

EXTENSIONS OF REMARKS

HONORING MARK COHN'S 80TH BIRTHDAY AND HIS DEDICATION TO SACRAMENTO COUNTY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Ms. MATSUI. Madam Speaker, I rise today to honor Mr. Mark Cohn for his sixty years of service and devotion to the Mosaic Law Congregation and the greater Sacramento community. On May 31st, the Mosaic Law Congregation celebrated Mr. Cohn's 80th birthday and honored him for his immeasurable dedication to the people of Sacramento. As Mr. Cohn's friends, family and colleagues gather to pay tribute to his lifelong achievements, I ask that all my colleagues join me in honoring this inspirational individual.

After proudly serving his country in the U.S. Air Force from the late 1940s to the early 1950s, Mr. Cohn returned to Sacramento and started his Kustom Kitchens design business. Since the inception of Kustom Kitchens, Mr. Cohn has received numerous residential designs awards which have been publicized in many local and national publications, such as the Sacramento Bee and Sacramento Magazine.

Despite the demands and immense time commitment it takes to run a successful business, Mr. Cohn continues to give back to the Sacramento community. A few of the many organizations Mr. Cohn has volunteered his time to includes the YWCA, Stanford Home Foundations, B'nai Brith, and 4 Robinhoods. "He takes on any challenge and never lets anything get in the way of the big picture," said his wife Dianne Cohn, "he never seems to run out of energy." For example, from 1991 to 1995, Mr. Cohn served as President of the Mosaic Law Congregation, managed his Kustom Kitchens business and served on various non-profit boards.

Mr. Cohn continues to be an incredibly active gentleman, walking the Great Wall of China at the age of 73, and skydiving at the ages of 75 and 80! Throughout his life, Mr. Cohn has shown substantial leadership skills, strength, innovation, and passion. He is a man we can all look up to.

Madam Speaker, as Mark Cohn, his wife Dianne and children Shelli, Lanie, Nelson, Larry, and Scott, along with his many friends and colleagues gather to celebrate Mr. Cohn's 80th birthday, I ask all my colleagues to join me in saluting him.

HONORING BETH ASHLEY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Ms. WOOLSEY. Madam Speaker, I rise with pleasure today to honor my long-time friend,

Beth Ashley, of Marin County, California. Beth is retiring from the Marin Independent Journal, IJ, after 35 years of passionate and thoughtful writing that has made her a community institution.

Beth's news career began with school newspapers, including editor of the Stanford Daily. At the Marin IJ, she has served in many roles, most recently as a feature writer. Her columns reflected her immersion in many aspects of county life as well as her foreign travels. From Moscow during the early years of Glasnost to Afghanistan and Iran, her trips tended to focus on the humanitarian struggles in troubled areas of the world. Her compassionate heart shines through all her work.

From raising five sons to serving on non-profit boards in Marin County, Beth has had a very full life in addition to her IJ duties. Now 83, she writes that "it's hard to act the intrepid girl reporter, especially when I totter a bit when I walk and can hardly see, hear or speak coherently to boot." But she assures us she has "loved every minute. I only wish I'd done more."

Beth has done more in her career than most of us can dream of. The community will miss her regular features, but we still expect to see her around town enjoying her new adventure—she will be remarrying in a few months.

Madam Speaker, Beth Ashley's work has expressed the heart and soul of Marin County. It has been an honor and delight to read her columns and to know her as a friend. I wish her the best of luck in her retirement and in her new marriage.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. FRANKS of Arizona. Madam Speaker, on rollcall No. 292, I was unavoidably detained. Had I been present, I would have voted "yes."

A PROCLAMATION HONORING CLOW WATER SYSTEMS COMPANY'S 100 YEAR ANNIVERSARY OF PROVIDING UNINTERRUPTED AND DEDICATED SERVICE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. SPACE. Madam Speaker: Whereas, Clow Water Systems was founded on March 17, 1910 in the city of Coshocton; and

Whereas, Clow Water Systems has grown from a two-man operation to employing more than 350 workers; and

Whereas, Clow Water Systems has been at the cutting edge of pipe and fitting production,

often trading and competing in discoveries that have both improved efficiency and lowered costs industry-wide; and

Whereas, Clow Water Systems recently expanded their industry even further, exporting pipes to help in the effort to rebuild Iraq; now, therefore, be it

Resolved, that along with their friends and family, and the residents of the 18th Congressional District, I congratulate Clow Water Systems Company on their 100 Year Anniversary. Their dedication to quality products and customer service has made them a dependable pillar of the Coshocton community.

IN RECOGNITION OF JACK E. SINGLEY AND HIS DEDICATED SERVICE TO IRVING INDEPENDENT SCHOOL DISTRICT

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. SESSIONS. Madam Speaker, I rise today to honor Mr. Jack E. Singley, former Superintendent of the Irving Independent School District (IISD).

Mr. Singley first joined Irving ISD as a math teacher at MacArthur High School in 1965. Over the past forty-four years, he has served in various roles from teacher to vice principal to personnel director to Superintendent. Upon taking the reins as Superintendent in 1988, Irving ISD has undergone tremendous change. Irving ISD added eight schools, enrollment grew from 21,887 to 33,233 students, over 30,000 students graduated from high schools, and employees increased from 2,309 to 4,177. He exhibited great leadership skills and carried out his vision to improve Irving ISD, helping students achieve their full potential. Aside from being one of the longest serving Superintendents in the State of Texas, Jack will be remembered for his commitment to public education and dedicated service to Irving ISD. He has touched countless lives and will be greatly missed.

Madam Speaker, I ask my esteemed colleagues to join me in congratulating Mr. Singley for devoting his career to public education and expressing our heartfelt gratitude for his forty-four years of service to Irving ISD.

MEDIA SHOW

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. SMITH of Texas, Madam Speaker, Judge Sotomayor has yet to answer a question at a confirmation hearing, but the national media's verdict already is in.

Network evening newscasts used the term "conservative" to describe Judge Sotomayor's

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

critics more often than they used the term “liberal” to describe Judge Sotomayor herself, despite her very liberal record.

And there is a clear double standard in the media’s coverage of Judge Sotomayor compared to President Bush’s nominees.

After they were nominated, the national media referred to Justice Alito and Justice Roberts as “conservative” far more frequently than they have labeled Judge Sotomayor “liberal.”

In addition, the national media have heralded Judge Sotomayor’s impressive life story, despite ignoring the similar personal story of former Attorney General Alberto Gonzales during his confirmation.

The national media should set aside bias and treat Judge Sotomayor the same way they treated previous nominees.

HONORING THE LIFE OF MARIA ESTHER CARRILLO, FOUNDER OF THE HISPANIC-AMERICAN INTERCULTURAL WORKSHOP, FORMER MEMBER OF THE MAYOR’S HISPANIC ADVISORY COUNCIL, FOUNDER OF THE HISPANIC YOUTH VOICE OF TAMPA AND FORMER DIRECTOR OF THE TAMPA HISPANIC HERITAGE INC.

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Ms. CASTOR of Florida. Madam Speaker, I rise today to herald the life and philanthropic contributions of Maria Esther Carrillo, and to express our gratitude for her achievements in the Tampa Bay area as a passionate community activist and educational leader.

Carrillo and her husband Francisco escaped a violent Colombia, controlled by Marxist guerrillas and drug cartels, to settle in Tampa in 1990; only five years after graduating from The University of the Andes in 1985. Carrillo immediately identified with the strong Hispanic culture in Tampa. She made it her life’s work to focus on improving the education of those around her. She sought to bridge English and Hispanic cultures by introducing multicultural studies in language and heritage. Through her work with the Tampa Hispanic Heritage Inc., Carrillo was able to bridge communities of Hispanic and non-Hispanic citizens through countless cultural celebrations and in so doing fusing together diverse groups within the Tampa area.

Carrillo’s faith and fervor in a multicultural Tampa, led to the foundation of the Taller Intercultural Hispano-Americano (TICH) in 1998. Her non-profit was established to champion the coexistence of diverse groups; to educate, share and enjoy other cultures and heritage. Carrillo, the Founder-Director, amassed sponsorships for a free festival that emphasized dance, folklore, food, culture, life-style and art for the Tampa community.

Her core beliefs were founded in the limitless potential of the next generation and it is with her commitment that her intrinsic reaction was not surprising. Sacrificing herself, Maria Esther Carrillo moved her body into harm’s way, allowing her maternal instinct to shield her daughter from the out of control truck in Miami, Florida. The proud mother was accom-

panying her daughter, a high school senior, home after accepting a college scholarship so that she could attend Columbia University in the fall.

She lived as she died, protecting and helping the future of the hardworking Hispanic youth that she loved so dearly.

I wish Maria Liliana Carrillo a speedy recovery and my thoughts and prayers are with the Carrillo family.

INTRODUCING THE HEALTHY TRANSITIONS ACT OF 2009

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. STARK. Madam Speaker, I rise today with Representatives MARY BONO MACK and DAVE CAMP to introduce bipartisan legislation aimed at addressing the unique needs of young people with serious mental illness. This legislation will provide comprehensive support for youth so that they can transition into healthy and successful adults.

Young adults suffering from mental illness fall through the cracks far too often. Last year, former Senator Gordon Smith and I requested a report from the Government Accountability Office (GAO) examining the challenges facing this population. The results were very troubling. As of 2006, approximately 2.4 million young adults age 18–26 in America had a serious mental illness and another 9.3 million suffered with a moderate or mild mental illness. This population has significantly higher rates of unemployment, incarceration, suicide, inadequate housing, as well as lower rates of continuing education.

There is no coherent federal policy to address this issue and our system is fragmented. The GAO found that many youth lose mental health coverage or have their coverage disrupted when they turn 18, and are unable to find age-appropriate services in the adult mental health system. As a result, many young adults are adrift without services, support, or guidance.

The dysfunctional mental health system described by GAO has had a particularly harsh impact on vulnerable youth, such as those aging out of foster care. A national survey found that foster youth were four times more likely to have attempted suicide in the preceding year when compared to those never placed in foster care. Another study found that these youth suffer from Post Traumatic Stress Disorder at rates similar to Iraq War veterans. We cannot let this cycle of neglect continue.

We developed the Healthy Transitions Act in response to GAO’s findings that exposed the critical gaps in age-appropriate mental health and supportive services for young adults. This legislation builds on the successful Partnership for Youth in Transition Demonstration Program and will allow the Substance Abuse and Mental Health Services Administration (SAMHSA) to expand their efforts to assist states in serving young people with mental illness. It will provide grant funding to states to develop statewide coordination plans that will assist adolescents and young adults with serious mental health disorders in making a healthy transition into adulthood. The bill will also provide grant funding for states to successfully

implement their plans and ensure that the care systems created are both comprehensive and sustainable. Finally, the legislation will create a Committee of Federal Partners. The Committee will include representatives from all agencies that serve young adults as well as representatives from consumer and family advocacy organizations. The Federal Partners will evaluate the states’ programs, provide technical assistance, and report to Congress on the progress being made.

It has become increasingly difficult for young adults to navigate our current fragmented mental health system. The Healthy Transitions Act aims to fill the cracks in the system by coordinating the work of federal, state, and local partners. It is our social responsibility to help these youth develop into successful, independent adults. I hope all of my colleagues can recognize the importance of investing in our young people and will support this legislation.

COMMEMORATING 20TH ANNIVERSARY OF THE TIANANMEN SQUARE SUPPRESSION

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. BLUMENAUER. Madam Speaker, having just returned from a week in China with Speaker Pelosi, I am glad to more fully appreciate the country’s tremendous scope, population, the vast and varied landscape, and its rich history. Although the focus was on global warming and the environment and the impressive progress China has made to adjust its policies, the subject of human rights was never far from the surface.

In Tiananmen Square I was taken back to the monumental events of 20 years ago and their tragic conclusion. It is sobering to understand how intensely the Chinese government suppresses any mention or image of the Tiananmen Square massacre. So much so that today there is virtually no knowledge of these events on the part of the young.

That is why it is so important for Congress to mark this observance: to give knowledge to those with no memory and to give hope to those that do remember. It is critical that those who risked so much, those who died or who were persecuted, are celebrated for their courage. It is my hope that one day the Chinese people will have the freedom they deserve.

COMMEMORATING 20TH ANNIVERSARY OF THE TIANANMEN SQUARE SUPPRESSION

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. HOLT. Madam Speaker, I rise today in support of H. Res. 489, recognizing the twentieth anniversary of the Tiananmen Square crackdown. In June of 1989, the Chinese government unnecessarily applied the heavy hand of the People’s Liberation Army to violently

suppress peaceful demonstrators who were calling for an elimination of corruption, the expansion of freedoms, and progress toward political and economic reforms. Twenty years later, there still has been no accurate accounting of those who were killed or injured, and we do not know how many hundreds or thousands of activists remain imprisoned. But we do know that thousands living in exile and millions living in China are unable to freely express themselves in their home country, where censorship and repression still drown out peaceful calls for reform.

The People's Republic of China is a proud nation that increasingly is taking its place on the world stage. But if China wants to be fully integrated into the community of nations, it must recognize that the persecution of peaceful movements is unacceptable, and it must act to reverse the objectionable and counterproductive policies exemplified by the Tiananmen Square crackdown. Violations of human rights and international standards of law are not behavior consistent with a modern nation that wants to contribute to the world of international exchange, global trade, and academic cooperation.

The freedoms of expression and assembly are universal rights, and the flames of these liberties burn in all mankind. Today, we speak for the brave voices who were wrongfully silenced 20 years ago, for the families who have been unable to publicly mourn the loss of their loved ones, and for all those who continue to stand up for free expression in China and around the world. I fervently hope that this effort will hasten the day that the unfettered voices of the Chinese people may be heard in Tiananmen Square and throughout China. For though freedom's flames may be smothered, its smoldering embers will always prod ice, as Martin Luther King put it, a certain kind of fire that no water can put out.

IN HONOR OF NATIONAL ARTHRITIS MONTH AND THE MILLIONS OF AMERICANS LIVING WITH ARTHRITIS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. PALLONE. Madam Speaker, I rise today to recognize that last month was National Arthritis Awareness Month. This commemoration provided an important opportunity to discuss the serious impact of arthritis, particularly for older Americans, and to highlight the range of treatments available to improve the health and quality of life of individuals with arthritis. However, just because May is over, doesn't mean our awareness of arthritis and the millions of Americans living with arthritis should be any less diminished.

The term arthritis describes more than 100 diseases and conditions affecting the joints. The most common form of arthritis is osteoarthritis, which is a painful chronic condition characterized by the breakdown of the joint's cartilage. Osteoarthritis affects almost 27 million Americans. Older Americans are particularly impacted by this disease, with a third of the population 65 and older affected by osteoarthritis.

Osteoarthritis limits the movement of most patients, and can seriously interfere with basic

activities of daily living. In fact, osteoarthritis of the knee is one of the leading causes of disability among non-institutionalized adults. As an indication of the seriousness of this disease, hospitalizations for osteoarthritis also are on the rise, increasing from about 322,000 in 1993 to 735,000 in 2006.

Fortunately, there are a range of treatments available that can help many individuals with osteoarthritis reduce the pain they experience, minimize damage to their joints, and improve their physical functions. In some cases, these treatments involve lifestyle modifications, such as exercise and weight loss. In other cases, physical therapy or medications can lead to improvements. And even in the more advanced cases of osteoarthritis, including those that have not responded to other treatments, surgical intervention, including debridement, resurfacing, and total joint replacement, can relieve pain and improve joint function.

Given the prevalence of osteoarthritis among the elderly, it is especially important for senior citizens to know that Medicare covers a wide range of osteoarthritis treatments. Doctor's visits, physical therapy, and surgical procedures, including total joint replacement surgery, all may be covered by Medicare if medically appropriate. It is also important to ensure that Medicare beneficiaries with advanced OA do not forgo medically necessary joint replacement procedures because of concerns about copayments, since pain and disability can get progressively worse when such procedures are delayed. In fact, most Medicare beneficiaries have supplemental coverage, such as Medigap or employer-provided insurance, to help pay the premium, deductible, and coinsurance associated with joint replacement surgery. Fear about copayments should not stand in the way of a beneficiary obtaining relief from this painful and debilitating disease.

