Service Assistant Chief Sally Collins, and Army Corps of Engineers Brigadier General Carl Strock.

The first National Public Lands Day, in 1994, was sponsored by three Federal agencies and attracted 700 volunteers in three sites. This year marks the ninth annual event which involved approximately 70,000 volunteers, who performed over eight million dollar's worth of improvements to our public lands at nearly 500 locations in every state. This effort involved over 19 Federal, State, local, and private partners on sites identified by eight Federal agencies.

I believe National Public Lands Day is an opportunity to build a sense of ownership by Americans—through personal involvement and conservation education.

In recognition of National Public Lands Day and this sense of ownership we should all have for our public lands, I want to spend a few minutes today and reflect on the value of our public lands and on what the future holds for them.

There are around 650 million acres of public lands in the United States. This represents a major portion of our total land mass. However, most of these lands are concentrated in the West, where as much as 82 percent of a state can be composed of Federal land. In fact, 63 percent of my own home State of Idaho is owned by the Federal Government.

This can be beneficial, as our public lands have a lot to offer. For starters, there are numerous resources available on our public lands—from renewable forests to opportunities to raise livestock to oil and minerals beneath the surface—public lands hold a great deal of the resources we all depend on to live the lives we enjoy.

Having resources available on public lands affords us the opportunity for a return on those resources to help fund government services, from schools to roads to national defense, and ease the burden on taxpayers.

Just as important, though, are the recreation opportunities our public lands offer. Every day, people hike and pack into the solitude of wilderness areas, climb rocks, ski, camp, snowmobile, use off-road vehicles, hunt, fish, picnic, boat, swim, and the list goes on. Because the lands are owned by all of us, the opportunity has existed for everyone to use the land within reasonable limits.

However, times are changing. We are in the midst of a slow and methodical attack on our access to public lands. It started with the resources industries. It will not stop there. At the same time some radical groups are fighting to halt all resource management on our public lands, they are working to restrict and, in some cases, eliminate human access to our public lands for recreation.

Yes, we must manage our public lands responsibly, which includes restrictions on some activities in some areas. What we must not do is unreasonably restrict or eliminate certain activities. Some people like to hike in backcountry areas where they can find peace and solitude while others prefer to ride ATVs into the woods. Some prefer to camp in more developed facilities while others prefer primitive spots. The point is that recreational opportunities on our public lands should be as diverse as the American public's interests.

On the same note, we can use the natural resources we need in an environmentally responsible manner and still have plenty of opportunities to recreate. In fact, recreation, resource, and environmental interests can team together to help each other out. In my own State of Idaho, on the Nez Perce National Forest, representatives of these interests and many others have come together through a stewardship project. These groups are working with the Forest Service to implement a project that works for everyone and addresses all of their needs in some fashion. In order to achieve such success, each group has had to compromise to agree on a prescription that works for everyone. This is just one example of differing interests working together to help each other out and improve the opportunities on our public lands for everyone. We need to see more of this around the country.

Public land management has become embroiled in fights, appeals, and litigation. The result is that the only ones who are winning are those who want to ensure we don't use our public lands. This must stop. Differing interests have to come together and realize that we all have one common goal—use of the land in a responsible manner. We can not continue to make the same mistakes of the past on our public lands.

That being said, I would like each of my colleagues to think about how public lands benefit their state and how they might work to support the new generation that is working to make each day National Public Lands Day.

ADDITIONAL STATEMENTS

JOHN STALLWORTH

• Mr. SESSIONS. Mr. President, I rise today to recognize the achievements of John Stallworth on the occasion of his recent induction into the Pro Football Hall of Fame on August 4, 2002.

Mr. Stallworth was born on July 15, 1952 in Tuscaloosa, AL. At the age of 5 he was told by doctors that he had polio, later found to be a mis-diagnosis. Mr. Stallworth overcame that hurdle to excel at a number of sports. In high school, he served as captain of his school's football team and went on to play his college ball at Alabama A&M located in Normal, Alabama just outside of Huntsville. While at Alabama A&M, Mr. Stallworth was an All-Southern Intercollegiate Athletic Conference receiver in 1972 and 1973 and became the Bulldogs' all-time leading receiver. He was also the first Alabama A&M player to be selected to participate in the Senior Bowl, college football's premiere all-star game in Mobile.

