S. 1785

At the request of Mr. CLELAND, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

S. 1931

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1931, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. 2239

At the request of Mr. SARBANES, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2239, a bill to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

S. 2554

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Virginia (Mr. WARNER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2554, a bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

S. 2572

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2572, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 2637

At the request of Mr. CONRAD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2637, a bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to protect the health benefits of retired miners and to restore stability and equity to the financing of the United Mine Workers of America Combined Benefit Fund and 1992 Benefit Plan by providing additional sources of revenue to the Fund and Plan, and for other purposes.

S. 2674

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2674, a bill to improve access to health care medically underserved areas.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. CANTWELL (for herself, Mr. WARNER, Mr. CHAFEE, Mr. CLELAND, Mr. ROCKEFELLER, and Mr. BINGAMAN):

S. 2790. A bill to provide lasting protection for inventoried roadless areas within the National Forest System; to the Committee on Energy and Natural Resources.

Mr. WARNER. Madam President, I rise today to join with my colleague from Washington, Senator CANTWELL, to ensure that the remaining, undisturbed areas within our National Forest system are permanently preserved.

Like many of my colleagues, I have worked with the Forest Service and participated in the public comment process on the development of the current Roadless Area Conservation Rule. This administrative procedure was several years in the making with extensive public outreach of public hearings across the country. Thousands of Americans voiced support for protecting these areas from road building and other development.

For my part, this legislation today continues efforts I have undertaken with my colleagues from the Southeast to protect the existing roadless areas in the Southern Appalachia forests. In 1997 I urged the Secretary of Agriculture to impose a moratorium on new road construction in these inventoried roadless areas. Last year, I urged President Bush to embrace and implement this important resource conservation policy. I was very encouraged that the President announced his administration's support for this rule on May 4, 2001.

Today, with this rule under legal challenge, I believe that it is important to take another step forward with ensuring that this rule is codified so that it has the full force of law. While some may advocate changes to the current rule to gain advantages for greater use or greater restrictions on these inventoried roadless areas, I want to assure my colleagues that our legislation today mirrors the current rule. With the extensive efforts of the Forest Service to analyze the impact of the rule and the large number of public comments in support, we must stay true to this effort.

The devastating fires on Forest Service lands in the West this summer have renewed our commitment to programs to reduce the fuel load on forest lands. I support Sen. Domenici's initiatives to redirect Forest Service funding of fuel reduction projects in areas adjoining residential areas, and remain committed to giving the Forest Service all of the tools it needs to reduce the loss of life and property from fires.

An important reason for my support today is because I am convinced that the Roadless Rule does not prevent the Forest Service from undertaking any fire prevention activities in roadless areas. Nor, when a fire exists, does the rule prevent the Forest Service from taking any appropriate action, including building roads in roadless areas, to create fire breaks or other means to control a wildfire.

But, Mr. President, there must be no doubt on this important issue. For that reason, we have provided further clarification that the Forest Service has every authority to prevent fires or to respond to fires, and to use appropriated funds to undertake fire suppression activities in roadless areas.

This rule is a balanced approach to forest service management because it provides for reasonable exceptions for activities in roadless areas. I remain committed to the multiple-use management of our national forests. Timber and mineral resources on these public lands are assets that should be appropriately utilized and available for all Americans. My view of multiple-use management also recognizes and advances the recreational and environmental assets of these roadless areas.

The remaining roadless areas in our national forests are important for providing outstanding recreational opportunities for the public. These lands also provide wildlife habitat and protect the water quality of many watersheds that serve as downstream drinking water sources for our communities.

The Roadless Area Conservation rule is also sound fiscal policy for our national forests. The Forest Service has documented an $8.4 billion backlog in maintaining existing roads within our national forests. Continuing to build new roads in these fragile areas will only further strain the scarce dollars within the Forest Service.

As I have indicated, the legislation we are introducing today does not change the substance or spirit of the Roadless rule in any way. To be clear, this legislation preserves the exemptions in the rule to allow for road construction where needed to protect these lands from floods, fires, and pest infestation. It ensures public access to private lands, and recognizes the existing rights to ongoing oil and gas leases.

For Virginia, this legislation ensures that 394,000 acres of inventoried roadless areas in the George Washington and Jefferson National Forests are permanently protected. During the public comment period on the Draft Environmental Impact Statement, the Forest Service received 68,586 comments from residents of Virginia. The Forest Service advises me that of this amount more than 98 percent of the comments supported full protection of these roadless areas.

I am pleased to support this legislation that is important to all regions of the country. The public has voiced its overwhelming support for this important conservation initiative, and I trust that my colleagues will respond by passing this bill this year.

By Mr. LEVIN:

S. 2792. A bill to amend the Solid Waste Disposal Act to authorize the Administrator of the Environmental Protection Agency to carry out certain authorities relating to the importation of municipal solid waste under the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United

States and Canada; to the Committee on Environment and Public Works.

Mr. LEVIN. Madam President, I am introducing legislation today with Congressman DINGELL that will give a voice to the people of Michigan with regard to the importation of Canadian municipal waste.

Over the past two years, imports from Canada have risen 152 percent and now constitute about half of the imported waste received at Michigan landfills. Currently, approximately 110–130 truckloads of waste come in to Michigan each day from Canada. And this problem isn't going to get any better. These shipments of waste are expected to continue as Toronto and other Ontario sources phase out local disposal sites. On December 4, 2001, the Toronto City Council voted 38–2 to approve a new solid waste disposal contract that would ship an additional 700,000 tons of waste per year to the Carleton Farms landfill in Wayne County, MI, in the near future. In addition, two other Ontario communities that generate hundreds of thousands of tons of waste annually have signed contracts to ship their waste to Carleton Farms.

Based on current usage statistics, the Michigan Department of Environmental Quality estimates that Michigan has capacity for 15–17 years of disposal in landfills. However, with the proposed dramatic increase in the importation of waste, this capacity is less than 10 years. The Michigan Department of Environmental Quality estimates that, for every five years of disposal of Canadian waste at the current usage volume, Michigan is losing a full year of landfill capacity.