Whether it be National Arthritis Awareness month or any month, individuals with arthritis should take the opportunity to talk to their doctors about lifestyle changes and other treatments available to help them manage their condition. With appropriate care, individuals with arthritis can take steps to live active, pain free lives.

RECOGNIZING THE 50TH ANNIVERSARY OF STS. VARTANANTZ ARMENIAN APOSTOLIC CHURCH OF RIDGEFIELD, NEW JERSEY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. ROTHMAN. Madam Speaker, I rise today to honor the 50th anniversary of Sts. Vartanantz Armenian Apostolic Church of Ridgefield, New Jersey.

On May 19, 1957, a community's dream began to take shape. On that day, ground was broken for what was then known as the Armenian Apostolic Church of New Jersey. In two short years, the Armenian American community of Bergen County came together and raised the necessary funds to realize the dream of building a church.

On May 3, 1959, the church was consecrated by His Eminence Archbishop Khoren Paroyian, Nuncio of His Holiness Zareh I, Catholicos of the Great House of Cilicia.

Sts. Vartanantz today stands as a beacon of Armenian American community life in Bergen County with its Sunday school, the Nareg Saturday Armenian School, the ladies guild, the men's club, the seniors groups, and several cultural, youth, educational, and fraternal organizations working to perpetuate the Armenian faith and heritage.

I extend my congratulations to the pastor, Rev. Fr. Hovnan Bozoian, the Board of Trustees, and all members and friends of Sts. Vartanantz and wish them many more years of growth and service to the Armenian American community.

I sincerely hope that my colleagues will join me in celebrating the 50th anniversary of Sts. Vartanantz Church for its contributions to the Armenian American residents of Bergen County, as well the larger Armenian American community in the United States.

PERSONAL EXPLANATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. COBLE. Madam Speaker, yesterday my flight was cancelled due to weather and I missed the three suspension votes.

On rollcall No. 292—H. Res. 421—Recognizing and commending the Great Smoky Mountains National Park on its 75th year anniversary, I would have voted "aye."

On rollcall No. 293—H.J. Res. 40—Native American Heritage Day Act of 2009, I would have voted "aye."

On rollcall No. 294—H. Res. 489—Recognizing the 20th anniversary of the brutal suppression of protesters and citizens in and around Tiananmen Square, I would have voted "aye."

RECOGNIZING 65TH ANNIVERSARY OF ALLIED LANDING ON D-DAY

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. POE of Texas. Madam Speaker, "We shall not flinch or fail. We shall go on to the end. . . . We shall fight on the seas and oceans. We shall fight with growing strength in the air. We shall defend . . . whatever the cost may be. We shall fight on the beaches. We shall fight on the landing grounds. We shall fight in the fields and in the streets. We shall fight everywhere. We shall never surrender."

Winston Churchill said this showing the dedication of our armed forces. They never give up; and, of course, they never give in.

Churchill was right, Madam Speaker. In WWII, American troops did not flinch—they fought wherever and whenever they were needed—to the very end.

For many young Americans, 31,000, to be specific, that courage took them to the beaches of Normandy, France.

And for more than 6,000 Americans that meant giving everything they had for the cause of liberty and freedom.

This July 6th marks the 65th anniversary of the infamous D-day.

I am a proud cosponsor of the resolution before the House today which expresses the gratitude and appreciation of the House of Representatives for the acts of heroism and military achievement of all the Members of the Armed Forces who participated in the D-day landings on Normandy beach.

These brave warriors went to war to liberate Europe for the cause of freedom.

The average age of the brave young warriors representing the United States on those shores was just 20 years old.

They might have been young Madam Speaker, but their leadership and their commitment to freedom marked the beginning of the liberation of France and ultimately culminated in the destruction of the Nazi Empire and the triumph of the Allied Forces.

I am pleased to speak in support of the resolution today and urge all my colleagues to support this important legislation.

And that's just the way it is.

HONORING THE JHPIEGO GROUP

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the JHPIEGO Group for its continuing efforts in preventing the deaths of women and children around the globe, on its 35th Anniversary.

For two and a half decades, the JHPIEGO Group has brought medical innovations into common practice for the world's most vulnerable populations in order to bring high-quality medical services to these areas. While they began as a group of technical experts in reproductive, maternal, and children's health, they have expanded their purpose by embracing new challenges, including education of HIV/AIDS prevention, malaria, and cervical cancer.

In its continuing mission to save lives around the world, the JHPIEGO Group has become an innovator of healthcare treatments, a leader in sustainable healthcare systems, and a voice around the world advocating for the advancement of policies and programs designed to improve healthcare the world over. They have become a model for similar institutions worldwide by providing data, research and training.

The JHPIEGO Group provides front-line healthcare workers with effective, low cost, and hands on solutions designed to enhance the delivery of health care services in difficult environments. By partnering with organizations from the local to national level, the JHPIEGO Group has been successful in building sustainable local capacity healthcare reforms through advocacy, policy development, and quality improvement approaches. Over the course of this journey, the JHPIEGO Group has worked in 150 countries and is currently running 60 programs in 40 countries.

Madam Speaker, I ask that you join with me today to honor the JHPIEGO Group on this memorable occasion. Their dedication to improving the quality of life of people around the world has provided life saving health care and opportunities for medical advancement that have made a positive difference in the global community.

RECOGNIZING THE POLK COUNTY CHAMBER OF COMMERCE

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a delegation, from my district that has traveled to Washington representing Polk County, Georgia and its Chamber of Commerce. The delegation includes representatives from the Chamber, elected officials from the City of Cedartown, elected officials from the City of Rockmart, county elected officials, as well as local business leaders.

Located just outside metro Atlanta on the Georgia-Alabama line, Polk County offers a number of great opportunities for both residents and businesses that are looking to locate to Georgia. However, like counties across America, Polk County and its citizens are facing their own economic challenges. For this reason, this delegation has come to Washington to advocate on behalf of their community and to discuss both the potential positive and negative impact that actions here in Washington can have not just on Polk County, but on all of our Nation's communities.

I want to take this opportunity to commend the Polk County Chamber of Commerce for taking this proactive approach in representing the best interests of the people of Northwest Georgia. I look forward to our visit as we continue to work together to facilitate a stronger and even more economically vibrant Polk County.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. FRANKS of Arizona, Madam Speaker, on rolcall No. 293, I was unavoidably detained.

Had I been present, I would have voted "yes."

HONORING WINKELMAN BUILDING CORPORATION OF ST. CLOUD, MINNESOTA, FOR 40 YEARS OF EXCELLENCE

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Winkelman Building Corporation on its 40th anniversary as a business leader in the St. Cloud community. Success at their level of expertise could not have been achieved without hard work, long hours, and many sacrifices. I know that everyone at Winkelman Building Corporation can be very proud of the accomplishment that brings them together at this milestone.

Winkelman Building Corporation has been working with communities across the nation to build structures that serve a purpose and make a statement. They have been recog-

nized 18 times by local and national groups for their innovation and excellence since 1993. Most recently, they were awarded the Project of the Year by the Minnesota Construction Association for the Kennedy Community School in St. Joseph, Minnesota. This school is the pride of the community and one of the first Leader in Energy and Environmental Design (LEED) certified schools in the nation. When I toured the Kennedy Community School I was impressed by the amount of thought that went into making it not only an innovative facility, but a welcoming place in which children could learn.

I rise today, Madam Speaker, to honor the tireless efforts of the employees at Winkelman Building Corporation that have brought this company four decades of success. The backbone of our local and national economies is America's small businesses, and through good times and bad, companies like Winkelman are pulling through with resolve and optimism. I join other community and business leaders in St. Cloud in looking forward to another 40 years of groundbreakings, grand openings and award celebrations.

FAA REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 915) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes:

Mr. MATHESON. Mr. Chairman, I rise today to speak in support of Navigational Aids funding for the new St. George airport in Utah.

I would like to thank Chairman OBERSTAR and the T&I committee staff for working on this important piece of legislation.

Last October, the City of St. George broke ground on the construction of a new replacement airport—this is the only airport in the country currently being built. While the FAA has committed to funding a large portion of the project, they did not provide enough funding for critical navigational equipment.

Given the difficult mountainous terrain and the need to avoid flying over two National Parks—Zion and the Grand Canyon—navigational equipment for the new airport is essential for public safety.

In April, Transportation Secretary Ray LaHood committed to the City that FAA would fully fund the navigational aids component of the airport.

I would like to thank the Secretary for undertaking this commitment. I stand ready to work with the FAA, DOT, and the T&I committee to make sure funding is provided in order to open the new airport on time.

A TRIBUTE TO JANE HAGEDORN

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Ms. MATSUI. Madam Speaker, I rise today in recognition of Jane Hagedorn's 33 years of service as Chief Executive Officers of Breathe California of Sacramento-Emigrant Trails, Inc. As Jane retires, she leaves a lasting legacy of dedication and commitment to the Sacramento region. After decades of service, her leadership and expertise will be deeply missed by all. I ask all my colleagues to join me in honoring one of Sacramento's finest public servants.

After earning her bachelor's degree with honors in political science from the University of North Carolina at Chapel Hill, and her master's degree in International Relations and Latin American Studies from Johns Hopkins School of Advanced International Studies, Jane spent the last three decades advocating on behalf of the people of Sacramento for improved air quality. I met Jane when she first came to Sacramento and have always been impressed by her intellect, compassion, and desire to do what is right. She began her career with Breathe California of Sacramento-Emigrant Trails, Inc, formerly known as American Lung Association of Sacramento Emigrant Trails, in 1976. Under her leadership, the association has developed innovative clean air strategies which include creating the Cleaner Air Partnership with the Chamber of Commerce, bringing light rail to the Sacramento area, and working toward clean air initiatives. Breathe California was also a strong proponent of Proposition 99, California's tax initiative to reduce smoking.

Her dedication to our community is apparent through her work both with Breathe California and with other local non-profits. She serves on the board of Tahoe Regional Planning Agency, Arden Park and Recreation District, Friends of Light Rail, Planning and Conservation League, Sacramento Tomorrow Coalition, and the Sacramento Symphony. Additionally, she was the first woman appointed to the Sacramento County Planning Commission, was the founding President of the Sacramento Tree Foundation and is instrumental in the California Oak Foundation. Jane has chaired the American River Parkway Funding Working Group and served on the Board of Directors of Valley Vision. She has taught at the University of California, Davis Graduate School of Management and has co-authored two books on historic preservation of native oaks in the Central Valley. Personally, I am honored to call Jane my friend. She has always been a pleasure to work with. Her thoughtfulness and intelligence has touched many policy debates and countless people's lives.

Madam Speaker, I am honored to pay tribute to Jane Hagedorn's distinguished commitment to Sacramento and regions needs. Jane's outstanding leadership and dedication to Breathe California of Sacramento-Emigrant Trails Inc, has helped promote clean air strategies which has set an example for others across the state nation. We all are thankful for her efforts. As Jane's husband Jim, her children James and Jennifer, colleagues, family, and friends gather to honor her service, I ask all my colleagues to join me in wishing Jane

Hagedorn continued good fortune in her future endeavors.

DEDICATION OF THE LIGHT OF
RECONCILIATION MEMORIAL IN
PRINCE EDWARD COUNTY, VIRGINIA

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. PERRIELLO. Madam Speaker, today I wish to commemorate the official unveiling and dedication of the Light of Reconciliation Memorial in Prince Edward County, Virginia. The Light of Reconciliation, in the bell tower of the Prince Edward County Courthouse, is a permanent monument created to honor the memory of the historic events in Prince Edward County during the era of public school segregation, to recognize the role of local students in ending school discrimination in Virginia and across the United States and to call on each of us to shine our own Light of Reconciliation in the world.

In 1951, a group of dedicated high school students led by Barbara Rose Johns organized a strike to protest the disgraceful condition of Robert Russa Moton High School in Farmville, Virginia. The school lacked a gymnasium, a cafeteria, heat, desks, blackboards, and in some cases even classrooms: a school bus parked outside served as one classroom for the overcrowded and underfunded school. The student strike ultimately led to *Davis v. County School Board of Prince Edward County*, one of the five court cases that would make up *Brown v. Board of Education*. The *Davis* case was the only one of the five to arise from student activism. Following the Supreme Court's decision that "separate educational facilities are inherently unequal," Prince Edward County closed its public schools for the years of 1959 to 1964 rather than allow black and white students to attend school together. After five years and the Supreme Court decision in *Griffin v. County School Board*, the schools were finally reopened and integrated. The Light of Reconciliation and the memorial stand as both a reminder of the mistakes of the past and a celebration of the students from R.R. Moton High School and from other schools across the country who continued the fight for education for all.

Today marks the 50th anniversary of the action that would close the Prince Edward County public schools, one of the darkest moments of Virginia's civil rights struggle. Acknowledging this part our history is painful, and I commend the Prince Edward County Board of Supervisors for their courage in publicizing past transgressions against our fellow citizens in hopes of preventing future ones. It is only in seeking truth about our past that we can hope to pursue justice for our future, and this memorial is a public expression of our renewed commitment to justice for all.

On this occasion we are reminded that each of us is called to work to bring our nation closer to its fundamental ideals of equality. If one 16-year-old student can spark the protests that would ultimately galvanize a nation in the cause of civil rights, we should all ask of ourselves what we can do to fight for human dig-

nity and the common good. As long as inequality and suffering persist in our nation and in the world, our work is incomplete. This memorial not only looks back to the dreams deferred by locked schoolhouse doors, but also forward to a better nation, one of ever-expanding opportunity for all. Martin Luther King Jr. once said, "Darkness cannot drive out darkness; only light can do that." Let this light in Prince Edward County, Virginia be a permanent reminder of our ongoing struggle for a fairer world.

CONGRATULATING WAR HERO IRA
WEINSTEIN ON HIS 90TH BIRTHDAY

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. KIRK. Madam Speaker, I rise today in honor of the 90th birthday of Ira Weinstein. For almost 60 years Ira has been a resident of Illinois' 10th District, and currently lives in Glencoe, IL. We also take this time to commemorate Ira, a WWII hero and an ex-POW for his bravery and service to his country.

Born in Chicago in 1919 to a family of modest means, Mr. Weinstein found his calling in advertising when he worked for his high school newspaper. Unfortunately, his career aspirations were soon interrupted by the attack on Pearl Harbor and America's entrance into World War II.

In 1942, just before completing his training as a bombardier-navigator, he married Norma Randall, a marriage that would last until her death in 1995. While overseas, Ira was based with the 702nd Squadron in the 445th Bomb Group of the famed 8th Air Force. He flew two dozen harrowing missions, each time taking over the piloting duties of the massive B-24 Liberator.

Trying to close out his quota of missions in order to go back home to his new bride, he traded in his pass for the Jewish High Holidays to complete one more mission. What was supposed to be a routine-mission became the ill-fated Kassel mission—the greatest single loss of men during the European air war. On September 27, 1944, his B-24 was critically damaged by an enemy attack forcing him to evacuate the bombardier's compartment while the aircraft was burning, falling to the ground in a dizzying flat spin. After a failed attempt, he bailed out with little time to spare. Landing safely in the tree line, Ira watched the locals pull his copilot out of the wreckage and pitchfork the man to death.

After 6 days of evading capture, Mr. Weinstein was forced to turn himself in to local authorities in Germany. For the better part of the following year, he was held prisoner in Stalag Luft I in Barth, Germany, enduring brutal and unthinkable conditions. On May 11, 1945, the camp was liberated and for his heroism Ira was awarded several medals, including the Purple Heart and the distinguished French Croix de Guerre.

