen years, under his astute leadership, the American Friends of The Open University of Israel has been transformed from a small group to a large organization which contributes significant funding annually to the University.

Irving was born in Dresden, Germany, and with his family, he fled Nazi Germany and came to the United States in 1938. Here, he joined S.E. Nichols and Co., a variety store chain. His service at the store was interrupted when he served in Europe with the U.S. Army. As a member of the Psychological Warfare Branch, Rosenbaum participated in Allied war efforts in Africa, Italy, France, and Germany. After the war, he remained in Germany where he served as a member of the Allied Control Commission for Germany. When he returned to the United States he received a bachelors degree in Economics from the New School for Social Research and later earned a Masters degree, also in economics.

Mr. Speaker, Irving Rosenbaum's commitment to Jewish and Israeli causes is exceptional. In addition to his leadership of the American Friends of the Open University of Israel, he is a member of the Executive Committee of the American Israel Public Affairs Committee, a Member of the Board of Directors of the United Jewish Appeal Federation of New York, a Member of the Executive Committee of the American Friends of the Israel Philharmonic, and a Member of the Board of the American Friends of Livnot U'Lehibanot.

Mr. Speaker, I invite my colleagues in the Congress to join me in recognizing Irving

Rosenbaum's years of commitment and passion for education and public affairs. I also invite my colleagues to join me in wishing him the happiest of birthdays.

GUAM'S EDUCATORS AND STUDENTS MOURN THE PASSING OF DR. MANUEL BARTONICO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. UNDERWOOD. Mr. Speaker, I rise to pay tribute to one of Guam's finest educators, Dr. Manuel Bartonico. He was a highly professional administrator in Guam's public schools who was able to generate a sense of community from students and a commitment to excellence from teachers wherever he went. He was an accomplished teacher, a well-respected principal, a highly regarded member of our island community and a proud husband and father.

His accomplishments were numerous. He was a science teacher in the secondary schools, he was a principal in several secondary schools including some which were difficult to administer. He had a calming, professional presence which inspired those around him to do the very best that they could. He provided an environment in which good teachers became better and good students become the best. He received a doctorate in education from the University of Oregon and was regularly consulted by his colleagues and policy makers for his insights.

I am requesting permission to insert into the RECORD a column by Aline Yamashita printed in the April 5, 2001 edition of the Pacific Daily News. Dr. Yamashita is a leader in Guam's educational community who understands well the contributions of Dr. B.

Dr. Bartonico passed away as a relatively young man. He passed away on March 30, 2001 at the age of 43 years old. He was participating in a "fun run" event for Agueda Johnston Middle School. I visited Dr. Bartonico on March 23 at Agueda Johnston for a flag presentation. I complimented him for his leadership in what is clearly an overcrowded school in need of substantial repair. The students and teachers clearly had a high regard for him and I could see that he was a role model for his fellow educators. He was my student many years ago when I was a professor at the University of Guam. He was an excellent student. More importantly, I noticed then that he would be an exemplary leader in our island's schools.

Dr. Bartonico leaves behind Rowena Santos Bartonico, his wife, and two daughters, Valerie and Gabriella. I extend to them and his mother, Mrs. Valeriana Bartonico, my deepest condolences in this trying time. We will all miss him.

[From the Guam Pacific Daily News, Apr. 5, 2001]

WE'LL MISS DR. B'S COMPETENCE,
COMPASSION, CONCERN FOR EDUCATION

(By Aline Yamashita)

He came across as quiet and reserved. If you didn't work with him, you wouldn't know otherwise.

If you worked with Manny Bartonico, you were thankful he was on your team. When a

point needed to be made, he argued and he argued well. When a task needed to be completed, it was done. He was focused and competent. He had a sense of humor that would seem to illuminate from nowhere, always at the right time.

He used to ride a bicycle around Southern High School to get from one point to another. "It's quicker, Aline," he explained to me. At one commencement ceremony, he sang to his graduating seniors.

When he was assigned as the first principal of Southern High School, he knew it was going to be a tough assignment. He had two school communities that did not want to become one. He had a facility that was not completed. He lacked instructional supplies. But the orders to make it work were given. And, considering all of the odds, Manny succeeded.

He had the ability to identify educational leaders. Agnes Pitlik was one such person. Manny recruited her as an assistant principal while they were at Piti Middle School.

