

S. 2049. A bill to prohibit the implementation of policies to prohibit States from providing quality health coverage to children in need under the State Children's Health Insurance Program (SCHIP); to the Committee on Finance.

By Mr. BROWN:

S. 2050. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. PRYOR):

S. Res. 318. A resolution supporting the We Don't Serve Teens campaign; considered and agreed to.

By Mr. OBAMA (for himself, Mr. DURBIN, Mr. KERRY, Mrs. CLINTON, Mr. ALEXANDER, Mr. CARDIN, Mr. LUGAR, Mr. LEVIN, Mr. HARKIN, Mr. LIEBERMAN, Mr. REID, Mr. KENNEDY, Mr. BINGAMAN, Mrs. BOXER, Mr. DODD, Ms. LANDRIEU, Mr. SCHUMER, Ms. STABENOW, Mr. BROWN, Mr. VOINOVICH, Ms. MIKULSKI, and Mr. WYDEN):

S. Con. Res. 44. A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued honoring Rosa Louise McCauley Parks; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 316

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 316, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 399

At the request of Mr. BUNNING, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 545

At the request of Mr. LOTT, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 790

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S.

790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 911

At the request of Mr. REED, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 963

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 963, a bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust.

S. 1116

At the request of Mr. SALAZAR, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1116, a bill to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources.

S. 1160

At the request of Ms. STABENOW, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1160, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1356

At the request of Mr. BROWN, the name of the Senator from Illinois (Mr.

OBAMA) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1587

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1587, a bill to amend the Internal Revenue Code to allow a special depreciation allowance for reuse and recycling property and to provide for tax-exempt financing of recycling equipment, and for other purposes.

S. 1709

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1709, a bill to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes.

S. 1734

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 1734, a bill to provide for prostate cancer imaging research and education.

S. 1827

At the request of Mr. THUNE, his name was added as a cosponsor of S. 1827, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 1833

At the request of Mr. NELSON of Florida, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1833, a bill to amend the Consumer Product Safety Act to require third-party verification of compliance of children's products with consumer product safety standards promulgated by the Consumer Product Safety Commission and for other purposes.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1866

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1866, a bill to amend title 49, United States Code, to exempt certain local restrictions from review under the airport noise and access restriction review program.

S. 1867

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1867, a bill to require the Administrator of the Federal Aviation Administration to conduct a study on the operation of helicopters over Long Island, New York and for other purposes.

S. 1880

At the request of Mr. KERRY, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Delaware (Mr. BIDEN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1880, a bill to amend the Animal Welfare Act to prohibit dog fighting ventures.

S. 1956

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1956, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas, and for other purposes.

S. CON. RES. 37

At the request of Mr. BIDEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution expressing the sense of Congress on federalism in Iraq.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 201

At the request of Mr. CHAMBLISS, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 201, a resolution supporting the goals and ideals of "National Life Insurance Awareness Month".

At the request of Mr. NELSON of Nebraska, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 201, *supra*.

AMENDMENT NO. 2829

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 2829 proposed to H.R. 3074, a bill making appropriations for the Departments of

Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2836

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 2836 intended to be proposed to H.R. 3074, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. LEAHY, Mr. SPECTER, and Mr. WHITEHOUSE):

S. 2041. A bill to amend the False Claims Act; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, for 27 years, I have come to the Senate floor to discuss legislation that will help the Government run efficiently and effectively. I have been an outspoken advocate for whistleblowers, which whistleblowers in good faith bring forth information about waste, fraud, and abuse of taxpayers' dollars. I have championed oversight efforts, and I have spent my time in the Senate asking the tough questions of Government bureaucrats in order to expose these problems, particularly problems that have been brought to my attention by patriotic whistleblowers.

One thing I learned from oversight is that no matter how engaged Congress may be, there are not enough hands to find all the waste, fraud, and abuse in Government programs. Instead, we have to rely then, as I have indicated, on those courageous and patriotic individuals who speak out and blow the whistle, to go to court to collect Government money that was lost to unscrupulous contractors who are selling false or fraudulent goods, in the case of 100 years ago, to Union troops because that is why the False Claims Act came about, and to make sure that we protect whistleblowers when a program is not working and taxpayers' dollars are being lost.

These whistleblowers, by sticking their necks out, are individuals often at risk. They risk everything to fix problems within our Government because they believe in doing their job the way it was intended to be done, and they probably do not get the attention of higher-ups in the bureaucracy. That is why they become whistleblowers and come to Congress to bring these faults out. Somehow they end up being as welcome in the bureaucracy as a skunk is at a picnic.

However, pointing out fraud is one thing; getting results, fixing the problem, and recouping taxpayers' money lost to fraud, waste, and abuse is quite another thing.

The key to recouping these lost funds is ensuring that we have effective laws

on the books. One such law is the Federal False Claims Act. I have come to the floor today to remind people about the history of the False Claims Act, but also to suggest some improvements in that act so it can be an even more useful tool in the fight against waste, fraud, abuse, and the protection of whistleblowers.

I have referred to the False Claims Act. This is known as the Lincoln law because it has some history going back to the Civil War. The Lincoln law was originally passed by Congress to combat war profiteering by Government contractors during the Civil War. The False Claims Act allowed individual citizen whistleblowers to go to court to collect Government money that was lost to unscrupulous contractors who were selling false or fraudulent goods to Union troops.

This legal mechanism, known as *qui tam*, a Latin term, is the key component to the False Claims Act allowing individual citizens to act as private attorneys general to help stop fraud and recover lost money. However, following World War II, the False Claims Act was weakened by an act of Congress which lowered the penalties limiting the money the Government could recover from fraud. This remained the state and the language of the False Claims Act until 1986 when I authored amendments to the act which restored teeth and breathed new air and new life into a law that was designed to protect all American taxpayers.

I am happy to report that in the 20 years since I introduced and Congress passed the 1986 amendment, the Federal Government has used the False Claims Act to recover over \$20 billion from those who defraud Government. That is \$20 billion that would otherwise be lost and gone forever.

More importantly, this \$20 billion serves as a deterrent reminder to those who wish to steal from the Government. We cannot measure the deterrent value of this legislation, but I personally feel, and I have had students of Government tell me, the deterrent value of the False Claims Act is much greater than even the \$20 billion that we can quantify that has come back to the Federal Treasury.

Today, the False Claims Act faces a situation where it may not be as effective as intended. Recent decisions by Federal courts have limited the False Claims Act in a way that was not envisioned when I authored the 1986 amendments. These court decisions threaten to undermine both the spirit and intent of the 1986 amendments.

The first case, *U.S. Totten v. Bombardier Corporation*, held that false claims presented to Government grantees, in this case employees at Amtrak, were not actually presented to the Federal Government. As a result, the Government was precluded from recovering money lost to fraud and abuse perpetuated against Amtrak.

The second case, *Rockwell International Corporation, et al, v. U.S.*,