We have protections contained in an international agreement with Canada. In 1986, the U.S. and Canada entered into an agreement allowing the shipment of hazardous waste across the U.S./Canadian border for treatment, storage or disposal. In 1992, the two countries decided to add municipal solid waste to the agreement. However, although the Agreement requires notification to the importing country and also allows the importing country to reject shipments, its provisions have not been enforced.

Further, the EPA has said that it would not object to municipal waste shipments. We believe that in order to protect the health and welfare of the citizens of Michigan and their environment, the impact of the importation on State and local recycling efforts, landfill capacity, air emissions and road deterioration resulting from increased vehicular traffic and public health and the environment should all be considered. The shipments should be rejected by the EPA.

Canada could not export waste to Michigan without the Agreement, but the U.S. refuses to implement the provisions that would protect the people of Michigan. We believe that the EPA has the authority to enforce this Agreement, but this legislation would put additional pressure on the EPA to enforce it.

By Mr. KERRY:

S. 2795. A bill to amend title XVIII of the Social Security Act to provide for payment under the prospective payment system for hospital outpatient department services under the medicare program for new drugs administered in such departments as soon as the drugs administered in such departments as soon as the drug is approved for marketing by the Commissioner of Food and Drugs; to the Committee on Finance.

Mr. KERRY. Madam President, I am pleased to introduce legislation today that will fix a flaw in Medicare's claims processing system that currently denies thousands of cancer patients timely access to lifesaving treatments. This legislation will ensure that administrative delays do not force Americans with cancer to wait to be treated with existing innovative drug therapies that stand to improve and prolong their lives.

The Food and Drug Administration, FDA, recently granted fast track authority to a new class of cancer therapies. These therapies, which combine immunotherapy and radiological treatments, offer promise and hope for many cancer patients. Under current Medicare policy, however, reimbursement for FDA-approved drugs in an outpatient setting does not begin until Medicare issues a billing code for the drug. Consequently, there is often a delay of several months between FDA approval of and patient access to a drug.

Prior to the designation of a Medicare billing code, doctors will not prescribe innovative treatments for patients in an outpatient setting for fear of their being denied reimbursement by Medicare. However, within the inpatient setting, Medicare will reimburse hospitals immediately after FDA approval. Given this discrepancy in current policy, I am introducing legislation that will allow doctors to submit claims retroactively and require Medicare to pay for innovative drugs administered in hospital outpatient settings immediately after FDA approval.

Cancer patients cannot afford to wait for drugs that have the potential to improve their health and even save their lives. For Americans battling cancer, time is of the essence. This legislation will provide cancer patients with both the hope and the opportunity to live longer and healthier lives. I urge my colleagues to join me in support of this legislation.

By Mr. LUGAR (for himself, Mr. BREAUX, Mr. CHAFEE, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAHAM, Mr. HAGEL, Mr. SPECTER, Mr. HATCH, and Mr. COCHRAN):

S. 2796. A bill to authorize the negotiation of a free trade agreement with Uruguay; to the Committee on Finance.

Mr. LUGAR. Madam President, I rise today to introduce legislation authorizing President Bush and his Administration to negotiate a free trade agreement with Uruguay. I am pleased to be joined by the following co-sponsors: Senators BREAUX, CHAFEE, GRASSLEY, NICKLES, GRAHAM, HAGEL, SPECTER, HATCH, and COCHRAN.

President Bush has instructed U.S. Trade Representative, Robert Zoellick, to pursue a Free Trade Area of the Americas. I support this effort and this bill is not intended to compete with or replace that important undertaking. Instead, this legislation seeks to highlight the important relationship the U.S. enjoys with Uruguay and promote the need for extending free-trade to South America.

Uruguayan economic reforms focused on the attraction of foreign trade and capital have proven successful. The economy of Uruguay grew steadily until low commodity prices and economic difficulties in export markets caused a recession in 1999. President Jorge Batlle has stated his intention to continue the promotion of economic growth, international trade, lower tariffs, and attracting foreign investment. More than one hundred U.S.-owned companies operate in Uruguay, and many more market U.S. goods and services.

Uruguay is a member of the World Trade Organization and a dynamic member of the Southern Cone Common Market, MERCOSUR, with Argentina, Brazil, and Paraguay. Furthermore, it is an active participant and proponent of the Free Trade Area of the Americas process and is coordinator of the e-commerce group and sub-coordinator of the agricultural subsidies group.

If the United States hopes to sustain its economic strength in the 21st Century, we must participate in an expanding global economy. We must aggressively pursue opportunities in new and emerging markets. We must maintain our technological and competitive advantage and sell our products, services and agricultural commodities in these areas. American agriculture, telecommunications, computer services, and other sectors will benefit from the opportunity to compete in Uruguay under a free trade agreement.

As South America continues to recover from the Argentinian economic crisis we must look for opportunities to engage the region in free trade. A free trade agreement with Uruguay would provide American business with unfettered access to another lucrative market and Uruguayan business will have better access to American markets to successfully weather the region's economic fallout. A U.S.-Uruguayan free trade agreement is a win-win for the United States and Uruguay.

I am hopeful the Senate will approve this important legislation in the near future.

By Mr. MCCAIN:

S. 2799. A bill to provide for the use of and distribution of certain funds

awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Madam President, I rise to introduce legislation to authorize the distribution of judgement funds to eligible tribal members of the Gila River Indian Community in Arizona. Representative HAYWORTH recently introduced companion legislation in the House of Representatives.

The Gila River Indian Community Judgement Fund Distribution Act resolves two half-century old claims by the Gila River tribe against the United States for failure to meet Federal obligations to protect the Community's use of water from the Gila River and Salt River in Arizona. The original complaint was filed before the Indian Claims Commission on August 8, 1951. In 1982, the United States Court of Claims confirmed liability of the United States to the Community, and recently the settlement of these two claims was determined to be seven million dollars.