"While he worked us hard, he was incredibly compassionate. He had such good people skills," she said. Agnes described how he taught her the need to delegate, to trust others to help get the job done. "His evaluative feedback was useful and meaningful. He made a real difference in my professional growth."

Debra Santos, a teacher at Agueda Johnston Middle School, described Manny as a really good person.

"He worked hard, he expected us to work hard and he LET us work. He empowered us to get the job done. He respected us and trusted us to know what we were doing."

Tom Quinata, Manny's best man at his wedding, described Manny as a caring dad. As I listened to Tom, I remembered the conversations Manny and I had about his growing daughters. Typical adolescent issues faced them. I would listen and smile. He was a dad who was very concerned about what was going on and how to make sure it was going the right direction.

Manny was a school leader at F.B. Leon Guerrero Middle School, Piti Middle School, Southern High, Agueda Johnston Middle School. He was a 1975 John F. Kennedy Islander. He was a certified science teacher. He had a M.Ed. in administration supervision. He earned a doctorate from the University of Oregon.

Tony Diaz, spokesman for the Department of Education, referred to Manny as an anchor. "You could depend on Manny to help form opinions on issues." Tony said.

His opinions were meaningful because he had been a teacher, an assistant principal, and a principal in this system. He knew what he was talking about. And he cared.

Manny had a vision for public education. During the field testing of the regional system, he served as a regional leader. He knew the sense of working with schools that articulated into one another. He knew the importance of cohesiveness and connectivity. He knew the significance of stability.

Manny's death symbolizes the fact that time does not sit still. Manny wanted to see the potential of our system. He was frustrated with the changing mandates and resulting consequences.

To those of us who had the honor of working with Manuel Bartonico, we will always appreciate his focus, discipline, competence, humor and passion. We will miss him leading a school. We will miss the grin that grew into a big smile when he shook his head from side to side.

Manny, thank you for your spirit and for your work. As you keep an eye on us, know that we will continue your work. We will try to match your dedication, commitment, drive and care for the kids.

Rowena, Valerie and Gabby—thank you for sharing your dad with us. While he gave up valuable time with you for other children and families, he held you in the highest regard. He cared deeply about you.

Dr. B., thank you. We miss you.

IN HONOR OF SHELLY LIVINGSTON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. GILMAN. Mr. Speaker, I rise to recognize the retirement, after many years of service, of a valuable staff member of our International Relations Committee, Shelly Livingston. Shelly's last day in the office was Friday, March 23, 2001.

Shelly has served our Committee since 1974. During that time, she has served six chairmen, including "Doc" Morgan, Clem Zabolcki, and Dante Fascell, Lee Hamilton, HENRY HYDE, and myself. We were all fortunate to have her expertise on budget and personnel matters. Shelly had become an expert on the complexities of benefit plans, payroll, budgets, and the House rules.

Shelly moved to the Washington area after graduating from the University of Texas in 1973, and began her career here on Capitol Hill working as a Capitol tour guide.

Shelly has also served as Treasurer for the U.S.-Mexico Interparliamentary Group for many years, and has ensured that those exchanges were run smoothly. Shelly is an experienced, first-rate staff member with respect to administrative Congressional travel, as many members know from experience.

I know first-hand that Shelly is a hard working and dedicated staff member who could tackle any project thrown her way—it is to her credit that the Committee on International Relations has an audio-visually updated, digital-videoconference capable, internet-ready hearing room.

We will miss Shelly's warmth, humor, and friendship to all. She is a model for her experience and for the manner in which she worked well in a bipartisan manner. I thank Shelly for her outstanding service to me, in my chairmanship and to all who have worked with Shelly in our International Relations Committee. I join with my colleagues, staff, and friends in wishing Shelly and her husband, Gill, the very best of good health and happiness in the years ahead.

TRIBUTE TO PORTABLE PRACTICAL EDUCATION PREPARATION, INC. FOR BRIDGING THE DIGITAL DIVIDE FOR RURAL FARMWORKER AND HISPANIC COMMUNITIES.

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. PASTOR. Mr. Speaker, I rise today to pay tribute to Portable Practical Educational Preparation, Inc. (PPEP), and its founder, Dr. John David Arnold, for bridging the digital divide in two ways: 1) by bringing information