

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 recycling

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