The definition provides that ''official use'' includes ''any use that is consistent with the law, and the regulations and policies of the Department of Justice.'' The new definition of ''official use'' also includes specific examples of the types of uses that fall within the term ''official use.'' These examples are not meant to be an exhaustive list, but rather illustrative of the ordinary, lawful uses of subpoenaed material in a Department of Justice investigation or litigation that we intend the Department of Justice to employ in False Claims Act cases. Section 4(c) of the bill also removes confusing language in Section 3733(i)(2)(B) and (C) that could be misinterpreted by the courts to prevent the custodian of CID material from sharing the material with other Department of Justice or program agency personnel for these official uses in the absence of authority from regulations or a court.

D. SECTION 4(D): RELIEF FROM RETALIATORY ACTIONS

Section 3730(h) of the False Claims Act imposes liability on any employer who discriminates in the terms or conditions of employment against an employee because of the employee's lawful acts in furtherance of a qui tam action. This section needs to be amended so that it is clear that it covers the following types of retaliation that whistleblowers commonly have faced over the course of the last twenty years: (i) retaliation against not only those who actually file a qui tam action, but also against those who plan to file a qui tam that never gets filed, who blow the whistle internally or externally without the filing of a qui tam action, or who refuse to participate in the wrongdoing; (ii) retaliation against the family members and colleagues of those who have blown the whistle; and, (iii) retaliation against contractors and agents of the discriminating party who have been denied relief by some courts because they are not technically ''employees.''

To address the need to widen the scope of protected activity, Section 4(d) of S. 386 provides that Section 3730(h) protects all ''lawful acts done'' . . . in furtherance of . . . other efforts to stop 1 or more violations'' of the False Claims Act. This language is intended to make clear that this subsection protects not only steps taken in furtherance of a potential or actual qui tam action, but also steps taken to remedy the misconduct through methods such as internal reporting to a supervisor or company compliance department and refusals to participate in the misconduct that leads to the false claims, whether or not such steps are clearly in furtherance of a potential or actual qui tam action.

To address the concern about indirect retaliation against colleagues and family members of the person who acts to stop the violations of the False Claims Act, Section 4(d) clarifies Section 3730(h) by adding language expressly protecting individuals from employment retaliation when ''associated others'' made efforts to stop False Claims Act violations. This language is intended to deter and penalize indirect retaliation by, for example, firing a spouse or child of the person who blew the whistle.

To address the need to protect persons who seek to stop violations of the Act regardless of whether the person is a salaried employee, an employee hired as an independent contractor, or an employee hired in an agency relationship, Section 4(d) of S. 386 amends Section 3730(h) so that it expressly protects not just ''employees'' but also ''contractors'' and ''agents.'' Among other things, this amendment will ensure that Section 3730(h) protects physicians from discrimination by health care providers that employ them as independent contractors, and government subcontractors from discrimination or other retaliation by government prime contractors.

I should note that this amendment does not in any way require that a qui tam plaintiff must have refused to engage in the misconduct or tried to stop the fraud internally before he or she may avail themselves of the incentives and protections in the False Claims Act. As the Congress recognized when the False Claims Act's qui tam provisions were first enacted in the nineteenth century, and as we have repeatedly affirmed in different contexts, including the new IRS whistleblower law, sometimes it ''takes a rogue to catch a rogue.'' An individual who participates in the fraud, and who for whatever reason does not challenge the misconduct within his or her organization, is still entitled to a relator's award and the protections of Section 3730(h) unless he or she is otherwise barred by a specific provision in the law.

E. SECTION 4(E): SERVICE UPON STATE PLAINTIFFS

Increasingly, qui tam plaintiffs are filing False Claims Act actions on behalf of not only the Federal Government, but also one or more States joined as co-plaintiffs pursuant to state False Claims Act statutes. Such cases ordinarily allege false claims submitted to Medicaid, which is a program funded jointly by the United States and the states. These cases are increasing in number as many states recently have enacted qui tam statutes, and many more are expected to do so in light of provisions in the Deficit Reduction Act of 2005. False Claims Act Section 3732 provides that state law claims may be asserted in a case filed under the federal False Claims Act if the claims arise from the same transaction or occurrence. The statute is unclear, however, as to whether the seal imposed by the U.S. District Court on the case pursuant to Section 3730(b) precludes the qui tam plaintiff from complying with state requirements to serve the complaint, or restricts the qui tam plaintiff and the Federal Government in their ability to serve other pleadings on the States, and disclose other materials to the States.

The amendment in Section 4(e) of S. 386 adds a new paragraph (c) to Section 3732 that clarifies that the seal does not preclude service or disclosure of such materials to the State officials authorized to investigate and prosecute the allegations that the qui tam plaintiff raises on behalf of the State. This paragraph also clarifies that State officials and employees must respect the seal imposed on the case to the same extent as other parties to the proceeding must respect the seal.