Returning to Chicago, Mr. Weinstein took over a small advertising agency and grew it into a nationally known direct marketing firm. To those close to him, Ira was indefatigable, inquisitive, and inspiring, a man of unquestioned integrity, a loving father to two daughters, Laura and Terri, a proud grandfather, a

cherished husband and a successful businessman acknowledged by his peers as a pioneer in his field. Today, Ira is retired and remarried to Mary Gandelman, with whom he continues to travel the globe.

On June 10, we pause to celebrate the 90th birthday of Ira Weinstein. I commend Ira for his hard work and determination throughout some of the most challenging moments in American history. I hope that his story will never be forgotten.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, June 2, 2009, I was unable to cast my votes on H. Res. 421, H.J. Res. 40, and H. Res. 489 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 292, on suspending the rules and passing H. Res. 421, Recognizing and commending the Great Smoky Mountains National Park on its 75th year anniversary, I would have voted "Aye."

Had I been present for rollcall No. 293, on suspending the Rules and passing H.J. Res. 40, To honor the achievements and contributions of Native Americans to the United States, and for other purposes, I would have voted "Aye."

Had I been present for rollcall No. 294, on suspending the rules and passing H. Res. 489, Recognizing the 20th anniversary of the suppression of protesters and citizens in and around Tiananmen Square, I would have voted "Aye."

A PROCLAMATION HONORING OHIO'S FIRST AND OFFICIAL OUTDOOR DRAMA, TRUMPET IN THE LAND, ON THE 40TH ANNIVERSARY OF ITS FIRST PERFORMANCE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. SPACE. Madam Speaker:

Whereas, former Governor James Rhodes named Trumpet in the Land Ohio's Official Outdoor Drama; and

Whereas, more than 2,300 actors and technicians have taken part in the drama; and

Whereas, July 3rd marks the 40th Anniversary of the first performance of Trumpet in the Land; and

Whereas, Trumpet in the Land is anticipated and enjoyed every year by hundreds of Ohio families and gives them a window into the historical beginnings of our great state; now, therefore, be it

Resolved, that along with the friends and family of the Ohio Outdoor Drama Historical Association and the residents of the 18th Congressional District, I congratulate the cast and crew of the 40th Anniversary production of Trumpet in the Land, as well as anyone who has been fortunate enough to experience and

take part in this uniquely Ohioan historical drama.

A TRIBUTE TO THE CAMPBELLVILLE UNIVERSITY BASEBALL TEAM

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor the Campbellsville University Baseball Team on their outstanding performance this season. They demonstrated extraordinary athletic and academic achievement that brought national attention to Campbellsville University, the Campbellsville and Taylor County communities, and all of Kentucky's Second District.

Under the leadership of head coach Beauford Sanders and his staff, the Campbellsville University Baseball Team reached the National Association of Intercollegiate Athletics (NAIA) World Series for the first time in school history. The Tigers reached the NAIA World Series following a tremendous performance by senior pitcher Bryan Fuller. Mr. Fuller pitched 21 scoreless innings in 26 hours to give the team three straight victories that propelled them to the highest level of competition in their league.

The team finished the season with a remarkable 39–12 record. Coach Sanders reached a noteworthy milestone this season as well by reaching 835 career wins for his tenure. Coach Sanders and his staff should be commended for providing leadership, direction, and encouragement to these student athletes.

The Campbellsville University Baseball Team's performance is a testament to their exceptional talent and commitment to excellence. Theirs is an example for all of Kentucky to follow. I commend the coaching staff and student athletes for the recognition they have brought to Campbellsville University, the Campbellsville and Taylor County communities, and the Second District.

A TRIBUTE TO THE JEWISH LABOR COMMITTEE AND ITS WESTERN REGION BASED IN LOS ANGELES ON THE OCCASION OF THE JLC'S 75TH ANNIVERSARY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Ms. LUCILLE ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the Jewish Labor Committee and the committee's Western Region, based in Los Angeles, California, on the occasion of the national non-profit organization's 75th anniversary of fighting to protect the rights of working families in our country.

In 1934, the national Jewish Labor Committee (JLC) formed on New York's Lower East Side by a coalition of labor and Jewish groups that recognized that European Nazism threatened the rights of trade unionists and Jews. That same year, the committee's "Western Region" formed in Los Angeles.

With its funding drawn primarily from labor union members and the Jewish community, the JLC focused its resources on saving unionists and other political prisoners from Nazi tyranny in Europe during World War II. Alerting the world to the Nazi/Fascist threat, the JLC worked tirelessly with its labor affiliates to defeat Hitler by organizing economic boycotts of German-made products and raising large amounts of money for anti-Nazi partisan fighters. Immediately following the war, the JLC helped thousands of people, especially war orphans, survive Displaced Persons camps and emigrate to America and the then-forming state of Israel.

Recognizing post-war changing labor patterns, the JLC's Western Region developed deep relationships with Latino, African American and Asian communities in Los Angeles, continuing the fight for social justice on political fronts. The JLC's Western Region fought to elect minority candidates, gain fair housing, eradicate racial discrimination, and defeat anti-labor campaigns.

In 1949, the JLC's Western Region worked with the AFL Central Labor Council, the CIO Council, The Anti Defamation League, American Jewish Congress, the National Association for the Advancement of Colored People, Japanese American Citizens League, the Mexican-American oriented Community Services Organization, and many religious organizations, to rally behind my father, the late Congressman Edward Roybal, who was then a Los Angeles City Councilman as he proposed the Fair Employment Practices Ordinance. Eight years later, in 1958, the JLC's Western Region joined a coalition of labor, minority and religious civil rights groups to prevent California from becoming a Right-to-Work state.

In 2009, under the current leadership of President Floyd Glen-Lambert, the Jewish Labor Committee Western Region still fights anti-labor campaigns, most notably by pushing for passage of the Employee Free Choice Act in partnership with the Los Angeles County Federation of Labor.

To remind the community how critical it is for workers to safeguard organized representation to bargain for fair wages, benefits and conditions, the JLC holds annual Labor Pass-over Seders and continues to work with labor and Jewish businesses to resolve disputes. The JLC is also forming a new Ethnic Coalition to address persistent labor issues.

Under the auspices of Captive Daughters of the Los Angeles Unity Coalition, the JLC's Western Region is using a grant to make labor aware of human trafficking, the fastest growing crime in America. The JLC will never forget how quickly slave labor burgeoned in Europe during World War II and remains committed to its eradication.

As an affiliate of the Labor Task Force for Universal Healthcare, the JLC's Western Region is making headway on another crucial issue to workers—bringing health care reform to California and the nation. With state budget cuts looming, the Jewish Public Affairs Committee and the JLC's Western Region are also lobbying state legislators on many other critical issues, including how budget cuts will affect our most vulnerable citizens who need in-home health care to avoid being forced into nursing homes and the need for fair wages for in-home health care givers.

Finally, in keeping with the Jewish principle of Tikun Olam, which means "to repair the

world," the JLC's Western Region is planning a training program for foster youth who are about to find their first jobs. In an effort to help them succeed, the training program is designed to give them an in-depth understanding of the legal, social and political intricacies of the workplace.

To mark the national organization's 75 year anniversary, the committee's Western Region is holding an awards brunch on June 14 at the Century Plaza Hyatt Regency Hotel in Los Angeles at which a number of honorees will be recognized for their outstanding service to our communities. The honorees are: State Controller John Chiang; Executive Liaison for Universal Pictures James D. Brubaker; President/CEO of the National Association for the Hispanic Elderly Dr. Carmela Lacayo; and Business Manager, Southern California District Council of Laborers, Mike Quevedo Jr.

Madam Speaker, as the Jewish Labor Committee observes this milestone and continues the fight for social and political justice in Los Angeles, California and throughout our great nation, I ask my colleagues to please join me in commending everyone involved with the national JLC and its Western Region as well as this year's honorees for their continued commitment to securing fairness for all working families. I extend to them my best wishes for many more successful years ahead.

PAYING RESPECTS TO PRESIDENT EPHRAIM KATZIR

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay my respects to a great statesman and an important world leader. This past Saturday, Ephraim Katzir, the fourth President of the State of Israel, passed away at the age of 93.

Over a long and remarkable life, President Katzir dedicated himself to the security of the State of Israel and the progress of mankind. In addition to being a leading Israeli statesman, President Katzir was a world-renowned biophysicist, performing groundbreaking research in defense studies and the natural sciences. After receiving his Ph.D. from the Hebrew University of Jerusalem, Katzir went on to study and teach at leading American universities, such as Harvard, Columbia, and UCLA. He then returned to Israel to lead the Department of Biophysics at the Weizmann Institute of Science, and later became the chief scientist for the Israel Defense Forces. Katzir was awarded the Israel Prize—the state's highest civilian honor—for his work in natural science, and was the inaugural recipient of the Japan Prize for "original and outstanding achievements in science" and "having advanced the frontiers of knowledge and served the cause of peace and prosperity for mankind." He was also elected into the British Royal Society of London for the Improvement of Natural Knowledge, and in 1996 became the first Israeli inducted into the American Academy of Sciences.

In 1973, Ephraim Katzir answered Prime Minister Golda Meir's call to serve as President of Israel. During the first year of his tenure, Israel was attacked by her Egyptian and Syr-

ian neighbors in the Yom Kippur War. Just four years later, President Katzir and Prime Minister Menachem Begin welcomed Egyptian President Anwar El Sadat to Jerusalem, making Sadat the first Arab leader to visit the Jewish capital. This visit, combined with President Katzir's dedication to peace and human progress, led to the Camp David Accords a year later and an easing in the previously contentious Israeli-Egyptian relations.

Like Cincinnatus returning to his field, President Katzir chose to not stand for a second term, instead returning to his studies and spending time with his beloved wife, Nina. Though an able public servant, Katzir was never motivated by power not defined by his position. His integrity and intellect had few peers, and his devotion to the State of Israel was sincere and complete. As a scientist, a politician, and a proud citizen, President Katzir dedicated his life to a Jewish state for the Jewish people. Through his stewardship of the Office of President, President Katzir handed down to later generations a safe and prosperous nation.

The prophet Isaiah writes, "Those who walk uprightly enter into peace; they find rest as they lie in death." On behalf of the Fifth District of New Jersey, I wish peace for former President Katzir, and convey my deepest condolences to his family, friends, and country.

PERSONAL EXPLANATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. HARPER. Madam Speaker, on rollcall Nos. 292, 293 and 294, my flight was delayed due to weather. Had I been present, I would have voted "yea" on all three.

HONORING DR. LEONARD SHLAIN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Ms. WOOLSEY. Madam Speaker, I rise today with sadness to honor Dr. Leonard Shlain of Mill Valley, California who passed away May 11, at the age of 71, after a struggle with brain cancer.

Dr. Shlain excelled in two professions simultaneously. He was a pioneering surgeon in San Francisco as well as a best-selling author. As Chairman of Laparoscopic Surgery at California Pacific Medical Center and Associate Professor of Surgery at UCSF, he developed his surgical techniques to such an extent that he was flown around the world to train other doctors and also patented several surgical instruments.

His three published books have been best-sellers, their thoughtful and provocative content earning him fans from singer Bjork to Vice President Al Gore. Despite some initial skepticism about a surgeon writing on other topics, his books wove connections between everything from art and physics to human evolution in a highly creative and accessible style.

Art & Physics (1990) was hailed as a visionary exploration of the work of scientists and

artists over the centuries. The Alphabet vs. the Goddess (1998) further enhanced his reputation as an insightful and poetic storyteller while Sex, Time and Power: How Women's Sexuality Shaped Human Evolution (2003) offers dramatic explorations into the emergence of the human species. His fourth book, Leonardo's Brain, The Right-Left Roots of Creativity, will be published next year.

Dr. Shlain won many awards and was in high demand as a speaker from Italy to Los Alamos. But the most memorable thing about him was his generous and outgoing personality matched by intellectual curiosity and encyclopedic knowledge. His colleagues, friends, and family were privileged to experience this side of him, and he instilled his enthusiasm and drive in his children.

Daughter Kimberly Brooks relates "dinner conversations typically spanned from the Heisenberg Uncertainty Principle to politics, literature to an incredibly dirty joke." He would often "diagram the operation of the day on a napkin. Later, his diagrams became more adventuresome and expanded to thought experiments that included what it would be like to sit astride a beam of light and how that corresponded with Picasso's rose period." She also remembers how, for show and tell at her elementary school, her dad brought a human brain in a white bucket of formaldehyde and how he built a stained-glass geodesic dome (complete with a hot tub) in the back yard instead of a conventional swing set.

Born in 1937 in Detroit, Michigan, to immigrant parents, Dr. Shlain graduated from high school at the age of 16 and from medical school when he was 23. After a stint as a Captain in the U.S. Army, he got married and moved to Mill Valley in the late sixties.

He is survived by his wife, Judge Ina Gyemant, and children, artist Kimberly Brooks, filmmaker and Webby Awards founder, Tiffany Shlain, and doctor/entrepreneur Jordan Shlain. He was also father-in-law to filmmaker Albert Brooks, scientist/artist Ken Goldberg, Ph.D. and Caroline Egli Shlain, Ph.D., respectively. He had two stepchildren, attorney Anne Gyemant Paris and writer Roberto Gyemant, Jr. His son-in-law Michael Paris is a medical engineer. He is pre-deceased by his sister Shirley Wollock and survived by siblings Marvin Shlain and Sylvia Goldstick, and nine grandchildren (with a tenth on the way).

Madam Speaker, although Dr. Shlain taught his children never to trust a man who needs more than one sentence to describe what he does for a living, it is impossible to sum up his own accomplishments so briefly. The world is a richer place for his work, his spirit, and his wonderful family.

TRIBUTE TO MR. DAVE SALLENGS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to Dave Sallengs, a Kentuckian whose efforts to fight the scourge of drug addiction throughout Kentucky have made huge strides towards stopping this horrific epidemic. His extensive knowledge of scheduled prescription drug trends has impacted the method in which doctors prescribe

scheduled narcotics, how pharmacists track and fill orders, and the way law enforcement agencies fight the drug problem throughout Kentucky.

As the manager of Kentucky's Drug Enforcement and Professional Practices Branch, Dave Sallengs is responsible for operating the Kentucky All-Schedule Prescription Electronic Reporting (KASPER) monitoring program, as well as enforcing the Kentucky Controlled Substances Act. With the leading prescription monitoring system in the nation, Mr. Sallengs has made it his mission to train a broad range of authorized users on KASPER.

Under the leadership of Mr. Sallengs, the number of KASPER users tripled in merely two years. On average, the number of individuals participating in KASPER continues to grow by an astounding two percent each month. This growth is a testament of his effort to promote and educate health care providers and law enforcement officers to the tremendous impact KASPER can make on people's lives. The KASPER system is one of the best weapons we have in the war against prescription drug abuse and trafficking in the Bluegrass State.

Mr. Sallengs' passion for eliminating drug abuse and addiction is evident by his continual efforts to promote KASPER to all those agencies who benefit from this important program. A graduate of the University of Kentucky College of Pharmacy, Mr. Sallengs spent 12 years as an owner and operator of an independent retail pharmacy before gaining in-depth experience in the wholesale drug and pharmacy computer industries. In addition to being a registered pharmacist, Mr. Sallengs has served his community as a law enforcement officer.

Madam Speaker, I ask my colleagues to join me in honoring the Pharmacy Association of Kentucky's "Pharmacist of the Year," Mr. Dave Sallengs. The award recognizes those who use their profession to benefit those both in the profession and the community. In my opinion, there is no one more deserving of this award in our state, or in our country, as his work is now part of a national model to end prescription drug abuse.

HONORING MS. BEATRIZ A. GARZA

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. RODRIGUEZ. Madam Speaker, I rise today to celebrate and recognize the accomplishments of Ms. Beatriz A. Garza, the recent college graduate from Haskell Indian Nations University in Lawrence, Kansas, and a tribal member of the Kickapoo Traditional Tribe of Texas (KTTT).

