

Whether families purchase a pre-cut tree or cut the trees themselves—the tree most likely came from a tree farm. More than 36 million Christmas trees are produced each year, and 98 percent of them come from Christmas tree farms. Christmas tree farms have a positive contribution to our economy.

None know the importance of Christmas trees to our economy better than Oregonians. In 2006, Christmas trees accounted for more than \$121 million of the Oregon economy. Our number one agricultural commodity is nursery products, including Christmas trees. While many people know Oregon for our forests, it is fitting that we are also first in the Nation in Christmas tree production. I am proud to represent thousands of Oregonians who are part of the Christmas tree and nursery industry.

Christmas trees are both part of the Christmas and winter holiday season, and important to Oregon and the nation's economy. I commend my colleague, Ms. FOXX, for introducing this resolution.

HONORING RETIRING DIRECTOR
OF THE BUFFALO AND ERIE
COUNTY PUBLIC LIBRARY SYS-
TEM MICHAEL C. MAHANEY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor the service of Mr. Michael C. Mahaney, Director of the Buffalo and Erie County Public Library System, whose exemplary service will conclude on January 4, 2008.

Mr. Mahaney began his involvement with the Buffalo and Erie County Public Library (B&ECPL) in December of 1973 as a Library Page in the Central Library's Stack Department. In 1976, he received his Master of Library Science degree from the State University of New York at Buffalo, and began working as a part-time Librarian at the Fairfield, Mead and Kensington Branch Libraries before being appointed to a full-time Librarian position in the Central Library's Business and Labor Department.

Mr. Mahaney's love of the library system and his natural leadership abilities soon propelled him to more senior positions within the B&ECPL, including liaison to the Erie County Legislature, Library constituents, local and regional media and the Library Board of Trustees, and Chairman of the Library's long range planning committee. He was also an active member of the New York Library Association and American Library Association, frequently representing the Buffalo and Erie County Public Library on committees and task forces and at various state and national conferences.

In January 2000, Mr. Mahaney was promoted to the post of Deputy Director, Chief Operating Officer of the B&ECPL, responsible for the administration of all Library public support and planning functions and played a critical role in the development of the Library's strategic plan.

Following a national recruitment effort in January 2003, Mr. Mahaney was chosen overwhelmingly by the Library's Board of Trustees to serve as permanent Director of the B&ECPL. During this time, he was instrumental in guiding the community through the reorganization of the Library in the aftermath of Erie County's worst budget crisis in history.

In his last year as Director of the B&ECPL, Mr. Mahaney oversaw a \$500,000 increase in county funding and the passage of the Library Protection Act, a local law safeguarding library funds after the county's annual budget is adopted, a goal library officials had sought for 14 years.

Madam Speaker, it is my honor to stand here today to pay tribute to the inspired leadership and remarkable contributions of Michael C. Mahaney during his 34 years of dedicated service to the Buffalo and Erie County Public Library System. I thank you, Madam Speaker, for allowing me this opportunity to honor Mr. Mahaney's past service and ask you and the rest of our colleagues to join me in wishing Mr. Mahaney the very best of health and success in the years to come.

INTRODUCTION OF THE FALSE
CLAIMS ACT CORRECTIONS ACT
OF 2007

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BERMAN. Madam Speaker, I am pleased to introduce the False Claims Act Corrections Act of 2007, a bill designed to return the False Claims Act to its original intent. This legislation is sorely needed today, with the Department of Defense budget raided by unscrupulous contractors willing to enrich themselves at the expense of our Nation, and the Medicare program at risk of insolvency while organized crime and others pilfer funds meant for the care of our elderly and disabled. The proposed amendments would correct the effect of unduly restrictive judicial opinions by clarifying that Congress intends the law to reach all types of fraud on the Federal fisc, regardless of the form of the transaction. The amendments would also restore the intended incentives for whistleblowers, to act when they discover fraud against the United States Government.

The False Claims Act was signed into law by President Abraham Lincoln in order to combat rampant fraud in Civil War defense contracts. The Supreme Court has called the law the "Government's primary litigative tool for combating fraud," a law "intended to reach all types of fraud, without qualification, that might result in financial loss to the Government." The statute, which embodies principles developed in centuries-old English common law, contains incentives for private individuals to report false claims and fraudulent activity. It also allows private parties to sue on behalf of the United States and bring their private resources to support the Government's investigation and litigation. If the United States investigates and finds merit to the private party's allegations, it may intervene in and take control of the lawsuit.

During the first century after its enactment, however, the law fell into disuse as amendments and adverse case law chipped away at the incentives needed to bring whistleblowers forward. Moreover, the courts had restricted the law by construing ambiguities in the act against the Government. It had also become apparent that, in order for the law to have its intended impact, the Department of Justice needed the power to compel testimony and production of documents to investigate allegations made by informants.