So much time has passed that the Indian Claims Commission formerly in charge of fund distributions no longer exists. However, a debt does not disappear. The judgement award has since been transferred from the Indian Claims Commission to a trust account on behalf of the Community, managed by the Office of Trust Management at the Department of Interior.

This judgement award was certified by the Treasury Department on October 6, 1999 for the final portion of the litigation to the two remaining dockets of the Gila River Indian Community. Since that time, the Community has been working with the BIA in an attempt to finalize a use and distribution plan to submit to Congress for approval. As outlined in its plan, the Community has decided to distribute the judgement award equally to eligible tribal members.

I ask unanimous consent to print the tribal resolution approved by the Gila River Indian Community in support of this payment plan in the RECORD.

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

GILA RIVER INDIAN COMMUNITY, SACATON, AZ

Resolution GR–30–01—a resolution to approve a payment plan for the distribution of funds awarded under dockets 236–C and 236–D

Whereas, the Gila River Indian Community (the ''Community'') and the United States have been involved in litigation regarding Docket 236 since August 8, 1951 and two of the original fourteen dockets, Docket 236–C and Docket 236–D, remain to be resolved as to distribution;

Whereas, Docket 236–C sought monetary compensation from the United States for its failure to engage in fair and honorable dealings through failure to carry out its obligation to protect the Community's use of water from the Gila River;

Whereas, Docket 236–D sought monetary compensation from the United States for its failure to engage in fair and honorable dealings through failure to carry out its obligations to protect the Community's use of water from the Salt River;

Whereas, in Gila River Pima-Maricopa Indian Community v. U.S. 29 Ind. Cl.Comm. 144. (1972), the Indian Claims Commission held that the United States, as trustee, was liable towards its beneficiary, the Community, as to the Docket 236–C claims:

Whereas, in Gila River Pima-Maricopa Indian Community v. U.S., 684 F.2d 852 (1982), the United States Court of Claims held that the United States, as trustee, was liable toward its beneficiary, the Community, as to the Docket 236–D claims;

Whereas, with approval by the Community under Resolution GR–98–98, the Community entered into a settlement of Docket 236–C and Docket 236–D with the United States on April 27, 1999 regarding the amount of liability for the sum of Seven Million Dollars ($7,000,000.00);

Whereas, on May 5, 1999, the United States certified the judgment for the Community, which allowed payment to be made into the trust account on behalf of the Gila River Indian Community and which such payment was made into the trust account managed by the Office of Trust Funds Management in Albuquerque, New Mexico and is accruing interest;

Whereas, the Indian Judgment Funds Act of October 19, 1973, 87 Stat. 466, as amended and implemented by 25 CFR Part 87, requires the Secretary of the Interior to submit a plan of distribution for docket funds to the United States Congress; and

Whereas, the Community had developed the attached plan of distribution, entitled ''Plan for the Use of the Gila River Indian Community Indian Judgment Funds in Docket 236–C and Docket 236–D before the United States Court of Federal Claims'' (the ''Plan of Distribution''), to be submitted to the Secretary of the Interior for consideration and approval. Now, therefore be it

Resolved, That the Gila River Indian Community Council adopts and approves the attached Plan of Distribution, be it further

Resolved, That the Governor, or in the Governor's absence the Lieutenant Governor, is authorized and directed to submit the attached Plan of Distribution to the Secretary of the Interior for approval, be it finally

Resolved, That the Governor, or in the Governor's absence the Lieutenant Governor, is authorized and directed to execute and sign necessary documents to fulfill the intent of this Resolution.

The purpose of this legislation is to comply with Federal regulations which requires congressional approval for distribution of judgment funds to tribal members. The terms of the legislation reflect an agreement by all parties for a distribution plan for final approval by the Congress. As part of this legislation, the BIA is also seeking to resolve remaining expert assistance loans by the Gila River Indian Community, the Oglala Sioux Tribe, and the Seminole Tribe of Florida, as originally authorized by the Indian Claims Commission.

Members of the Gila River Indian Community have waited half a century for final resolution of all their legal claims regarding this matter. After considerable delay, it is only fair to resolve this matter and provide compensation as soon as possible. With the short time remaining in this session, I hope that the Senate will act quickly to move this legislation through the process.

I ask unanimous consent to print the text of the bill and a section-by-section summary in the RECORD.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Gila River Indian Community Judgment Fund Distribution Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) on August 8, 1951, the Gila River Indian Community filed a complaint before the Indian Claims Commission in Gila River Pima-Maricopa Indian Community v. United States, Docket No. 236, for the failure of the United States to carry out its obligation to protect the use by the Community of water from the Gila River and the Salt River in the State of Arizona;

(2) except for Docket Nos. 236–C and 236–D, which remain undistributed, all 14 original dockets under Docket No. 236 have been resolved and distributed;

(3) in Gila River Pima-Maricopa Indian Community v. United States, 29 Ind. Cl. Comm. 144 (1972), the Indian Claims Commission held that the United States, as trustee, was liable to the Community with respect to the claims made in Docket No. 236–C;

(4) in Gila River Pima-Maricopa Indian Community v. United States, 684 F.2d 852 (1982), the United States Claims Court held that the United States, as trustee, was liable to the Community with respect to the claims made in Docket No. 236–D;

(5) with the approval of the Community under Community Resolution GR–98–98, the Community entered into a settlement with the United States on April 27, 1999, for claims made under Dockets Nos. 236–C and 236–D for an aggregate total of $7,000,000;

(6) on May 3, 1999, the United States Court of Federal Claims ordered that a final judgment be entered in consolidated Dockets Nos. 236–C and 236–D for $7,000,000 in favor of the Community and against the United States;

(7)(A) on October 6, 1999, the Department of the Treasury certified the payment of $7,000,000, less attorney fees, to be deposited in a trust account on behalf of the Community; and

(B) that payment was deposited in a trust account managed by the Office of Trust Funds Management of the Department of the Interior; and

(8) in accordance with the Indian Tribal Judgment Funds Use or Distribution Act (25

U.S.C. 1401 et seq.), the Secretary is required to submit an Indian judgment fund use or distribution plan to Congress for approval.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADULT.—The term ''adult'' means an individual who—

(A) is 18 years of age or older as of the date on which the payment roll is approved by the Community; or

(B) will reach 18 years of age not later than 30 days after the date on which the payment roll is approved by the Community.

