

country. The government's strongest and most effective tool against fraud is called the False Claims Act. In recent years, the False Claims Act has been under attack from industries targeted by the government's anti-fraud efforts. Since 1986, when Congress passed amendments that I sponsored to toughen the law than \$4 billion has been recovered through the False Claims Act. Hundreds of billions more in fraud have been saved through the deterrent effect that this law has upon those who would betray the public's interest.

In addition to the recovery of money and the deterrent effect of this law, the False Claims Act is important for another, perhaps, more important reason. The fact is that the False Claims Act is being used, day after day, by prosecutors to maintain the integrity of countless federal programs funded by American taxpayers. For example, the False Claims Act is being used in the health care industry to ensure that nursing home residents receive quality care.

Included in the anti-fraud arsenal of the False Claims Act is a provision called qui tam. Qui tam is a concept that dates back to feudal times. It allows private citizens who know of fraud against the taxpayers to bring a lawsuit against the perpetrators. In other words, the citizen acts as a partner with the government. As an incentive, the citizen shares in any monetary recovery to the U.S. Treasury. Over the decades, the False Claims Act, and especially the qui tam provisions, proved to be effective, both in catching and deterring fraud.

In considering the nomination of my former colleague, Senator John Ashcroft, for the position of Attorney General of the United States, I asked about his support for False Claims Act and the qui tam provisions. Senator Ashcroft's January 31, 2001 letter assures me that he will not support efforts to weaken the Act, and will support efforts to strengthen it. This pledge of support will ensure that the Department of Justice plays the critical and necessary role of targeting government waste and abuse. Senator Ashcroft assures that he will support "vigorous enforcement of the law" and "will defend the constitutionality of the Act." I appreciate Senator Ashcroft's support for the False Claims Act. He is a man who is dedicated to enforcing the laws of this country and understands the importance of the False Claims Act.

All in all the history of the assault on the False Claims Act sends us on a long and winding road. The False Claims Act is, and will remain, a target of those industries and accept billions and billions of taxpayer dollars annually and balk at strict accountability. I ask only that we, as legislators, remember the historical and current assaults made upon the False Claims Act. I ask further that we agree to be strong despite the strength of an industry, simply because it is the "right" thing

to do. Taxpayers deserve no less—and as legislators, we should deliver no less.

I ask unanimous consent that the January 31, 2001 letter I received from Senator Ashcroft be considered as read and printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 31, 2001.

Hon. CHARLES GRASSLEY,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR GRASSLEY: Thank you for your letter of January 30, 2001, concerning the qui tam provisions of the False Claims Act. I believe that the False Claims Act and the qui tam provision in particular are vital tools in combating government fraud and abuse. I fully support vigorous enforcement of the law.

Tackling government fraud and abuse through the False Claims Act will be an important priority for the Justice Department. Indeed, I expect that the sustained efforts of the Justice Department will in some respects lessen the need for (but not the importance of) private attorneys general acting pursuant to the qui tam provisions of the Act. I can also assure you that I will defend the constitutionality of the Act, like all Acts of Congress, if it is challenged in the courts.

Finally, I assure you that I will not support efforts to weaken the Act, and indeed, will support efforts to strengthen the Act and ensure that the Justice Department plays a critical role in targeting government waste and abuse.

I look forward to working with you on these issues.

Sincerely,

JOHN ASHCROFT.

#### ADDITIONAL STATEMENTS

##### RETIREMENT OF HERSCHEL CUTLER

• Mrs. LINCOLN. Mr. President, I rise today to acknowledge the retirement of Dr. Herschel Cutler from the Institute of Scrap Recycling Industries, ISRI. Dr. Cutler, ISRI's former Executive Director, spent the last 33 years of his life teaching the Nation, including the Congress, about the environmental and economic benefits of recycling. In the course of his tenure, ISRI has become a highly respected trade association known for its dedication to both environmental protection and private sector entrepreneurialism. He had a wonderful knack for hiring extraordinary staff. And, by example, Herschel taught them to do their homework, acquire a deep understanding of their issues, keep their standards high, develop reasonable solutions to problems and, with regard to public policy, to never overreach.

Herschel Cutler is not an Arkansan. But, shortly after my first election to serve as a member of the other body, I met him over dinner through fellow Arkansans whose family recycling business was an ISRI member company. During that dinner Herschel gave me a succinct but thorough description of a serious dilemma facing the scrap recy-

cling industry and its possible resolution. After listening to him discuss the concerns facing the many families in the recycling industry, including many Arkansas families, it was easy for me, a farmer's daughter, to identify with a key concern facing them. That is, certain government policies were, inadvertently, having the effect of causing many recycling families to wonder whether they should remain with their businesses.

