became hers permanently and the rest is history.

While Anne Whiteman received numerous awards throughout her career and became recognized as a valued FAA team member, this all changed when the safety concerns she reported were compromised and covered up which led to her blowing the whistle. As a result, she was ostracized at the job she loved. During Anne's career, she has supervised or trained at least 30 air traffic controllers at the DFW Tower or in TRACON and was recognized by the Department of Transportation Inspector General who found her egregious reports were well-documented. Twice during a three-year period, these reports were submitted to the President. This reporting activity also led to her being awarded the Office of Special Counsel's 2005 Public Service Award and later sharing the Public Servant of the Year in 2008 for her contribution to air safety. She was also nominated for the 2006 Service to America medal while the reprisals continued along with her safety concerns. After some 30 years of service with the FAA, Anne Whiteman is no ordinary hero for she put her job and well-being on the line for what she believed was needed in order to protect the flying public.

As a Member of Congress it has been my honor to serve this valiant American who not only helped pave the way for women controllers but also serves as a courageous example in the protection of air travel and she did not flinch at such a great personal loss. This record serves to honor this service as she retires from the job she loves on September 3, 2009.

A PROCLAMATION HONORING ABBY FROMAN FOR WINNING THE GIRLS DIVISION IV STATE SOFTBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 25, 2009

Mr. SPACE. Madam Speaker,

Whereas, Abby Froman showed hard work and dedication to the sport of softball; and

Whereas, Abby Froman was a supportive team player; and

Whereas, Abby Froman always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Abby Froman on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

IN MEMORY OF MR. JAMES H. DONNEWALD OF BREESE, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 25, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor the life of a distinguished public servant, devoted husband and loving father.

James Donnewald, a man who spent his career serving the people of Illinois as a legislator and state treasurer, passed away September 18th, at the age of 84.

From an early age, Mr. Donnewald had a desire to serve his country. Before beginning his career as a lawmaker, he volunteered for military service in both World War II and the Korean War, but was honorably discharged due to a heart murmur.

After returning from the service, Mr. Donnewald attended St. Louis University and later Lincoln College of Law. In 1960, he was elected to the Illinois state House of Representatives, where he served two terms. After serving as a Representative, James Donnewald was elected to the state Senate in 1964. Throughout his distinguished tenure, he garnered the respect of his colleagues rising to the office of assistant Democratic leader and chairman of the Reapportionment Committee.

In 1982, Mr. Donnewald was elected to one term as Illinois State Treasurer. After his time in public office, he continued to serve our community through his law practice in Breese, IL.

I extend my heartfelt condolences to Mr. Donnewald's daughter Jill, his sons Craig and Eric, his sisters Irene and Juanita and his five grandchildren. He was a respected member of his community and will be deeply missed.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. GRAYSON. Madam Chair, the U.S. House of Representatives has passed a bill including prohibitions on federal funds and other activities with respect to certain organizations. The intent of Congress with respect to those provisions is as follows:

The purpose of this bill is to cleanse federal contracting and grant-making, completely and permanently. The purpose is to put an end to the invidious practice of rewarding those who steal taxpayer money by giving them more taxpayer money. The bill imposes, and is intended to impose, a corporate death penalty on contractors who fall within the scope of its prohibitions. This is remedial legislation. The primary intention is not merely to penalize such organization, since other laws perform that function. Rather, the intention is to protect the Government and the taxpayers from losses in the future, and to deter misconduct on the part of federal fund recipients. The intention of deterrence, in particular, requires that these prohibitions be construed broadly, and enforced strictly.

By this bill, Congress intends to exercise the full extent of its Constitutional authority, both express and implied. This includes, but is not limited to, Congress's express authority under the Appropriations Clause of the Constitution.

Notwithstanding the heading on the part of the bill containing these provisions, it is not Congress's intent that these prohibitions apply only to organizations that have been indicted. Rather, Congress intends that the prohibitions apply to all ''covered organizations,'' as defined in the bill.

With respect to the prohibitions set forth in paragraph (a), Congress intends that these prohibitions be automatic and permanent. In this context, ''automatic'' means not subject to alleviation by administrative action. Regarding such prohibitions, Congress intends to substitute a ''per se'' rule in place of any rule requiring a balancing of factors, or exercise of discretion or judgment, to the full extent permitted for Congress by the U.S. Constitution. ''Permanent'' means lasting for the entire time that the organization remains in existence. If a principal, or principals, of a covered organization form(s) or attempt(s) to form a new organization, then that new organization may be deemed, through administrative action, to be a covered organization. ''Principal'' means an officer, a director, or an owner of at least five percent of the shares of a covered organization.