In 1986, Senator CHARLES GRASSLEY and I worked together in an effort to restore the req-

uisite incentives for whistleblowers and to clarify that the law was intended to reach all frauds on the Government, regardless of the form of the transaction. The False Claims Amendments Act was passed by Congress and signed into law on October 27, 1986. In addition to addressing incentives, the new law also provided for a subpoena-type authority for the Department of Justice so that the Department could fully investigate allegations raised by whistleblowers. Congress intended that the Department of Justice would use this new "civil investigative demand" authority to obtain documents and testimony, and then question witnesses and experts about this information to fully comprehend its significance.

I am very happy to report that, in the years since 1986, the amended Act has returned over \$20 billion to the United States Government that otherwise would have been lost to fraud. For the most part, the law has been a resounding success. The Government has received full compensation for many of its losses, and has also imposed financial penalties on many who have knowingly over-billed the Government. It has utilized information from False Claims Act informants to impose criminal sanctions, including imprisonment, on the worst offenders. The Department of Defense and the Department of Health and Human Services, in turn, have debarred from Government contracting, and excluded from participation in the Medicare program, some of those subject to judgments and convictions. Other agencies have taken similar action. As a result of this aggressive enforcement action by our executive branch, many companies have been motivated to initiate compliance efforts, and have been deterred from engaging in the types of fraudulent schemes subject to enforcement activity.

Nonetheless, the law has not been a success in one critical respect: it could be doing far more. If construed according to Congress' original intent, it could be bringing in many billions of additional dollars in recoveries from those who have cheated at the expense of the taxpayer. Instead, some courts have misconstrued our intent, even in clear language in the law, in a manner that leaves entire categories of fraud outside the reach of the law. For example, courts have thrown out cases in which the Government has administered Government programs, and expended its funds through contractors and other agents, as opposed to direct expenditure. Many courts unreasonably have barred whistleblowers with potentially meritorious claims from pursuing cases. For example, the courts have dismissed cases brought by insiders who know key details of fraudulent schemes because they can't plead specific details of the billing documentation, such as the dates and identification numbers of invoices—information ordinarily sought and obtained in discovery. Finally, due to procedural requirements and an oversight in our original drafting, the Department of Justice has not employed the civil investigative demand authority as hoped.

The amendments proposed in this legislation will remove these debilitating qualifications and to clarify that the Act is intended to "reach all types of fraud, without qualification" leading to Government losses. We intend for these amendments to apply to all future cases as well as all cases that are pending in the courts on the date the amendments become law.

The Amendments' most critical goals are the following: Clarifying that the Act covers

fraud on Government programs even when the Government uses agents and other third parties to administer Government programs and contracts; Clarifying that the Government's new or amended complaint in a qui tam action relates back to the original qui tam complaint to the same extent it would relate back if the Government had filed the original complaint; Clarifying that plaintiffs do not need to have access to individual claims data or documents to bring a False Claims Act case; Amending the Act so that a qui tam case may be dismissed in light of prior public disclosures only upon motion of the Government, and only if the case is truly parasitic; Amending and clarifying the Act to specify how the Act's chief investigative tool—the civil investigative demand—may be used to investigate violations of the Act; and clarifying how the Act applies to Federal employees who discover fraud during the course of their employment, by providing the Government authority to move to dismiss the action of any Federal employee who brings a qui tam action under the Act without first having provided the Government fair notice and opportunity to pursue such wrongdoing through its own False Claims Act action or other appropriate remedy.

Fighting fraud against U.S. taxpayers is not a partisan issue. When we passed the False Claims Act amendments in 1986, we did so with a strong bipartisan coalition in both houses. I'm pleased to continue that tradition by introducing this bill today with Representative JIM SENSENBRENNER as my partner. I look forward to working with him to make these amendments to the False Claims Act law this Congress.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIA CARSON, MEMBER OF CONGRESS FROM THE STATE OF INDIANA

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. ETHERIDGE. Madam Speaker, I raise to honor the legacy and accomplishments of our recently passed colleague and dear friend JULIA CARSON.

In 1996 JULIA's deep commitment to those she served led her to become the first African-American woman to be elected to the U.S. House from Indiana. I had the opportunity to get to know JULIA during our freshman terms in the 105th Congress and build a relationship with her over the past 10 years that we have both served. Julia spent her time in Congress working for children's issues, women's rights and efforts to reduce homelessness. One of her biggest accomplishments in the House was passing legislation granting the Congressional Gold Medal to Rosa Parks, the Mother of the Civil Rights Movement who was arrested for refusing to give up her seat on a segregated city bus in Montgomery, AL. She leaves behind an unmatched record of service to the people and an unequalled legacy of leadership.

