INTRODUCTION OF THE METH-AMPHETAMINE 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, 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 labs 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 labs.

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 portable laboratories 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 over the objections of the Pentagon. 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 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 military abuse in the federal government. While it issues about two-thirds of all federal paychecks and makes about two-thirds of all federal procurements, it 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 is extending military commitments while closing embassies, slashing aid budgets, stifling international institutions, thus crippling the U.S. ability to lead in addressing the deteriorating economic and social conditions. At home, the military remains our primary industrial policy and public works program, while investments vital to our economy—education and training, infrastructure, nonmilitary research and development—arestarved.

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 21, 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 pentagon spending over the past 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 deep 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 renewal of investment—children, cities, mass transit, health care and education, in clean water and clean air. As Republicans found in the last Congress, American do not favor deep cuts in education, environmental safeguards or health care.

As we make the case for reinvestment, the Pentagon can be brought down. In 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 proposes a group working to preserve a domestic program to educate its members about the stark
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 rejected. 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 was “sloppy and unprofessional,” and that the BIA had “prejudged” the Samish case in violation of due process. Furthermore, Bud Shapard testified before Congress that, [because 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 that require 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 within 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 decision-making process giving petitioners a much better idea of their obligations 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 procedural value for 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 the BIA’s position is accepted, the President’s staff, the BIA, and the BIA’s decision, 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 a historic tribe and make it easier for Indian tribes 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 ethnic 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 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 procedure. The present process and the regulations established 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 as 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