

world stage as a verifiable and accountable nuclear power while reaffirming the U.S. and India as economic partners in peace.

Mr. Speaker, this is a good and appropriate piece of legislation. This bill has undergone months of deliberation, been subject to modification and amendment and finally, brought forth for a vote. I would like to commend Chairman HYDE and Ranking Member LANTOS for all their hard work on this bill and reemphasize the significance it carries in furthering economic and technological cooperatives amongst democratic partners.

INTRODUCTION OF THE PRESERVING CRIME VICTIMS' RESTITUTION ACT

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 27, 2006*

Mr. SCHIFF. Mr. Speaker, I introduced the Preserving Crime Victims' Restitution Act of 2006. This legislation would clarify the procedures that should be applied when a criminal defendant dies after he or she has been duly convicted but before the appeals are final.

The need for this legislation has been made evident in recent months. Earlier this year, Enron founder Kenneth Lay was found guilty in both jury and bench trials of 10 criminal charges, including securities fraud, wire fraud involving false and misleading statements, bank fraud and conspiracy. Prosecutors sought \$43.5 million in restitution for the victims of Mr. Lay's crimes.

However, prior to the scheduled sentencing, Mr. Lay died from a heart attack. As a result, on October 17, 2006, U.S. District Judge Sim Lake wiped clean Mr. Lay's criminal record. The convictions were dismissed under a common law rule known as "abatement," which nullifies a conviction when a defendant dies before the conviction is affirmed on appeal, regardless of the merits of the claim. Judge Lake made clear that his ruling simply followed the binding precedent issued in 2004 by the full U.S. Court of Appeals for the fifth circuit, in a case called *United States v. Estate of Parsons*. Last month, the Department of Justice withdrew its notice of appeal on Judge Lake's ruling.

Congress holds a serious responsibility to address this situation in a timely manner. Unless we act quickly, thousands of Enron shareholders and employees, many of whom lost their entire life savings when Enron's \$60 billion in market share and \$2 billion in pension funds suddenly disappeared, will further lose out on what little restitution they might otherwise receive on the loss of their hard-earned assets and pension funds.

The Preserving Crime Victims' Restitution Act of 2006 is the House companion to S. 4055 in the Senate, introduced by Senators FEINSTEIN and SESSIONS. The Department of Justice strongly supports the principles contained in this legislation and the effort to fix this problem to ensure that despite a defendant's death, convictions are preserved and restitution remains available for victims of crime.

The legislation that I am introducing today will do the following:

Establish that if a defendant dies after being convicted of a Federal offense, his conviction

will not be vacated. Instead, the court will be directed to issue a statement stating that the defendant was convicted—either by a guilty plea or a verdict finding him guilty—but then died before his case or appeal was final;

Codify the current rule that no further punishments can be imposed on a person who is convicted if they die before a sentence is imposed or they have an opportunity to appeal their conviction;

Clarify that unlike punishment, all other relief, such as restitution to the victims, that could have been sought against a convicted defendant can continue to be pursued and collected after the defendant's death;

Establish a process to ensure that after a person dies, a representative of the estate can stand in the shoes of the defendant and challenge or appeal his or her conviction, and can also secure a lawyer or have one appointed; and

Grant the Government an additional 2 years after the defendant's death to file a parallel civil forfeiture lawsuit to recover assets linked to the defendant's crimes when the Government had already filed a criminal forfeiture action to recover the same assets.

Enron's collapse in 2001 eliminated thousands of jobs, tens of billions of dollars in market value, and \$2 billion in pension plans. Countless former Enron employees and shareholders lost their entire life savings after investing in Enron's retirement plan. These victims have been closely following the years of preparation by the Enron Task Force, and the 4-month jury trial and separate 1-week bench trial, hoping to finally recover some restitution in this criminal case. Despite prosecutors finally securing a conviction, following the death of Mr. Lay, these efforts to achieve justice for the victims to make up for the harm they have suffered were eliminated. Instead, these individuals have been forced to start anew in their efforts to rebuild their lives.

Now is the time for Congress to take action to remedy this situation. This legislation offers a fair solution and an orderly process in the event that a criminal defendant dies prior to his final appeal. I am hopeful that Congress will act quickly enough to assist these Enron victims and ensure that such an injustice never occurs again. I urge my colleagues to support this legislation.

SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE

SPEECH OF

**HON. CHARLES W. BOUSTANY, JR.**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 8, 2006*

Mr. BOUSTANY. Mr. Speaker, I rise in support of the bill, S. 4093. This bill will modify the expiration date of a provision of a farm bill dealing with farm credit so that it expires concurrent with the rest of the farm bill. Currently a provision of the farm bill dealing with guaranteed loans for farmers and ranchers expires on December 31 of this calendar year.

