

On January 21, 2002, The Sioux Falls Argus Leader published an editorial entitled "Tribes Capable of Managing Own Trust Funds." I commend this editorial to my colleagues. It urges Secretary Norton and the Assistant Secretary for Indian Affairs, Neal McCaleb, in the strongest possible terms, to consult with tribes.

The Federal Government is fond of saying that it will operate "government to government" with Indian tribes, but then too often it consults after the fact in an insulting manner. It is time to give tribes greater responsibility over their assets and their budgets.

It is imperative that we remedy this situation. More years will go by and more opportunities to correct this great injustice will be passed unless Congress and the administration at last give resolution of this trust fund crisis the attention and the resources it deserves.

Mr. President, I ask unanimous consent that The Sioux Falls Argus Leader editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Argus Leader, Jan. 21, 2002]

TRIBES CAPABLE OF MANAGING OWN TRUST FUNDS—GOVERNMENT NEEDS COOPERATION

(By the Editorial Staff)

At a meeting in Albuquerque, N.M., tribes vigorously opposed a plan by the Department of Interior and Bureau of Indian Affairs to create a new agency to manage Indian trusts.

The same thing happened at a meeting in Minneapolis.

And again in Oklahoma City.

And most recently in Rapid City.

Each time, the reason was the same. Plans to create the new Bureau of Indian Trust Asset Management were developed by the Interior Department and BIA, without consulting a single tribe.

"Decisions for Indian people should be made by Indian people. Let us do it," said Tom Ranfranz, Flandreau Santee Sioux tribal chairman. "We're good people. We know banking, we know business, we know farming. Let us do it." Amen.

If there's one main problem with white-Native American relations during the years we've been a nation, it's just this: Whites always think they know what's best for Indians.

Guess what, it's not always true. Literally billions of dollars are at stake in whatever is decided. The trust fund is built up from money—about \$500 million a year—taken from grazing, agriculture, mining, oil production, logging and right-of-way easements. The BIA has managed the fund and doled out money to tribes and individuals.

We say "managed" in a loose sort of way. The BIA can't account for at least \$2.4 billion supposed to have been collected and handed out since 1972. Maybe the money is there and maybe it isn't. No one knows.

That has led to an ongoing lawsuit against the Department of Interior, and each time the parties are in court, revelations of mismanagement seem to get more bizarre. Most recently, it was determined that the computer system used for the trust fund was so horrible just about anybody could hack into it—despite millions of dollars in studies and recommendations on how to fix the problems.

A judge shut down the system entirely, delaying payments to thousands of people around the country.

Now, the government officials who created the mess are telling the tribes they have the solution. Part of it is to put former BIA Director Ross Swimmer in charge of the new agency.

This is the same Swimmer who lost millions of dollars in coal revenue for the Navahos through an unfair agreement he negotiated.

This is the same Ross Swimmer who destroyed a Cherokee Nation corporation by making bad loans to corporation members.

Tribal officials are howling about the appointment of Swimmer, and for good reason.

They've suggested, instead, a task force of tribal representatives from around the country to come up with a better way of doing things. There are some disagreements about how that would work, but it is clearly the right solution.

Interior Secretary Gale Norton and BIA Director Neal McCaleb seem to have good intentions. It appears they want to undo this long-standing mess and replace the current operation with something that works. For that, we praise them.

But whatever they do will never work unless it's done in consultation with the tribes. To even try to do otherwise is ludicrous. If they think tribes will buy in to the current plan, they're deluding themselves.

ORDERS FOR RECESS, JOINT SESSION, ADJOURNMENT, UNTIL MONDAY, FEBRUARY 4, 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until this evening at 8:30 p.m.; further, that at 8:40 p.m. the Senate proceed to the House Chamber for the joint session, and that following the joint session the Senate adjourn under the provisions of S. Con. Res. 95 until the hour of 1 p.m. Monday, February 4; that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there be a period for morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each; further, that at 2 p.m. the Senate resume consideration of H.R. 622.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have conferred with the majority leader and he has indicated there will be votes Monday. They will be after 5 p.m.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO MR. AND MRS. PAVEL

• Mrs. MURRAY. Mr. President, I rise today to pay tribute to Donald and Anne Pavel of Shelton, WA, in celebration of their 50th wedding anniversary on January 31, 2002.

