

the Senate so the bill could be addressed in the House before the adjournment of the 109th Congress.

PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. ESHOO. Mr. Speaker, as the Democratic sponsor of this bill, I am proud to rise today in strong support of this legislation.

Since 1981, the CDC estimates that the number of infants born too soon has increased by over 30 percent. More than 500,000 infants are born prematurely each year. Tragically, premature infants are 14 times more likely to die in their first year of life and premature babies who survive may suffer lifelong consequences including cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss. Preterm delivery can happen to any pregnant woman and in nearly half of the cases, no one knows why.

This legislation will help identify the causes of prematurity and reduce the episodes of preterm labor and delivery. It also aims to reduce the risk of pregnancy-related deaths and complications due to pregnancy, and reduce infant mortality caused by prematurity. But the overarching goal of this legislation is to bring hope to the 1,305 babies born too soon each day, and extend hope to their families. This legislation gives us a chance to make a difference.

The PREEMIE Act requires HHS and the CDC to expand and coordinate their research activities on preterm labor and delivery and infant mortality, and to conduct research on the relationship between prematurity, birth defects, and developmental disabilities. In order to increase awareness of preterm birth as a serious, common and costly public health problem, the bill also requires the Surgeon General to conduct an expert conference on prematurity and report to Congress its recommendations for how the public and private sectors can identify the causes of and risk factors for preterm labor and delivery, and improve treatments.

This bill has the strong endorsement of the March of Dimes, which has worked closely with us to craft this legislation. I salute and thank them for their advocacy.

This legislation has broad bipartisan support in the House of Representatives and the Senate. I thank the bill's many cosponsors for their support and I especially want to pay tribute to the sponsor of this legislation, Congressman FRED UPTON, for his leadership on this issue. We introduced this bill together in previous Congresses and I'm proud to have worked with him to make this bill a reality.

I also want to thank the bill's champions in the Senate, Senators LAMAR ALEXANDER and CHRIS DODD. It has been a rewarding experience for me to work in a bipartisan, bicameral fashion to enact this legislation, and I think our collective efforts have made this bill stronger because of it.

I want to thank Chairman BARTON for acknowledging the importance of acting on this

legislation before the end of the year and bringing it to the floor today. I also want to thank the staff members who have put so much time and energy into this legislation: Page Kranbuhl with Senator ALEXANDER, Tamar Magarik with Senator DODD, Jane Williams with Representative UPTON, Randy Pate with Chairman BARTON, and Jennifer Nieto of my staff.

Mr. Speaker, this is an important bill which will help make a difference in the lives of families across America and around the world and I urge my colleagues to support it.

PANDEMIC AND ALL-HAZARDS PREPAREDNESS ACT

SPEECH OF

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. ROGERS of Michigan. Mr. Speaker, I rise today in strong support of the Pandemic and All-Hazards Preparedness Act and specifically the Biodefense and Pandemic Vaccine and Drug Development Act.

I would like to thank Chairman BARTON, and the Energy and Commerce Committee staff for their support. I would also like to extend a special thanks to my colleague Congresswoman ANNA ESHOO for her work on the issue.

Biological weapons have been proven to work, are capable of causing massive disaster, are relatively cheap, and are increasingly easy to design, build and disseminate.

The materials and technical know-how needed to make a bio-weapon that could infect hundreds of thousands of people are already widely distributed around the planet, and the number of people who possess the expertise needed to create bioweapons is rapidly growing as biotechnology and pharmaceutical research and production expand into developing countries.

Preventing either a natural epidemic or a bioterrorist attack is, unfortunately, unlikely. Therefore, the Nation's ability to rapidly and effectively respond in the face of a bio-security crisis must be a central pillar in our bio-security strategy.

Medicines and vaccines that can counter illnesses caused by exposure to bioterror agents are obviously an essential component of biodefense and would be critical to controlling the spread of contagious disease.

This legislation will enable the government to better develop, procure, and make available countermeasures to chemical, biological, radiological and nuclear agents for use in a public health emergency.

Bioterror countermeasures for agents of terrorism have no market other than the government. This legislation will provide assurance to companies that the government is fully engaged and a willing and able business partner.

This legislation will speed up the development and procurement process by reorganizing and enhancing these responsibilities into the Biomedical Advanced Research and Development Agency, BARDA.

1. BARDA would create a single point of authority within government.

2. BARDA would streamline the approval and acquisition process to help bridge the

"valley of death" for bio-pharmaceutical research.

3. BARDA is an aggressive partnering with universities, research institutions and industry on the advanced development of promising drugs and vaccines and would of these countermeasures.

As the Chairman and my colleagues on both sides of our aisle know, the House passed version of this legislation also included specific authority under BioShield for HHS to enter into procurement contracts with multiple companies for multiple products and technologies.

We all know from lessons learned that this is a complicated and uncertain process. These vaccines and other medical countermeasures are only in the early stage of development and history suggests that most will not be successfully developed or only a few will receive FDA approval.

That is why the House-passed bill included a provision intended to direct a risk mitigation strategy that the Department not put all their eggs in one basket.

Is it the understanding that while the bill passed by the Senate had no similar provision, that currently the BioShield statute provides authority for the Department to enter into multiple procurement contracts for products and technologies for the development and acquisition of countermeasures and that this is an important risk mitigation strategy for the government.

I have been in communication with Senator BURR and he agrees with this policy.

I urge your support of this important piece of legislation.

CONFERENCE REPORT ON H.R. 5682, HENRY J. HYDE UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

SPEECH OF

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. WALSH. Mr. Speaker, I rise today to affirm the significance of our Nation's friendship with India through implementation of the U.S.-India Nuclear Cooperation Promotion Act of 2006.

Our friendship with India is among the most important bilateral relationships for our Nation's security and prosperity. As a fellow partner in democracy, India has stood firm with the United States in many different arenas—from fighting the war on terrorism, to advancing both the U.S. and Indian economies, to assisting in the formulation of a productive dialogue with China. Time and again, India has shown herself to be a proven ally and this legislation represents yet another historic milestone in the association between our two great nations.

This agreement marks a 180-degree policy shift pertaining to nuclear relations between India and the United States. This agreement permits the U.S. to sell technology to India for nuclear power development and in return, India will open up for inspection its civilian nuclear program, agree not to test nuclear weapons, and abide by nuclear export controls. In essence, this legislation brings India to the

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