

and teachers who have supported his hard work and determination. Brian is an excellent example of what young people will achieve when given the opportunity.

# 1986 AMENDMENTS TO THE FALSE CLAIMS ACT

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. BERMAN. Mr. Speaker, thirteen years ago, Congress passed the 1986 Amendments to the False Claims Act. They have been an enormous success.

As the principal sponsors of those amendments, Senator GRASSLEY and I are gratified to see how well they have worked. Recoveries to the United States Treasury pursuant to the False Claim Act have increased a remarkable 40-fold compared to the period before the amendments were adopted. More than \$2.5 billion has been recovered to date from *qui tam* lawsuits, with half of that amount coming in the last few years. Another \$3 billion in recoveries is anticipated from the pending cases the government has already joined. This exponential growth in recoveries to the Treasury is expected to continue.

The biggest payoff however has been in the deterrence of fraud. An analysis by William L. Stringer, the former Chief Economist for the U.S. Senate Committee on Budget, has estimated the deterrence attributable to the *qui tam* provisions of the False Claims Act for the first 10 years (through 1996) is \$35 billion to \$75 billion. He estimates that the next 10 years will produce additional savings of \$105 billion to \$210 billion. Indeed, many believe that the substantial reduction in Medicare outlays in recent years is due in no small part to the effect these amendments have had in curbing fraud.

It is not an overstatement to suggest that there has been a cultural shift within companies that do business with the government. Because of the vigilance of the citizenry and the use of the *qui tam* provisions of False Claims Act, companies and entities are changing the way they do business with the government. Instead of developing strategies of "revenue enhancement" when dealing with the government, these same entities are developing new compliance programs to ensure that the government is not overcharged. This shift has occurred for one fundamental reason: The risks of getting caught, exposed and subjected to substantial penalties have grown tremendously as a direct result of the reinvigoration of the government's fraud enforcement caused by the 1986 amendments.

This cultural change is very much what Senator GRASSLEY and I hoped and expected would develop with the enactment of the 1986 amendments. We wanted to encourage, with appropriate incentives, the citizenry to take us the fight against fraud perpetrated against our government. We had hoped to forge a public/private partnership to go after those who would deliberately overcharge (or underpay) the government. People who are insiders within companies and witness fraud, businesses that become aware of illegal practices by competitors, individuals who through their own investigative efforts turn up information of

government overcharges (or underpayments) and, equally important, the private attorneys and law firms who work with the Justice Department and heavily invest their own time, resources, and expertise over many years these individuals, companies and attorneys have collectively turned the *qui tam* provisions of the False Claims Act into the single best example of privatization success.

In the thirteen years since the 1986 amendments were adopted, more than cases have been filed. As a result, a substantial body of False Claims law has developed.

I rise today to express the grave concerns that Senator GRASSLEY and I have about judicial decisions involving one important provisions of the law: the "public disclosure" bar. We have reviewed with dismay opinions of many courts that have misunderstood and therefore, misinterpreted what Congress intended when in adopted this provision. The courts' interpretations of the "public disclosure" bar are often in conflict with each other, resulting in great confusion. Worse, taken together these decisions many discourage many good cases from being filed, threatening to seriously undermine the effectiveness of the Act.

Because of our concerns about judicial interpretation of the "public disclosure" bar, we wrote to Attorney General Reno to set forth our views in detail about this provisions and the various circuit court interpretations. We ask that the Department of Justice, as the government agency with primary responsibility for enforcing the False Claims Act, be especially vigilant in helping courts correctly implement the Congressional policy that underlies the "public disclosure" bar.

We also believe that it would be useful for courts to understand what we as the principal authors of the law intended in creating the "public disclosure" bar.

By introducing our letter to Attorney General Reno into the CONGRESSIONAL RECORD, it is our intention to make it available to federal courts for guidance and perspective.

## H.R. 2499, THE SILENT SKIES ACT

**HON. ANTHONY D. WEINER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. WEINER. Mr. Speaker, the Silent Skies Act, which I am introducing along with Representatives CROWLEY, HYDE, SHAYS and fourteen other original cosponsors, is intended to expedite the implementation of the next generation of quieter airplane engines.

So many members have airports in their district and have received the same letters from constituents. Every day and every night planes pass over your constituents' homes, businesses, and schools. They interrupt all aspects of life for those who reside under flight paths. While there is little we can do about the every-growing volume of air traffic, we can ensure the planes that fly overhead are as quiet as technology will allow.