The rest of the farm bill, however, does not begin to expire until December 30 of 2007. By passing this bill, we are ensuring that this credit program has the opportunity to be fully

debated during the development of the next farm bill. Furthermore, should this provision expire in the next few days, it would create a hardship on the part of those farmers, ranchers, and lenders to whom it would apply.

I ask my colleagues to support this bill so that this credit program, which is so important for America's young and beginning farmers, has the opportunity to be debated and re-evaluated during the development of the next farm bill without causing undue hardship with limited notice to the farmers and ranchers that use this important program.

I would also like to thank Michael Hare of my staff for his diligent work in the last week to bring this bill to the floor.

TAX RELIEF AND HEALTH CARE ACT OF 2006

SPEECH OF

**HON. DAVE CAMP**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 8, 2006*

Mr. CAMP of Michigan. Mr. Speaker, I am pleased that the House of Representatives has overwhelmingly approved legislation that extends meaningful tax relief to American manufacturers, families, students, and teachers. As the 109th Congress closes, and an era of Republican control ends, it is fitting that one of the last bills considered provides Americans with the opportunity to keep more of their hard-earned money.

H.R. 6111 does much more than lower taxes—it will help America keep its competitive edge. For example, H.R. 6111 includes incentives for companies to engage in research and development work, allows students to deduct their college tuition costs, and encourages the use of solar, wind, landfill gas, and other clean energy technologies. Importantly too, this legislation extends tax benefits for individuals and families to use for their health care needs through the use of health savings accounts.

In my view, one of the highlights of the Tax Relief and Health Care Act is the 2-year extension and enhancement of the research and development tax credit. As one of the leading advocates in the House of Representatives for the R&D tax credit, I am particularly pleased that companies will be able to use a new, Alternative Simplified Credit. The ASC will enable more companies to utilize the credit. As foreign-based R&D spending has grown faster than U.S.-based R&D spending, it is imperative that the U.S. offer American companies tax incentives for high-risk, long-term research projects. Extension and enhancement of the R&D credit is vitally important for companies doing business in my home state of Michigan. Michigan ranks as one of the top 10 states in reported R&D activity with more than 1,300 companies performing research and development in the state.

Another tax item of significance in H.R. 6111 provides teachers with a \$250 tax deduction for the purchase of classroom supplies, equipment, and other related school materials. I have long sponsored legislation that provides tax relief to teachers. America's K-12 teachers spend literally thousands of their own dollars on classroom supplies. The average educator spends \$1,180 on non-reimbursed

expenses such as books, lesson materials, math flash cards, crayons, and countless other items that help children learn. H.R. 6111 provides teachers with tax relief that will help defray the significant out-of-pocket cost of educational items for their students and classrooms.

Regarding clean energy, this legislation will extend tax credits for renewable electricity production from sources such as wind, biomass, and landfill gas. It will also extend incentives for commercial and residential use of solar power. Greater tax credits and deductions will help lessen the higher costs typically associated with these types of clean energy. These incentives will also help expand consumer acceptance of renewable energy. And, without consumer demand, businesses are reluctant to develop the technologies to harness these energy sources. H.R. 6111 will extend current tax policies that will foster the development and use of clean energy.

I appreciate Chairman THOMAS' hard work in bringing this legislation to the floor. His skill and dedication to putting together good tax policy will be missed. It has been an honor serving with him on the House Ways and Means Committee.

Mr. Speaker, I am proud to vote in favor of H.R. 6111 and am confident that these incentives will help more Americans keep more of what they earn while further stimulating our already robust national economy.

MAGNUSON-STEVENS FISHERY  
CONSERVATION AND MANAGE-  
MENT REAUTHORIZATION ACT  
OF 2006

SPEECH OF

**HON. JAY INSLEE**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 8, 2006*

Mr. INSLEE. Mr. Speaker, I rise today in support of H.R. 5946, a bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act. This bill is critically important as it will improve the management of our Nation's fisheries, providing a better future for tomorrow. Among other things, the bill ensures that the role of science in the fishery management decision-making process requires annual harvest limits at sustainable levels for virtually all U.S. fisheries and sets out a clear process for ending overfishing where it is occurring. These strict conservation measures are already in effect in the fisheries of the northwest—I am pleased that our management successes will now be replicated in all other regions.

Another key advancement for our Nation's fisheries in this bill is Congress' clarification that certain processes going through the Council process currently will not be negatively affected by the positive changes in current law. Specifically, the cap and trade systems will improve the economics of fishing and enhance the safety of our fishing fleets. Our existing cap and trade programs for sulfur dioxide—which have cut down on acid rain—are being replicated within our fisheries management systems. These programs have helped in curbing some of the effects of global warming, they will now improve fisheries conservation.

