

EC-2431. A communication from the Deputy Secretary of the Treasury, transmitting, a draft of proposed legislation to authorize the Bureau of Engraving and Printing to use recording clocks to record time and attendance of employees; to the Committee on Governmental Affairs.

EC-2432. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the disposal of excess property in a foreign country for fiscal year 1979; to the Committee on Governmental Affairs.

EC-2433. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council of the District of Columbia on October 9, 1979; to the Committee on Governmental Affairs.

EC-2434. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council of the District of Columbia on October 9, 1979; to the Committee on Governmental Affairs.

EC-2435. A communication from the Acting Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on the suspension of deportation of certain aliens under section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

EC-2436. A communication from the Secretary of Health, Education, and Welfare, transmitting notice that the annual report on activities under the Comprehensive Alcohol and Alcoholism Prevention, Treatment, and Rehabilitation Act covering fiscal years 1978 and 1979 will be submitted by January 31, 1980; to the Committee on Labor and Human Resources.

HOUSE BILL REFERRED

The following bill was referred, pursuant to section 401(b)(2) of the Congressional Budget Act, to the Committee on Appropriations for not to exceed 15 days that the Senate is in session, to be discharged from further consideration, if not reported by that date:

H.R. 1543. An act to improve the operation of the adjustment assistance programs for workers and firms under the Trade Act of 1974.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment and an amendment to the title:

S. 6. A bill to amend the Agricultural Act of 1949, and for other purposes (Rept. No. 96-400).

By Mr. KENNEDY, from the Committee on the Judiciary, without amendment:

S.J. Res. 107. A joint resolution authorizing and requesting the President to issue proclamations designating the weeks of January 21 through January 27, 1979, and January 20 through January 26, 1980, as "Junior Achievement Week" (Rept. No. 96-401).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LONG, from the Committee on Finance:

John Zeldes Bernstein, of Maryland, to be General Counsel of the Department of Health, Education, and Welfare.

N. Jerold Cohen, of Georgia, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service).

(The above nominations from the Committee on Finance were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. THURMOND, Mr. COCHRAN, Mr. HELMS, and Mr. LAXALT):

S. 1980. A bill to provide for more expeditious, effective, and equitable enforcement of the antitrust laws; to the Committee on the Judiciary.

By Mr. DECONCINI:

S. 1981. A bill to improve judicial machinery by amending the jurisdiction and venue requirements and damage provisions in all suits involving the False Claims Act, and for other purposes; to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 1982. A bill to amend the Internal Revenue Code to extend in certain cases the six month deadline for exempting exports from the manufacturers excise tax; to the Committee on Finance.

Mr. MATHIAS (for himself, Mr. METZENBAUM, Mr. KENNEDY, and Mr. JAVITS):

S. 1983. A bill to amend section 1979 of the Revised Statutes to provide that States, municipalities, and agencies or units of government thereof, may be sued under the provisions of such section; to establish rules of liability with respect to such States, municipalities, and agencies or units of government thereof; and for other purposes; to the Committee on the Judiciary.

By Mr. WALLOP:

S. 1984. A bill to amend the Internal Revenue Code of 1954 to provide an unlimited marital estate and gift tax deduction, to modify provisions relating to special valuation of certain farm and other real property, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. THURMOND, Mr. COCHRAN, Mr. HELMS, and Mr. LAXALT):

S. 1980. A bill to provide for more expeditious, effective, and equitable enforcement of the antitrust laws; to the Committee on the Judiciary.

(The remarks of Mr. HATCH when he introduced the bill appear earlier in today's proceedings.)

By Mr. DECONCINI:

S. 1981. A bill to improve judicial machinery by amending the jurisdiction and venue requirements and damage provisions in all suits involving the False Claims Act, and for other purposes; to the Committee on the Judiciary.

1979 AMENDMENTS TO THE FALSE CLAIMS ACT

● Mr. DECONCINI. Mr. President, I am today introducing a bill, the proposed

amendments to the False Claims Act of 1979, which would provide the United States with an effective and useful tool to combat fraud in modern times.

This bill was developed by the Department of Justice in an attempt to bolster the mechanism available to the Department to carry out its responsibility of vigorously pursuing fraudulent practices in dealings with the Federal Government.

There can be no doubt that a need exists for reforming the False Claims Act, which has not been amended in any substantial respect since its enactment by the Congress in 1863. Although I retain some reservations about certain provisions of the bill, I am convinced that, on the whole, it is a valuable and necessary step forward in our struggle to protect the taxpayer from those who would defraud the United States.

The wholesale reform contemplated by the act would include provisions expanding jurisdiction and venue, increasing recoverable damages, raising the forfeiture levels and redefining the mental element required for a successful prosecution. In addition, the burden of proof would be altered, nolo contendere pleas would take on more serious consequences in subsequent civil actions and a mechanism would be established to provide the necessary investigative tools so crucial to the development of a case in the face of these sophisticated schemes.

Mr. President, present law is hopelessly anachronistic. It does not provide the Federal Government with the legal tools necessary to protect itself from the unscrupulous. Unfortunately, the American taxpayer loses millions of dollars each year as the result of false claims. The legislation I am offering will modernize and streamline the basic statute governing civil fraud against the Government. I view it as legislation designed to protect the taxpayer and urge my colleagues to support it. I ask unanimous consent that the text be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 3490, 3491 and 3494 of the Revised Statutes, as amended, are amended as follows:

SECTION 1. Section 3490 of the Revised Statutes, as amended, is amended as follows:

(1) By deleting from section 3490 of the Revised Statutes the following words "who shall do or commit any of the acts prohibited by any of the provisions of section 5438, title 'Crimes' shall forfeit and pay to the United States the sum of two thousand dollars, and, in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing of such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit" and, inserting in lieu thereof the following:

"who:

"(a) makes or causes to be made, or presents or causes to be presented, for payment or approval, to or by any person or officer in the civil, military or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false or fictitious; or