(2) COMMUNITY.—The term ''Community'' means the Gila River Indian Community.

(3) COMMUNITY-OWNED FUNDS.—The term ''Community-owned funds'' means—

(A) funds held in trust by the Secretary as of the date of enactment of this Act that may be made available to make payments under section 101; or

(B) revenues held by the Community that are derived from Community-owned enterprises.

(4) IIM ACCOUNT.—The term ''IIM account'' means an individual Indian money account.

(5) JUDGMENT FUNDS.—The term ''judgment funds'' means the aggregate amount awarded to the Community by the Court of Federal Claims in Dockets Nos. 236–C and 236–D.

(6) LEGALLY INCOMPETENT INDIVIDUAL.—The term ''legally incompetent individual'' means an individual who has been determined to be incapable of managing his or her own affairs by a court of competent jurisdiction.

(7) MINOR.—The term ''minor'' means an individual who is not an adult.

(8) PAYMENT ROLL.—The term ''payment roll'' means the list of eligible, enrolled members of the Community who are eligible to receive a payment under section 101(a), as prepared by the Community under section 101(b).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

TITLE I—GILA RIVER JUDGMENT FUND DISTRIBUTION

SEC. 101. DISTRIBUTION OF JUDGMENT FUNDS.

(a) PER CAPITA PAYMENTS.—Notwithstanding the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) or any other provision of law (including any regulation promulgated or plan developed under such a law), the amounts paid in satisfaction of an award granted to the Gila River Indian Community in Dockets Nos. 236–C and 236–D before the United States Court of Federal Claims, less attorney fees and litigation expenses and including all accrued interest, shall be distributed in the form of per capita payments (in amounts as equal as practicable) to all eligible enrolled members of the Community.

(b) PREPARATION OF PAYMENT ROLL.—

(1) IN GENERAL.—The Community shall prepare a payment roll of eligible, enrolled members of the Community that are eligible to receive payments under this section in accordance with the criteria described in paragraph (2).

(2) CRITERIA.—

(A) INDIVIDUALS ELIGIBLE TO RECEIVE PAYMENTS.—Subject to subparagraph (B), the following individuals shall be eligible to be listed on the payment roll and eligible to receive a per capita payment under subsection (a):

(i) All enrolled Community members who are eligible to be listed on the per capita payment roll that was approved by the Secretary for the distribution of the funds awarded to the Community in Docket No. 236–N (including any individual who was inadvertently omitted from that roll).

(ii) All enrolled Community members who are living on the date of enactment of this Act.

(iii) All enrolled Community members who died—

(I) after the effective date of the payment plan for Docket No. 236–N; but

(II) on or before the date of enactment of this Act.

(B) INDIVIDUALS INELIGIBLE TO RECEIVE PAYMENTS.—The following individuals shall be ineligible to be listed on the payment roll and ineligible to receive a per capita payment under subsection (a):

(i) Any individual who, before the date on which the Community approves the payment roll, relinquished membership in the Community.

(ii) Any minor who relinquishes membership in the Community, or whose parent or legal guardian relinquishes membership on behalf of the minor, before the date on which the minor reaches 18 years of age.

(iii) Any individual who is disenrolled by the Community for just cause (such as dual enrollment or failure to meet the eligibility requirements for enrollment).

(iv) Any individual who is determined or certified by the Secretary to be eligible to receive a per capita payment of funds relating to a judgment—

(I) awarded to another community, Indian tribe, or tribal entity; and

(II) appropriated on or before the date of enactment of this Act.

(v) Any individual who is not enrolled as a member of the Community on or before the date that is 90 days after the date of enactment of this Act.

(c) NOTICE TO SECRETARY.—On approval by the Community of the payment roll, the Community shall submit to the Secretary a notice that indicates the total number of individuals eligible to share in the per capita distribution under subsection (a), as expressed in subdivisions that reflect—

(1) the number of shares that are attributable to eligible living adult Community members; and

(2) the number of shares that are attributable to deceased individuals, legally incompetent individuals, and minors.

(d) INFORMATION PROVIDED TO SECRETARY.—The Community shall provide to the Secretary enrollment information necessary to allow the Secretary to establish—

(1) estate accounts for deceased individuals described in subsection (c)(2); and

(2) IIM accounts for legally incompetent individuals and minors described in subsection (c)(2).

(e) DISBURSEMENT OF FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the payment roll is approved by the Community and the Community has reconciled the number of shares that belong in each payment subdivision described in subsection (c), the Secretary shall disburse to the Community the funds necessary to make the per capita distribution under subsection (a) to eligible living adult members of the Community described in subsection (c)(1).

(2) ADMINISTRATION AND DISTRIBUTION.—On disbursement of the funds under paragraph (1), the Community shall bear sole responsibility for administration and distribution of the funds.

(f) SHARES OF DECEASED INDIVIDUALS.—

(1) IN GENERAL.—The Secretary, in accordance with regulations promulgated by the Secretary and in effect as of the date of enactment of this Act, shall distribute to the appropriate heirs and legatees of deceased individuals described in subsection (c)(2) the per capita shares of those deceased individuals.

(2) ABSENCE OF HEIRS AND LEGATEES.—If the Secretary and the Community make a final determination that a deceased individual described in subsection (c)(2) has no heirs or legatees, the per capita share of the deceased individual and the interest earned on that share shall—

(A) revert to the Community; and

(B) be deposited into the general fund of the Community.

(g) SHARES OF LEGALLY INCOMPETENT INDIVIDUALS.—

(1) IN GENERAL.—The Secretary shall deposit the shares of legally incompetent individuals described in subsection (c)(2) in supervised IIM accounts.