He was selected by the NFL Pittsburgh Steelers in the fourth round of the 1974 NFL draft, the 82nd player taken that year. I think a few teams around the league kicked themselves later for passing him up when they saw what he could do on the football field. After spending his first year as an understudy, he became a starter in his second season and held that job with the Steelers for the rest of his 14 year, 165-game career. The 6–2, 191 pound receiver teamed first with Lynn Swann and later with Louis Lipps to give the Steelers unusually potent pass-receiving tandems. Stallworth caught 537 passes for 8,723 yards and 63 touchdowns, all Steelers team records. Stallworth won four Super Bowl championships playing in Super Bowls IX, X, XIII, and XIV. He played in six AFC championship games and had 12 touchdowns and 17 consecutive postseason games with at least one reception. Stallworth, who scored the winning touchdown on a 73-yard reception in Super Bowl XIV, holds Super Bowl records for career average per catch—24.4 yards—and single game average, 40.33 yards, in Super Bowl XIV. He was an All-Pro in 1979 and played in four Pro-Bowls. He was voted MVP by his teammates twice: in 1979 and 1984. Terry Bradshaw and Jack Lambert are the only other players who have received that honor two times. Stallworth was named to the Steelers' All-Time Team in 1982 and the Alabama Sports Hall of Fame in 1989.

Never known for excessive celebration or as one who sought individual attention, Hall of Fame Coach Chuck Noll said of Stallworth:

> John is a very special person. He is very much a team man and you need that to be successful.

Following his Hall of Fame football career, Mr. Stallworth returned to Huntsville, Alabama completed his MBA from Alabama A&M. Since then, he has achieved great success in the field of business. He is Cofounder, President, and Chief Executive Officer of Madison Research Corporation in Huntsville, Alabama. Under Mr. Stallworth's leadership, the Madison Research Corporation has emerged as one of the premier technology companies in the State of Alabama with 2001 revenues of over $60 million and a current staff of over 650 people. Some of his company's clients include: the Department of Defense, all the military services, the Department of Energy, NASA, the Defense Intelligence Agency, and a number of Fortune 500 companies. As a result of Mr. Stallworth's leadership, Washington Technology Magazine ranked Madison Research Company #11 of the nation's top 25 small, minority-owned technology companies. The company also received

the 1998 Better Business Bureau of North Alabama's Torch Award for market ethics. This award was presented in recognition of Madison Research's commitment to ethics in business. Mr. Stallworth also received the 1997 Region IV Minority Small Business Person of the Year Award, presented by the Small Business Administration.

Mr. Stallworth's dedication did not end with football or business. He has given of himself to the city of Huntsville and the people of Alabama and they recently recognized his accomplishments with ''John Stallworth Day in Huntsville''. At the celebration Mel Blount, himself a Hall of Famer, spoke of Stallworth:

John Stallworth exemplifies what a true professional is all about, not just in football but in the business world and in life.

Mr. Stallworth has served on a number of boards including the United Way, the Museum of Aviation, the Madison County Chamber of Commerce, the U.S. Space Camp, Harris Home for Underprivileged Children, and Alabama A&M University. He has been active with the Huntsville Boys and Girls Club, the United Negro College Fund, the Children's Advocacy Center, the Rotary Club of Huntsville, the Alzheimer's Association of Greater Huntsville, and Big Brothers/Big Sisters of North Alabama to name a few. He is also chairman of the Board of Directors of the John L. Stallworth Scholarship Foundation which helps to promote the education of our youth.

I have had the opportunity to get to know John Stallworth over the years and I can say that I am proud to call him my friend. He has served on my technology advisory committee and has been an asset to my work here in the Senate. He has never hesitated to provide me with expert counsel on important issues that have come before the Senate. It is very satisfying for me to see how he has overcome adversity in his life to achieve greatness as a professional and as a human being. His accomplishments on and off the field have inspired thousands of our young people to strive for excellence and I applaud his efforts. The People of the State of Alabama are proud to call him our native son.

I am proud to recognize the accomplishments of a great American and Alabamian, John Stallworth.●

TREATY TRIBES LOCATED IN THE STATE OF SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I am honored to represent a State that has nine treaty tribes. It has become increasingly clear that nothing is more important to the tribes of South Dakota than the recognition of the obligations this Nation has to the Indian people of South Dakota as spelled out by the treaties entered into by the United States Government and the tribes of South Dakota. Especially at the urging of President John Steele of the Oglala Sioux Tribe and Chairman Andrew Grey of the Sisseton-Wahpeton Sioux Tribe, I offer this statement pertaining to this issue of critical importance to the tribes located within my home State of South Dakota. As you know, the South Dakota tribes have a proud history of providing leadership to Indian issues. I thank President Steele and Chairman Grey for helping me understand this issue. It is with the utmost respect that I share with you some of our tribes' perspective on what treaties mean to them, as follows:

It is important to note that each of the Tribes located in the State of South Dakota have entered into treaties with the Federal Government. All federally recognized Indian tribes and villages are often categorized into the same class. However, important rights were guaranteed to the South Dakota tribes by treaty, and many of these rights continue to be enforceable today. From the first treaty with the Delawares in 1787 until the end of treaty-making in 1871, hundreds of agreements were entered between the Federal Government and various bands and tribes of Indians. Provisions of the treaties differ widely, but it was common to include a guarantee of peace, a delineation of boundaries, often with a cession of specific lands from the tribe to the Federal Government, a guarantee of Indian hunting and fishing rights, often applying to the ceded land, a statement that the tribe recognized the authority or placed itself under the protection of the United States, and an agreement regarding the regulation of trade and travel of persons in the Indian territory. Treaties also commonly included agreements by each side to punish and compensate for acts of depredation by ''bad men'' among their own number, a clause that still can support a claim against the Unites States. See Tsosie v. United States, 825 F.2d 393 (Fed.Cir. 1987).

Indian treaties stand on essentially the same footing as treaties with foreign nations. Because they are made pursuant to the Constitution, they take precedence over any conflicting State laws by reason of the Supremacy Clause. U.S. Const., Art. VI, Sec. 2; Worcester v. Georgia, 31 U.S. (6 Pet.) 515 (1832). They are also the exclusive prerogative of the Federal Government. The First Trade and Intercourse Act, 1 Stat. 137 (1790), forbade the transfer of Indian lands to individuals or States except by treaty ''under the authority of the United States.'' This provision, repeated in later Trade and Intercourse Acts, has become of tremendous importance in recent years, for several eastern States negotiated large land cessions from Indian tribes near the end of the eighteenth century. In County of Oneida v. Oneida Indian Nation, 470 U.S. 226, (1985), the Court held invalid a treaty entered in 1795 between the Oneidas and the State of New York. The treaty, which had been concluded without the participation of the Federal Government, transferred 100,000 acres of Indian lands to the state. The Court held that the tribe still had a viable claim for damages. Similar claims exist in other eastern states; in Maine, the likely invalidity of a 1795 state-tribal treaty clouded land titles covering about sixty percent of the State until legislation settled the issue. See *Joint Tribal Council of Passamaquoddy Tribe* v. *Morton*, 528 F.2d 370, 1st Cir.1975; Maine Indian Claims Settlement Act, P.L. 96–420, 94 Stat. 1785, 1980.

Not only is the treaty-making power exclusively federal, it is almost entirely presidential. While it is true that two-thirds of the Senate must concur in any treaty, the initiation of the process and the terms of negotiation are inevitably controlled by the executive branch. Indeed, there were many instances, especially in California, where executive officials negotiated treaties and acted upon them despite the failure of the Senate to ratify them. In the middle of the eighteenth century, Congress and particularly the House of Representatives grew increasingly resentful of being excluded from the direction of Indian affairs. The ultimate result was the passage in 1871 of a rider to an Indian appropriations act providing that ''No Indian nation or tribe . . . shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty.'' 25 U.S.C.A. Sec. 71. The rider also specified that existing treaty obligations were not impaired. As an attempt to limit by statute the President's constitutional treaty-making power, the rider may well be invalid, but it accomplished its purpose nonetheless by making it clear that no further treaties would be ratified. Indian treaty-making consequently ended in 1871. Thereafter formal agreements made with the tribes were either approved by both houses of Congress or were simply embodied in statutes.

Congress, in declaring that Indian tribes should no longer be acknowledged as independent political entities with whom the Untied States might contract by treaty, did not end the tribal organization of Indian communities. The solution to the 1871 Act was the use of ''treaty substitutes that consisted of agreements that were directed and authorized by Congress. Yet, other agreements were negotiated by the Indian Office to solve particular needs or resulted from Indian initiative. Most concerned cessation of land or other modification of boundaries whereby the need to declare peace between two sovereign nations was no longer an essential goal. Although such agreements were similar to treaties, Tribal consent was no longer a prerequisite to establish a binding agreement.

Many reservations were established by Executive Order issued by the President of the United States. Although no general law existed authorizing set asides for Indian use, Congress and the public acquiesced and the Courts upheld the action. Executive orders differed from treaties wherefore they could be easily changed and a new one substituted as occasion demanded. They were neither uniform in terminology nor scope. In addition, a reservation could be established by administrative action prior to the issuance of an executive order and later sanctioned by the official action taken by the President. A 1952 Report by the Commissioner of Indian Affairs found that of the total of 42,785,935 acres of Tribal trust land only 9,471,081 acres had been established by Treaty