It is the intent of Congress that any organization seeking or receiving a federal contract, grant, cooperative agreement, any other form of agreement, federal funds, or promotion by a Federal employee or contractor shall certify, both when seeking and when receiving such a benefit, that the organization is not a covered organization as that term is defined in this bill. Any organization falsely making such a certification shall be deemed a covered organization (and, in fact, already is one), and shall be subject to prosecution under 18 U.S.C. 1001 or any similar provision in the Criminal Code. Any individual making such a false certification on behalf of a covered organization shall be similarly liable. Congress strongly recommends to federal prosecutors that they execute their prosecutorial discretion in a manner that holds such organizations and individuals accountable, to the fullest extent permitted by law.

Congress intends that all covered organizations be added to the ''Excluded Parties'' list maintained by the Federal Government, with a prescribed duration on that list of ''permanent.'' Whenever the U.S. Department of Justice (DOJ) learns or has reason to believe that an organization is a covered organization, it shall be the duty of DOJ to apprise the debarring officials of all relevant federal agencies of such information. Congress intends that any person or organization shall have standing to request that any debarring official shall identify an organization as a covered organization, and add that organization to the ''Excluded Parties'' list. Congress also intends that the contention that any federal offeror or contractor is a covered organization is a contention that is a valid basis for a bid protest. Such a contention may be asserted at the Government Accountability Office, the U.S. Court of Federal Claims, and any other tribunal with bid protest authority.

The term ''covered organization'' includes parent companies, subsidiaries and subsidiaries of parent companies of a covered organization. Such affiliation is to be determined by legal ownership of at least 50%.

The term ''organization'' in paragraph (a) means only a covered organization. The enumerated prohibitions apply to covered organizations only.

In subparagraph (a)(1), the term ''other form of agreement'' includes, but is not limited to, the execution of contract options, the award of task orders, and any other form of action that establishes or increases the legal rights of any federal contractor or grantee.

In subparagraph (a)(2), the term ''[n]o Federal funds in any other form may be provided'' shall mean that all contracts and grants that have been awarded to a covered organization with a remaining duration of more than one year on the date of enactment shall, within that one-year period, be terminated for the convenience of the Government.

In subparagraph (b)(1) of the prohibitions, Congress recognizes that the denial of liberty or property on the basis of an indictment, without conviction, raises Constitutional due process issues. If it is determined that such denial is unconstitutional, or otherwise contrary to law, then it is the intent of Congress that subparagraph (b)(1) be held void, but that the remainder of the prohibitions remain intact and enforceable.

In subparagraph (b)(3) of the prohibitions, it is the intent of Congress that this subparagraph be construed expansively. The term ''Federal or State regulatory agency'' shall include any agency authorized by law to issue regulations, whether or not such regulations have been issued. For instance, the term includes, but is not limited to, the U.S. Departments of Defense, Health and Human Services, and Labor. The term ''filed a fraudulent form'' includes, but is not limited to, actions that would establish liability under 18 U.S.C. 1001 or 31 U.S.C. 3729. A conviction or judgment under these laws, or any similar law, is sufficient per se to establish that an organization is a covered organization.

The term ''filed a fraudulent form'' is derived in part from a report dated July 23, 2009 and issued by the Ranking Member of the Committee on Oversight and Government Reform. Page five of that report discusses allegations, not resulting in a conviction or judgment, that ''ACORN has submitted false filings to the Internal Revenue Service and the Department of Labor.'' The report states that: ''All of these fraudulent acts would constitute a violation of 18 U.S.C. 1001 by presenting false documents to the United States government.'' A fortiori, any acts that actually do (not merely ''would'') constitute such a violation, or a violation of similar provisions such as those appearing in 31 U.S.C. 3729, as determined by a conviction or judgment, shall per se constitute the ''fil[ing] of a fraudulent form'' within the meaning of these prohibitions. As the Ranking Member's report describes, however, the term ''filed a fraudulent form'' extends to all organizations that have filed such a form, whether or not such a filing has resulted in a conviction or judgment. The Ranking Member issued a statement yesterday, which said: ''For far too long, recipients of federal dollars have been given free reign [sic] and some have acted in a reckless and cavalier way and whether it be ACORN or anyone else—abuse and fraud will not be tolerated.'' He added, ''frankly, I don't know how anyone can successfully argue [that] those who actually perpetrate fraud and misuse taxpayer dollars should not be'' subject to these prohibitions.

The term ''form'' is to be construed broadly. It includes all communications, in any form or format, which include any information required by law. For instance, a request for payment under a cost reimbursement contract that includes a statement of incurred costs is a ''form'' within the meaning of subparagraph (b)(3), because (among other reasons) such a statement is required by law. Whenever the Government finds that such a request is excessive, and reduces it, then this means that the form that was filed was fraudulent, unless the contractor possessed no information whatsoever that did allow or should have allowed the contractor to know that the form was excessive. No proof of specific intent to defraud is required. It is the intent of Congress that the term ''form'' include, but not be limited to, the term ''claim'' under 18 U.S.C. 287, the terms ''claim,'' ''record'' and ''statement'' in 31 U.S.C. 3729, and the terms ''statement,'' ''representation'' and ''entry'' under 10 U.S.C. 1001.