(2) ADMINISTRATION.—The IIM accounts described in paragraph (1) shall be administered in accordance with regulations and procedures established by the Secretary and in effect as of the date of enactment of this Act.

(h) SHARES OF MINORS.—

(1) IN GENERAL.—The Secretary shall deposit the shares of minors described in subsection (c)(2) in supervised IIM accounts.

(2) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall hold the per capita share of a minor described in subsection (c)(2) in trust until such date as the minor reaches 18 years of age.

(B) NONAPPLICABLE LAW.—Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held by the Secretary under this Act.

(C) DISBURSEMENT.—No judgment funds, nor any interest earned on judgment funds, shall be disbursed from the account of a minor described in subsection (c)(2) until such date as the minor reaches 18 years of age.

(i) PAYMENT OF ELIGIBLE INDIVIDUALS NOT LISTED ON PAYMENT ROLL.—

(1) IN GENERAL.—An individual who is not listed on the payment roll, but is eligible to receive a payment under this Act, as determined by the Community, may be paid from any remaining judgment funds after the date on which—

(A) the Community makes the per capita distribution under subsection (a); and

(B) all appropriate IIM accounts are established under subsections (g) and (h).

(2) INSUFFICIENT FUNDS.—If insufficient judgment funds remain to cover the cost of a payment described in paragraph (1), the Community may use Community-owned funds to make the payment.

(3) MINORS, LEGALLY INCOMPETENT INDIVIDUALS, AND DECEASED INDIVIDUALS.—In a case in which a payment described in paragraph (2) is to be made to a minor, a legally incompetent individual, or a deceased individual, the Secretary—

(A) is authorized to accept and deposit funds from the payment in an IIM account or estate account established for the minor, legally incompetent individual, or deceased individual; and

(B) shall invest those funds in accordance with applicable law.

(j) USE OF RESIDUAL FUNDS.—On request by the Community, any judgment funds remaining after the date on which the Community completes the per capita distribution under subsection (a) and makes any appropriate payments under subsection (i) shall be disbursed to, and deposited in the general fund of, the Community.

(k) NONAPPLICABILITY OF CERTAIN LAW.—Notwithstanding any other provision of law, the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not apply to Community-owned funds used by the Community to make payments under subsection (i).

SEC. 102. RESPONSIBILITY OF SECRETARY; APPLICABLE LAW.

(a) RESPONSIBILITY FOR FUNDS—After the date on which funds are disbursed to the Community under section 101(e)(1), the United States and the Secretary shall have

no trust responsibility for the investment, supervision, administration, or expenditure of the funds disbursed.

(b) DECEASED AND LEGALLY INCOMPETENT INDIVIDUALS.—Funds subject to subsections (f) and (g) of section 101 shall continue to be held in trust by the Secretary until the date on which those funds are disbursed under this Act.

(c) APPLICABILITY OF OTHER LAW.—Except as otherwise provided in this Act, all funds distributed under this Act shall be subject to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

TITLE II—CONDITIONS RELATING TO COMMUNITY JUDGMENT FUND PLANS

SEC. 201. PLAN FOR USE AND DISTRIBUTION OF JUDGMENT FUNDS AWARDED IN DOCKET NO. 228.

(a) DEFINITION OF PLAN.—In this section, the term ''plan'' means the plan for the use and distribution of judgment funds awarded to the Community in Docket No. 228 of the United States Claims Court (52 Fed. Reg. 6887 (March 5, 1987)), as modified in accordance with Public Law 99–493 (100 Stat. 1241).

(b) CONDITIONS.—Notwithstanding any other provision of law, the Community shall modify the plan to include the following conditions with respect to funds distributed under the plan:

(1) APPLICABILITY OF OTHER LAW RELATING TO MINORS.—Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held, as of the date of enactment of this Act, by the Secretary.

(2) SHARE OF MINORS IN TRUST.—The Secretary shall hold a per capita share of a minor described in paragraph (1) in trust until such date as the minor reaches 18 years of age.

(3) DISBURSAL OF FUNDS FOR MINORS.—No judgment funds, nor any interest earned on judgment funds, shall be disbursed from the account of a minor described in paragraph (1) until such date as the minor reaches 18 years of age.

(4) USE OF REMAINING JUDGMENT FUNDS.—On request by the governing body of the Community, as manifested by the appropriate tribal council resolution, any judgment funds remaining after the date of completion of the per capita distribution under section 101(a) shall be disbursed to, and deposited in the general fund of, the Community.

SEC. 202. PLAN FOR USE AND DISTRIBUTION OF JUDGMENT FUNDS AWARDED IN DOCKET NO. 236–N.

(a) DEFINITION OF PLAN.—In this section, the term ''plan'' means the plan for the use and distribution of judgment funds awarded to the Community in Docket No. 236–N of the United States Court of Federal Claims (59 Fed. Reg. 31092 (June 16, 1994)).

(b) CONDITIONS.—

(1) PER CAPITA ASPECT.—Notwithstanding any other provision of law, the Community shall modify the last sentence of the paragraph under the heading ''Per Capita Aspect'' in the plan to read as follows: ''Upon request from the Community, any residual principal and interest funds remaining after the Community has declared the per capita distribution complete shall be disbursed to, and deposited in the general fund of, the Community.''.

(2) GENERAL PROVISIONS.—Notwithstanding any other provision of law, the Community shall—

(A) modify the third sentence of the first paragraph under the heading ''General Provisions'' of the plan to strike the word ''minors''; and

(B) insert between the first and second paragraphs under that heading the following: ''Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held, as of the date of enactment of the Gila River Indian Community Judgment Fund Distribution Act of 2002, by the Secretary. The Secretary shall hold a per capita share of a minor in trust until such date as the minor reaches 18 years of age. No judgment funds, or any interest earned on judgment funds, shall be disbursed from the account of a minor until such date as the minor reaches 18 years of age.''.