Mr. and Mrs. Pavel are life-long residents of Shelton. Mr. Pavel graduated from Shelton High School and went on to a 20-year career in the U.S. Air

Force, which included decorated service during the Korean conflict. In 1969, he retired from the Air Force as a Master Sergeant. Following his service to this country, Mr. Pavel started his own successful dump truck business, Pavel Trucking. His company worked on many major projects in Washington State, including the "Loop" around the Olympic Peninsula. Mr. Pavel operated Pavel Trucking until his retirement.

Mrs. Pavel also graduated from Shelton High School and then received her nursing degree from St. Joseph's Hospital in Tacoma, WA. In addition to raising her family and pursuing her nursing career, Mrs. Pavel, a member of the Skokomish Tribe, was active in tribal politics. She was the Skokomish Tribe's first Judge and served as Chairwoman and General Counsel President of the Tribe for a number of years. Mrs. Pavel also served as the Tribe's first Health Director, overseeing the first dental and health clinics on the reservation.

Mr. and Mrs. Pavel have six children: three daughters, Victoria, Barbara, and Mary; and three sons, Joseph, Michael and Gregg, whom they lost in 1997. They are also blessed with nine grandchildren. All of the Pavel children graduated from Shelton High School and attended college and/or graduate school in Washington State. Today they are engaged in fulfilling careers, ranging from fisheries management to education.

I ask the Senate to join me in sending my warmest congratulations to Mr. and Mrs. Pavel for this very important wedding anniversary. I wish them many more happy years together. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO JAMES RAYMOND TOULOUSE

• Mr. DOMENICI. Mr. President, I rise today to pay tribute to James Raymond Toulouse who passed away on January 24, 2002. My heartfelt sympathies go out to his family and friends.

James was born in Albuquerque, NM, in 1919, and graduated from Albuquerque High School in 1936. He also graduated from the University of New Mexico in 1940 and received a law degree in 1949 from Georgetown Law School. Prior to entering law school, James served during WW II as a Specialist A Second Class in the United States Navy. His education and dedication to his country served him well during his successful law career.

Since 1949, James actively practiced law often representing cases involving civil rights. His work did not go unnoticed. For his work on behalf of the Albuquerque Chapter of the NAACP in 1985, James received their "Keeping the Dream Alive Award." In 1986, the New Mexico Bar Association awarded him the Courageous Advocacy Award. In addition, Rodney Barker in his 1992 book, "The Broken Circle," wrote an

account of James' representation of Navajo rights.

New Mexico has lost an invaluable native who advocated for the rights of others. I want to take this opportunity to salute the lifetime achievements of James Raymond Toulouse. I join with his family and friends in mourning his loss.●

TRIBUTE TO ROBERT K. KRICK

● Mr. JEFFORDS. Mr. President, today I honor Mr. Robert K. Krick on his recent retirement from the National Park Service and for his distinguished career as a Civil War historian and preservationist. Mr. Krick joined the National Park Service in 1966, working both at Fort McHenry National Monument and Fort Neccessity National Battlefield. In 1972, he became the Chief Historian at Fredericksburg & Spotsylvania National Military Park. It is a position he held for twenty-nine years until his retirement last month.

During his tenure at Fredericksburg & Spotsylvania National Military Park—an area which comprises four battlefields—the total amount of park acreage grew from under 3000 to over 8000 today. Nearly half of all the historians at Civil War battlefield parks learned their trade under Bob Krick. His contributions to the preservation of historic land are numerous. Bob's tireless efforts to expand and improve the National Park Service will continue to be appreciated by the millions of individuals who visit these historic areas each year.

Although preservation of Civil War battlefields was a large part of Bob's career, he found the time to become a distinguished author and scholar. He has written 12 books, including "Stonewall Jackson at Cedar Mountain," and "Conquering the Valley: Stonewall Jackson at Cross Keys and Port Republic, as well as countless articles and book reviews. His works will undoubtedly influence future generations.

More than a decade ago I began touring various battlefields with Bob and several other Civil War historians. We relived Jackson's battles of the 1862 campaign and retraced the Union campaign of 1864. With Bob by my side, I was able to visualize the 1862 battles and could feel Jackson's presence. I came away from the trip with the strong feeling that it was my responsibility as a U.S. Senator to help preserve this part of our national heritage. Since that time I have been dedicated to preserving our Nation's most cherished and sacred lands. As a first step, I introduced legislation that directed the Park Service to undertake a study of Civil War sites. Congress responded by passing legislation, in 1991, that created a national Civil War Sites Advisory Commission. Composed of distinguished historians, supported by a staff of National Park Service experts, the commission for two years studied the remaining Civil War Bat-

tlefields. The 1993 report presented a plan of action for protecting what remained of the Civil War Battlefields. Since 1993, I have helped to secure \$19 million in Federal funds to preserve these priceless links to America's past.

