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 bloated.

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 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 determination has applied its criteria in an uneven, arbitrary manner. In fact, in the 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 that the tribe’s case demonstrates the lack of fairness in the process. 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.”

Unfortunately, my bill would make several changes to the Federal recognition criteria. The bill would eliminate the requirement of descendence established in the Cohen criteria. Consequently, the Federal Government 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 historic 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. The process and the regulations established in 1978 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 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 treated as a tribe by other Indian tribes; or that it has 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
boundaries; second, exercise of communal rights with respect to resources or subsistence activities; third, retention of a native language or other customs; or fourth, that it is state-recognized.

Finally, my bill sets strict time limits for the Commission to act, thus eliminating delay. It requires the new Commission to publish petition in Federal Register within 30 days of receipt. It requires the Commission, within 60 days of receipt, to set a date for a preliminary hearing. The Commission, within 30 days of the preliminary hearing, to decide whether to extend recognition or require a trial-type hearing. And it requires the Commission to hold the trial-type hearing within 180 days of the preliminary hearing and make a decision within 60 days after the hearing.

These are all important measures and I hope that my colleagues will support me in my endeavor to set right much of the injustices that the United States has visited upon the Indian tribes.

NOT A HEARTBREAK HOTEL

HON. THOMAS E. PETRI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 20, 1997

Mr. PETRI. Mr. Speaker, on March 6, the Christian Science Monitor printed a very perceptive and useful article on the Middle East peace process by Ralph Nurnberger, a fair-minded long-time expert in this area. For the benefit of my colleagues, I ask that it be reprinted in the RECORD at this point.

[From the Christian Science Monitor, Thursday, March 6, 1997]

NOT A HEARTBREAK HOTEL

(By Ralph Nurnberger)

The day before he left for his official visit to the United States, Yasser Arafat presided over the groundbreaking ceremony for a Marriott Hotel to be built on the beachfront in Gaza.

This project says, symbolically, that the Middle East peace process might, finally, produce employment on an adequate scale in the area, especially through direct involvement of the private sector. The construction and later operation of this hotel will provide employment to thousands of Palestinians. It will contain a modern commercial center to enable international visitors and Palestinians to conduct business as it does elsewhere in the world. The project will include a self-contained telecommunications center for international calls, faxes, and e-mail as well as excess telephone capacity for the local market.

This project will be the first major American private sector involvement in Gaza. The total investment will be approximately six times more than all other American investments in Gaza—combined!

While diplomatic achievements are essential, the real test of the peace process is how it affects the daily lives of Israelis and Palestinians. If substantive and visible improvements do not result, no international agreements can succeed. For the majority of Israelis, the key element is security. Israelis must feel safe riding buses, shopping in malls, or sending their children to school. If random acts of violence occur, they must be assured that the Palestinian Authority will work with Israeli officials to find and prosecute those responsible.

PEACE DIVIDENDS: LOWER INCOMES

Although more Israelis have been killed through terror attacks since the Sept. 13, 1993, signing than in any comparable period, it appears that the Palestinians finally understand their responsibility to work with Israelis to enhance security concerns. The test for most Palestinians is whether the peace accords will result in an improved quality of life. Developing a thriving economy that provides new employment opportunities will reduce domestic and international tensions, but will also bring about the promise of a new life.

Economic divergence exacerbates political and religious tensions. Since the first Rabin-Arafat signing, Israeli per capita income has increased from $13,800 to over $15,000, while Palestinian incomes have dropped by a third to under $1,200.

Delays and reallocations of internationally pledged contributions, the reluctance of foreign investors to establish projects in Gaza and the West Bank, border closures, the slow pace of diplomatic negotiations, and difficulties encountered in setting up a viable Palestinian economy have contributed to growing frustration. Public infrastructure and services, including education, health care, sanitation, water, waste water disposal, and electricity continue to be inadequate. Despite a minor building boom, a housing shortage remains.

While the Netanyahu government has eased some limitations on Palestinians seeking employment in Israel, the numbers able to cross the borders are significantly below the 120,000 able to find daily work in Israel in 1992.

Rather than growing to absorb these workers, the Palestinian economy has declined over the past two years. Thus, workers have fewer opportunities to find employment within Palestinian areas. The unemployment rate in Gaza, always high, is now estimated at approximately 50 percent, with the rate in the West Bank also at 30 percent. Unemployment is highest among young, single men—the most likely to recruit for terror-oriented groups.

BIG AID PLEDGES, LITTLE FOLLOW-THROUGH

The US hosted an international meeting on Oct. 1, 1993, at which $2.4 billion in assistance to the West Bank and Gaza was pledged. Most of these funds have not been delivered or have been diverted from long-term developmental programs and costs of running the Palestinian Authority.

The United States committed $500 million, of which $75 million is annually for five years, aid, which is managed by the Agency for International Development (AID). The other $125 million was to come from the Overseas Private Investment Corporation (OPIC) to assure American investors through a combination of loans, loan guarantees, and political risk insurance.

AID has assisted a number of worthwhile projects, including $12 million for construction of six housing units with 192 apartments in Gaza called Al Karam Towers. AID is also helping to develop 25,000 acres of waterless land through technical assistance and training, loans to small firms, and establishment of industrial parks. But AID funds have been diverted from long-term projects to help in establishing Palestinian self-rule. For example, AID committed $2 million to support local elections in the West Bank and Gaza, and to assist Palestinians in promoting more responsible and accountable government.

AID has minimized help for the agricultural sector, the one area where Palestinians could immediately develop profitable exports, especially under a new Free Trade Agreement. AID’s reluctance to allocate additional funds to farm exports would be cost effective.

WOMEN BUSINESS OWNERS

HON. DONALD M. PAYNE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 20, 1997

Mr. PAYNE. Mr. Speaker, on Friday, March 14, 1997, the New Jersey Association of Women Business owners held A Salute to Women Leaders luncheon.

This chapter’s membership has successfully encompassed the entire State of New Jersey. The statewide group of women business owners is 1,000 members strong, making it the largest chapter of the National Association of Women Business Owners in the United States. The New Jersey chapter has become a strong economic and political force at both the State and national levels.

National statistics state that woman-owned businesses are the fastest growing segment of the U.S. economy. Currently, women own more than 6 million businesses, which is one-third of all U.S. companies.

Mr. Speaker, I am sure my colleagues will join me in saluting women leaders as well as the New Jersey Association of Women Business Owners. I want to congratulate the chapter on a successful event and wish the members many more years of growth and prosperity.

OHSA: THE TIME IS NOW

HON. JOEL HEFLEY
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 20, 1997

Mr. HEFLEY. Mr. Speaker, today I am introducing legislation to reform the Occupational Safety and Health Administration [OSHA]. This legislation is exactly the same as H.R. 707, which I introduced during the 104th Congress. H.R. 707 had 19 cosponsors, including 2 full committee chairman and several subcommittee chairmen.

Since 1970 OSHA has been tasked with the duty of maintaining safe and healthy workplaces. I intensely support them in this effort and I think you would be hard pressed to find a Member of Congress who didn’t. However, OSHA’s ability to carry out this task through mandatory standards enforced by surprise inspections and fines need to be rethought. My bill will move OSHA from a heavy-handed enforcement bureaucracy to a compliance based cooperative agency. By relieving OSHA from its “gotcha” mentality, believe we can create even safer workplaces.

Every Member of Congress has heard about some of the OSHA’s ridiculous regulations and tactics from their constituents. It’s time to send