optimist, business leader, and family man from Toledo, OH. Virgil Gladieux died on February 27, 1997.

Beginning with a small business selling boxed lunches out of the trunk of his car, Mr. Gladieux developed a food service empire, with operations in 35 States, in airports and on airlines, in schools, colleges, factories, hotels, and turnpike restaurants nationwide. He also founded and developed the Toledo Sports Arena and the Toledo Beach Marina and North Cape Yacht Club. With a keen eye for opportunity, Virgil Gladieux came to symbolize a man of humble beginnings who rose to become a civic-minded entrepreneur.

Ever mindful of his responsibilities to others, Virgil Gladieux was very active in civic affairs and philanthropic efforts. Throughout his lifetime, he served in various capacities on over 70 area boards, committees, and clubs. Extensively honored for his service, his most recent recognition came last fall, when he was given the annual volunteer award from the Alexis de Tocqueville Society, an organization he helped to inspire in 1984 for those who have made significant contributions to the United Way.

Virgil Gladieux, a devoted family man, leaves behind a legacy of dynamism, unparalleled entrepreneurial spirit, and community service. With gratitude and admiration for his efforts, we extend our deepest sympathy to his wife of 67 years, Beatrice, his children, Therese and Timothy, his sister and sister-in-law, his nieces, nephews, grandchildren, and great-grandchildren. Our entire community shall miss his effervescence and spirited presence that made us all better for knowing him.

INTRODUCTION OF THE METHAMPHETAMINE ELIMINATION ACT OF 1997

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. LEWIS of California. Mr. Speaker, I rise today to introduce an important piece of legislation, the Methamphetamine Elimination Act. This bill will take great strides in ridding our Nation of the dangerous drug, methamphetamine.

Methamphetamine, or ''meth,'' is truly a terrifying drug. It is highly addictive and, with repeated use, can cause extreme nervousness, paranoia, and dramatic mood swings. Unfortunately, meth use goes hand in hand with brutal child abuse and domestic violence. Often, children, the innocent bystanders, are neglected or abused by parents who are involved with meth production or use.

Methamphetamine is fast becoming the crack epidemic of the 1990's. Meth production and use is a nationwide problem, cutting across all income and racial divisions; the impact, however, is disproportionally felt in California. The Drug Enforcement Agency [DEA] has identified California as a ''source country'' of methamphetamine with literally hundreds of clandestine laboratories, or ''clan labs,'' located throughout the State.

Clan labs have proliferated at such a pace that California officials now consider them major threats to the public, law enforcement and public communities, even the environment. In just 1996, the Bureau of Narcotics Enforcement [BNE] raided 835 clan labs in California, up from 465 in 1995. Just think of that 835 labs seized in California in 1 year—almost one every 10 hours. Clearly, California is on the front line in the war on methamphetamine.

As a result, California is in desperate need to help to fight this wicked drug. The Methamphetamine Elimination Act would provide $18 million to the Bureau of Narcotics Enforcement to fight meth through a 5-point strategy. Specifically, funds from this legislation will be used to hire, train, and equip 126 sworn and nonsworn law enforcement staff to do the following:

First, establish enforcement teams to target chemical sources and major traffickers/organizations.

Second, establish an intelligence component to provide strategic and tactical support to meth enforcement teams.

Third, establish a forensics component within the BNE to provide on-site laboratory services. Lab site analysis—in addition to providing for the immediate safety of law enforcement personnel—will allow BNE to bring to bear law enforcement services not currently available.

Fourth, develop clan lab training for law enforcement officers. Training involves basic classes covering the danger of the labs and chemical agents used in the manufacture of meth.

Fifth, establish a community outreach program to promote public awareness, the primary focus of which will be young people.

This strategy is designed to coincide with the National Methamphetamine Strategy, which was based upon work by Federal, State and local law enforcement officials during the National Methamphetamine Conference held in Washington, DC last year. There is widespread support for the implementation of this strategy, including the support of the California Sheriff's Association, the California Chiefs of Police Association and the District Attorneys Association.

The time has come to devote significant Federal resources to this nationwide problem. In the last Congress, we passed comprehensive legislation to address the meth problems. Now, we need to assist States like California that are on the front lines of this battle. Therefore, I strongly urge support for the Methamphetamine Elimination Act.

STOP FORCE-FEEDING THE PENTAGON

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Ms. FURSE. Mr. Speaker, it is a new era and there is now wide agreement that we must achieve a balanced budget. That means that all spending must be scrutinized and we must not be afraid to include military spending in that scrutiny.

I commend to my colleagues the following editorial from the March 24 issue of The Nation. It refers to comments by my colleague, Congressman FRANK, in which he points out that any legislator who votes for the Pentagon's budget is voting to cut domestic spending.

We are not in a zero-sum game. We no longer have the luxury of simply adding funding. We must make choices. We should not provide the Pentagon more than it asks for.