That dinner was the beginning of a long and fruitful relationship between me, Dr. Cutler, and the entire scrap recycling industry. Herschel Cutler's earnest integrity convinced me that the recyclers' cause was worth fighting for. I began that fight in 1993. It ended in 1999, after I teamed up with Senators DASCHLE and LOTT, BAUCUS, and CHAFEE to amend the Superfund law to correct a mistake directed at recyclers that nobody had intended.

Dr. Herschel Cutler and I have been fast friends ever since. As he retires on January 31, 2001, I cannot thank him enough for his guidance and his counsel to me over the years since we first met. He is truly a modest man of great wisdom, integrity and intellect. Upon his retirement the Washington association community is much the poorer. And with his counsel absent from the daily give and take of public policy discussions in the Congress, so are all of his many friends in both houses.

Herschel, I wish you the best fishing, reading, writing, and teaching in your retirement. I'm sure your legions of friends would agree, your friendship has been a blessing to us all.●

##### TRIBUTE TO MAJOR GENERAL TIMOTHY P. MALISHENKO, USAF

• Mr. DEWINE. Mr. President, I rise today to pay tribute to Major General Timothy P. Malishenko, USAF, upon his retirement from the United States Air Force after more than 32 years of distinguished and dedicated service to our Nation.

A son of Ohio, Tim Malishenko grew up not far from my Greene County neighborhood, where his mom and dad were customers of my family's seed, grain, and lumber business. After graduating from Fairborn High School, he went on to The Ohio State University, where he earned a degree in business and honors as a distinguished ROTC graduate. This marked the beginning of what developed into an extraordinary Air Force career, in which Tim rose to the pinnacle of the complex and demanding world of Defense acquisition.

As a young officer, Tim Malishenko served in a variety of contracting and contract-administration assignments related to major programs, including the Polaris and Poseidon missiles and the F-15 Radar. His organizational and crisis-management skills came to the fore during the 1974 oil embargo, when, as a charter member of the Air Force Energy Management Division, he

worked tirelessly to mitigate the effects of the supply disruption and safeguard America's military readiness.

From there, Tim went on to work in classified space and satellite programs. He graduated from the Armed Forces Staff College, and, with family in tow, headed for Brunssum, The Netherlands, where he was chief of contracting and acquisition for the NATO Airborne Early Warning and Control Programme Management Agency. In the NATO assignment, Tim demonstrated remarkable tact and diplomacy in reconciling the diverse views and priorities of 13 countries.

Returning stateside in 1982, Tim again served in a variety of contracting and contract-administration positions, including high-level management assignments at Wright-Patterson Air Force Base, Ohio, and at Air Force headquarters in Washington, DC. Of particular note during this period was his extensive involvement in the research-and-development contracting for the advanced tactical fighter, integrated avionics, and high-speed integrated circuitry—programs that set the stage for the information technologies and advanced avionics we know today.

Four years ago, General Malishenko was named commander of the Defense Contract Management Command, an organization of more than 14,000 people responsible for the management of 375,000 contracts cumulatively valued at \$100 billion. As commander, he was the standard bearer for a revolution in business affairs that led to the conversion of more than 300 business sectors to ISO 9000, to dramatic advances in paperless contracting, and to the design and introduction of the DoD standard procurement system.

The capstone of Tim's military career came on March 27, 2000, when he became the first director of the Defense Contract Management Agency (DCMA), the position he holds at the time of his retirement. In successfully spearheading the establishment of DCMA, Major General Malishenko brought to fruition a recommendation put forth in 1963 by Secretary of Defense Robert McNamara's Project 60, which called for the eventual creation of a separate Defense agency responsible for contract management.

Under the general's direction, DCMA has emerged as a Combat Support Agency—one that has markedly transformed contractor battlefield support, as fully evidenced by DCMA's role in facilitating optimal support to our troops in Bosnia and Kosovo. He also left an indelible mark on DoD's continuing Revolution in Business Affairs, ushering DoD into an era of paperless contracting and electronic business processes. The inception of DCMA is a living testimonial to Tim Malishenko's exemplary leadership, professionalism, and unbounded energy. It is indeed a magnificent example of what can happen when well-tempered foresight converges with present-day diligence.

