

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