The editorial follows:

[From The Nation, Mar. 24, 1997]

PENTAGON OR BUST

There are many reasons to cut Pentagon spending. The United States alone consumes about one-third of the global military budget, spending more than five times as much as any other country. The Pentagon remains the largest source of waste, fraud and abuse in the federal government. While it issues about two-thirds of all federal paychecks and makes about two-thirds of all federal purchases of goods and services, its accounting is so haphazard it can't be audited. The General Accounting Office just reported that the Pentagon was storing $41 billion in excess inventory. Billions more are lost in undocumented payments, misplaced funds, mismanaged programs. Yet the Pentagon remains immune from both Republican efforts to dismantle government and Democratic attempts to reinvent it.

Not even our nation's security is well served by current policy. The Administration keeps extending military commitments while closing embassies, slashing aid budgets, stiffing international institutions, thus crippling the U.S. ability to lead in addressing deteriorating environmental, economic and social conditions. At home, the military remains our primary industrial policy and public works program, while investments vital to our economy—in education and training, infrastructure, nonmilitary research and development—are starved.

The United States may be rich enough to afford this folly; the military does consume a smaller portion of our gross national product than at any time since before World War II. But as Representative Barney Frank observes on page 23, the bipartisan commitment to balance the budget in five years while cutting taxes and protecting Social Security and Medicare will force brutal cuts in discretionary spending (everything other than entitlements and interest on the national debt). Choices must therefore be made.

The military, which already captures more than half of all discretionary spending, has exacted a pledge for a 40 percent increase in procurement over the next five years. The Pentagon's Quadrennial Defense Review report, due in May, is timed perfectly to reinforce its claim to the money: The brass hope to lock in their budgets and build walls around them in the bipartisan budget agreement widely expected this year.

But going soft on the military will require drastic cuts of 25 to 30 percent or more from domestic programs. The argument is no longer about cutting the military to invest at home but how much will be cut from poor schools, toxic waste cleanup, Head Start, roads and mass transit and how much from the Pentagon.

The argument for new priorities must begin with a renewed demand for investment—in children, cities, mass transit, health care and education, in clean water and clean air. As Republicans found in the last election, Americans do not favor deep cuts in education, environmental safeguards or health care.

As we make the case for reinvestment, the Pentagon can be brought back into the debate, the military-based definition of U.S. security challenged, the costs of its misplaced priorities detailed. Frank suggests a practical way to start. He calls on every group working to preserve a domestic program to educate its members about the stark

reality: Any legislator who votes for the Pentagon's budget is voting to cut domestic spending. Legislators must learn there is a cost to feeding the Pentagon's bloat.

INDIAN FEDERAL RECOGNITION ADMINISTRATIVE PROCEDURES ACT OF 1997

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. FALEOMAVAEGA. Mr. Speaker, today I am introducing the Indian Federal Recognition Administrative Procedures Act of 1997, a bill to simplify and objectify the existing procedures for extending Federal recognition to Indian tribes. This bill is identical to legislation that I introduced in the 104th Congress, and is similar to legislation that the House passed in the 103d Congress.

The reason I am introducing this bill is because the process by which the Federal Government traditionally chooses to recognize Indian tribes is broken. It is broken because it is biased, it is too expensive, it is incomprehensible to all but the most trained technicians, and the BIA which makes the recognition determinations has applied its criteria in an uneven manner. In fact, in the only appeal of a negative recognition decision to be decided to date involving the Samish Tribe of Washington, the Interior Department's own board of appeals found that the BIA's recognition process ''did not give [the tribe] due process'' and rejected the BIA's position ''as not being supported by the evidence.''

But even more interestingly, a Federal court found in the same case that the attorneys for the United States who had been arguing against recognizing the Samish violated the law and the constitutional rights of the Samish Tribe. The court lambasted the actions of the Interior Department—including both the Solicitor's Office and the Assistant Secretary for Indian Affairs—because they had conspired to alter key findings of the Department relating to Samish land claims in closed-door meetings. The court found that the tribe's case had been ''marred by both lengthy delays and a pattern of serious procedural due process violations.''

Sadly, all of this could have been avoided—much of it at public expense—were it not for a clerical error of the Bureau of Indian Affairs which 27 years ago inadvertently left the Samish Tribe's name off the list of recognized tribes in Washington.

With a record like this, it is little wonder that many tribes have lost faith in the Government's current recognition procedures. Even the President recognizes the problem. In a letter last year to the Chinook Tribe of Washington, the President wrote, ''I agree that the current Federal Acknowledgment process must be improved.'' He said that some progress has been made, ''but much more must be done.'' My bill will finish the job. If we can pass my bill then the Federal recognition process will be impartial, easy to understand, open to public scrutiny, and more affordable. then finally, perhaps, we can begin doing justice to the hundreds of tribes that we wrongfully terminated, forgot about, or accidentally left off some list. I hope that Congress and the President will support my efforts to address these problems.

Let me go into some detail why the recognition process is broken and why it needs to be fixed.

