

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