Graduating from Haskell Indian Nations University with an Associate of Arts degree in Liberal Arts in 2006 and a Bachelor of Science degree in Business Administration in 2009, Ms. Beatriz A. Garza has become the first college graduate from the Kickapoo Tribe in the state of Texas.

Ms. Garza grew up in Eagle Pass, Texas, on the Kickapoo Indian Reservation, graduating from Eagle Pass High School's C.C. Winn Campus. Influenced by her father, Juan Garza, Jr., she pursued higher education at Haskell Indian Nations University.

In 1884, the doors of this fine educational institution opened up to the yearning minds of twenty-two American Indian children. It was known then as the United States Indian Industrial Training School. Today, Haskell Indian Nations University, the largest Indian university in the country, serves roughly one thousand college students per semester, and continues to serve American Indians with a multitude of innovative curricula that prepares students to enter baccalaureate programs in areas such as elementary education, American Indian studies, and business administration, which Ms. Garza, as previously noted, pursued herself, emphasizing her study in tribal management. She currently plans to pursue a professional degree in law.

Students attending this University represent federally recognized tribes from across the United States, producing a dynamic and diverse student body bringing life experiences to the forefront of the classroom while integrating American Indian and Alaskan Native culture into all its curricula. Through my time spent on a Texas school board, I have seen people who, like Ms. Garza, are intelligent, responsible, and driven. Ms. Garza excelled in the classroom and pushed forward toward a brighter future. People like Ms. Garza, are the change makers in our world, the backbone of the American dream, and the reason America succeeds. Boundaries like this are broken by great men and women who lead this country forward, inspiring future generations to follow in their footsteps.

I am proud of Ms. Garza's success and it is with great honor that I extend my most sincere congratulations to Ms. Beatriz A. Garza as she makes this monumental milestone in her life.

COMMEMORATING 20TH ANNIVERSARY OF THE TIANANMEN SQUARE SUPPRESSION

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PAUL. Madam Speaker, I rise to oppose this unnecessary and counter-productive resolution regarding the 20th anniversary of the incident in China's Tiananmen Square. In addition to my concerns over the content of this legislation, I strongly object to the manner in which it was brought to the floor for a vote. While the resolution was being debated on the House floor, I instructed my staff to obtain a copy so that I could read it before the vote. My staff was told by no less than four relevant bodies within the House of Representatives that the text was not available for review and would not be available for another 24 hours. It is unacceptable for Members of the House of Representatives to be asked to vote on legislation that is not available for them to read!

As to the substance of the resolution, I find it disturbing that the House is going out of its way to meddle in China's domestic politics, which is none of our business, while ignoring the many pressing issues in our own country that definitely are our business.

This resolution "calls on the People's Republic of China to invite full and independent investigations into the Tiananmen Square crackdown, assisted by the United Nations

High Commissioner for Human Rights and the International Committee of the Red Cross . . ." Where do we get the authority for such a demand? I wonder how the U.S. government would respond if China demanded that the United Nations conduct a full and independent investigation into the treatment of detainees at the U.S.-operated Guantanamo facility?

The resolution "calls on the legal authorities of People's Republic of China to review immediately the cases of those still imprisoned for participating in the 1989 protests for compliance with internationally recognized standards of fairness and due process in judicial proceedings." In light of U.S. government's extraordinary renditions of possibly hundreds of individuals into numerous secret prisons abroad where they are held indefinitely without charge or trial, one wonders what the rest of the world makes of such U.S. demands. It is hard to exercise credible moral authority in the world when our motto toward foreign governments seems to be "do as we say, not as we do."

While we certainly do not condone government suppression of individual rights and liberties wherever they may occur, why are we not investigating these abuses closer to home and within our jurisdiction? It seems the House is not interested in investigating allegations that U.S. government officials and employees approved and practiced torture against detainees. Where is the Congressional investigation of the U.S.-operated "secret prisons" overseas? What about the administration's assertion of the right to detain individuals indefinitely without trial? It may be easier to point out the abuses and shortcomings of governments overseas than to address government abuses here at home, but we have the constitutional obligation to exercise our oversight authority in such matters. I strongly believe that addressing these current issues would be a better use of our time than once again condemning China for an event that took place some 20 years ago.

PERSONAL EXPLANATION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. ETHERIDGE. Madam Speaker, I regret that yesterday inclement weather delayed my flight and prevented my timely return to Washington. I was, therefore, unable to cast a vote on a number of roll call votes.

Had I been present, I would have voted Yes on H. Res. 421, recognizing and commending the Great Smoky Mountains National Park on its 75th year anniversary. I would have voted Yes on H.J. Res. 40, to encourage the people of the United States to honor Native Americans by designating the Friday immediately following Thanksgiving Day as Native American Heritage Day. I also would have voted Yes on H. Res. 489, recognizing the 20th anniversary of the brutal suppression of protesters and citizens in and around Tiananmen Square.

IN MEMORY OF TERRENCE L.
BARNICH

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. KIRK. Madam Speaker, I rise today to honor the life of Terrence L. Barnich. Terry served as Chairman of the Illinois Commerce Commission (ICC) in the early nineties, and spent the last two years as Deputy Director of the Iraq Transition Assistance Office in Baghdad. Terry died on Memorial Day after his convoy was hit by a roadside bomb on the outskirts of Fallujah.

Terry was appointed Chairman of the ICC by Gov. Jim Thompson in 1989, serving for three years before joining the private sector. In 2007 he took a leave of absence from his job as CEO of Paradigm Resources Group to spend a year working with the State Department in Baghdad. After that year, Terry volunteered to stay in Iraq to continue his work helping the Iraqis build modern public utility systems. He embodied the American commitment to the people of Iraq, and his work was helping us fulfill that commitment.

Terry died after inspecting a new wastewater treatment facility that will provide essential services to Fallujah and Anbar Province. His patriotism and love of his work are evident in a quote he gave a Chicago newspaper shortly after he arrived in Baghdad. He said:

"To those back home who say the Iraqi experience has made the Iraqis unready or incapable for democracy, I say come work with me. I deal with Iraqis who daily brave physical hardship, violence and threats of violence to make their contribution to building a government that deserves the consent of the governed."

Funeral services were held today in Chicago, and I hope my colleagues will join me in sending our condolences to Terry's family as we remember his dedication to public service.

IN HONOR OF LARRY CAVITT'S 40
YEARS OF TEACHING EXCELLENCE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. SESSIONS. Madam Speaker, I rise today to honor a teaching legend, Mr. Larry Cavitt and to celebrate his forty years of dedicated service at St. Mark's School of Texas. I am proud to represent St. Mark's in the 32nd Congressional District of Texas.

Mr. Cavitt first joined St. Mark's faculty on August 28, 1969 after receiving his M.A. from Southern Methodist University. In his current role, he serves as the 5th grade humanities teacher and senior class advisor. During his tenure at St. Mark's, he has also taught 7th, 8th, and 9th grade Social Studies, 8th grade Humanities, U.S. History, and Advanced Placement Law and Government. Outside of the classroom, members of the basketball and baseball team know him as "coach." In his forty years of service, he has helped shaped young impressionable minds, providing them a firm educational foundation for success. He al-

ways encourages his students to chase their dreams and I know these young men have greatly benefitted from his teaching, wisdom, and insight. St. Mark's is a successful institution because of dedicated and caring teachers such as Mr. Cavitt.

I admire him for his passion for teaching and ask my colleagues to join me in expressing our gratitude for his continued service. I congratulate Mr. Cavitt on reaching his forty-year milestone and wish him all the best.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 2009

Mr. BERMAN. Madam Speaker, I rise today in support of the Fraud Enforcement & Recovery Act of 2009. I want to specifically address the language in this bill that will strengthen the provisions of our Nation's most effective fraud-fighting tool, the federal False Claims Act. With our Nation spending hundreds of billions of dollars to revitalize our faltering economy, now is the time to plug the loopholes that have been created in the False Claims Act over the last quarter century. Now is the time to update this law to ensure that it reaches the modern fraud schemes that are draining our public fisc with impunity. As one of the authors of both the 1986 False Claims Act Amendments and the relevant language in S. 386 which we consider today, I submit this statement to clarify the true intent of the False Claims Act and to send a clear message that all government funds should be protected from fraud.

I. HISTORY OF THE FALSE CLAIMS ACT

Before I get into the provisions of the bill we are considering today, Madam Speaker, I'd like to provide some background on the False Claims Act, how it came to be and how it has been amended in the past.

Congress enacted the False Claims Act in 1863, in response to complaints about "the frauds and corruptions practiced in obtaining pay from the Government during the [Civil] War." Proposed by President Lincoln, the legislation offered private citizens a reward if they assisted the Government in combating fraud. The sponsor of the original False Claims Act explained that the statute, "offers, in short, a reward to the informer who comes into court and betrays his coconspirator, if he be such; but it is not confined to that class."

The 1863 Act authorized private individuals, called "qui tam relators," to bring lawsuits on behalf of the United States to prosecute fraud against the Government and to recover funds that were wrongfully obtained. The Act provided for double damages and a \$2,000 civil penalty per false claim, and private individuals who successfully pursued claims under the Act were entitled to half of the Government's recovery. The Act did not authorize the Government to intervene in the private individual's case, nor did it preclude qui tam actions based upon the source of the relator's information.

Nearly eighty years later, in the midst of World War II, Attorney General Francis Biddle requested that Congress make changes to the

False Claims Act that would prevent parasitic lawsuits. Biddle was concerned that qui tam complaints were being filed based solely on information contained in criminal indictments. Biddle argued that such cases contributed nothing new and could interfere with the Government's criminal prosecutions. So, he urged Congress to repeal the authorization for qui tam actions.

The Senate and House of Representatives each considered Attorney General Biddle's request, and the House went so far as to pass a bill, H.R. 1203, proposing repeal of the False Claims Act's qui tam provisions. The Senate demurred. The House Judiciary Committee then considered legislation providing that jurisdiction would be barred on qui tam suits that were based on information in the possession of the Government, unless the relator was an original source of that information. Without explanation, the resulting conference report dropped the reference to "original sources."

The 1943 amendments changed the False Claims Act in several ways. Most significantly, these amendments authorized the Department of Justice to take over cases initiated by relators. The 1943 amendments required relators to submit all of their supporting evidence to the Department of Justice at the time the relator filed his complaint and gave the Department sixty days to decide whether or not to intervene and take exclusive control of the suit. If the Government elected to intervene, the relator would have no role in the case and no voice in its resolution.

The 1943 amendments also included a "government knowledge bar," which deprived courts of jurisdiction over qui tam actions that were "based upon evidence or information in the possession of the United States, or any agency, officer or employee thereof, at the time such suit was brought." The 1943 amendments also significantly reduced the amount of the relator's share of any recovery. In fact, under the 1943 amendments, relators were not assured of a minimum recovery at all. The amendments provided that if the Government prosecuted the suit, the court could award the informer "fair and reasonable compensation" not to exceed 10-percent of the proceeds. If the Government did not intervene, the informer's award could not exceed 25-percent of the proceeds.

These changes put the False Claims Act into hibernation. By the 1980s, it had become evident that the False Claims Act was no longer an effective tool against fraud. In particular, some courts, for example in *United States ex rel. State of Wis. (Dept. of Health and Social Services) v. Dean*, 729 F.2d 1100 (7th Cir. 1984), had broadly interpreted the government knowledge bar adopted in 1943, holding that the bar precluded all qui tam cases involving information already known to the Government, even when the qui tam relator had been the source of that information.

Additionally, the changes to the amount of the relator's share undermined the Act's usefulness. Individuals with information about fraud against the Government were far less likely to become relators without some guarantee that they would be rewarded if they prevailed, particularly since relators often exposed fraud by their employers and were terminated from their jobs as a result. The 1943 amendments did not provide relators with an adequate incentive to bring qui tam actions. Consequently, from 1943 to 1986, fewer than

ten False Claims Act cases were brought each year.

As a result of the problems that arose following the 1943 amendments, by the 1980s, fraud against the Government had grown to unprecedented levels. A 1981 three-volume General Accounting Office report, *Fraud in Government Programs:—How Extensive is It?—How Can it Be Controlled*, concluded that fraud against the Government was “widespread.” The report also noted that false or fraudulent claims against the Government result both in monetary losses and a broad spectrum of non-monetary losses. These include, for example, loss of confidence in Government programs, Government benefits not going to intended recipients, and harm to public health and safety. During this same period, several legal scholars began discussing the merits of increased use of the False Claims Act to address fraud against the Government.

In response to these concerns, Senators CHARLES GRASSLEY, CARL LEVIN, and Dennis DeConcini introduced S. 1562 in 1985. The Committee on Administrative Practice and Procedure of the Senate Committee on the Judiciary held hearings on S. 1562 and S. 1673, a similar bill supported by the Reagan Administration. The House of Representatives took up a similar bill, H.R. 3317, and the Subcommittee on Administrative Law and Governmental Relations of the House Committee on the Judiciary held hearings on that measure.

Both Committees heard from a range of witnesses, including whistleblowers and the Department of Justice. The Senate Committee heard testimony that “45 of the 100 largest defense contractors—including 9 of the top 10—were under investigation for multiple fraud offenses.” In addition, the Committee learned that, due to limited Government resources, “[a]llegations that perhaps could develop into very significant cases are often left unaddressed at the outset due to a judgment that devoting scarce resources to a questionable case may not be efficient. And with current budgetary constraints, it is unlikely that the Government’s corps of individuals assigned to anti-fraud enforcement will substantially increase.” The Senate and House bills sought to address this resource problem by constructing legislation which would empower private citizens with knowledge of fraud or false claims to come forward and bring the resources of private counsel to bear on Government investigations under the Act.

In response to the problems Congress identified, as well as concerns raised by the Department of Justice and potential defendants, Congress adopted the False Claims Amendments Act of 1986. President Reagan signed the bill into law on November 23, 1986. The 1986 amendments made a number of changes to the False Claims Act. Although the amendments did not include a provision for recovering consequential damages, they increased the penalty provision, which had been unchanged for more than 100 years, from double damages to treble damages. In order to limit interference with Government investigations, the amendments provided that qui tam actions be filed under seal for sixty days and served on the United States, but not the defendant, to provide the Government time to determine whether to take over the action. However, while the amendments limited the seal period to sixty days, they permitted the Government the opportunity to request and re-

ceive an extension for good cause. The amendments also provided the Government, for the first time, the option of intervening later in a case, even if it had initially declined to join, if it had “good cause” to do so. Furthermore, the legislation provided that a qui tam relator would remain a fully participating party even if the Government joined the case, but provided that a court could, under specified circumstances, restrict the relator’s role.

Additionally, in order to incentivize individuals to report false claims and fraud, Congress eliminated the uncertainty of purely discretionary rewards. Rather, since 1986, rewards to qui tam relators have been based on the relator’s contributions. In most cases, relators would be guaranteed at least a 15-percent share of the Government’s recovery. The 1986 amendments also eliminated a potent disincentive for relators, by creating a new right of action for any employee who is retaliated against for lawful acts in furtherance of False Claims Act proceedings. Under the 1986 amendments, employees who suffered retaliation would be entitled to all relief necessary to make them whole, including double back pay and attorneys’ fees. The 1986 amendments also sought to replace the government knowledge bar with a “public disclosure bar” that would only bar truly parasitic relators whose complaints were “based upon allegations or transactions in a . . . [Government proceeding] or investigation, or from the news media,” and were not an “original source” as defined under the Act. Congress also authorized the award of attorneys’ fees to a defendant prevailing in a suit that “the court finds . . . was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.”

