

value, or by the exchange of properties of nearly equal value. The application proposed trading a mining claim surrounded by National Forest, for approximately 3 acres under station 1 and 1.5 acres under station 2.

The Fire District worked in good faith to comply with the STA. In November 2002, officials from the Fire District met with officials from the Forest Service. Upon review of the STA application, the Forest Service's concluded that the parcel under station 2 did not qualify for a land exchange and that the Fire District would have to pursue a new special use permit for the property under station 2. As a result, the Fire District is interested in securing ownership of the land under these stations through this exchange legislation.

The Fire District has occupied and operated these fire stations on these properties for over 30 years, and, if they can secure ownership, the lands will continue to be used as sites for fire stations. The Fire District has made a strong, persistent, good faith effort to acquire the land under the stations through administrative means and has demonstrated its sincere commitment to this project by expending its monetary resources and the time of its staff to satisfy the requirements set forth by the Forest Service.

However, those efforts have not succeeded and it has become evident that legislation is required to resolve the situation.

The Fire District is willing to trade the property it owns for the property under the stations. However, the Fire District is firm in its position that it wants land under both stations, and that the amount of land must be adequate to satisfy both its current and anticipated needs.

Under the bill, the land exchange will proceed if the Fire District offers to convey acceptable title to a specified parcel of land amounting to about 5.17 acres in an unincorporated part of Boulder County within National Forest boundaries between the communities of Boulder and Nederland. In return, the land—about 5.08 acres—where the two fire stations are located will be transferred to the Fire District.

The lands transferred to the Federal government will become part of the Arapaho-National Forest and managed accordingly.

The bill provides that the Forest Service shall determine the values of all lands involved through appraisals in accordance with Federal standards. If the lands conveyed by the Fire District are not equal in value to the lands where the fire stations are located, the Fire District will make a cash payment to make up the difference. If the lands being conveyed to the Federal government are worth more than the lands where the fire stations are located, the Forest Service can equalize values by reducing the lands it receives or by paying to make up the difference or by a combination of both methods. The bill requires the Fire District to pay for the appraisals and any necessary land surveys.

The bill permits the Fire District to modify the fire stations without waiting for completion of the exchange if the Fire District holds the Federal government harmless for any liability arising from the construction work and indemnifies the Federal government against any costs related to the construction or other activities on the lands before they are conveyed to the Fire District.

Madam Speaker, this is a relatively minor bill but one that is important to the Fire District

and the people it serves. I think it deserves enactment without unnecessary delay.

IN SPECIAL RECOGNITION OF JIM
"BO" BOWMAN ON HIS RETIRE-
MENT FROM THE U.S. AIR FORCE
ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. GILLMOR. Madam Speaker, it is my great pleasure to pay special tribute to Mr. Jim "Bo" Bowman—a good friend to me and to many of our colleagues—who is retiring after nearly 50 years in various capacities at the United States Air Force Academy.

Jim Bowman's career and the history of the Air Force Academy athletics, in many ways, is one and the same. He has witnessed 49 graduating classes. During his tenure at the Air Force Academy, he has worked with 16 Superintendents, 22 Commandants of Cadets, 8 Deans of the Faculty, 8 Directors of Intercollegiate Athletics, 10 Directors of Admissions, and hundreds of coaches and assistant coaches.

Jim's contributions to our great country and to the preeminent Air Force in the world will be felt for decades to come, through the future accomplishments of more than 14,000 cadet student athletes who received appointments to the Academy with his assistance.

Service academy life is as difficult as it is rewarding. Four years of stringent academic work intertwined with the demands of intercollegiate athletic competition, followed by a 5 year service commitment can be an ominous choice for a high school student. Jim Bowman's mentorship began at first contact with these candidates. His honesty and integrity would not permit him to sugar-coat the challenge he offered to these young men and women.

As physical education instructor, as coach and as Associate Athletic Director, Jim Bowman used the discipline and competitive spirit of athletics to inspire character in the face of adversity, personal development, and ultimately, lives dedicated to national service.

Jim Bowman's positive impact on the lives of those who are privileged to know him cannot be overstated. His life's work is the embodiment of the Air Force core values of: Integrity first, Service before self, and Excellence in all we do.

Madam Speaker, few people can claim the title of "legend." Jim Bowman's work in identifying, mentoring and encouraging the past, present and future leaders of the United States Air Force has earned him that title for as long as Air Force Academy cadets engage in intercollegiate athletic competition.

I ask each of my colleagues to join me in wishing Jim and his wonderful wife, Mae, many years of good health and much happiness as they begin this exciting new chapter in the their lives together.