F. SECTION 4(F). EFFECTIVE DATE AND APPLICATION

Section 4(f) of S. 386 provides that the amendments in Section 4 take effect upon enactment and apply to conduct on or after the date of enactment, with the exception of the amendment of Section 3729(a)(1)(B), which shall apply to False Claims Act claims pending on or after June 7, 2008, and the amendments set forth in Section 4(b), (c), and (e) of the Bill, each of which shall apply to all cases pending on the date of enactment. We intend for the definition of claim also to apply to all False Claims Act claims pending on or after June 7, 2008, as that definition is an intrinsic part of amended Section 3729(a)(1)(B). The purpose of this amendment is to avoid the extensive litigation over whether the amendments apply retroactively, as occurred following the 1986 False Claims Act amendments.

However, while the amendments state that the remainder of the Section 4(a) liability provisions are not retroactive, the courts should recognize that Section 4(a) only includes one substantive change to existing False Claims Act liability, which is the expansion of the conspiracy liability. All of the other Section 4(a) amendments merely clarify the law as it currently exists under the False Claims Act. With the exception of conspiracy liability, the courts should rely on these amendments to clarify the existing scope of False Claims Act liability, even if the alleged violations occurred before the enactment of these amendments.

In other words, the clarifying amendments in Section 4(a) do not create a new cause of action where there was none before. Moreover, these clarifications do not remove a potential defense or alter a defendant's potential exposure under the Act. In turn, courts should consider and honor these clarifying amendments, for they correctly describe the existing scope of False Claims Act liability under the current and amended False Claims Act. The amended conspiracy provision, on the other hand, is limited to those violations that occur after the enactment of these amendments.

Each of the provisions in S. 386 dealing with the False Claims Act is key to protecting taxpayer dollars, and I urge my colleagues to support this legislation.

HONORING THOSE WHO HAVE SERVED IN THE ARMED FORCES

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. SESTAK. Madam Speaker,

A CORPSMAN'S LAMENT

(By HM3 Mike Hall, 5th Marine Division Iwo Jima)

I remember fair-haired dreamers,
Full of themselves, going off to war.
We went willing with visions of heroism in our head.
We felt prepared for what was to come.
Then they opened the door to let reality in;
Fear, blood, and the smell of death.
All around us were the cries for ''Doc!''
Who should we help?
I tend to the first, second, and third:
Bandages, Morphine, plasma, and more.
No time for me to feel or think
Keep moving, keep helping; don't sleep.
Then they bring him all battered, near death;
I can't save him.
I look into his eyes and want to cry.
''Doc it's okay, let me go.''
I ignore his words; I try.
This man who looks like me . . . he dies.
Tears flow down my cheeks.
No time to grieve, five others lay at my feet.
That day stays with me still.
I shall never forget his words.
''It's okay, Doc.
Let me go.''
With his last breath,
He comforted me.

HONORING THE RETIREMENT OF SENIOR CHIEF PETTY OFFICER TAMMY LOGAN

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. LARSEN of Washington. Madam Speaker, I rise today to honor Senior Chief Petty Officer Tammy D. Logan, United States Navy, who is retiring after 20 years of service to our nation.

In May 1989, Senior Chief Logan, a native of my home state of Washington, enlisted in the U.S. Navy as a Seaman Recruit. Over the course of the next twenty years, Senior Chief Logan served the Navy in a wide variety of roles, travelling throughout the country and overseas. Her assignments include Helicopter Anti-Submarine Squadron (Light) 32, Carrier Strike Group 5, and the Commander in Chief, U.S. Atlantic Fleet.

Throughout her career, Senior Chief Logan has demonstrated a commitment to continuing her education. In 2002, she earned her Associate of Arts degree from Saint Leo University, and she is currently scheduled to graduate from Excelsior College with a Bachelor of Science Degree in July of 2009.

Senior Chief Logan has also earned a variety of awards for her outstanding service to our country. Her personal awards include the Meritorious Service Medal, Navy and Marine Corps Commendation Medal (two awards), Navy and Marine Corps Achievement Medal (five awards), and the Good Conduct Medal (six awards).

I commend Senior Chief Logan for her commitment to our country and the sacrifices she has made on its behalf. On the occasion of her retirement, I thank her and her family for her honorable service to our nation and wish her fair winds and following seas as she concludes a distinguished career.