Whether he was behind the desk in a major program office, on a contractor's plant floor, in a NATO council room, or "in the door" about to parachute into the open skies, Tim Malishenko served with valor, loyalty, and integrity. On the occasion of his retirement from the Air Force, I offer my congratulations and thanks to this esteemed son of the Buckeye state, and wish him and his wife, Jane, well in their future pursuits.●

#### IN RECOGNITION OF DEBRA L. FERLAND

● Mr. REED. Mr. President, I rise today to pay tribute to Ms. Debra Ferland, who is being installed as the president of the Women's Council of the National Association of Home Builders on February 11, 2001 in Atlanta, Georgia. I would like to thank her for her twenty-three years of work, and honor her for her achievements within the housing industry.

After graduating from the University of Massachusetts at Dartmouth, Debra began her long and admirable career by working for several prominent national property management firms, including Picerne Properties, First Realty Management, and Diversified Properties. She has been a Construction Manager at HUD approved rehabs, consulted for rent supplement and Section 8 programs, and is currently Director of Special Projects at the Ferland Corporation.

Debra has taken an active role in the industry on both a state and national level by assuming numerous leadership roles, including local Council President, Membership Chair, and National Convention Chairman. She has been appointed as a member of both the Labor Shortage Task Force and the National Association of Home Builders Capital Club, and is the Women's Council Life Director.

In addition to her tremendous career achievements, Debra has devoted herself to family, including her husband A. Austin Ferland, her daughter Nicole, and her extended family of Fred, Deborah, and four year old grandson, Ben. She is a chef and an avid golfer, and has displayed her commitment to her local community through Habitat for Humanity, the Lincoln School for Girls, and the Tomorrow Fund.

The citizens of Rhode Island are indeed fortunate for Debra's many contributions and for her ongoing commitment to creating housing opportunities both within our state and nationwide. I congratulate her on the leadership role which she is about to undertake and know that she will continue her good work for years to come.●

#### SALUTE TO ELUID L. MARTINEZ, COMMISSIONER OF THE BUREAU OF RECLAMATION

● Mr. DOMENICI. Mr. President, I wish to salute my fellow New Mexican, Eluid L. Martinez, who has just fin-

ished a remarkable five-year term as Commissioner of the U.S. Bureau of Reclamation. As the first Commissioner to serve in two different centuries, Mr. Martinez assumed control over the nation's second largest wholesale water supplier and hydroelectric producer in the country when he was appointed by the President in 1995.

A native of Cordova in Rio Arriba County, New Mexico, Commissioner Martinez was the first member of his family to receive a college degree. He holds an undergraduate degree in civil engineering from New Mexico State University and is a licensed Professional Engineer and Land Surveyor.

During his tenure Commissioner Martinez has been recognized by many Reclamation stakeholders for his even-handed approach in addressing western water and power issues. He received the Statesman of the Year award by the National Water Resources Association in November, 2000, for his diligence in helping solve the chronic water shortages in the western United States. He has been responsible for implementing the Bureau of Reclamation transition to a water resources agency with responsibilities for delivering project benefits while balancing the conflicting demands of Reclamation's constituencies.

Commissioner Martinez' professionalism and expertise in his field has gained him the respect of all members of Congress who have worked with him.

Commissioner Martinez has been a leader in privatizing Reclamation projects wherever possible, returning projects to the users who paid for them. He has been an important factor in implementing legislatively mandated environmental requirements, and trying to stretch a finite supply of water to an ever thirsty West. Commissioner Martinez has endeavored to create a more diverse workforce to ensure a future supply of capable individuals for the Federal government. In fact, preparing for the future is one of Commissioner Martinez's hallmarks of achievement.

Before entering Federal service, Eluid Martinez retired as the State Engineer for New Mexico. He has served as Secretary of the New Mexico Interstate Stream Commission, as the New Mexico Commissioner to six Interstate Compact Commissions, and as a member of the New Mexico Water Quality Commission. He has held executive positions in 12 regional and national water associations, but, as the parent of three children, took the time to run for and serve as President of the City of Santa Fe School Board.

Filling many positions over a 27 year career in the State Engineer's office, Eluid Martinez developed many skills that served him well as Commissioner of the Bureau of Reclamation. His service in New Mexico started with the State Highway Department in 1968 and subsequently in the State Engineer's Office included positions as Chief of the Hydrographic Survey Section, Acting