INTRODUCTION OF THE WHISTLE-
BLOWER RECOVERY ACT OF 2007

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing the Whistleblower Recovery Act of 2007.

This bill is in response to a recent U.S. Supreme Court decision involving a claim under the False Claims Act by Mr. James Stone, who had worked at Rocky Flats when that Colorado site was a nuclear weapons facility of the Department of Energy.

The decision not only denied his claim but also interpreted the law in a way that had the effect of narrowing the definition of potential "whistleblowers." To correct this narrow interpretation, this bill would make it clear that potential "whistleblowers" can include those who divulge knowledge of an alleged wrongdoing—even though such a whistleblower may not have had knowledge of the direct way in which the wrongdoing progressed—as long as the "whistleblower" disclosed the allegation and that the wrongdoing would not have been discovered and fines assessed were it not for the disclosure of the whistleblower.

The False Claims Act, codified in title 31, United States Code, was established to encourage the disclosure of wrongdoing by Federal agencies or those contracting with or otherwise working on behalf of Federal agencies by allowing so-called "whistleblowers" to recover a portion of any awards recovered from judicial proceedings from such disclosures.

On March 27, 2007, the United States Supreme Court, in *Rockwell International Corp. v. United States*, ruled Mr. Stone, a former employee at the Rocky Flats nuclear weapons plant of the United States Department of Energy, was not entitled to recovery under the False Claims Act regarding the failure of a component of the cleanup of this site.

The Court found that even though Mr. Stone was an "independent source" of allegations regarding the failure of the cleanup activity—and of the public disclosure of those allegations—he could not recover because he did not have direct knowledge of the precise way that the failure occurred and was determined at trial. As a result, the Court concluded that it did not have jurisdiction to determine whether Mr. Stone was entitled to recovery.

The Court's ruling may have the undesired effect of discouraging "whistleblowers", as it could make it harder for them to gain access to the Court in order to prove that they may be entitled to recovery as an "original source" under the False Claims Act. By requiring that purported "whistleblowers" must know of the precise way in which an allegation or transaction of wrongdoing occurs, the Court set a high and potentially insurmountable hurdle for "whistleblowers" to meet.

In the best interest of public policy—and to encourage people to come forward and disclose allegations of wrongdoing—it's necessary to make it clear that "whistleblowers" need only have direct knowledge of the public disclosure of the allegations or transactions and not of the precise way in which the wrongdoing occurs.

In other words, if an action would not have been brought and an award granted under the

False Claims Act but for the public disclosures of the “whistleblower,” that “whistleblower” should be allowed an award under the False Claims Act.

Madam Speaker, this bill cannot help Mr. Stone. Not only did he lose his legal effort to recover as a “whistleblower,” regrettably, he died shortly after the Supreme Court issued its decision in his case. A short obituary from the Rocky Mountain News appears below.

But the bill’s purpose is to properly respect and encourage the efforts of “whistleblowers” like Mr. Stone who call out possible fraud, waste and abuse of taxpayer money. We should not find ways to keep them from the courthouse door, but rather should find ways to keep that door open—and even responsibly widen it—so that “whistleblowers” can have their day in court and seek the compensation they deserve. This bill will help in that regard, and it is a fitting way to remember and honor the courageous efforts of Mr. Stone and others like him.

[From the Rocky Mountain News, Apr. 12, 2007]

ROCKY FLATS WHISTLE-BLOWER DIES AT 82
JAMES STONE RECENTLY LOST BID FOR \$1
MILLION

(By Laura Frank and Ann Imse)

James Stone was an engineer to the core. And that made it impossible for him to leave a problem until it was solved.

His hardscrabble life in a Depression-era orphanage and his hard-won engineering degree led to his career-defining challenge: being the chief whistle-blower on environmental crimes at the Rocky Flats nuclear weapons site near Denver.

“He would work on a problem round the clock,” son Bob said. “That’s what got him in trouble at Rocky Flats. He wanted to solve the problems, not ignore them.”

Stone, who suffered from Alzheimer’s, died Wednesday at the Julia Temple Center in Englewood. He was 82.

Stone, who worked at Rocky Flats from 1980 to 1986, was the first Flats insider to go to the FBI with details of the radioactive pollution released by the site contractor, Rockwell International.

Rockwell pleaded guilty to 10 environmental crimes and paid \$18.5 million in fines.

Stone filed a whistle-blower fraud case against Rockwell and won \$4.2 million in damages for the federal government. Just two weeks ago, after an 18-year fight, the U.S. Supreme Court denied him a \$1 million share in those damages.

“He died with nothing more than the clothes on his back and the love of his family and friends,” Bob Stone said. “I know if he had it to do all over again, even knowing how it turned out, he would have done it just the same.”

