

ongoing controversy. Last week, during debate on the Interior appropriations bill, the House was told that Chairman POMBO has indicated his commitment to having the Resources Committee work on resolving problems associated with that management—a commitment we welcome. Our bill is intended to be part of that effort.

Our bill includes two major changes to the 1994 American Indian Trust Fund Management Reform Act, the underlying law governing Indian trust funds management.

First, it elevates the importance of Indian trust management and other Indian affairs within the Interior Department by establishing the position of Deputy Secretary for Indian Affairs, to oversee the Bureau of Indian Affairs and all aspects of the management of Indian trusts.

There would no longer be an Assistant Secretary for Indian Affairs. The current Office of Special Trustee for American Indians would be abolished, with the duties of the Special Trustee being transferred to the new Deputy Secretary, who would be in charge of a new Office of Trust Reform Implementation and Oversight. In addition, there would be clear legislative affirmation of the fiduciary standards to be applied to the management of Indian trust funds and assets.

Second, the bill strengthens provisions for Indian tribes to participate in the management of trust funds and assets, based on successful self-determination policies. Toward that end, the bill would authorize a Tribe to use authority under existing law to manage trust funds and assets, without terminating the trust responsibilities of the Interior Department.

To further assess the way the Interior Department performs its fiduciary and management responsibilities with respect to Indian Tribes and individual Indian beneficiaries, the bill would establish a special 12-member Commission, with four members appointed by the President, two each appointed by the Majority and Minority leaders of the Senate, two each appointed by the Speaker and the Minority Leader of the House of Representatives. The bill specifies that a majority of members must be representatives of federally-recognized Indian tribes (at least one of whom must be the beneficiary of an individual Indian trust fund account). The Commission will choose one of its members to chair its proceedings.

The bill requires the Commission to review and assess Federal laws and policies relating to the management of Indian trust funds and to provide Congress a report about their conclusions and recommendations within three years after the Commission's first meeting.

Finally, the bill includes specific and detailed provisions to make clear that its enactment will not limit any of the findings, remedies, jurisdiction, authority, or discretion of the courts in the Cobell v. Norton litigation and that no funds appropriated to carry out an historical accounting of the individual Indian trust funds are to be used except as may be provided in an order of the court in that case entered after the date of the bill's enactment.

Mr. Speaker, I am convinced that the time has come for Congress to directly address the problems associated with this subject. The bill we are introducing today is not intended to either whitewash or redress past wrongs, and it will not forestall the courts from resolving matters properly before them. Instead, it is intended to take an important first step toward

a better future for the Indian tribes and individuals in whose behalf the government is duty-bound to act.

For the benefit of our colleagues, here is a section-by-section outline of the bill:

OUTLINE OF "AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT AMENDMENTS ACT"

SECTION 1: Short Title—provides a short title for the bill.

SECTION 2: Definitions—amends section 2 of the American Indian Trust Fund Management Act of 1994 to provide definitions of the terms "audit," "tribal government," "trust asset," "trust funds," and "trustee."

SECTION 3: Responsibilities of Secretary—amends section 102 of the American Indian Trust Fund Management Reform Act of 1994 so as to clearly specify the responsibilities of the Secretary of the Interior with respect to accounting for Indian trust fund balances and with respect to other aspects of carrying out the trust responsibility of the United States.

SECTION 4: Affirmation of Standards—amends Title I of the American Indian Trust Fund Management Reform Act of 1994 by adding a Congressional affirmation of the standards for proper discharge of the trust responsibility of the United States.

SECTION 5: Indian Participation in Trust Fund Activities—amends the American Indian Trust Fund Management Reform Act of 1994 to explicitly authorize an Indian tribe to use authority provided under the Indian Self-Determination and Education Assistance Act to manage trust funds and trust assets without terminating the trust responsibility of the Secretary of the Interior or the trust status of the funds and assets involved.

SECTION 6: Deputy Secretary for Indian Affairs—amends the American Indian Trust Fund Management Reform Act of 1994 to establish the position of Deputy Secretary of the Interior for Indian Affairs, to specify the duties of the Deputy Secretary, and (effective upon appointment of the Deputy Secretary) to abolish the Office of Special Trustee for American Indians and transfer its functions to the Deputy Secretary.

SECTION 7: Commission for Review of Indian Trust Fund Management Responsibilities—establishes a Commission (with four Members appointed by the President, two each appointed by the Majority and Minority Leaders of the Senate, and two each by the Speaker and the Minority Leader of the House of Representatives) to assess the federal government's fiduciary and management responsibilities with respect to Indian tribes; specifies a majority of Commission members must be representatives of federally-recognized tribes (and at least one must be an individual beneficiary of an Indian trust account); requires the Commission to report its conclusions and recommendations to Congress and the Departments of Interior and Treasury within 32 months after Commission's first meeting.

SECTION 8: Regulations—directs Interior, in consultation with interested Tribes, to issue regulations to implement the bill.

SECTION 9: Effect of Act—States that nothing in the bill will limit the findings, remedies, jurisdiction, authority, or discretion of the courts in the Cobell v. Norton litigation; provides that no funds appropriated for an historical accounting of individual Indian trust funds shall be used except as provided in an order of the court in that case entered after the enactment of the bill.

PHARMACEUTICAL MARKET
ACCESS ACT OF 2003

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mrs. MALONEY. Mr. Speaker, it is a disheartening reality in our country that the current administration refuses, so adamantly, to give seniors a real opportunity to obtain prescription drugs at a reasonable cost.

In times like these, when the economy is uncertain and prescription drug prices are soaring, it is essential to be creative in finding an affordable and effective way for Americans to obtain the drugs they so desperately deserve. H.R. 2427 gives our seniors, and other consumers, a tool they need to purchase life-saving drugs.

How many seniors are currently disabled by an illness that they cannot afford to treat with the drugs that their European counterparts can purchase for between 30 and 300 percent less? There are too many, and Congress cannot stand by and watch them suffer.

I know that my constituents in the Fourteenth District are suffering as a result of this government's inability to take meaningful action. A year ago, I co-released a report, detailing the outrageous prices seniors face when purchasing prescription drugs. For Prilosec, an ulcer and heartburn medication, a senior citizen in New York will pay on average \$144.60 per month. The same drug in Canada costs \$53.17. That is a 172% difference.

Zocor, which is one of the most common cholesterol-reducing drugs in the country, costs almost three times as much in New York City as it does in Canada. These are just two examples of the outrages our citizens face every day.

The Gutknecht bill will greatly reduce the cost of prescription drugs, and it will also ensure that imported medications will be safe for all seniors. H.R. 2427 mandates the use of greater technology to prevent the importation of counterfeit drugs, and it requires each shipment of drugs to be tested appropriately.

Twenty-two percent of Americans who are prescribed medication are unable to fill their prescriptions. This is an unacceptable statistic, one that my colleague's bill would take great strides to ameliorate.

America's seniors and consumers are afflicted by a disease: the absurd overpricing of prescription drugs. The fight against this epidemic must begin today. Vote "yes" on the Gutknecht bill, and let's give Americans a fighting chance.

COMMEMORATING THE TURKISH
INVASION OF CYPRUS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mrs. LOWEY. Mr. Speaker, today, we sadly commemorate the 29th anniversary of the Turkish occupation of Cyprus. Over one quarter century ago, more than 200,000 Cypriots were driven from their homes and forced to live under foreign occupation. Today, the legacy of this tragedy is the enormous Turkish