

(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, wel-

comed 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’Lehivanot.

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 administrate. 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