I am also pleased that the new legislation will not disrupt the ongoing efforts by the Pacific Fishery Management Council to enhance the management of its ground fish fisheries. The Pacific Council is working diligently to develop a cap and trade or "rationalization" program for its ground fish fisheries. This process has been underway for more than 3 years, and is nearing completion. While the bill requires the Pacific Council to implement an appropriate ground fish management program within 24 months from the date of enactment, and to meet other requirements in law, it does not require the Pacific Council to begin anew in developing that program.

Yet another important provision included in this legislation will create a study on the effects of ocean acidification within the National Research Council. Research into the impacts of high concentrations of carbon dioxide (CO<sub>2</sub>) in the oceans is in its infancy and needs to be developed rapidly. This study is a first step in understanding the problems our oceans will face.

The provisions included in this bill requiring the scientific and statistical committees to provide Councils with recommendations for allowable biological catch, preventing overfishing and achieving rebuilding targets are perhaps the most important. I will be closely following the performances of the regional fisheries councils, their decisions regarding harvest, and their operation and utilization of their respective scientific and statistical committees, as well as the council's use of their scientific and statistical committees' recommendations.

The oceans are absorbing CO<sub>2</sub> from the atmosphere and this is causing chemical changes by making the oceans more acidic (that is, decreasing the pH of the oceans). In the past 200 years the oceans have absorbed approximately half of the CO<sub>2</sub> produced by fossil fuel burning and cement production. Future generations will benefit greatly from the governments research into this subject.

Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act is a positive step on the road to the healthy management of our ocean systems. I look forward to working with the Resources Committee in the 110th Congress on other positive steps to ensure that our oceans are safe and healthy for future generations.

MAGNUSON-STEVENS FISHERY  
CONSERVATION AND MANAGE-  
MENT REAUTHORIZATION ACT  
OF 2006

SPEECH OF

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 8, 2006*

Mr. RAHALL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks. I yield myself such time as I may consume.

The pending measure, as passed by the Senate, may be one of the last items on our schedule this Congress, but it is certainly not the least important. The bill would reauthorize the Magnuson-Stevens Fishery Conservation and Management Act in order to guide the management of our marine fisheries through 2013.

We would not be here today if Senators TED STEVENS and DANIEL INOUE had not extended

an olive branch. I am extremely appreciative of the hard work that they and their staffs put into this legislation. I also commend our colleague TOM ALLEN who worked tirelessly on behalf of the fishermen in his district to improve this legislation.

While the pending measure does not do everything I would have liked, it does not roll back the conservation principles in this important fisheries management law. The legislation actually strengthens the Magnuson-Stevens Act.

For the first time, regional fishery management councils will be required to establish catch limits that may not exceed the recommendations of the councils' scientific and statistical committees. We expect the scientific committees are to take into account a wide range of scientific opinions when making their recommendations.

Members of the scientific committees will be required to file financial disclosure forms with the Secretary. This requirement will enable the general public to use the Freedom of Information Act to ascertain whether the scientists are truly independent.

For the most depleted fisheries in our country, the legislation will require the Secretary of Commerce to prepare and implement a rebuilding plan that puts an end to overfishing immediately. This is a significant improvement in the law. Studies have shown that the clearest cause of the lack of progress in rebuilding is the failure of many plans to reduce overfishing on those critically depleted stocks. H.R. 5946 addresses this concern.

Notwithstanding efforts by this Congress to undermine the National Environmental Policy Act, H.R. 5946, as amended, requires full compliance with the law. The Secretary of Commerce is directed to update the procedures for complying with NEPA, but these new procedures will not supercede existing NEPA regulations and guidance issued by the Council on Environmental Quality.

Additionally, H.R. 5946 places a 10-year limit on permits, known as limited access privileges, which are issued to fishermen to harvest a quantity of fish. On this issue, I commend our colleague TOM ALLEN, who worked to ensure that the limited access privilege program conserves fisheries, is accountable, and protects small fishermen from those who would like to consolidate fisheries. The privileges are to be held by fishermen who are actively engaged and substantially participate in the fishery. The regional fishery associations are to maintain free and open markets for fishermen to sell their catch, and are not to force fishermen into unwilling or involuntary arrangements.

H.R. 5946 also encourages the conservation of coral reefs. The bill directs the Secretary to map the locations of deep sea corals for the councils, monitor activity occurring where deep sea corals exist, and develop technologies to assist fishermen in reducing the interactions that fishing gear has with corals.

Finally, the bill authorizes the Secretary of Commerce to undertake activities to reduce illegal, unreported and unregulated fishing in international waters. This will assist domestic fishermen who bear the costs when fish harvested illegally result in degraded fish stocks and depressed prices worldwide.

In summary, H.R. 5946 will promote the conservation of our fisheries. The bill does not include everything on my wish list, but it improves upon existing law.