to the bill. However, as the legislation is implemented following enactment, I wish to reiterate what I understand the intent to have been in the bill's development and to be at passage with regard to such provisions in the bill not changing or adversely affecting the rights of the San Carlos Apaches.

Mr. Speaker, by way of background, the San Carlos Apaches were among the last to resist what they viewed as the intrusion by outsiders into their homeland. They paid a heavy price for that resistance. Some of their ancestors were held for years as prisoners of war by the United States. Many thousands of acres of some of their most productive lands were deleted from their Reservation for uses by others. Their burial sites, their farms, and their homes were flooded, and they were forced to relocate to make way for the construction of Coolidge Dam. This Tribe faces unemployment of about 75 percent. Water is essential to their future. The Gila River runs directly through this Tribe's Reservation. San Carlos Lake and Reservoir are in the heart of their Reservation. Therefore, a genuinely comprehensive, lasting, and completed Gila River water settlement cannot be achieved until the Congress fairly addresses the needs and rights of the People of the San Carlos Apache Tribe. At the Committee markup of this bill, Chairman POMBO and others of my colleagues expressed their commitment to helping to achieve justice with respect to water rights for the San Carlos Apaches. In connection with passage of this bill today, still others of my colleagues recognized the work yet to be done on behalf of the People of this Tribe.

The Tribe has made substantial progress in recent months toward achieving a Gila River water rights settlement through negotiation with a number of the parties involved. It appears very hopeful that a settlement for the Tribe can be achieved early in the 109th Congress. In pursuit of that effort, I encourage all parties included in this legislation that are relevant to working out agreements with the Tribe to work seriously, vigorously, and in good-faith to complete equitable Gila River water settlements with the Tribe as soon as possible. I will then work with the Chair of the Resources Committee, the Ranking Minority Member, and other colleagues and Senator KYL, the chief sponsor of S. 437, to see that such agreements become ratified through legislation as soon as possible after receiving them next session of Congress.

I will monitor the progress of efforts to negotiate settlements in the coming weeks. I will help in whatever way I can to see that equitable agreements are achieved for the People of the San Carlos Apache Tribe that will help ensure the viability of their Reservation as their homeland now and for the future.

BREAKDOWN OF THE RULE OF LAW IN RUSSIA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ENGEL. Mr. Speaker, an undeniable tenant of any democracy is the rule of law. Sadly, this is not the case in Russia today. That country's legal system is taking on the appearance of Czarist Russia and the Soviet Union, when the legal system and courts were merely instruments of the State. This past year, we have witnessed a series of arbitrary and discriminatory actions, directed by the Kremlin, against select individuals and companies, that are politically motivated and lacking in legal merit, according reputable human rights groups and widely reported in the Western press.

The most notable case is the YUKOS Oil Company, one of Russia's early privatized companies, known for its Western management style and global outlook, that today is under siege by a government clearly intent on destroying or taking control of Russia's largest oil producer. The chairman of YUKOS, Mikhail Khodorkovsky, was arrested and indefinitely detained on charges that are murky and, again, appear to be of a political nature rather than criminal intent.

Our colleagues on the Senate side last year unanimously approved S. Res. 258, which stated, in part, ''the law enforcement and judicial authorities of the Russian Federation should ensure that Mr. Mikhail B. Khodorkovsky is accorded the full measure of his rights under the Russian Constitution to defend himself against any and all charges that may be brought against him, in a fair and transparent process, so that individual justice may be done. . . .''

Mr. Speaker, the U.S. Senate spoke out one year ago, and since then the Russian government has levied an $18 billion tax bill on YUKOS, far beyond its earnings, which is apparently intended to pave the way for a government take over of one of the world's largest oil companies. Mr. Khodorkovsky is confined to a cage on his daily trips to the courtroom, where he is denied the customary rights of a defendant and indeed is facing a verdict that may well be pre-ordained by the Kremlin.

Mr. Speaker, I also call to the attention of my colleagues another example of Russia's crude application of a legal system that denies, rather than protects the rights of the accused and clearly violates the norms and standards of decency and respect for human rights.

Mr. Alexei Pichugin, a former white collar security officer for the YUKOS Company, is currently on trial in Moscow on charges, so it is alleged, of murder. This is another case that is being closely monitored by human rights groups and others because of the bizarre series of actions by prosecutors who appear to be using the formal charges to pressure Mr. Pichugin to testify against his former bosses at YUKOS.

I do not presume to know the guilt or innocence of Mr. Pichugin; that is for a properly conducted court trial and unbiased jury to determine. But I am troubled, as are many of my colleagues, about the politicizing of Russia's legal system and the denial of a just and fair trial because the court itself is not truly independent.

Indeed, the Council of Europe's rapporteur, Sabine Leutheusser-Schnarrenberger, has called the allegations reguarding Mr. Pichugin's mistreatment ''very serious.'' She notes: ''I cannot myself help worrying about the possibly illicit investigative methods and pressures that Mr. Pichugin could be subjected to at a prison that remains withdrawn from the normal supervisory procedures by the Ministry of Justice.''

Just yesterday, the Parliamentary Assembly of the Council of Europe PACE released a report pointing out that Russian authorities continue to violate the principle of equality before the law, based on legal analysis of the facts surrounding the arrests and prosecutions of former YUKOS executives Mikhail Khodorkovsky, Alexei Pichugin and Platon Lebedev.

While the trial of Alexi Pichugin is being conducted in secrecy, the evidence of abuse by the prosecutors and court handling the matter has been widely reported in the press. I, therefore, urge the Administration to refocus its attention on the deterioration of the rule of law in Russia. It would be very unfortunate if while we were striving to establish a democracy in Iraq, one broke down completely in the Russian Federation.

INTRODUCTION OF IRAN NUCLEAR PROLIFERATION PREVENTION ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MARKEY. Mr. Speaker, to day I am introducing the ''Iran Nuclear Proliferation Prevention Act,'' a bill to stop the transfer of nuclear equipment and technology to Iran.

This week Secretary of State Colin Powell referred to intelligence that Iran is working to adapt missiles to deliver a nuclear weapon, which would provide further evidence Iran is determined to move forward to become a nuclear weapons state. His comments come on the heels of reports that Iran on the one hand has agreed with three European countries to freeze its uranium enrichment program, and, on the other hand, reports by an Iranian opposition group that Iran may still be pursuing a covert uranium enrichment program at an undeclared location.

The credibility of the United States suffered when we missed the mark so badly in Iraq when the Administration concluded that Iraq had reconstituted its nuclear weapons program. In Iraq the IAEA had the advantage of 250 inspectors on the ground with anytime, anywhere inspection authority to go look wherever they suspected there might be evidence of nuclear weapons activity. The IAEA does not have that advantage in Iran. Instead, both the U.S. and the IAEA are trying to divine the plans of a regime through fragmentary pieces of information gleaned from a variety of sources, much of it subject to widely varying interpretation and credibility. We simply cannot afford to be wrong on a subject as serious as the spread of nuclear weapons.

We know that a variety of foreign countries and companies may have provided assistance to Iran's nuclear program. Some of these countries may also be engaged in nuclear commerce with the United States, or may have received U.S.-origin nuclear technology in the past, or seek access to U.S. nuclear materials or technology in the future. Should we engage in nuclear commerce with countries that are supplying Iran with the wherewithal to move forward with a nuclear weapons program? I don't think so.

Let's take just one example. China is known to have provided support to the Iranian nuclear program in the past. In recent months, there have been press reports that Vice President CHENEY is championing efforts to export