TITLE III—EXPERT ASSISTANCE LOANS

SEC. 301. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO CERTAIN INDIAN TRIBES.

(a) GILA RIVER INDIAN COMMUNITY.—Notwithstanding any other provision of law—

(1) the balance of all outstanding expert assistance loans made to the Community under Public Law 88–168 (77 Stat. 301) and relating to Gila River Indian Community v. United States (United States Court of Federal Claims Docket Nos. 228 and 236 and associated subdockets) are canceled; and

(2) the Secretary shall take such action as is necessary—

(A) to document the cancellation of loans under paragraph (1); and

(B) to release the Community from any liability associated with those loans.

(b) OGLALA SIOUX TRIBE.—Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Oglala Sioux Tribe under Public Law 88–168 (77 Stat. 301) and relating to Oglala Sioux Tribe v. United States (United States Court of Federal Claims Docket No. 117 and associated subdockets) are canceled; and

(2) the Secretary shall take such action as is necessary—

(A) to document the cancellation of loans under paragraph (1); and

(B) to release the Oglala Sioux Tribe from any liability associated with those loans.

(c) SEMINOLE NATION OF OKLAHOMA.—Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Seminole Nation of Oklahoma under Public Law 88–168 (77 Stat. 301) and relating to Seminole Nation v. United States (United States Court of Federal Claims Docket No. 247) are canceled; and

(2) the Secretary shall take such action as is necessary—

(A) to document the cancellation of loans under paragraph (1); and

(B) to release the Seminole Nation of Oklahoma from any liability associated with those loans.

SECTION-BY-SECTION ANALYSIS—GILA RIVER INDIAN COMMUNITY-JUDGEMENT FUND USE AND DISTRIBUTION LEGISLATION

TITLE I: GILA RIVER JUDGEMENT FUND DISTRIBUTION

SECTION 101: DISTRIBUTION OF JUDGEMENT FUNDS.

(a) Per Capita Payments. Authorizes distribution of judgement fund amount, less attorneys fees and litigation expenses, including all accrued interest, to all eligible enrolled members of the Community on a per capita basis.

(b) Preparation of Payment Roll. Requires the Community to prepare the payment roll of eligible enrolled members according to specific criteria, and includes description of individuals who shall be deemed ineligible to receive per capita payment.

(c) Notice to Secretary. Requires the Community to notify the Secretary of Interior of the total number of individuals eligible to share in the per capita distribution after the Community's preparation of the payment roll.

(d) Information Provided to Secretary. Requires the Community to provide the Secretary of Interior with information necessary to allow the Secretary to establish estate accounts for deceased individuals and Individual Indian Money accounts for legally incompetent individuals and minors.

(e) Disbursement of Funds. Requires the Secretary to disburse to the Community the funds necessary to make the per capita payment, not later than 30 days after the payment roll has been approved by the Community and the Community has reconciled the number of shares that belong in each payment category. Provides that once the funds are disbursed to the Community, the Community shall be responsible for administering and distributing the funds.

(f) Shares of Deceased Individuals. Requires the Secretary of Interior to distribute per capita shares of deceased individuals to their heirs and legatees in accordance with existing regulations. Where there are no heirs, provides that funds revert to the Community and shall be deposited in the Community's general fund.

(g) Shares of Legally Incompetent Individuals. Requires the Secretary of Interior to deposit shares of legally incompetent individuals into supervised Individual Indian Money accounts to be administered pursuant to existing regulations.

(h) Shares of Minors. Requires the Secretary of Interior to deposit shares of minors into supervised Individual Indian Management accounts and requires the Secretary to hold the funds in trust until the minor is 18 years of age. Provides that section 3(b)(3) of the Indian Tribal Judgement Funds Act does not apply, the effect of which is to prevent parents and guardians of minors from being able to receive shares on behalf of minors before they turn 18.

(i) Payment of Eligible Individuals Not Listed on Payment Roll. Provides that individuals not listed on payment roll, but eligible for payment, can be paid from any residual principal or interest fund remaining after the Community has made its per capita distribution and the Individual Indian Money accounts have been established. Authorizes the Community to pay these individuals from Community-owned funds if the residual funds are insufficient. Authorizes the Secretary to accept and deposit Community-owned funds into an Individual Indian Money or estate account established for a minor, legal incompetent or deceased beneficiary who is eligible to receive payment, but who was not paid from the judgment fund. Provides that the Secretary shall invest such funds pursuant to existing regulation.

(j) Use of Residual Funds. Provides that if the Community requests it, residual principal and interest funds remaining after the

SECTION 1: SHORT TITLE AND TABLE OF CONTENTS

Short Title: Gila River Indian Community Judgement Fund Distribution Act of 2002; and Table of Contents.

SECTION 2: FINDINGS

Provides factual background regarding the litigation that led to the seven million settlement awarded to Gila River Indian Community for the United States' failure to protect the Community's use of water from the Gila River and Salt River under Dockets 236–C and 236–D of Gila River Pima-Maricopa Indian Community v. United States, filed on August 8, 1951 before the Indian Claims Commission.

SECTION 3: DEFINITIONS

Provides definitions as utilized in the legislation.

Community's per capita distribution is complete shall be disbursed to the Community and deposited into the Community's general fund.

(k) Non-applicability of Certain Law. Provides that the Indian Gaming Regulatory Act shall not apply to Community-owned funds used by the Community to cover shortfalls in funding necessary to make payments to individuals not listed on the payment roll, but determined to be eligible. Added to ensure that the Indian Gaming Regulatory Act's prohibition on distribution of gaming funds as per capita payments would not prevent Community-owned funds, including revenues from gaming, from being used to cover shortfalls.

SECTION 102: RESPONSIBILITY OF SECRETARY; APPLICABLE LAW.

(a) Responsibility For Funds. Provides that after disbursement of funds to Community, the Secretary of Interior shall no longer have trust responsibility for the judgment funds.