In 1990, Congress passed the Aviation Noise and Capacity Act, a measure that led to the implementation of Stage 3 aircraft and reduced noise from airplanes by 50%. By the end of this year, Stage 3 will be fully implemented and most of the U.S. commercial fleet will be in compliance with these new lower

noise levels. While we recognize the contributions the airline industry has made in reducing the amount of noise coming from their aircraft, the number of flights going in and out of major airports continues to increase. Our constituents need relief.

By September 2001, the International Civil Aviation Organization will have approved international standards for Stage 4 engines. Our bill simply says that our constituents deserve relief, and they deserve it as soon as possible. The Silent Skies Act mandates a 10 year timetable, beginning in 2002, to phase in Stage 4 engines.

It is time for the Congress to take the lead again. This bill does just that. I am proud to introduce this bipartisan legislation and urge my colleagues to support this bill.

## SUMMARY H.R. 2499, THE SILENT SKIES ACT

This bill expedites the implementation of Stage 4-compliant aircraft. In 1990, Congress passed the Aviation Noise and Capacity Act, a measure that led to the development and implementation of Stage 3 aircraft, and reduced aircraft noise by 50%. By the end of this year, Stage 3 will be fully implemented and most of the U.S. commercial fleet will be in compliance with these new lower noise levels. Stage 4 represents the next level of noise reduction, and would reduce airplane noise by an estimated 40%.

This bill directs the Secretary of Transportation to issue regulations establishing minimum standards for Stage 4 noise levels no later than December 31, 2001;

Directs the phase in of these new standards over a ten year period, beginning in 2002;

Directs the Secretary of Transportation to submit a report to Congress on the progress being made toward compliance with Stage 4 implementation; and

Removes the noise level exemption for supersonic civil transport aircraft.

## INTRODUCTION OF THE HEALTH RESEARCH AND QUALITY ACT OF 1999

**HON. MICHAEL BILIRAKIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. BILIRAKIS. Mr. Speaker, today I am introducing, along with my colleagues, Representatives SHERRON BROWN and JIM GREENWOOD, the Health Research and Quality Act of 1999. We are introducing this bipartisan legislation to reauthorize and redefine the mission of the Agency for Health Care Policy and Research. Our bill renames it as the Agency for Health Research and Quality (AHRQ-pro-nounced "arc").

The purpose of this new name, and the reauthorization, is to foster comprehensive improvements in our health care system. Our bill refocuses the efforts of this critical agency to support private sector initiatives. Building on its current activities, the new agency will become a key partner to the private sector in improving the quality of health care in America.

Specifically, our bill directs the new agency to take action to improve health care quality by: Conducting and supporting research to reduce errors in medicine; supporting the Medical Expenditure Panel Survey (MEPS) and expanding its sample size to provide information on the quality of patient care; supporting research to evaluate and initiatives to advance

the use of information systems for the study of health care quality and other information initiatives; maintaining the Center for Primary Care Research and continuing primary care research; and establishing grants for regional centers to improve and increase access to preventive health care services.

We realize the importance of supporting public-private solutions to improve health care quality in our nation, and we hope that Congress will support the reauthorization of this important agency. A brief summary of the legislation follows:

SUMMARY OF THE HEALTH RESEARCH AND QUALITY ACT OF 1999—(LEGISLATION TO REAUTHORIZE THE AGENCY FOR HEALTH CARE POLICY AND RESEARCH)

PART A: ESTABLISHMENT AND GENERAL DUTIES

Redesignates the agency as the "Agency for Health Research and Quality" (AHRQ, pronounced "arc"), and changes the agency head's title from administrator to "director." Revises the agency's mission to emphasize its role as a partner to the private sector, with responsibility for promoting health care quality through research, synthesizing and disseminating scientific evidence, and advancing private and public efforts to improve health care quality.

Prohibits the agency from mandating "national standards of clinical practice or quality health care standards."

Emphasizes the agency's non-regulatory role in building the science of quality, while private and public sector purchasers and accreditation agencies set quality "standards."

PART B: HEALTH CARE IMPROVEMENT RESEARCH

Directs the agency to take specific action to improve the quality of health care by:

1. Identifying and disseminating methods for rating the scientific strength of research studies;
2. Conducting and supporting research, and building partnerships to support research, in order to reduce errors in medicine;
3. Supporting the Medical Expenditure Panel Survey (MEPS) and expanding its sample size to provide information on the quality of patient care;
4. Supporting research to evaluate and initiatives to advance the use of information systems for the study of health care quality and other information initiatives; and
5. Maintaining the Center for Primary Care Research and continuing primary care research.

Authorizes the Secretary of HHS, acting through the Director, to coordinate all research, evaluations, and demonstrations related to health services research and quality measurement and improvement supported by the federal government.