Although much work has been done in the last decade to preserve battlefields, there is a lot to do as our nation's history is still being demolished and bulldozed at an alarming pace. Bob will continue to be a preservation leader as a Board member of the Richmond Battlefields Association. I look forward to working with and calling upon Bob for advice in the future.●

COMMEMORATING THE LIFE OF THOMAS J. CLEAR, JR.

● Mr. DOMENICI. Mr. President, I rise today to join the people of Albuquerque, NM, in mourning the loss of Thomas J. Clear, Jr. He helped to establish a better way of life for his family and the people of New Mexico. He was a friend to all.

Respected throughout the State, Thomas was known for his friendship and dedication to the things that he loved, his friends and family. He first came to New Mexico as a student at the University of New Mexico where Thomas dedicated his studies to education, but also where he met the love of his life and future wife of 50 years, Iris. After he completed law school, Thomas and Iris again returned to New Mexico in order to begin what would be a long and dedicated legal career serving the people of New Mexico.

Friends say that Thomas was able to serve New Mexicans so well because he truly cared about their best interests, and he served to protect those interests. He will be remembered for more than just his legal and adversarial roles by the people of New Mexico, he will be known for the love and friendship he provided to all of those who he came in contact with.

Thomas died last week surrounded by family and friends, much the same way as he spent his life. He was devoted to the interests of his family and the people of New Mexico. Mr. President, I share the grief of the friends and family of Thomas and my heartfelt condolences go out to them.●

THE RETIREMENT OF ELEANOR TOWNS

● Mr. BINGAMAN. Mr. President, I rise today to pay tribute to a dedicated and distinguished public servant. Eleanor Towns, Regional Forester for the United States Forest Service's Southwestern Region, is retiring at the end of this month. Eleanor "Ellie" Towns will conclude more than two decades of outstanding achievement with the Forest Service.

For the past four years, Ellie has served as the Regional Forester in New Mexico. In this position, she served as one of nine regional foresters in the agency and assumed leadership of 11

National Forests and 4 National Grasslands comprising more than 20 million acres of National Forest System lands in Arizona and New Mexico. Prior to this, Ellie was the Director of Lands for the Forest Service in Washington, DC and director of Lands, Soils, Water, and Minerals for the Rocky Mountain Region, headquartered in Denver, CO. She joined the Forest Service in 1978 and worked in a number of progressively responsible positions. She came to the Forest Service from the Bureau of Land Management. Ellie holds a bachelor's degree from the University of Illinois, a master's degree from the University of New Mexico, and a juris doctor degree from the University of Denver's College of Law.

I am pleased and gratified that my work in the Senate has allowed me to get to know Ellie. We worked together in preserving the Valles Caldera National Preserve and in securing additional funding for hazardous fuels projects to reduce fire threats to communities adjacent to national forests. She also testified before the Energy and Natural Resources Committee several times and I can honestly say that she was one of the best witnesses the Forest Service has ever sent up here.

Ellie's dedication and enthusiasm have provided the Forest Service with effective, professional management and direction. During her tenure, she has been successful in building strong relationships with many Forest Service partners and customers. In so doing, Ellie has garnered the respect, admiration and trust of here employees as well as all of those who have worked with her. She also promoted a collaborative stewardship in caring for the land and serving the people who own them. We will miss her, and I know that the Forest Service will miss her even more.

The Forest Service and the nation owe Ellie Towns a great deal of gratitude for her fine work at the Forest Service, I wish her the best in all of her future endeavors.●

HONORING THE PROMOTION OF COLONEL EDWARD RICE TO BRIGADIER GENERAL

● Mr. JOHNSON. Mr. President, I rise today to congratulate the commander of Ellsworth Air Force Base's 28th Bomber Wing on his promotion to brigadier general.

On February 1, 2002, Colonel Edward A. Rice, Jr., will pin on his first star, and I cannot think of a member of the Air Force more deserving of this promotion. I have known Colonel Rice since May 2000, when he took command of the 28th Bomber Wing at Ellsworth, in my home state of South Dakota. Ellsworth is home to one of the Air Force's two B-1B wings, with 26 aircraft and more than 3,500 military and civilian members assigned. Colonel Rice joined a distinguished line of commanders of the wing, and has become the fifth consecutive commander to be promoted to brigadier general.