(b) Deceased and Legally Incompetent Individuals. Provides that Secretary shall continue to have trust responsibility over funds retained in accounts for deceased beneficiaries and legally incompetent individuals.

(c) Applicability of other Law. Provides that pursuant to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act, per capita payments are not taxable to individuals under state or federal law as income.

TITLE II—CONDITIONS RELATING TO COMMUNITY JUDGEMENT FUND PLANS

SECTION 201

Provides definition and conditions of the plan for use and distribution of judgement funds awarded in Docket No. 228. Adds paragraph providing that Indian Tribal Judgement Funds Use and Distribution shall not apply to minors' per capita shares held by the Secretary under the plan (effect is to prevent shares from being distributed to parents and guardians of minors prior to age 18) and that Secretary shall hold the minors' per capita shares in trust until they reach age 18. Also adds paragraph stating that upon Community's request, any residual principal and interest funds remaining after the Community has declared the per capita payment complete shall be distributed to the Community and deposited into the Community's general fund.

SECTION 202

Provides definition and conditions of the plan for use and distribution of judgement funds awarded in Docket No. 236–N. Amends the plan to authorize disbursement of residual principal and interest funds to the Community. Provides that provision of Indian Tribal Judgment Funds Act permitting payment to parents and legal guardians of minors is not applicable, and requires Secretary to hold minors' shares in trust until they turn 18.

TITLE III—EXPERT ASSISTANCE LOANS

SECTION 301

Waiver of repayment of expert assistance loans to certain Indian tribes. Waives repayment of expert assistance loans made by the Department of Interior to Gila River Indian Community, Oglala Sioux Tribe, Pueblo of Santo Domingo, and Seminole Nation of Oklahoma.

By Mr. BAUCUS (for himself, Mr. BURNS, Mr. DASCHLE, and Mr. JOHNSON):

S. 2800. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BAUCUS. Madam President, on March 28, 2002, Secretary Veneman declared Montana a drought disaster. This drought designation came two months earlier than in 2001, and eight months earlier than in 2000.

The unrelenting drought Montana is suffering has brought economic hardship to our agriculture producers and rural communities. In 1996, the year before the drought, Montana received $847 million in cash receipts from wheat sales. In 2001, four years into the drought, Montana received $317 million in cash receipts, a 62 percent decline.

Agriculture is more than 50 percent of my State's economy, and is truly the backbone of my State. The drought not only affects our farmers and ranchers. It is felt throughout our rural communities. Small businesses are being forced to close their doors. Families are moving away to find work. It would be virtually impossible to find a single person who has not been either directly or indirectly affected by the dry conditions that we have.

Without our help, without passing natural disaster assistance, it is estimated that 40 percent of Montana's farmers and ranchers will not qualify for operating loans for the 2002 crop year. A large percentage of these hard-working people will lose their land, their homes, their jobs, and their way of life. They will not be purchasing clothes, seed, feed, fertilizer, or equipment in their local stores. They will have to move, take their kids out of school. Small towns will die.

It is unfortunate that farmers and ranchers from Montana have to suffer the effects of prolonged drought without Federal assistance because disaster was not as wide spread in 2001 as it has been in 2002. The farmers and ranchers who suffered from severe drought in 2001 should not be penalized, rather rewarded for their persistence and dedication to Montana's vital industry. We desperately need cooperation and support from all sides to prove relief to our producers that have struggled through dry conditions for so long. We need disaster assistance immediately and we need to provide extra assistance for those who have endured drought in 2001 and 2002. It is time to take action and to provide for those who have produced so many vital resources for the people of the United States.

I am disappointed that we have not been able to produce legislation that is much needed and long overdue to benefit the hard working farmers and ranchers of the state of Montana and across the country. Many of the agricultural producers in Montana who have worked the same land for generations will no longer be able to survive as farmers or ranchers without disaster relief. Consecutive years of drought have caused economic devastation that soon prevent these agricultural producers from doing their jobs. The effects of this cycle will be devastating to the economy and the people of my state.

Unfortunately natural disaster is no longer an issue for just a few States. As of July 22, forty-nine of 50 States are impacted by drought and 36 percent of our country is currently classified as some level of drought. This is an issue that can no longer be ignored.

I am pleased today to introduce with Senator BURNS a natural disaster package that will provide assistance to producers who have had losses due to natural disasters in 2001 and 2002. It also includes funding for 2001 and 2001 for the Livestock Assistance Program and the American Indian Livestock Feed Program. The package that we introduce today is the same policy that 69 of my Senate Colleagues supported when Senator ENZI and I offered the amendment to the Farm Bill but extended to cover the 2002 crop year as well.

It is true that the U.S. Department of Agriculture has utilized the tools that they have available to them. Access to low interest loans, grazing and haying on CRP acreage are important pieces to ensuring that our producers stay in business. However, there is still one major piece of the puzzle missing and that is natural disaster assistance.

It is also true that crop insurance is a very important risk management tool. I supported the crop insurance reform bill and I support and understand the importance of crop insurance. More than 90 percent of insurable acres in Montana are insured. Unfortunately for the program to be run in an actuarially sound fashion, producers are helped the least when they hurt the most. When a producer is suffering from consecutive years of drought, their premium increases and their coverage decreases.

We have the opportunity to stop that process. To keep our rural communities and economies alive. Rural America is resilient. And like them, I will not give up. Thousands of people are suffering from a relentless drought. They deserve natural disaster assistance and I will continue to fight to ensure they get it.

I am pleased to be working with my fellow Senator from Montana, and I ask each of my Senate colleagues to join us in this effort.

Mr. BURNS. Madam President, I rise today to express my support of the Emergency Disaster Assistance Act of 2002. I am proud to join my colleague from Montana, Senator BAUCUS, in introducing this legislation.

However, more importantly I rise today in support of America's farmers and ranchers. In my home State of Montana, we are looking at our fifth summer of severe drought. Many places in my great State are drying up and blowing away. Dirt fills the ditches alongside the roads and so many tumbleweeds clog the fences. I fear this may be the case for much of the West and Midwest after this summer.