Madam Speaker, I urge all of my colleagues to join me in paying respect to the family of JULIA CARSON and in honoring her career in service to our country.

TRIBUTE TO AARON N. MENICHETTI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron N. Menichetti a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many scout activities. Over the many years Aaron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Aaron N. Menichetti for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF BILL STRAUSS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor the life of the late Mr. William Arthur Strauss.

I first met Bill Strauss in 1963 when we were both pages here in Washington. Bill served at the Supreme Court; I served in the Senate. Our respective careers continued to revolve around the Nation's capital—mine in Congress, Bill's in the executive branch.

Bill boasted an education few can match: an undergraduate degree from Harvard University in 1969, a law degree from Harvard, and a master's degree from Harvard's venerable John F. Kennedy School of Government. He returned to Washington with his young bride in 1973, joining the Department of Health, Education, and Welfare (now Health and Human Services) as a policy aide. He quickly moved up to the Presidential Clemency Board, directing a report on the impact of the Vietnam War on draft-eligible youth.

Bill Strauss continued his work for the Federal Government, moving to the Department of Energy in 1977. Subsequently, in 1980 Mr. Strauss became chief counsel and staff director of the Subcommittee on Energy, Nuclear Proliferation, and Government Processes.

Despite his long service in the Federal Government—or, possibly more aptly, as a result of it—Mr. Strauss discovered at a Memorial Day party in 1981 that he was blessed with the gift of improvisational comedy. Having performed successfully to a receptive audience of friends, Mr. Strauss realized he could make a living satirizing the goings-on within the Beltway.

During his office's Christmas party in 1981, Mr. Strauss, along with a group later christened the Capitol Steps, performed his first musical parody. Senator Charles Percy (R-III), his employer, and the rest of the staff knew instantly that Bill Strauss had a gift. The group

grew steadily over the years, blossoming into the now \$3-million-a-year industry with performances across the country.

Despite these notable achievements, Bill will probably be best remembered for founding the Critics and Awards Program, otherwise known as the Cappies. Bill was inspired to institute this regional institution, which honors exceptional high school dramatic and musical performances throughout the Washington, DC, metro area, after being diagnosed with an aggressive strain of pancreatic cancer. Every year, high school students gather at the Kennedy Center for a ceremony not unlike the Tony Awards in New York. I look forward to the Cappies every year, and hope this tradition continues for years to come.

I was saddened to hear Bill succumbed to cancer at his home in McLean, VA, on December 18, 2007. His legacy of both the Capitol Steps and the Cappies will keep his memory alive within the Capitol Beltway for many years to come. May the elected officials in this body never cease to give Mr. Strauss' company a plethora of material to keep the country laughing.

Madam Speaker, in closing, I would like to pay tribute to the life and accomplishments of Mr. William Arthur Strauss, and express my deepest condolences to all who knew and loved him.

[From the Washington Post, Dec. 19, 2007]

BILL STRAUSS, 60; POLITICAL INSIDER WHO STEPPED OVER INTO COMEDY

(By Joe Holley)

Capitol Steps founder Bill Strauss was a Harvard-trained lawyer and Senate subcommittee staffer when he broke through the chrysalis of Capitol Hill conventionality to become a musical satirist.

Mr. Strauss, who died Dec. 18 of pancreatic cancer at his home in McLean, recalled the breakthrough in a phone interview shortly before his death at age 60.

It was Memorial Day 1981, he said, and he was hosting a party that ended with a jam session around the piano. Party-goers riffed on parodies of Reagan-era news makers.

Mr. Strauss discovered that night that he had a facility for impromptu silliness and satire. He began to wonder whether, at age 34, he might be able to make a living at it, even though his only musical training was a stint in his elementary school orchestra.

During the next several months, when not worrying about nuclear proliferation and other weighty matters, he wrote musical parodies. Enlisting other musically gifted Senate staffers, he scheduled the group's debut at the annual office Christmas party of Sen. Charles Percy (R-III). Mr. Strauss's employer.

The group christened itself the Capitol Steps, an allusion to the location of a late-night amorous moment enjoyed by Rep. John W. Jenrette (D-S.C.) and his wife, Rita.

Capitol Steps was a hit from the beginning. For the next few years, the group performed regularly for free at parties and in church basements. "We were clinging to our day jobs," co-founder Elaina Newport said. "Frankly, we were trying not to get in trouble."

Today, Capitol Steps is still performing, although not in church basements. It's a \$3 million-a-year industry with more than 40 employees who sing and satirize at venues across the country.

The group's success was "totally out of the blue," Mr. Strauss said. "Neither I nor anyone else was expecting it."

Mr. Strauss's more serious side found expression in six books he co-authored about