In all administrative or judicial proceedings regarding whether a party has ''filed a fraudulent form,'' in cases based on a conviction or judgment, the inquiry shall be limited to whether there is any evidence in the record on which the finder of fact could have determined that the organization filed a fraudulent form. Under no circumstances shall the burden of proof be anything beyond ''adequate evidence'' in administrative proceedings, or ''support by any evidence in the record'' in judicial proceedings, when such judicial review of such administrative action is allowable at all.

It is the intent of Congress that administrative action to add an organization to the ''Excluded Parties'' list is ministerial. For that reason, and otherwise, such administrative action is committed to agency discretion under 5 U.S.C. 702(a)(1). In all judicial proceedings, it is the intent of Congress that the prohibitions apply to an organization that has been found to be a covered organization unless and until a final judgment has been entered in favor of the organization. Specifically, it is the intent of Congress that in determining whether the organization should be granted interim relief in such proceedings, the greatest weight be the public interest in having the Government issue contracts and grants only to organizations with unquestioned integrity.

It is the intention of Congress that the term ''covered organization'' apply to all organizations qualifying within the definitions of subparagraphs (b)(1) through (b)(4), without regard to when the acts establishing such qualification occurred. Specifically, it is not the intent of Congress that such acts be limited to acts following enactment of these prohibitions. If, for instance, an organization filed a fraudulent form with any Federal or State regulatory agency in 2006, that organization is a covered organization as of the date of enactment, and subject to all prohibitions from the date of enactment onward.

Regarding paragraph c, if it shall be ruled or held that this provision, or any other provision in these prohibitions, is a bill of attainder, or constitutionally infirm for any other reason, it is the intent of Congress that these prohibitions nevertheless apply to all covered organizations for which these prohibitions are not a bill of attainder, or constitutionally infirm.

Regarding paragraph (d) of the prohibitions, the revision of the Federal Acquisition Regulation (FAR) shall include the revisions set forth above, including but not limited to revision of Parts 3, 9, 15 and 33 of the FAR.

COMMENDING THE CLASS OF '59

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 25, 2009

Mr. FARR. Madam Speaker, Members of the House, I rise to commend an era that many Members of this body fondly remember. It was the 1950s. This year, the last class of that era, students of the class of '59, celebrate their 50th high school reunions. I am one of those students, and I would like to submit for the record the thoughts of a classmate—Lucinda Lloyd—on those formative years. It was a historic and poignant time for all of us.

Carmel High School Class of '59. That was our identity.

After leaving Sunset School, we entered the hallowed halls of Carmel High School as timid Freshmen. Progressing through the awkward Sophomore stage, we survived being Juniors until we ruled the school as mighty Seniors.

Ours was an age of innocence and happy days, unbeaten athletic teams, and scholastic success. We rocked around the clock, danced cheek-to-cheek to Unchained Melody, hung out at Konrad's, wore Bass Weejuns or Spaulding oxfords, congregated at the Youth Center, cheered our teams to victory, occupied the Senior Steps and looked forward to years of accomplishment. After all, we were told that the world was ours, all we had to do was go for it.

Leaving Carmel behind to forge our paths in the Big World, we attended colleges and universities, went to MPC, joined the military or began another career. Or we got married and had children. Some of us got divorced, while other marriages survived. Some of us distinguished ourselves in careers and chosen fields of work. And some of us died.

Our common bonds of shared childhood experiences glued us together, more as cousins than classmates. Today we anticipate our 50th reunion with mature interest, warmed by the knowledge that we've softened the sharp edges that may have separated us, that we are more alike than different, that we can laugh at ourselves and with each other.

We've made it! We're adults with grown children who have children. We no longer care if our hair styles droop or frizz in the fog, that our loose clothing covers softened curves, or if we have a date for Saturday night. Accepting ourselves as we are has allowed us to accept everyone else, no matter what.

With warmth in our hearts, smiles on our faces and arms ready to hug, the Class of '59 reunites to remember old times, renew bonds of friendship and forge closer relationships for the coming years. The longer we live, the more we need one another.

Ours was a magic time in a magic place. It is with the perspective of age that we finally realize how lucky we were, how lucky we are. Let us give thanks and enjoy our time together. God bless America.

Go Padres! Forever friends, Class of '59.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 25, 2009

Mr. MOORE of Kansas. Madam Speaker, on July 17, 2009, I inadvertently voted ''nay'' on final passage of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act of 2010. I should have voted ''aye'' as I strongly support the projects and programs funded through this important piece of legislation.