A PROCLAMATION HONORING THE TOWN OF WARSAW, OHIO, ON THE 175TH ANNIVERSARY OF ITS FOUNDING

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. SPACE. Madam Speaker:

Whereas, Colonel William Simmons, a trusted friend of General George Washington, proved himself on the field of battle on numerous occasions; and

Whereas, for his more than 40 years of service, Colonel Simmons was given 4,297 acres of land in Southeastern Ohio; and

Whereas, Colonel Simmons laid out the plots of land in 1820 which were to become the town of Warsaw; and

Whereas, Warsaw was named after the capital of Poland, a country then attempting to achieve its own independence; and

Whereas, the official town charter dates back to June 3, 1834; now, therefore, be it

Resolved, that along with friends, family, and the residents of Warsaw, as well as the entire 18th Congressional District, I congratulate the town of Warsaw on their 175th Anniversary. The town of Warsaw has been and will continue to be a shining example for those who are willing to fight for their freedom and liberty.

IN HONOR OF THE SACRAMENTO REGIONAL CONSERVATION CORPS' 25TH ANNIVERSARY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Ms. MATSUI. Madam Speaker, I rise today to congratulate the members, employees, and supporters of the Sacramento Regional Conservation Corps on the 25th anniversary of the organization's founding last week. For the last twenty-five years, this fine organization has improved the Sacramento region, while also transforming the lives of thousands of corpsmembers.

In 1984, the Sacramento Metropolitan Chamber of Commerce saw the need to create a program that would give Sacramento's young adults an opportunity to further their education and at the same time allow them to garner invaluable work experience. From that, the Sacramento Local Conservation Corps was born. In order to properly reflect their growth and commitment to the greater Sacramento region's wellbeing, they recently changed their name to the Sacramento Regional Conservation Corps.

The Sacramento Regional Conservation Corps is a true community partnership. Exemplifying this is their board of directors, comprised of representatives from local financial institutions, law firms, businesses and government agencies. Their funding sources are equally as diverse. Each year the SRCC's committed staff looks far and wide in soliciting funding from government sources, private grants, and corporate supporters to ensure the SRCC can continue to serve the public and improve the lives of its corpsmembers.

The young men and women that make up the Sacramento Regional Conservation Corps are just as varied as their supporters. They come from all neighborhoods of Sacramento, from all ethnicities and backgrounds, but they are united in their purpose, which is to improve their own lives and their community. They take on projects from clearing creeks and planting trees to teaching children about recycling and performing weatherization improvements on the homes of the less fortunate. Since their founding in 1984, over 4,500 young adults have taken part in this wonderful organization.

In doing so, corpsmembers often earn their high school diploma or GED. Upon graduating from the Sacramento Regional Conservation Corps many have enrolled in college courses, while others have obtained well paying jobs. While in the program, corpsmembers learn valuable lessons in teamwork, community stewardship, and about how to become leaders in their own right.

Madam Speaker, as the Sacramento Regional Conservation Corps celebrates their 25th Anniversary at the annual "Breakfast on the River," I am honored to congratulate SRCC Executive Director Dwight Washabaugh, Board President Philip Lantsberger, and the thousands of SRCC alumni on this momentous achievement. I ask all my colleagues to join me in honoring this fine organization for all the work they have done for the people of Sacramento, and to wish them continued success in the future.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. FRANKS of Arizona. Madam Speaker, on rollcall No. 294 I was unavoidably detained.

Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Thursday, May 21 2009.

Had I been present, I would have voted "Nay" on Roll Call vote #282 (on agreeing to H. Con. Res. 133), "Nay" on Roll Call vote #283 (Table Appeal of the Ruling of the Chair), "Nay" on Roll Call vote #284 (on ordering the previous question to H. Res. 464), "Nay" on Roll Call vote #285 (on agreeing to H. Res. 464), "Aye" on Roll Call vote #286 (on agreeing to the conference report to S. 454), "Aye" on Roll Call vote #287 (on motion to suspend the rules and pass H.R. 1676), "Aye" on Roll Call vote #288 (on agreeing to the Burgess of Texas amendment to H.R. 915), "Aye" on Roll Call vote #289 (on agreeing to the McCaul of Texas amendment to H.R. 915), "Aye" on Roll Call vote # 290 (on agreeing to the motion to recommit with instructions to H.R. 915), "Nay" on Roll Call vote # 291 (on passage of H.R. 915)

INTRODUCTION OF H.R. 2680, THE "TERRITORIAL HEALTH PARITY ACT OF 2009"

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Ms. BORDALLO. Madam Speaker, today I have introduced a bill, H.R. 2680, to amend the Social Security Act to provide for parity in the Medicaid program for Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and American Samoa. This bill, entitled the "Territorial Health Parity Act of 2009," would amend the Social Security Act to eliminate the federal funding caps now in place and to strike the statutorily set Federal Medicaid Assistance Percentage (FMAP) of 50% that currently applies to all the territories. This bill would ensure that each of the territories, like each of the 50 states, receives an FMAP that accurately reflects its economic conditions and demographics. In addition, because certain data