II. THE CURRENT FALSE CLAIMS ACT

Currently, the False Claims Act permits the Government to recover treble damages from those who knowingly present, or cause to be presented, false claims to a United States Government officer, employee or member of the Armed Forces; or who knowingly make, or cause to be made, false statements to get such claims paid by the United States. The Act also applies to those who make false statements to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government. It also covers certain conspiracies to violate the Act. In addition to damages, the courts are required to award the Government a civil penalty of \$5,500 to \$11,000 for each violation of the Act. The Government is entitled to recover such forfeitures upon any showing that a defendant violated the False Claims Act, without needing to prove that the violation resulted in damages in the case at hand. Thus, a defendant may be held liable for these penalties under the False Claims Act whether or not payment was made on the tainted claim.

The Act defines several statutory terms. The term “person” is broadly defined in the law’s civil investigative demand provision to include partnerships, associations, and corporations, as well as States and political subdivisions thereof. The statutory definition of “claim” is also intended to be read broadly and, indeed, is not an exclusive list. The definition applies to any request or demand for Government money or property, regardless of whether it is submitted to the Government or to another entity, such as a Government contractor, agency, instrumentality, quasi-governmental corporation, or a non-appropriated fund. In defining

the word “claim” so broadly, Congress intended in 1986 to make sure that the FCA would impose liability even if the claims or false statements were made to a party other than the Government, if the payment thereon could potentially result in a loss to the Government or cause the Government to wrongfully pay out money. For example, because any fraud that reduces the effectiveness of programs and initiatives the Government has sought to advance also undermines the Government’s purpose in supplying funding support, Congress intended for a false claim to the recipient of a grant from the United States or to a State under a program financed in part by the United States, to be considered a false claim to the United States.

In sum, Congress intended the False Claims Act to protect all Government funds and property, without qualification or limitation. However, over the years, some courts have incorrectly grafted limitations to the reach of the Act, leaving billions of dollars vulnerable to fraud. Most recently, in June 2008, the Supreme Court ruled in the *Allison Engine* decision that, absent the “Government itself” inking the check or approving a false claim, the Act does not impose liability for false claims on Government funds disbursed for a Government purpose by a Government contractor or other recipient of Government funds, even if such fraud damages the Government or its programs. Because so many inherently governmental functions are carried out by government contractors these days, including contracting and program management functions, this ruling severely limits the reach of the law. The primary impetus for the current corrective legislation is to reverse these unacceptable limitations and restore the False Claims Act to its original status as the protector of all Government funds or property. While we cannot possibly predict the breadth of fraudulent schemes that can be used to target the public fisc, I take this opportunity to stress that, when done knowingly, the following conduct clearly violates the False Claims Act:

Charging the Government for more than was provided.

Seeking payment pursuant to a program for which the claimant was not eligible.

Demanding payment for goods or services that do not conform to contractual or regulatory requirements.

Fraudulently withholding property from the Government or attempting to pay the Government less than is owed in connection with any goods, services, concession, or other benefits provided by the Government.

Fraudulently seeking to obtain a Government contract.

Submitting a fraudulent application for a grant of Government funds.

Submitting a false application for a Government loan.

Requesting payment for goods or services that are defective or of lesser quality than those for which the Government contracted.

Making false statements for a loan guaranteed by the Government that later defaults.

Requesting Government services to which one is not entitled.

Submitting a claim that falsely certifies that the defendant has complied with a law, contract term, or regulation.

Submitting a claim by a person who has violated a statute or regulation, the violation of which is capable of influencing the payment decision.

Submitting a false application in a multi-staged grant application process, where the second stage of the application would not have been granted had the applicant been truthful in the first stage.

Submitting a claim for payment even though the defendant was violating the Government-funded program's conditions of participation or payment.

Submitting a claim that seeks payment for an estimate or opinion that the defendant knows to be false.

Submitting claims based on an interpretation of a regulation or contract that the defendant knows has been rejected by the Government.

Fraudulently cashing a Government check or knowingly keeping Government funds that were initially wrongfully or mistakenly obtained.

The False Claim Act does not specify a particular method for assessing damages. Courts, however, should liberally measure damages to effectuate the remedial purpose of the Act, which is to afford the Government a full and complete recovery. The Government has finite resource. So when a fraudfeasor wrongfully obtains or retains Government owned or administered funds, it prevents the Government from achieving the full purposes and benefits intended to result from its spending or from utilizing funds wasted as a result of fraud or abuse for other purposes. Indeed, when a defendant obtains a Government contract under false pretenses or wrongfully qualifies for a Government-funded program, it has no right to receive payment for the services it provides. In such a case, the Government should be awarded damages of the entire amount paid by the Government. Finally, it has long been the law that where the Government received legitimate value from the defendant's work, any offset occurs after, rather than before, trebling. This assures, for example, that defendants who know they are not eligible to participate in a Government program or contract cannot substantially evade and defeat the purposes of eligibility requirements by contending that the services or products they provided under false pretenses have similar market value to services or products that otherwise would have been provided by persons whom the Government intended to be eligible.

When a court calculates civil penalties under the False Claims Act, it should consider each separate bill, voucher or other demand, concealment of payment, or other prohibited act as a separate violation for which a civil penalty should be imposed. This is true although many such claims may be submitted at one time. For example, a doctor who completes separate Medicare claims for each patient treated will be liable for a civil penalty for each such claim, even though several paper claims forms or electronic requests for payment may be submitted to a Medicare contractor at one time. Likewise, each claim for payment submitted under a contract, loan guarantee, or other agreement which was originally obtained by means of false statements or other corrupt or fraudulent conduct, or in violation of any statute or applicable regulation, constitutes a false claim. For example, claims submitted under a contract obtained through collusive bidding are false and actionable under the Act, as are all Medicare claims submitted by or on behalf of a physician who knows he or she is ineligible to participate in the program.

III. PURPOSE OF THE FALSE CLAIMS ACT AMENDMENTS

Since its inception, the central purpose of the False Claims Act has been to enlist private citizens in combating fraud against the U.S. Treasury. Specifically, the Act's qui tam provisions were crafted to provide a clear procedural roadmap, so as to assist and encourage private citizens to not only report fraudulent schemes, but to actively participate in investigating and prosecuting those who steal from the public fisc. However, over the course of the Act's history, courts have embraced a number of conflicting interpretations that have removed protection for billions of federal dollars and discouraged qui tam relators from filing suits under the Act.

The False Claims Act amendments included in S. 386, the Fraud & Enforcement & Recovery Act of 2009, remove some of the confusion that is currently undermining the Act's ability to fully reach those who target the American tax dollar. S. 386 clarifies a number of key provisions and reaffirms that the False Claims Act is intended to protect all Government funds, without qualification or limitation, from the predation of those who would avail themselves of taxpayer money without the right to do so. This legislation is the first step in correcting the erosion of the effectiveness of the False Claims Act that has resulted from court decisions contrary to the intent of Congress. This mounting confusion occurs at a time when the country can least afford weakened antifraud legislation. Particularly now, at a time of dramatically-increased reliance on private contractors to perform what have traditionally been viewed as governmental functions, clarity of purpose and effect must be the hallmarks of the False Claims Act.

The False Claims Act also needs to be amended to bolster protections for qui tam plaintiffs, the individuals who bring fraud on government programs to the attention of the federal government and file FCA suits on behalf of the United States. Qui tam relators have been able to uncover vast amounts of fraud, and their efforts have resulted in the return of billions to the Treasury. In Fiscal Year 1986, the year prior to Congress revitalizing the False Claims Act qui tam provisions, the Department of Justice recovered just \$54 million under the Act. Since then, there has been a steady increase in recoveries, culminating in settlements and judgments of more than \$5 billion in the past two years. This success has been due, in large part, to qui tam relators who ferreted out and prosecuted False Claims Act violations. Indeed, of the \$21.6 billion recovered under the False Claims Act from 1986 to 2008, \$13.7 billion was the result of qui tam actions. However, with estimates of fraud and abuse losses remaining in the range of 10% of disbursements to contractors, much remains to be done.

In February 27, 2008, testimony before the Senate Committee on the Judiciary, Michael F. Hertz, Deputy Assistant Attorney General, Civil Division of the U.S. Department of Justice, whose long career as the Government's chief False Claims Act prosecutor predates the 1986 amendments, noted the critical role played by qui tam plaintiffs:

[T]he 1986 qui tam amendments to the Act that strengthened whistleblower provisions have allowed us to recover losses to the federal fisc that we might not have otherwise been able to identify.

Recent testimony heard by the House Committee on the Judiciary underscores the critical

role qui tam relators play in uncovering and prosecuting violations of the False Claims Act. The Subcommittee on Courts, the Internet and Intellectual Property and the Subcommittee on Commercial and Administrative Law held a joint legislative hearing on June 19, 2008, on H.R. 4854, the False Claims Act Corrections Act of 2007, a bill I sponsored with Mr. SENBRENNER to address many of the same problems that are addressed in S. 386, as amended by the House of Representatives. At that hearing, the Subcommittees heard testimony from Shelley R. Slade, a Washington, D.C. attorney who represents qui tam plaintiffs and serves on the Board of Directors of Taxpayers Against Fraud, a national nonprofit public interest organization dedicated to fighting fraud against the federal and state governments. Ms. Slade, who also handled FCA cases and related matters for the U.S. Department of Justice for ten years, testified that:

Qui tam plaintiffs are key to the Government's efforts to fight fraud, mainly for two reasons. First, as inside witnesses, they produce evidence that can be absolutely critical to establishing liability. Fraudulent activity by its very nature is concealed. . . . Without the help of insiders who brought the Government documents and other hard evidence of the fraud, it would have been extremely difficult for the Government to develop sufficient evidence to establish liability in many of the successful FCA cases. Second, it is the relentless, zealous pursuit of qui tam litigation by qui tam plaintiffs and their counsel that has led to many of the largest FCA cases in the last eighteen years. A close study of the largest recoveries will reveal that, in many instances, the qui tam plaintiff spent years either trying to persuade the Government of the merits of the case before finally achieving an intervention decision, or litigating the case following a Government declination.

Over the course of the last twenty years, it has become increasingly evident that fraud permeates a very wide range of Government programs, ranging from welfare and food stamps benefits to multi-billion dollar defense procurements; from crop subsidies to disaster relief programs; and from Government-backed loan programs to health care and homeland security.

While fraud is not limited to any one Government agency, fraud in the health care arena has been particularly pernicious, covering nearly every facet of this industry from hospitals and laboratory work to drug companies, durable medical equipment makers, nursing homes, and renal care facilities. In the health care arena, recovery in the top twenty hospital fraud cases settled under the False Claims Act totaled more than \$3.4 billion. The largest twenty settlements against pharmaceutical companies exceed, in total, \$4.6 billion.

While qui tam relators have long increased the efficiency of the Federal Government in identifying fraud and false claims and understanding the mechanics and scope of particular schemes, the role of relators has been particularly important in the health care arena where the complexity of frauds might otherwise thwart a Government investigation.

Of the 6,199 qui tam False Claims Act cases filed between 1986 and 2008, more than half (3,306) focused on fraud against Government health care programs, such as Medicare and Medicaid. These cases were responsible for recovering \$10.1 billion, or more

than 74-percent of the total \$13.7 billion recovered in qui tam cases. Along with fraud against the health care programs, fraud against the Department of Defense still appears to be pervasive, with about 12-percent of recoveries, or \$1.7 billion, recovered due to qui tam actions involving DoD contracts. The cost of fraud cannot be measured only in dollars and cents. GAO pointed out in its 1981 report, fraud erodes public confidence in the Government's ability to efficiently and effectively manage its programs. General Accounting Office, *Fraud in Government Programs: How Extensive is It?—How Can it Be Controlled?* (1981).

Thus, fraud continues to drain funds from the public fisc, and the Government is increasingly relying on relators to uncover these fraudulent schemes. However, there are mounting legal divisions and uncertainties among the circuit courts that are jeopardizing Government funds and discouraging potential qui tam relators from filing actions. The bill on the floor today, S. 386, is a critical first step needed to remove the confusion and to ensure that qui tam actions continue to assist the Government in protecting its limited resources.

The False Claims Act amendments in S. 386 clarify the reach of the Act's liability provisions, strengthen anti-retaliation protections, and remove impediments to the Government's investigative powers under the Act. Other corrections and clarifications that are needed to the False Claims Act have not been included in S. 386 due to the particular overall purpose of S. 386. Those additional False Claims Act corrections and clarifications should be taken up in separate legislation. However, I rise today to clarify the intent behind the False Claims Act amendments that are included in S. 386.

A. SECTION 4(A): LIABILITY PROVISIONS

In Section 4(a), the legislation updates the liability provisions of Section 3729(a) of the False Claims Act to address misreadings of the Act by the courts, to remove ambiguities created by inconsistency of language in the present provisions, and to clarify how the Act should be applied when the Government implements its programs with the help of contractors and intermediaries or administers funds on behalf of beneficiaries such as another government or a Tribal authority. Existing provisions of Section 3729(a) are also renumbered. I want to go through each of the issues addressed.

1. Fraud Against Government Contractors and Grantees

In *United States ex rel. Totten v. Bombardier Corp.*, 380 F. 3d 488 (D.C. Cir. 2005), the D.C. Court of Appeals ruled that, notwithstanding the FCA's broad definition of the term "claim," liability will not lie under subsection (a)(1) of 31 U.S.C. § 3729, which imposes liability for knowing false claims, unless the false claims are presented directly to the United States Government itself. According to the D.C. Court of Appeals, when third parties disburse federal funds in furtherance of federal contracts, they are not the same as the "U.S. Government" for purposes of this liability provision. Following that decision, a number of courts held that the False Claims Act does not reach false claims that are (i) presented to Government grantees or contractors and (ii) paid with Government grant or contract funds. In *Allison Engine Co. v. United States ex rel.*

Sanders, 128 S.Ct. 2123 (2008), the U.S. Supreme Court similarly ruled that liability will not lie under subsection (a)(2) of 31 U.S.C. Section 3729, which imposes liability for knowing false statements, unless the false statements are made to get false claims paid by the United States Government itself. Moreover, the Supreme Court held that plaintiffs must show that the fraudfeasor "intended" for its false statements to cause the "Government itself" to "rely" on the false statements as a "condition of payment."

With the Government increasingly relying on private entities to disburse Government funds, it is a rare instance in which the "Government itself" would be paying the claims. The implications are considerable. The amendments clarify that liability under Section 3729(a) attaches whenever a person knowingly makes a false claim to obtain money or property, any part of which is provided by the Government without regard to whether the wrongdoer deals directly with the Federal Government; with an agent acting on the Government's behalf; or with a third party contractor, grantee, or other recipient of such money or property. To ensure that the Act is not interpreted to federalize fraud that threatens no harm to Government purposes or federal program objectives, the Amendment explicitly excludes from liability requests or demands for money or property that the Government has paid to an individual as compensation for federal employment or as an income subsidy, such as Social Security retirement benefits, with no restrictions on that individual's use or the money or property at issue.

The amendments also clarify that the False Claims Act may be used to redress fraud on Medicare's new Part D prescription drug benefit program and fraud on Medicare managed care. Both of these programs are administered by Government contractors. The legislation eliminates any argument that the False Claims Act does not reach false claims submitted to State-administered Medicaid programs, as some have argued under the *Totten* case (and as the *Atkins* court held).

The amendments clarify that the False Claims Act can be used to redress false claims submitted to recipients of federal block grants administered by state agencies or other third parties. Such claims undermine the purpose of those grants by diverting funding away from the objectives that the federal program sought to achieve and cause harm to the United States. Thus, for example, if a large non-minority owned business falsely applied for grant funds that the Government provided a municipality to assist small, minority-owned businesses, the business entity would be subject to False Claims Act liability.

These clarifications are consistent with what Congress intended to achieve in 1986. By removing from Section 3729(a)(1) language that can be narrowly read to limit liability to persons who present false claims directly "to an officer or employee of the Government, or to a member of the Armed Forces," the amendments finish the job Congress intended to complete in 1986, when it defined actionable "claims" in the current Act to include "any request or demand . . . for money or property which is made to a contractor, grantee, or other recipient if the United States Government provides any portion of the money or property which is requested or demanded, or if the Government will reimburse such contractor, grantee, or other recipient for any por-

tion of the money or property which is requested or demanded."