First, it is too expensive for Indian tribes. Experts estimate that the cost of producing an average petition ranges from $300,000 to $500,000. Over the past 16 years, the BIA has spent more than $6 million to evaluate petitions.

Second, it takes too long. Since 1978, when the BIA recognition regulations were put into place, only 14 tribes have been acknowledged, and 15 have been denied. During the same period, the BIA has received over 160 petitions or letters of intent to petition. In 1978, there were already 40 petitions pending. Bud Shapard, the former head of the Bureau of Acknowledgment and Research and primary author of the existing regulations testified before this Committee that ''the current process is impossibly slow. [The BIA's acknowledgment rate] works out statistically to be 1.3 cases a year. At that rate, it will take 110 years to complete the process.''

Third, it is subjective, flawed, and has been applied in an uneven manner. The BIA's handling of the Samish case demonstrates the lack of fairness in the process. The Federal courts and the Interior Department's own board of appeals found that the BIA's recognition process ''did not give [the tribe] due process'' and rejected the BIA's position ''as not being supported by the evidence.'' This was compounded by the fact that the Solicitor's Office and the BIA attempted to hide from the public the judge's findings that the BIA's tribal purity test was flawed, that the BIA's research and methods were ''sloppy and unprofessional'', and that the BIA had ''prejudged'' the Samish case in violation of due process.

Furthermore, Bud Shapard testified before Congress that,

> [b]ecause there is no clear definition of what the petitioners are attempting to prove and what the BIA is attempting to verify, the regulations require nonsensical levels of research and documentation. This results in regulations full of vague phrases requiring subjective interpretations. By my count the 1978 original regulations contained 35 phrases that required a subjective determination. The 1994 revised and streamlined regulations not only doubled the length of the regulations, they more than doubled the areas that required a subjective determination.

Fourth, it is a closed or hidden process. The current process does not allow a petitioning tribe to cross-examine evidence or the researchers, and does not allow the tribe to even review the evidence on which the determination was made until the end of the process.

Fifth, it is biased. The same Department responsible for deciding whether to recognize a tribe is also institutionally biased against recognition. An earlier House report recognized that the BIA has an ''internal disincentive to recognize new tribes when it has difficulty serving existing tribes and more new tribes would increase the BIA workload.''

My bill addresses these problems.

First, to eliminate any conflict of interest and institutional bias, my bill establishes an independent presidentially appointed three-member commission outside of the Department of the Interior to review tribal recognition petitions. The bill also allows the new independent commission to give research advice to petitioners, and provide financial assistance to petitioners. Tribes currently receive little, if any assistance with their applications.

Second, my bill gives petitioning tribes the opportunity for formal, on-the-record hearings. Such hearings will open the decisionmaking process giving petitioners a much better idea of what their obligations are and more confidence in the ultimate decision. Such hearings will also focus the examination of the Commission and the staff in a manner that is completely lacking in the present process. Furthermore, my bill also makes clear that the Commission itself will preside at both the preliminary and adjudicatory hearings.

Third, my bill makes clear that records relied upon by the Commission will be made available in a timely manner to petitioners. In order to facilitate proper and accurate recognition decisions, it is important that the Commission and its staff provide petitioners with the documents and other records relied upon in making preliminary decisions.

Fourth, my bill explains the precedential value of prior BIA recognition decisions and to make the records of those decisions readily available to petitioners. The BIA has stated that it views its prior decisions as providing guidance to petitioners. Tribes, however, have found it very difficult to gain access to copies of the records relating to those decisions. If those prior decisions are considered precedent, the records of those decisions should be made available to petitioners.

Fifth, my bill would make several changes to the Federal recognition criteria. The bill would eliminate the requirement of descendence from an historical tribe. Compelling petitioners to demonstrate descendence from a historic tribe violates policy established by Congress—section 5(b) of the act of May 31, 1994, Public Law 103–263. In that statute, Congress acted to remove any distinction that the Department might make between historic and nonhistoric tribes. In addition, the genealogical requirements inherent in showing descendence from a historical tribe seem to emphasize race over the political relationship that really should be at issue in deciding whether to recognize a tribe.

In addition, the bill would reconfigure the present recognition criteria to more closely follow the so-called Cohen criteria. Before 1978, the Department of the Interior made acknowledgment decisions on an ad hoc basis using the criteria roughly summarized by Assistant Solicitor Felix S. Cohen in his ''Handbook of Federal Indian Law'' (1942 edition) at pages 268–72. In 1978, the Department issued acknowledgment regulations in an attempt to standardize the process. Both the process and the criteria established in the regulations were different than those used before 1978. Under the Cohen criteria, a tribe needed to show at least one of the following: it had treaty relations with the United States; it had been called a tribe by Congress or Executive Order; it had communal rights in lands or resources; it had been treated ads a tribe by other Indian tribes; or it had exercised political authority over its members.

My bill would require a petitioning tribe to prove: that it and its members have been identified as Indians since 1934; that it has exercised political leadership over its members since 1934; that it has a membership roll; and that it exists as a community by showing at least one of the following: first, distinct social