This legislation would provide much needed relief to those farmers and ranchers hit the hardest by the drought. Many have argued the Farm

Bill adequately met the needs of those earning their living in agriculture. I disagree. The Farm Bill provides economic assistance, but not weather related disaster assistance.

In fact, it does not help farmers ''when times are tough,'' and the drought conditions of the past several years indicate that these are indeed very difficult times. The very reason I am requesting drought assistance is precisely because this farm bill does not sufficiently meet the needs of those farmers who have suffered loss due to natural conditions during the past 4 years. I believe the farmers in the most extreme situations are the very ones we should be helping.

I am committed to working with my colleagues to get this much-needed assistance out to our rural areas, to the places that need it the most. I am also committed to doing this in the most responsible way possible. I believe we can reach an agreement and find a realistic amount that helps producers, yet is fiscally responsible.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 305—DESIGNATING THE WEEK BEGINNING SEPTEMBER 15, 2002, AS ''NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK''

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 305

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

The Senate—

(1) designates the week beginning September 15, 2002, as ''National Historically Black Colleges and Universities Week''; and

(2) requests that the President of the United States issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

Mr. THURMOND. Madam President, I rise to submit a resolution recognizing the week of September 15–21, 2002 as National Historically Black Colleges and Universities Week. This resolution is an appropriate tribute to the countless academic contributions these institutions of higher education have made throughout this fine Nation and the State of South Carolina.

I am proud to have eight of the 105 Historically Black Colleges located in my home State. They have long provided a quality education that has greatly contributed to our economic and social well-being, and I commend them for a job well done. In addition, these colleges and universities will help lead our country into the future, with programs that prepare their students for our increasingly sophisticated economy. The alumni of these institutions have made many contributions to our Nation and I hope this resolution serves to recognize their achievements as well.

The passage of this resolution reaffirms our support for these institutions. The Resolution requests the President of the United States to issue an appropriate proclamation and calls on the people of the United States to observe the week with ceremonies, activities and programs to demonstrate support for Historically Black Colleges and Universities throughout this Nation.

SENATE RESOLUTION 306—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE CONTINUOUS REPRESSION OF FREEDOMS WITHIN IRAN AND OF INDIVIDUAL HUMAN RIGHTS ABUSES, PARTICULARLY WITH REGARD TO WOMEN

Mr. BROWNBACK (for himself, Mr. WYDEN, Ms. COLLINS, Mr. DORGAN, Mr. GRASSLEY, Mr. CONRAD, Mr. SMITH of New Hampshire, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 306

Whereas the people of the United States respect the Iranian people and value the contributions that Iran's culture has made to world civilization for over 3 millennia;

Whereas the Iranian people aspire to democracy, civil, political, and religious rights, and the rule of law, as evidenced by increasingly frequent antigovernment and anti-Khatami demonstrations within Iran and by statements of numerous Iranian expatriates and dissidents;

Whereas Iran is an ideological dictatorship presided over by an unelected Supreme Leader with limitless veto power, an unelected Expediency Council and Council of Guardians capable of eviscerating any reforms, and a President elected only after the aforementioned disqualified 234 other candidates for being too liberal, reformist, or secular;

Whereas the United States recognizes the Iranian peoples' concerns that President Muhammad Khatami's rhetoric has not been matched by his actions;

Whereas President Khatami clearly lacks the ability and inclination to change the behavior of the State of Iran either toward the vast majority of Iranians who seek freedom or toward the international community;

Whereas political repression, newspaper censorship, corruption, vigilante intimidation, arbitrary imprisonment of students, and public executions have increased since President Khatami's inauguration in 1997;

Whereas men and women are not equal under the laws of Iran and women are legally deprived of their basic rights;

Whereas the Iranian government shipped 50-tons of sophisticated weaponry to the Palestinian Authority despite Chairman Arafat's cease-fire agreement, consistently seeks to undermine the Middle East peace process, provides safe-haven to al-Qa'ida and Taliban terrorists, allows transit of arms for guerrillas seeking to undermine our ally Turkey, provides transit of terrorists seeking to destabilize the United States-protected safe-haven in Iraq, and develops weapons of mass destruction;

Whereas since the terrorist attacks of September 11, 2001, and despite rhetorical protestations to the contrary, the Government of Iran has actively and repeatedly sought to undermine the United States war on terror;

Whereas there is a broad-based movement for change in Iran that represents all sectors of Iranian society, including youth, women, student bodies, military personnel, and even religious figures, that is pro-democratic, believes in secular government, and is yearning to live in freedom;

Whereas following the tragedies of September 11, 2001, tens of thousands of Iranians filled the streets spontaneously and in solidarity with the United States and the victims of the terrorist attacks; and

Whereas the people of Iran deserve the support of the American people: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) legitimizing the regime in Iran stifles the growth of the genuine democratic forces in Iran and does not serve the national security interest of the United States;

(2) positive gestures of the United States toward Iran should be directed toward the people of Iran, and not political figures whose survival depends upon preservation of the current regime; and

(3) it should be the policy of the United States to seek a genuine democratic government in Iran that will restore freedom to the Iranian people, abandon terrorism, and live in peace and security with the international community.

Mr. WYDEN. Madam President, today we are resolved to see a new, rational foreign policy toward Iran, a policy that will engage the proud people of that nation and support their aspirations to be free of the theocratic state that abuses and oppresses them.

It is time that we recognized that the forces of extremist clerics and their allies have so completely dominated the government of Iran that there is no means to achieve political liberalization within the current system. While President Khatami has often spoken of liberalization, the last 5 years show that either he is unwilling or unable to effect any democratic change.

In fact, the record of his administration has been increasing censorship, religious vigilantes and intimidation, and wide-spread political repression. The State Department has identified systematic abuses including summary executions, disappearances, and widespread use of torture and other forms of degradation.

Student dissidents within Iran have become increasingly better organized, and have been faced with greater repression. The frequent demonstrations