

President Clinton was entitled to his nominee at that point.

So we have a man who is qualified. But it is more than that. John Ashcroft is a good man of high veracity and who will keep his word.

Senator BYRD said yesterday, I believe, in his speech that he has made a commitment he is going to uphold the law. What more should we want: A pound of flesh?

I realize this is all about other things. That is OK. But it is unfair to this man.

Maybe the ravens will be heard never more. But forevermore you can quote me on this and remind me on this. John Ashcroft will go on to be one of the best Attorneys General we have ever had. He will be conscientious. He will show capability. He will be sensitive. He will be honest. He will enforce the laws—some laws that have been ignored the last 8 years—and maybe there are some people who are a little nervous about that. But, as we say in all kinds of different circles in America, I am here to vouch for their man. I vouch for John Ashcroft. I will stand by him. And you mark my words, he will go on to be a great and valuable Attorney General.

So let's move on. Let's work together, as I know we can do.

I accept the olive branch extended by Senator RUSS FEINGOLD. That is what he said. I extend the olive branch to show a willingness to work together and reach across the aisle and across all the other things that could divide us. He showed courage. I will not forget it. In fact, I think I maybe didn't forget it in advance because we have already worked out an agreement on how we are going to bring up a bill about which he cares a lot.

But that was an important statement on his part. I accept it. We accept it. That is the way we should proceed.

This new President has changed the tone in this city. Absolutely, people are astounded by his willingness to reach out and to listen and to be heard. He is meeting with everybody. He has even seen motion pictures with them. So he is doing his part. Let us make sure the Senate does its part.

Vote for John Ashcroft. You won't regret it. Then let's move on to important legislation. Let's argue about ideas. Let's argue about how to make education better. Let's argue about how to give tax relief—"return to sender," as the Senator from Georgia said. That is what the people want us to talk about. They want to get this vicious and partisan stuff behind us and deal with real issues. I don't think insurmountable damage has been done. I believe we can build on the other things we have done in the last month.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is, Does the Senate advise and consent to the nomination of John

Ashcroft of Missouri to be Attorney General of the United States? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 58, nays 42, as follows:

[Rollcall Vote No. 8 Ex.]

YEAS—58

Allard	Ensign	Miller
Allen	Enzi	Murkowski
Bennett	Feingold	Nelson (NE)
Bond	Fitzgerald	Nickles
Breaux	Frist	Roberts
Brownback	Gramm	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Byrd	Hagel	Smith (NH)
Campbell	Hatch	Smith (OR)
Chafee	Helms	Snowe
Cochran	Hutchinson	Specter
Collins	Huthison	Stevens
Conrad	Inhofe	Thomas
Craig	Jeffords	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Dodd	Lugar	Warner
Domenici	McCain	
Dorgan	McConnell	

NAYS—42

Akaka	Durbin	Lieberman
Baucus	Edwards	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Murray
Bingaman	Harkin	Nelson (FL)
Boxer	Hollings	Reed
Cantwell	Inouye	Reid
Carnahan	Johnson	Rockefeller
Carper	Kennedy	Sarbanes
Cleland	Kerry	Schumer
Clinton	Kohl	Stabenow
Corzine	Landrieu	Torricelli
Daschle	Leahy	Wellstone
Dayton	Levin	Wyden

The nomination was confirmed.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Illinois, I ask unanimous consent that the motion to reconsider be laid upon the table and the President be immediately notified that the Senate has given consent to this nomination, and the Senate then resume legislative session.

Without objection, it is so ordered.

## LEGISLATIVE SESSION

### MORNING BUSINESS

The PRESIDING OFFICER. In my capacity as a Senator from the State of Illinois, I now ask consent that the Senate be in a period for morning business.

Without objection, it is so ordered.

### COMMITTEE ON APPROPRIATIONS RULES—107TH CONGRESS

Mr. STEVENS. Mr. President, the Senate Appropriations Committee has adopted the rules governing its procedures for the 107th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator BYRD I ask unanimous consent that a copy of the Committee rules be printed in the RECORD.

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

### SENATE APPROPRIATIONS COMMITTEE RULES 107TH CONGRESS

#### I. Meetings

The Committee will meet at the call of the Chairman.

#### II. Quorums

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

#### III. Proxies

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

#### IV. Attendance of staff members at closed sessions

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

#### V. Broadcasting and photographing of Committee hearing

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

#### VI. Availability of subcommittee reports

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

#### VII. Amendments and report language

To the extent possible, amendments and report language intended to be proposed by Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

#### VIII. Points of order

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.

### FALSE CLAIMS ACT

Mr. GRASSLEY. Mr. President, today I want to speak about an important issue for the taxpayers of this

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* provisions 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