Stone was born in 1924. His parents couldn’t afford to keep him during the Depression, his son said, so he went to a Catholic orphanage in St. Louis. As a young teen, a family with a coal business took him in.

Barred from World War II because of a hearing problem, he worked on engineering jobs in Alaska, on the Air Force Academy chapel and on the Brown Palace heating system. He worked on missile silos in Idaho and Wyoming, and surveyed a pipeline across Greenland. He also invented a sewage treatment system for rural mountain homes and a municipal trash incinerator.

Stone helped design Rocky Flats before it opened in 1952, and he warned against the location “because Denver was downwind a few miles away,” said his longtime attorney and friend Hartley Alley.

Jon Lipsky, the FBI agent who led the 1989 raid on Rocky Flats, said Stone “was the

first one who worked at the plant to talk to me.”

Stone’s job was to identify problems at the plant and recommend solutions. So he was able to give the FBI a road map, Alley said.

Alley said Stone was the source of a key allegation in the FBI search warrant—that Rockwell was incinerating radioactive waste in secret at night. That charge was dropped when Rockwell settled the criminal case, and prosecutors said it wasn’t true. But Alley says he had two other clients who witnessed it.

Stone’s motivation for filing the whistle-blower lawsuit in 1989 was patriotic, Alley said. “He felt the people who operated Rocky Flats in the 1980s were guilty of treason” by building nuclear weapons that wouldn’t explode, Alley said.

In the fraud suit, Stone alleged that Rockwell was defrauding the government by taking money for building faulty weapons while polluting the environment. Proving faulty production was impossible because the evidence was classified, Alley said.

Jim Stone “wasn’t afraid of jumping into anything,” his son said. “The world is a better place with people like him.”

Stone is survived by his wife Virginia, sons Bob, of Lakewood, and Randy, of Wheat Ridge, five grandchildren and 13 great-grandchildren. He was preceded in death by his eldest son, James Stone Jr.

TRIBUTE TO BRUNA MICHAUX

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor Bruna Michaux for her 43 years of service to the City of Buffalo. Ms. Michaux has provided exemplary service to the city and has consistently demonstrated leadership and notable dedication and professionalism to the Department of Assessment and Taxation.

I would like to briefly touch on the many areas of service that Bruna has been involved with since she was hired by the city in 1964 as a stenographer in the audit department. As a senior tax administrator from 1977 to 1987, she initiated and implemented significant changes to the internal structure of the Tax Division that have ultimately resulted in improved service to the public.

Bruna always fulfilled her duties with integrity and upheld standards in the community. After urging city officials that Buffalo wasn’t holding property owners responsible for unpaid taxes, Bruna was able to take part in the creation of the city’s first property foreclosure auction in March 1981. This accomplishment greatly helped to facilitate and increase tax collections. Five years later in 1986, Bruna had an integral role in getting the city committed to a reassessment process that mandates each parcel is reviewed every 6 years. The reassessment process corrects inequities in tax assessments.

Bruna also served as director of parking enforcement from 1987 until 1994, a position that her father had held years earlier. As in all other roles, Bruna held the position with dignity and commitment.

Ms. Michaux eventually returned to the Department of Assessment and Taxation in January of 1994. In 2003, she was named commissioner, and since then has continued to promote public trust and maintain the professionalism and integrity of the department.

Madam Speaker, I am proud to say that the City of Buffalo is a better place thanks to the years of selfless commitment and sense of justice brought forth by Bruna Michaux. I ask that you join me in applauding Bruna for her great accomplishments while serving the City and wish her the best of luck in her retirement.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3074) 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:

Mr. SHERMAN. Mr. Chairman, I supported the Hunter/Kaptur amendment because we should not be funding the Security and Prosperity Partnership until the White House tells us what it is and what their plans are. The Security and Prosperity Partnership of North America website says that its goals are about eliminating red tape and increasing security. Those are noble goals. But unless the White House is willing to tell us what they really have in mind, we shouldn’t have them spend money on it.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3074) 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:

Mr. CONYERS. Mr. Chairman, I rise in support of H.R. 3074, the Fiscal Year 2008 Department of Transportation and Housing and Urban Development Appropriations Bill. My colleagues, I think that it is incredibly appropriate that we are here talking about housing today. Forty years ago this week, whole sections of Detroit were engulfed in flames and 43 people died amid 6 days of gunfire, looting and chaos. While there were many reasons for this unrest, one of the biggest was lack of quality, affordable housing; while affordable housing continues to be one of our nation’s most pressing problems, H.R. 3074 makes a number of significant strides in improving the status quo.

Despite the President’s desire to cut Section 8 tenant-based vouchers and possibly force