2. Fraud Against Funds Administered by the United States

In a 2006 decision involving Iraq reconstruction fraud, a federal trial court in Virginia held that the False Claims Act does not reach false claims against funds administered, but not owned, by the U.S. Government. This was *United States ex rel. DRC, Inc. v. Custer Battles, LLC*, 376 F. Supp. 2d 617, 636–641 (E.D. Va. 2006). This result is not consistent with what Congress intended in 1986. When the United States Government elects to invest its resources in administering funds or managing property belonging to another entity, it does so because use of such investments or property for their designated purposes will further interests of the United States. Misdirection of such money or property as the result of false or fraudulent conduct by contractors frequently creates funding gaps which either thwart federal interests or require infusions of federal money to see program goals achieved. Accordingly, false claims made against Government-administered funds damage the interests of the United States in essentially the same way as does misappropriation or wasting of funds owned by the United States. Whenever money directed to address Government interests is wasted, it becomes necessary either to redirect other funds to complete the contemplated task at hand or to make do with diminished returns on Government program investments. The amendments address this problem by defining "claim" to include, among other things, requests or demands for money or property that are presented to an officer, employee, or agent of the United States "whether or not the United States has title to the money or property." See new 31 U.S.C. 3729(b)(2)(A). This amendment to the existing statutory language clarifies that FCA liability attaches to knowingly false requests or demands upon the United States for money or property administered by the United States on behalf of another person.

3. Conspiracy

Currently, Section 3729(a)(3) imposes liability on persons "who conspire to defraud the Government by getting a false or fraudulent claim allowed or paid." This wording can be construed to apply only to conspiracies that violate subsections 3729(a)(1), (2) or (7). Some courts have interpreted the section to be even more limited. For example the court in *United States ex rel. Huangyan Import & Export Corp. v. Nature's Farm Products, Inc.*, 370 F. Supp. 2d 993 (N.D. Cal. 2005) held that section 3729(a)(3) does not extend to conspiracies to violate section 3729(a)(7). The current provision does not explicitly impose liability on those who conspire to violate other provisions of the False Claims Act, such as delivery of less Government property than that promised the Government or making false statements to conceal an obligation to pay money to the Government. Section 4(a) of S. 386 amends current Section 3729(a)(3) to clarify that conspiracy liability can arise whenever a person conspires to violate any of the provisions of Section 3729 imposing False Claims Act liability. Because this expands conspiracy liability to other sub-sections of 3729, this particular amendment is a substantive

change. The rest of the Section 4 amendments are meant to merely clarify the existing scope of False Claims Act liability.

4. Wrongful Possession, Custody or Control of Government Property

The amendments to the False Claims Act in S. 386 also update current Section 3729(a)(4) of the False Claims Act, which makes the Government's ability to recover for conversion of Government assets dependent upon issuance of an inaccurate certificate or receipt. This language is unchanged from the original Act as drafted in 1863. This outmoded phraseology led the court in *United States ex rel. Aakhus v. DynCorp, Inc.*, 136 F.3d 676 (10th Cir. 1998), to dismiss a case on the technical grounds that no receipt was provided. Where knowing conversion of Government property occurs, it should make no difference whether the person committing the offense receives an inaccurate certificate or receipt documenting the transaction. The updated provision eliminates reference to such documentation. It appears in the renumbered provisions of the Act as Section 3729(a)(1)(D).

5. Wrongful Retention of Government Money or Property

Currently, Section 3729(a)(7) of the False Claims Act imposes liability for "reverse" False Claims Act violations when a person makes or uses false records or statements to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government. This liability provision is analogous to the liability established under current Section 3729(a)(2) for making false records or statements to get false or fraudulent claims paid or approved. The Act, however, currently contains no provision that expressly imposes liability on a person who wrongfully avoids a duty to return funds or property to the United States by remaining silent. The amendments address this issue by expressly imposing liability on anyone who "knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the United States." This language is intended to make clear that a person who retains an overpayment, while avoiding a duty to disclose or return the overpayment that arises from a statute, regulation or contract, violates the False Claims Act. Indeed, to address any potential confusion among the courts as to what is intended to be encompassed within the term "obligation" as used in Section 3729(a)(7), the amendments define that term in new Section 3729(b)(3) as encompassing legal duties that arise from the retention of any overpayment.

A legal obligation to disclose or refund an overpayment can arise in various ways. Examples include, but are not limited to: (i) Government contracts that incorporate a rule of the Federal Acquisition Regulations that requires disclosure of an overpayment, and (ii) criminal statutes that penalize a party's non-disclosure of an overpayment in order to fraudulently secure the overpayment. Importantly, the amendments do not impose liability in situations in which the law clearly permits the recipient of the overpayment to retain the overpayment without disclosure pending a reconciliation process.

Liability for all non-disclosed overpayments of the same type also should be imposed once an organization or other person is on no-

tice that it has been employing a practice that has led to multiple instances of overpayment. For example, if a corporation learns after-the-fact that it has been violating a billing rule or a contract requirement in its billing, and it nonetheless fails to comply with a legal obligation to disclose the resulting overpayments, this amendment renders the corporation liable under the Act for all overpayments resulting from the violation of the billing rule or contract requirement, even those not specifically identified or quantified.

We use the term "disclose" in this provision to mean full disclosure of all the pertinent facts concerning the overpayment to the appropriate Government officials with authority to determine what actions, if any, the recipient of the overpayment should take to remedy the situation.

The amendments also define the term "obligation" to include fixed and contingent duties owed to the Government, a term intended to encompass, among other things, ad valorem and other customs duties, such as custom duties for mismarking country of origin on imported products. The amendments are intended to overrule the result reached in *American Textile Manufacturers Institute, Inc.*, supra, as applied to ad valorem duties imposed for import violations. Reference to that particular custom duty is not intended to exclude other types of customs duties or statutory obligations that are similar in effect and purpose or that otherwise meet the definition set forth in the proposed amendments.

B. SECTION 4(B): GOVERNMENT COMPLAINTS-IN-INTERVENTION

Section 4(b) of S. 386 deals with the Government's ability to intervene in a relator's case. The False Claims Act does not expressly provide that the United States may amend the qui tam plaintiff's complaint—or, if more practical, file its own complaint upon intervention in a qui tam case—subject to the same rules on "relation back" of amended claims as would apply if it were amending its own complaint. Federal Rule of Civil Procedure 15(c)(2) provides that a party's amendment of a pleading will relate back to the date of its original pleading when the claim "asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading." In *United States v. Baylor Univ. Medical Center*, 469 F.3d 263 (2d Cir. 2006), the Second Circuit suggested that the United States may not be able to avail itself of this rule when amending a qui tam plaintiff's complaint. The implication of this ruling is that the United States could sometimes be forced to forgo a thorough investigation of the merits of qui tam allegations in order to ensure that it does not lose claims due to the running of the statute of limitations.

Section 4(b) clarifies that the Government's complaint in intervention or amended complaint will relate back to the date of the original qui tam complaint so long as the conditions of Federal Rule of Civil Procedure 15(c)(2) otherwise are met. Thus, Section 4(b) adds a new paragraph (c) to Section 3731 that expressly provides that the United States' complaint-in-intervention or amended complaint relates back to the date of the complaint filed by the qui tam plaintiff "to the extent that the claim of the Government arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the prior complaint of that person."

C. SECTION 4(C)—CIVIL INVESTIGATIVE DEMANDS

The False Claims Act was amended in 1986 to give the Department of Justice an effective investigative tool: civil investigative demands or "CIDs," which are administrative subpoenas for documents, interrogatory responses and sworn testimony that may be used to investigate allegations of potential violations of the False Claims Act. Use of this tool, provided for in Section 3733, is increasingly necessary for effective investigation of False Claims Act allegations. Program agencies are strapped for resources and unable to assign investigators even to meritorious cases, let alone issue Office of Inspector General subpoenas.

Nevertheless, as a result of restrictive language in the False Claims Act's CID provisions, the Department of Justice very rarely uses CIDs. The Assistant U.S. Attorneys and Main Justice trial attorneys are disinclined to use these subpoenas because of the length of time required to obtain review and approval by the Attorney General. Pursuant to Section 3733, the Attorney General may not delegate his authority to issue CIDs.

Moreover, Department attorneys are concerned that the False Claims Act, by limiting access to CID material to Government "custodians" and "false claims law investigators," implicitly may preclude them from showing the documents, interrogatory responses and testimony obtained through CIDs to fact and expert witnesses and consultants, and the parties, in connection with their investigation or litigation of the case or proceeding. While statutory language does permit them to make "official use" of this material, they are nonetheless disinclined to rely on this language alone because of potential ambiguity as to its reach. Without being able to share the evidence in this manner, they fear that they may be unable to make sense of the documents and information produced and, accordingly, rarely employ CIDs.

Section 4(c) of S. 386 facilitates the issuance of CIDs by amending Section 3733 to authorize the Attorney General to delegate the authority to issue CIDs to a designee, and clarifying that CIDs may be issued during the investigation of qui tam allegations prior to the Government's intervention decision. Section 4(c) also clarifies that the Attorney General or his designee may disclose CID material to the qui tam plaintiff when necessary to further a False Claims Act investigation or litigation. Qui tam plaintiffs are not only parties to the False Claims Act proceeding, they often are fact witnesses or experts in the subject matter under investigation. Accordingly, more often than not, it will be necessary for the Department of Justice to show information obtained through CIDs to the relator in order to investigate or litigate the allegations effectively. However, the Department of Justice retains the discretion to evaluate whether disclosure to the relator is appropriate under the circumstances of the case, taking into account such factors as the need to protect the integrity of its investigation.

Finally, to eliminate any ambiguity on the question of whether Department of Justice attorneys may use and disclose the documents, testimony and interrogatory responses obtained through CIDs in connection with the steps that law enforcement customarily takes to investigate, and, if required, litigate allegations of wrongdoing, Section 4(c) of the bill clarifies Section 3733 by adding a new definition of "official use" in subsection 3733(1).

The definition provides that "official use" includes "any use that is consistent with the law, and the regulations and policies of the Department of Justice." The new definition of "official use" also includes specific examples of the types of uses that fall within the term "official use." These examples are not meant to be an exhaustive list, but rather illustrative of the ordinary, lawful uses of subpoenaed material in a Department of Justice investigation or litigation that we intend the Department of Justice to employ in False Claims Act cases. Section 4(c) of the bill also removes confusing language in Section 3733(i)(2)(B) and (C) that could be misinterpreted by the courts to prevent the custodian of CID material from sharing the material with other Department of Justice or program agency personnel for these official uses in the absence of authority from regulations or a court.

D. SECTION 4(D): RELIEF FROM RETALIATORY ACTIONS

Section 3730(h) of the False Claims Act imposes liability on any employer who discriminates in the terms or conditions of employment against an employee because of the employee's lawful acts in furtherance of a qui tam action. This section needs to be amended so that it is clear that it covers the following types of retaliation that whistleblowers commonly have faced over the course of the last twenty years: (i) retaliation against not only those who actually file a qui tam action, but also against those who plan to file a qui tam that never gets filed, who blow the whistle internally or externally without the filing of a qui tam action, or who refuse to participate in the wrongdoing; (ii) retaliation against the family members and colleagues of those who have blown the whistle; and, (iii) retaliation against contractors and agents of the discriminating party who have been denied relief by some courts because they are not technically "employees."

To address the need to widen the scope of protected activity, Section 4(d) of S. 386 provides that Section 3730(h) protects all "lawful acts done" . . . in furtherance of . . . other efforts to stop 1 or more violations" of the False Claims Act. This language is intended to make clear that this subsection protects not only steps taken in furtherance of a potential or actual qui tam action, but also steps taken to remedy the misconduct through methods such as internal reporting to a supervisor or company compliance department and refusals to participate in the misconduct that leads to the false claims, whether or not such steps are clearly in furtherance of a potential or actual qui tam action.

To address the concern about indirect retaliation against colleagues and family members of the person who acts to stop the violations of the False Claims Act, Section 4(d) clarifies Section 3730(h) by adding language expressly protecting individuals from employment retaliation when "associated others" made efforts to stop False Claims Act violations. This language is intended to deter and penalize indirect retaliation by, for example, firing a spouse or child of the person who blew the whistle.

To address the need to protect persons who seek to stop violations of the Act regardless of whether the person is a salaried employee, an employee hired as an independent contractor, or an employee hired in an agency relationship, Section 4(d) of S. 386 amends Section 3730(h) so that it expressly protects not just "employees" but also "contractors" and "agents." Among other things, this amend-

ment will ensure that Section 3730(h) protects physicians from discrimination by health care providers that employ them as independent contractors, and government subcontractors from discrimination or other retaliation by government prime contractors.

I should note that this amendment does not in any way require that a qui tam plaintiff must have refused to engage in the misconduct or tried to stop the fraud internally before he or she may avail themselves of the incentives and protections in the False Claims Act. As the Congress recognized when the False Claims Act's qui tam provisions were first enacted in the nineteenth century, and as we have repeatedly affirmed in different contexts, including the new IRS whistleblower law, sometimes it "takes a rogue to catch a rogue." An individual who participates in the fraud, and who for whatever reason does not challenge the misconduct within his or her organization, is still entitled to a relator's award and the protections of Section 3730(h) unless he or she is otherwise barred by a specific provision in the law.

E. SECTION 4(E): SERVICE UPON STATE PLAINTIFFS

Increasingly, qui tam plaintiffs are filing False Claims Act actions on behalf of not only the Federal Government, but also one or more States joined as co-plaintiffs pursuant to state False Claims Act statutes. Such cases ordinarily allege false claims submitted to Medicaid, which is a program funded jointly by the United States and the states. These cases are increasing in number as many states recently have enacted qui tam statutes, and many more are expected to do so in light of provisions in the Deficit Reduction Act of 2005. False Claims Act Section 3732 provides that state law claims may be asserted in a case filed under the federal False Claims Act if the claims arise from the same transaction or occurrence. The statute is unclear, however, as to whether the seal imposed by the U.S. District Court on the case pursuant to Section 3730(b) precludes the qui tam plaintiff from complying with state requirements to serve the complaint, or restricts the qui tam plaintiff and the Federal Government in their ability to serve other pleadings on the States, and disclose other materials to the States.

The amendment in Section 4(e) of S. 386 adds a new paragraph (c) to Section 3732 that clarifies that the seal does not preclude service or disclosure of such materials to the State officials authorized to investigate and prosecute the allegations that the qui tam plaintiff raises on behalf of the State. This paragraph also clarifies that State officials and employees must respect the seal imposed on the case to the same extent as other parties to the proceeding must respect the seal.

F. SECTION 4(F). EFFECTIVE DATE AND APPLICATION

Section 4(f) of S. 386 provides that the amendments in Section 4 take effect upon enactment and apply to conduct on or after the date of enactment, with the exception of the amendment of Section 3729(a)(1)(B), which shall apply to False Claims Act claims pending on or after June 7, 2008, and the amendments set forth in Section 4(b), (c), and (e) of the Bill, each of which shall apply to all cases pending on the date of enactment. We intend for the definition of claim also to apply to all False Claims Act claims pending on or after June 7, 2008, as that definition is an intrinsic part of amended Section 3729(a)(1)(B). The purpose of this amendment is to avoid the extensive

litigation over whether the amendments apply retroactively, as occurred following the 1986 False Claims Act amendments.

However, while the amendments state that the remainder of the Section 4(a) liability provisions are not retroactive, the courts should recognize that Section 4(a) only includes one substantive change to existing False Claims Act liability, which is the expansion of the conspiracy liability. All of the other Section 4(a) amendments merely clarify the law as it currently exists under the False Claims Act. With the exception of conspiracy liability, the courts should rely on these amendments to clarify the existing scope of False Claims Act liability, even if the alleged violations occurred before the enactment of these amendments.