Requires the Secretary to contract with the Institute of Medicine to develop two reports on the organization and coordination of the quality improvement, research, and oversight activities of the federal government.

PART C: GENERAL PROVISIONS

Reauthorizes the agency's existing national advisory council and standardizes membership among the groups represented.

Directs the council to more broadly focus on overall priorities for health care research (quality, outcomes, cost, use, and access to care), the field of health services research, and identification of opportunities for public-private sector partnerships.

Increases the limit on small grants from \$50,000 to \$100,000 to reflect inflation.

Revises the authorization of appropriations to reflect congressional intent to increase research funding related to health care quality and improvement (authorizes

\$250 million in funding for FY 2000 and "such sums as necessary" for Fiscal Years 2001–2006).

Amends Title III of the Public Health Service Act to establish grants for regional centers to improve and increase access to preventive health care services.

THE NAVY NEEDS THE TOMAHAWK MISSILE

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. HANSEN. Mr. Speaker, some of you may have been surprised to learn that the Tomahawk missile is obsolete. According to a recent AP story the premier strike weapon in the Navy and the hero of Desert Storm is obsolete.

This unbelievable story not only surprised me but it surprised the Navy and the Joint Chiefs.

As late as April 20 of this year the Navy and Joint Chiefs of Staff certified a combat requirement of 4,000 Tomahawk missiles. Today, the navy has half this number.

This administration has fired over 700 Tomahawks in just the last twelve months. We have replaced zero and shut down the production line last year.

Luckily, our fine Chairman of the procurement subcommittee took this shortage head on. We added almost 900 million dollars to the supplemental and the defense authorization bills—to replace these missiles and put the Navy on track to fulfill its national security requirement.

The Navy does need Tomahawk, if you don't believe me just call them your self.

Tomahawk is the Presidential weapon of choice except when it come to the budget. Support our Chairman, support the Navy, support the Tomahawk missile and ignore the nay sayers.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, on Monday, July 12, 1999, I was detained at Los Angeles International Airport, due to aircraft equipment failure, while returning from my district and missed rollcall votes 277, 278, and 279. Had I been present I would have voted "yea" on votes 277 and 279. I would have voted "present" on vote 278.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1999

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Ms. DeGETTE. Mr. Chairman, I rise today to express my support for the amendment offered by the gentleman from California.

Mr. Chairman, we don't need any more timber roads. Construction of timber roads uses U.S. taxpayer dollars to pay for the business costs of the timber industry, and results in the degradation of soil, water quality and wildlife habitat.

We have over 440,000 miles of roads in our National Forests, the vast majority of which are for logging. If you pull out your calculator, Mr. Chairman, you'll find that 440,000 miles is enough to encircle the globe 17 times; that's ten times more road miles than we have in the Interstate Highway System.

These timber roads initiate erosion of soil, deposit sedimentation into streams, damage water quality, degrade fish habitat, fragment wildlife habitat, disrupt wildlife migration routes, and destroy the quiet beauty of our National Forests. The taxpayer ends up paying the cost for these damages—and too often the damage cannot be undone. These timber roads also give timber companies subsidized access to our natural resources. I don't think that's smart horse-trading, Mr. Chairman.

Over the recent recess I took a three-day hiking and horseback trip through some of the beautiful federal lands in my home state of Colorado. Over each hilltop, crossing each stream and river, coming across beautiful vistas, one after another—I found myself thinking what an unforgivable crime it would be to squander these resources. The next time my colleagues return to their districts, I urge them to take to the natural areas, and see first hand what I'm speaking about. I returned from my trip resolved to redouble my attempts to conserve these resources for future generations.

And I believe a good place to start is to eliminate the subsidized creation of more timber roads. I urge my colleagues to support the Miller amendment to protect roadless areas in our National Forest System.

IN MEMORIAM: KAREKIN I, CATHOLICOS OF ALL ARMENIANS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to one of the world's great religious leaders, who recently passed away.

On June 29th, Armenia's Catholicos, Karekin I, died at the age of 66. The Catholicos is essentially equivalent to the "pope" of the Armenian Apostolic Church. Armenia's President Robert Kocharyan declared three days of official mourning, from July 6th through the 8th. Funeral services for the Catholicos were held on July 8th in the Cathedral of Echmiadzin. The principal celebrant of the four-hour funeral rite was Aram, I, Catholicos of Cilicia, the sister Catholicosate of the Armenian Apostolic Church. Thousands of Armenians were joined by religious leaders from around the world, including the Armenian Church Patriarchs of Jerusalem and Constantinople (Istanbul). Also participating in the