In other words, the clarifying amendments in Section 4(a) do not create a new cause of action where there was none before. Moreover, these clarifications do not remove a potential defense or alter a defendant's potential exposure under the Act. In turn, courts should consider and honor these clarifying amendments, for they correctly describe the existing scope of False Claims Act liability under the current and amended False Claims Act. The amended conspiracy provision, on the other hand, is limited to those violations that occur after the enactment of these amendments.

Each of the provisions in S. 386 dealing with the False Claims Act is key to protecting taxpayer dollars, and I urge my colleagues to support this legislation.

HONORING THOSE WHO HAVE SERVED IN THE ARMED FORCES

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. SESTAK. Madam Speaker,

A CORPSMAN'S LAMENT

(By HM3 Mike Hall, 5th Marine Division Iwo Jima)

I remember fair-haired dreamers,
Full of themselves, going off to war.
We went willing with visions of heroism in
our head.

We felt prepared for what was to come.
Then they opened the door to let reality in;
Fear, blood, and the smell of death.
All around us were the cries for "Doc!"
Who should we help?

I tend to the first, second, and third:
Bandages, Morphine, plasma, and more.
No time for me to feel or think
Keep moving, keep helping; don't sleep.
Then they bring him all battered, near
death;

I can't save him.
I look into his eyes and want to cry.
"Doc it's okay, let me go."
I ignore his words; I try.
This man who looks like me . . . he dies.
Tears flow down my cheeks.
No time to grieve, five others lay at my feet.
That day stays with me still.
I shall never forget his words.
"It's okay, Doc.
Let me go."
With his last breath,
He comforted me.

HONORING THE RETIREMENT OF
SENIOR CHIEF PETTY OFFICER
TAMMY LOGAN

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. LARSEN of Washington. Madam Speaker, I rise today to honor Senior Chief Petty Officer Tammy D. Logan, United States Navy, who is retiring after 20 years of service to our nation.

In May 1989, Senior Chief Logan, a native of my home state of Washington, enlisted in the U.S. Navy as a Seaman Recruit. Over the course of the next twenty years, Senior Chief Logan served the Navy in a wide variety of roles, travelling throughout the country and overseas. Her assignments include Helicopter Anti-Submarine Squadron (Light) 32, Carrier Strike Group 5, and the Commander in Chief, U.S. Atlantic Fleet.

Throughout her career, Senior Chief Logan has demonstrated a commitment to continuing her education. In 2002, she earned her Associate of Arts degree from Saint Leo University, and she is currently scheduled to graduate from Excelsior College with a Bachelor of Science Degree in July of 2009.

Senior Chief Logan has also earned a variety of awards for her outstanding service to our country. Her personal awards include the Meritorious Service Medal, Navy and Marine Corps Commendation Medal (two awards), Navy and Marine Corps Achievement Medal (five awards), and the Good Conduct Medal (six awards).

I commend Senior Chief Logan for her commitment to our country and the sacrifices she has made on its behalf. On the occasion of her retirement, I thank her and her family for her honorable service to our nation and wish her fair winds and following seas as she concludes a distinguished career.

A PROCLAMATION HONORING THE
TOWN OF WARSAW, OHIO, ON
THE 175TH ANNIVERSARY OF ITS
FOUNDING

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. SPACE. Madam Speaker:

Whereas, Colonel William Simmons, a trusted friend of General George Washington, proved himself on the field of battle on numerous occasions; and

Whereas, for his more than 40 years of service, Colonel Simmons was given 4,297 acres of land in Southeastern Ohio; and

Whereas, Colonel Simmons laid out the plots of land in 1820 which were to become the town of Warsaw; and

Whereas, Warsaw was named after the capital of Poland, a country then attempting to achieve its own independence; and

Whereas, the official town charter dates back to June 3, 1834; now, therefore, be it

Resolved, that along with friends, family, and the residents of Warsaw, as well as the entire 18th Congressional District, I congratulate the town of Warsaw on their 175th Ann-

versary. The town of Warsaw has been and will continue to be a shining example for those who are willing to fight for their freedom and liberty.

IN HONOR OF THE SACRAMENTO
REGIONAL CONSERVATION
CORPS' 25TH ANNIVERSARY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Ms. MATSUI. Madam Speaker, I rise today to congratulate the members, employees, and supporters of the Sacramento Regional Conservation Corps on the 25th anniversary of the organization's founding last week. For the last twenty-five years, this fine organization has improved the Sacramento region, while also transforming the lives of thousands of corpsmembers.

In 1984, the Sacramento Metropolitan Chamber of Commerce saw the need to create a program that would give Sacramento's young adults an opportunity to further their education and at the same time allow them to garner invaluable work experience. From that, the Sacramento Local Conservation Corps was born. In order to properly reflect their growth and commitment to the greater Sacramento region's wellbeing, they recently changed their name to the Sacramento Regional Conservation Corps.

The Sacramento Regional Conservation Corps is a true community partnership. Exemplifying this is their board of directors, comprised of representatives from local financial institutions, law firms, businesses and government agencies. Their funding sources are equally as diverse. Each year the SRCC's committed staff looks far and wide in soliciting funding from government sources, private grants, and corporate supporters to ensure the SRCC can continue to serve the public and improve the lives of its corpsmembers.

The young men and women that make up the Sacramento Regional Conservation Corps are just as varied as their supporters. They come from all neighborhoods of Sacramento, from all ethnicities and backgrounds, but they are united in their purpose, which is to improve their own lives and their community. They take on projects from clearing creeks and planting trees to teaching children about recycling and performing weatherization improvements on the homes of the less fortunate. Since their founding in 1984, over 4,500 young adults have taken part in this wonderful organization.

In doing so, corpsmembers often earn their high school diploma or GED. Upon graduating from the Sacramento Regional Conservation Corps many have enrolled in college courses, while others have obtained well paying jobs. While in the program, corpsmembers learn valuable lessons in teamwork, community stewardship, and about how to become leaders in their own right.

Madam Speaker, as the Sacramento Regional Conservation Corps celebrates their 25th Anniversary at the annual "Breakfast on the River," I am honored to congratulate SRCC Executive Director Dwight Washabaugh, Board President Philip Lantsberger, and the thousands of SRCC

alumni on this momentous achievement. I ask all my colleagues to join me in honoring this fine organization for all the work they have done for the people of Sacramento, and to wish them continued success in the future.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. FRANKS of Arizona. Madam Speaker, on rollcall No. 294 I was unavoidably detained.

Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Thursday, May 21 2009.

Had I been present, I would have voted "Nay" on Roll Call vote #282 (on agreeing to H. Con. Res. 133), "Nay" on Roll Call vote #283 (Table Appeal of the Ruling of the Chair), "Nay" on Roll Call vote #284 (on ordering the previous question to H. Res. 464), "Nay" on Roll Call vote #285 (on agreeing to H. Res. 464), "Aye" on Roll Call vote #286 (on agreeing to the conference report to S. 454), "Aye" on Roll Call vote #287 (on motion to suspend the rules and pass H.R. 1676), "Aye" on Roll Call vote #288 (on agreeing to the Burgess of Texas amendment to H.R. 915), "Aye" on Roll Call vote #289 (on agreeing to the McCaul of Texas amendment to H.R. 915), "Aye" on Roll Call vote # 290 (on agreeing to the motion to recommit with instructions to H.R. 915), "Nay" on Roll Call vote # 291 (on passage of H.R. 915)

INTRODUCTION OF H.R. 2680, THE
"TERRITORIAL HEALTH PARITY
ACT OF 2009"

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Ms. BORDALLO. Madam Speaker, today I have introduced a bill, H.R. 2680, to amend the Social Security Act to provide for parity in the Medicaid program for Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and American Samoa. This bill, entitled the "Territorial Health Parity Act of 2009," would amend the Social Security Act to eliminate the federal funding caps now in place and to strike the statutorily set Federal Medicaid Assistance Percentage (FMAP) of 50% that currently applies to all the territories. This bill would ensure that each of the territories, like each of the 50 states, receives an FMAP that accurately reflects its economic conditions and demographics. In addition, because certain data

needed to determine the true FMAP rates for the territories is presently lacking from the Bureau of Economic Analysis (BEA), this bill would direct the Secretary of the Department of Health and Human Services to take steps to ensure that the FMAP rates for the territories are calculated in a fair and appropriate manner.

It is clear from all the evidence that the federal funding caps and the FMAP set in statute at 50% (which applies solely to the territories) have created significant health disparities between residents of the territories and their fellow citizens residing in the 50 states. Additionally, this policy has resulted in the territorial governments shouldering a disproportionately high financial liability when it comes to providing health care services to their indigent populations. Treating the territories in such fashion is as unjust in principle as it is harmful in effect.

The bill I have introduced today, along with my colleagues from the territories, is needed as Congress continues the debate over comprehensive health care reform. Based on a report released last year by the Office of Insular Affairs, within the Department of the Interior, the territories' health jurisdictions are "at the crossroads of a total breakdown." Combined with the financial state of the territorial governments, operating under decreasing revenues due to an economic downturn, the territories must bear a majority of the payment for indigent care under the current arrangements. Accordingly, eliminating the funding caps and adjusting the FMAPs for the territories are both critically important to public health in these U.S. jurisdictions.

Additionally there is a provision in this bill that extends the Medicaid program to the citizens of the Freely Associated States (FAS), which is comprised of the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI) and the Republic of Palau (RoP). The FAS governments have special relationships with the United States, as they entered into Compacts of Free Association that have been approved by the Congress of the United States. One component of these international, federally-negotiated agreements, allows for the unrestricted entry of citizens of the FAS to the United States, including the territories, without visas. Many FAS citizens have settled in the Pacific territories of Guam and the Commonwealth of the Northern Mariana Islands. They also constitute a significant and growing presence in the states of Hawaii and Arkansas. This section of the bill is important as it extends federal Medicaid coverage to them and would set an FMAP for otherwise qualified services rendered by the states and territories to them at 100%. This change in law would ensure that the territorial and state governments do not shoulder the sole costs of providing care for these citizens. I believe that this provision is consistent with the intent of the Medicaid program and provides for health equity to a disenfranchised population.

This bill represents policy for which I and my colleagues from the territories—Mr. PIERLUISI of Puerto Rico, Mrs. CHRISTENSEN of the Virgin Islands, Mr. SABLON of the Northern Mariana Islands, and Mr. FALCOMA of American Samoa—have collaborated. We are grateful for the support that we have received from Mr. SERRANO, who joins us as an original co-sponsor. Each of us and our predecessors has worked on improving the federal Medicaid

program for the territories. This bill is to serve as starting point for advancing parity in treatment for the territories, with respect to the national health care reform debate. There are other areas of federal law that need to be amended in order to improve public health in the territories and to bring full parity. These include, for example, amendments to law governing Medicare Part D and the Supplemental Security Income Program (SSI). We look forward to working with the leaders in the House of Representatives and the Senate, and the Chairmen and Ranking Members of the committees of jurisdiction in both chambers in advancing legislation addressing these issues, including the bill we have introduced today.

THE LUMBEE RECOGNITION ACT
AND THE THOMASINA E. JORDAN
INDIAN TRIBES OF VIRGINIA
FEDERAL RECOGNITION ACT OF
2009

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mrs. CHRISTENSEN. Madam Speaker, I am honored to join my colleagues to once again support H.R. 31, the Lumbee Recognition Act offered by Rep. MCINTYRE and H.R. 1385, the Thomasina E. Jordan Indian Tribes of Virginia Recognition Act of 2009 introduced by Rep. MORAN.

It is only fitting that these indigenous populations be officially recognized as Native peoples of this land. As we move forward as a Nation to level the playing field for all citizens, H.R. 31 and H.R. 1385 is undoubtedly a monumental step in righting these historical tragedies. I second the sentiments of our President in his remarks that Congress should intervene and recognize the Lumbee Indians as a tribal group.

Aptly extending federal distinction to the Lumbee, Chickahominy, Chickahominy—Eastern Division, Upper Mataponi, Rappahannock, Monacan and Nansemond tribes is the only way to address hundreds of years of injustice endured.

Federal recognition will dramatically transform the lives of the Native American tribes currently being considered. Our failure to extend federal recognition to them has meant years of discriminatory treatment. Countless individuals have had difficulty naming children, getting marriage licenses and even getting inducted into military service. Other communities have been disproportionately affected by interruptions and cuts in funding that are crucial to services provided by tribal programs.

It has been a long time coming, but it is high time that they are ascribed the rights and protections afforded to other citizens of our Country.

While this is a time marked by challenge for the entire Nation, it is my hope that this legislation be stalled no more and swiftly enacted into law.

I urge my colleagues to support this very important piece of legislation.

RESOURCES, REVENUE, AND RESPONSIBILITY: STRENGTHENING REVENUE AND BUDGET TRANSPARENCY THROUGH THE EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. HASTINGS of Florida. Madam Speaker, as Co-Chairman of the U.S. Commission on Security and Cooperation in Europe (commonly referred to as the Helsinki Commission), I recently returned from a meeting in Dublin, Ireland, with almost 100 parliamentarians from 30 countries where we had the opportunity to discuss responses to the global economic crisis. The meeting was organized by the Organization for Security and Cooperation in Europe Parliamentary Assembly (OSCE PA) and the Parliament of Ireland. All countries are grappling with difficult national problems related to the economic crisis. And indeed, we are in a crisis, and for America, this is the worst economy we've experienced since the Great Depression in the 1920s. People all across America, and in my home state of Florida, are losing their homes, their jobs, and are unable to provide for their families.

In addition to discussions on financial regulation, trade protectionism, good governance, and the social consequences of the crisis, I was pleased that we also discussed revenue transparency in the extractive industries as an integral part of creating more transparency in the global financial system overall. As legislators, we have a duty to find ways to relieve the suffering caused by the financial crisis through vital investments in health care, education, infrastructure, and job creation so that we can emerge from this crisis stronger and better than before. But part of the solution is looking at how we even got into this crisis. Transparency—or the lack of it—in the financial world is certainly one of the culprits. And as revenue dwindles, making the most of what we have becomes even more important.

The way I see it, improvements in revenue transparency, particularly when we focus on the extractive industries, are important in at least three key ways: The first is to help alleviate poverty. 3.5 billion people live in countries that are rich in oil, gas and minerals. With good governance, the exploitation of these resources can generate large revenues to foster growth and reduce poverty. Resource revenue transparency is necessary in order for citizens—the true owners of their country's natural wealth—to be able to demand greater accountability from their governments for spending that serves the public interest.

The second is to promote stable investment climates. Mandatory disclosure can help diminish the political instability caused by opaque governance. Since extractive industries are capital-intensive and dependent on long-term stability to generate returns, transparency of payments made to a government can help mitigate political and reputational risks and also allow shareholders to make better-informed assessments of opportunity costs.

The third area is to enhance energy security. Opening the extractive industries sector to greater public scrutiny is key to increasing civil society participation in government. This form

of transparency, in conjunction with an increasingly active civil society, can help create more stable, democratic governments, as well as stable business environments.

It's a well-known, and well-bemoaned, fact that the United States is becoming more and more reliant on imported energy to fuel our economy. We are the world's largest consumer of oil—we account for an astounding 25 percent of global daily oil demand—despite having less than 3 percent of the world's proven reserves. And we source that oil from some unstable and unfriendly places in the world such as Nigeria and Venezuela.

In the context of today's discussion some of you may wonder why the United States should care what is happening in Turkmenistan or Kazakhstan, when we don't rely on these countries for our energy supplies. Russia is only number eight on our list of top ten oil suppliers and Kazakhstan, Turkmenistan, Uzbekistan and Azerbaijan don't even make it into the top twenty.

The answer is that unlike natural gas, oil is a commodity, so regardless of where we source our oil, what happens in other oil-rich countries impacts the stability of our price and our supply as well. Truly, no one country can achieve energy security without global energy security.

I think we can all agree that relying on a country as a source of energy can distort a bilateral relationship. I'm sure you can imagine how drastically different our interactions with some countries would be if we did not rely so heavily on these countries' resources. I think it goes without saying that we would have more leverage to promote democracy and civil society. Clearly oil constrains, if not drives, our foreign policy.

So while it is imperative that we work to limit our dependence on foreign oil and change the dynamic of supply and demand, it is just as important to create more stable and reliable sources of energy. One of the key ways the international community has sought to counteract the political and economic instability inherent in the resource curse is through programs that seek to instill transparency and accountability into the resource payment system.

As legislators, there is a lot that we can do to further the cause of transparency in the extractive industries.

As Co-Chairman of the U.S. Helsinki Commission, I have held hearings and briefings on energy security and transparency that call attention to problems and advocate for solutions. I have also written letters—co-signed by a number of my congressional colleagues—on this topic to the Executive Branch to advocate for specific policy stances related to U.S. participation in EITI. Drafting and passing legislation is also important, and in 2007 we were successful in passing legislation that spells out the importance of extractive industries transparency in U.S. foreign policy and directs the U.S. State Department to actively promote EITI.

I also co-sponsored legislation that would require oil, gas, and mining companies registered with the U.S. Securities and Exchange Commission (SEC) to publicly disclose the payments they make to foreign governments for the extraction of natural resources. The information would be included in financial statements already required by the SEC and would apply to both American and foreign companies listed with the SEC, which includes 90 percent

of the world's largest oil, gas and mining companies. I'm hopeful that we will see that legislation pass in this Congress.

Another tool is direct communication with the Executive Branch. One thing we have already started discussions with the Obama Administration on is how we can play a responsible role—not dominant—in EITI. I strongly believe that the best thing we can do to help boost EITI is to follow the lead of other OSCE member states such as Azerbaijan, Kazakhstan, Kyrgyzstan and Norway and become a Candidate Country with the goal of becoming fully compliant with EITI standards. Right now we think that can be accomplished without any legislative action by the Congress, but if we do need to make some legal changes, then that is something we will work on.

If there is one word that has gotten us in this problem, it is greed. This needs to be said so that we as legislators can do something about it. As we are talking about hedge funds, and all these other mechanisms for moving money, we can't ignore the impact of the shadow economy. It is something that we need to address because it fuels crime and instability.

Madam Speaker, in the Dublin meeting there were many opinions about the roots of the crisis and potential solutions. However, one clear message I took away from that meeting is that we must work together to find a global solution to a global crisis.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Tuesday, June 2, 2009.

Had I been present, I would have voted "Aye" on Roll Call vote #292 (Motion to suspend the rules and Agree to H. Res. 421), "Aye" on Roll Call vote #293 (Motion to Suspend the Rules and Agree to H.J. Res. 40), "Aye" on Roll Call vote #294 (Motion to Suspend the Rules and Agree to H. Res. 489)

UPON THE CHANGE OF COMMAND AT THE PORT OF BALTIMORE

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. CUMMINGS. Madam Speaker, as Chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today to recognize the accomplishments of Captain Brian Kelley, who has served as the Commander of Coast Guard Sector Baltimore since June 2006. He is transferring out of this assignment on May 29.

As Captain of the Port of Baltimore, Captain Kelley oversaw all Coast Guard operations at this major port, currently ranked 12th in value of foreign cargo handled and 14th in foreign tonnage handled.

During his tenure, Captain Kelley conducted Major Control actions or detentions of 23 for-

eign vessels for safety violations—ensuring the safety of vessel operations in the Port of Baltimore. He also managed more than 1,100 search and rescue cases that saved the lives of more than 250 mariners in distress.

Captain Kelley oversaw a major effort to improve environmental conditions at Sector Baltimore and directed the clean-up of the abandoned vessel Sea Witch, preventing the release of more than half a million gallons of oil into the environment.

Captain Kelley's next assignment will be as the Deputy Commander of the Coast Guard's Personnel Services Command. As such, he will assist in managing all personnel services for all of the Coast Guard's nearly 42,000 active duty military members and in supervising the Coast Guard's recruiting efforts.

Since graduating from the Coast Guard Academy in 1982, Captain Kelley's assignments have included service as the Commander of cutters ATTU and POINT FRANKLIN. He also served as Chief of the Strategic and Business Planning Division at Coast Guard headquarters and was a Federal Executive Fellow at the Center for Strategic and International Studies.

On a personal note, I have known Captain Kelley to be an extraordinarily conscientious leader—and have appreciated his personal hospitality during numerous events at Sector Baltimore.

I have also appreciated his diligence in keeping me and my staff fully informed of developments at Sector Baltimore, including the Sector's evaluation of the proposed LNG terminal at Sparrow's Point in the Port of Baltimore.

Captain Kelley is an outstanding officer who embodies the highest ideals of the Coast Guard and I commend him for his dedication to excellence in the service of our nation.

HONORING THE WORK AND SERVICE OF JACK E. SINGLEY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in recognition of Jack E. Singley and the 43 years he spent in service to Irving Independent School District.

Jack Singley began his career in 1965 by teaching Math at MacArthur High School in Irving, Texas, and rose through the ranks of the school district to become superintendent in 1988. He served in that role for nearly 21 years making him one of the longest serving school administrators in Texas. Earlier this year, he announced that 2009 would mark the end of his remarkable career, and his determination, strength of character, and wisdom will be greatly missed.

Throughout his career, Mr. Singley saw the transformation of Irving ISD from a small suburban school district to the large vibrant school district it is today. During his tenure as superintendent, eight schools were added to the school district and the number of employees serving in Irving ISD nearly doubled. One of Mr. Singley's most impressive successes was the creation of The Academy of Irving ISD. This high school opened in 2001 and is considered to be at the forefront of technological innovation and educational philosophy.

After Mr. Singley announced his retirement earlier this year, the Irving ISD School Board voted unanimously to rename the Academy of Irving ISD to the Jack E. Singley Academy, much to his dismay. With great humility and regard for others, he asked that the school not be named in his honor and said, "I honestly believe that when you're naming schools after local people, they ought to be volunteers, not staff members."

Jack Singley has made such a big difference in the lives of so many students and teachers, and I cannot think of a better way to honor him than by renaming this academy to the Jack E. Singley Academy. I ask my fellow colleagues to join me in recognizing Mr. Singley and his lifelong commitment to ensuring quality education for young people in Irving, Texas.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Wednesday, May 20, 2009.

Had I been present, I would have voted "Nay" on Rollcall vote No. 273 (on agreeing to H.Res. 456), "Nay" on Rollcall vote No. 274 (on ordering the previous question to H.Res. 457), "Nay" on Rollcall vote No. 275 (on agreeing to H. Res. 457), "Nay" on Rollcall vote No. 276 (concur in all but section 512 of Senate amendment to H.R. 627), "Aye" on Rollcall vote No. 277 (concur in Section 512 of Senate Amendment to H.R. 627), "Aye" on Rollcall vote No. 278 (Motion to suspend the rules and agree to H. Res. 297), "Aye" on Rollcall vote No. 279 (on agreeing to the Kratovil of Maryland amendment H.R. 2352), "Aye" on Rollcall vote No. 280 (on agreeing to the motion to recommit with instructions to H.R. 2352), "Aye" on Rollcall vote No. 281 (on agreeing to H.R. 2352).

A TRIBUTE TO MONTE HALE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. SCHIFF. Madam Speaker, I rise today to celebrate the life and accomplishments of the popular Singing Cowboy and actor, Monte Hale, who passed away on Sunday, March 29, 2009, at the age of 89. His career as an entertainer spanned over 60 years in the industry making Westerns and singing country tunes.

Born Samuel Buren Ely in Ada, Oklahoma, Monte moving to San Angelo, Texas at an early age. He bought his first guitar for \$8.50 at the age of thirteen and launched his musical career performing at various clubs around the State. It was during his performance at a War Bond Rally that Phillip Isley discovered him and soon the handsome, talented young man was headed to Hollywood for a screen test. He hitchhiked all the way, stopping at a gasoline station around the corner from the studio, just long enough to wash his face and comb his hair before making his appearance.

Monte's screen test was so impressive that he was immediately signed to star in "The Big Bonanza" with Richard Arlen. Shortly after he was signed to a 7-year contract with Republic where he was groomed up with films starring Wild Bill Elliott, Sunset Carson, and such fare as "Steppin in Society" (1945) with Everett Horton.

Around this time the executives at Republic were looking for someone to test a new color film and they decided to team Monte with Adrian Booth in the Magnicolor "Home On The Range" (1946), thus making Monte Hale Republic's first western star in a color series. Monte went on to star in 19 of his own films.

Monte was tall and handsome and possessed an excellent voice. With this in mind, Republic put his voice and his songwriting talents to work in the westerns. Not considered true musical westerns like those of Gene Autry and Roy Rogers, Monte's films were mainly dramas in which he stopped to sing a song now and then. He became one of Republic's most popular and respected singing cowboys.

Hale made a significant splash in the international comic book market of the era. Six Monte Hale series of the dime picture books were published in 27 languages and over two million copies per month were sold.

After his departure from Republic, Monte went on to do guest starring roles on such TV series as "Gunsmoke," "Wild Bill Hickock," and "Circus Boy." He was a member of the panel on "Juke Box Jury" and appeared on the "Western Star Theatre" radio program. In addition he continued his work in films, most notably as Rock Hudson's attorney in "Giant" (1956) and in "Chase" (1966) with Marlon Brando.

Off the screen, his most lasting contribution was helping to establish the Autry museum. Monte and his wife Joanne were co-founders of the Gene Autry Western Heritage Museum and served as members of the board of directors and have since the inception of the museum which is now part of the Autry National Center as the Museum of the American West.

Hale made other contributions to the museum after its 1988 opening by greeting guests and enabling them to chat with a real, live singing cowboy. He also started encouraging fellow cowboy stars to contribute their signature memorabilia for permanent display in the museum's movie gallery.

He donated his own white hat, guns, gun belt and other prized treasures—then rounded up more contributions, including Chuck Connors' shirt from "The Rifleman" TV series, Buffalo Bill's saddle and a Lone Ranger outfit. A permanent exhibit dedicated to Monte Hale's career is located in the Museum of the American West's Spirit of Imagination Gallery. In 2004, Monte was honored with a Star on the Hollywood Walk of Fame for Motion Pictures. His work for the Autry National Center of the American West and his legacy as an entertainer will not be forgotten.

INTRODUCTION OF H.R. 2685, THE CLIMATE AND OCEAN RESEARCH AND COORDINATION ACT OF 2009

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Ms. BORDALLO. Madam Speaker, the risks of climate change and climate variability are

well-documented and under certain circumstances threaten public safety, national security, industry and the economy, natural resource management, and our American way of life. As these risks increase and become more known, we are all challenged with how to strategically respond and adapt to an unpredictable climate. Just as my constituents in Guam face uncertainty over how to respond to rising sea levels and the increasing frequency and ferocity of cyclonic storms, such as typhoons, each state and territory of our great Nation faces their own challenges in adapting to climate change. Without reliable climate information and tools to project climate impacts, it is difficult for any government to make informed and strategic decisions. Strong leadership, better coordination, more exchanges of information, and a new approach to federal climate services are required to strategically and cost-effectively manage public and private resources in this dynamic environment.

H.R. 2685, the Climate and Ocean Research and Coordination Act of 2009, which I have introduced today, addresses these needs by providing specific authority to enhance the leadership role of the National Oceanic and Atmospheric Administration (NOAA) in the delivery of oceanic, weather, atmospheric, and climate services, and for the first time, establishes a cooperative governmental and non-governmental partnership to advance the ability of the federal government and the public to respond to, adapt to, and plan for climate change and climate change impacts.

Title I of this legislation codifies NOAA, enabling it to better execute its diverse responsibilities, and formalizes its role as the link between global oceanic and atmospheric research science, and the functions, processes, ecosystems, and management of our coastal and ocean resources. Title II establishes a public-private National Climate Enterprise (NCE), comprised of federal and non-federal partners to provide scientifically-based, authoritative, timely, and useful climate and climate impacts information, products, and services to meet end-user needs and guide climate change adaptation and mitigation.

Coping with the uncertainties raised by climate change will be one of our Nation's most serious challenges in the foreseeable future. Credible, reliable, and usable climate information will be fundamental toward determining our success in confronting this risk to our economy, society, and environment. Now is the time for the Congress to both codify NOAA and establish a coordinated, public-private National Climate Enterprise to ensure that our national efforts to mitigate climate impacts will be guided by the best available scientific information.

I look forward to working with my colleagues on both sides of the aisle, and especially with my colleagues on the Committee on Science and Technology which shares oversight responsibility for NOAA with the Committee on Natural Resources, to advance this legislation and to strengthen the abilities of the federal government and the public to better understand our dynamic climate and respond to, adapt to, and plan for climate change impacts.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 4, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 5

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for May 2009.

SD-106

10 a.m.

Finance

To hold hearings to examine the nomination of Miriam E. Sapiro, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

SD-215

JUNE 9

9:30 a.m.

Commerce, Science, and Transportation Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine the role of the oceans in our nation's economic future.

SR-253

10 a.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine the legal, moral, and national security consequences of prolonged detention.

SD-226

Environment and Public Works

Oversight Subcommittee

To hold joint hearings to examine scientific integrity and transparency reforms at the Environmental Protection Agency.

SD-406

Foreign Relations

To hold hearings to examine the nomination of Ellen O. Tauscher, of California, to be Under Secretary of State for Arms Control and International Security.

SD-419

Joint Economic Committee

To hold hearings to examine the Troubled Asset Relief Program (TARP) accountability and oversight, focusing on the strength of financial institutions.

210, Cannon Building

10:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Defense.

SD-192

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of the Treasury and the Internal Revenue Service.

SD-138

2:30 p.m.

Armed Services

Airland Subcommittee

To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for tactical aviation programs.

SR-222

Foreign Relations

To hold hearings to examine the nomination of Eric P. Goosby, of California, to be Ambassador at Large and Coordinator of United States Government Activities to Combat HIV/AIDS Globally, Department of State.

SD-419

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Health and Human Services.

SD-124

Intelligence

To hold closed hearings to examine certain intelligence matters.

S-407, Capitol

JUNE 10

Time to be announced

Health, Education, Labor, and Pensions

Business meeting to consider any pending nominations.

Room to be announced

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine the Department of Veterans Affairs' construction process.

SR-418

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Tara Jeanne O'Toole, of Maryland, to be Under Secretary for Science and Technology, Department of Homeland Security, and Jeffrey D. Zients, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget.

SD-342

Judiciary

To hold hearings to examine the continued importance of the Violence Against Women Act.

SD-226

2 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the domestic automobile industry, focusing on the impact of federal assistance.

SD-538

2:30 p.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine aviation safety, focusing on the Federal Avia-

tion Administration's role in the oversight of air carriers.

SR-253

Rules and Administration

To hold hearings to examine the nomination of John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission.

SR-301

3 p.m.

Rules and Administration

Business meeting to consider the nomination of John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission.

SR-301

JUNE 11

2 p.m.

Foreign Relations

To hold hearings to examine certain North Korea issues.

SD-419

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine S. 372, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel.

SD-342

Intelligence

To hold closed hearings to examine certain intelligence matters.

S-407, Capitol

JUNE 16

2:30 p.m.

Armed Services

Airland Subcommittee

To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for Army modernization and management of the Future Combat Systems Program.

SR-222

JUNE 17

10 a.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine aviation safety, focusing on the role and responsibility of commercial air carriers and employees.

SR-253

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 409, to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, S. 782, to provide for the establishment of the National Volcano Early Warning and Monitoring System, S. 874, to establish El Rio Grande Del Norte National Conservation Area in the State of New Mexico,

S. 1139, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and S. 1140, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.

SD-366

JUNE 18

2:30 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for United States Special Operations Command.

SR-222

JUNE 24

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine the Department of Veterans Affairs quality management activities.

SR-418