

Hatch	Lugar	Sarbanes
Hollings	McCain	Schumer
Hutchison	McConnell	Sessions
Inhofe	Mikulski	Shelby
Inouye	Miller	Smith
Jeffords	Murkowski	Snowe
Johnson	Murray	Specter
Kennedy	Nelson (FL)	Stabenow
Kohl	Nelson (NE)	Stevens
Kyl	Nickles	Sununu
Landrieu	Pryor	Talent
Lautenberg	Reed	Thomas
Leahy	Reid	Voynovich
Levin	Roberts	Warner
Lincoln	Rockefeller	Wyden
Lott	Santorum	

NOT VOTING—2

Kerry Lieberman

The conference report was agreed to. (Disturbance in the galleries.)

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF ROSS OWEN SWIMMER TO BE SPECIAL TRUSTEE, OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider Calendar No. 60, which the clerk will report.

The legislative clerk read the nomination of Ross Owen Swimmer, of Oklahoma, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.

Mr. DASCHLE. Mr. President, the Senate is about to vote on the nomination of Ross Swimmer for Special Trustee for American Indians.

Trust reform is a critical issue for the Native American community nationwide, and the Special Trustee is the official responsible for directing the Department of the Interior's efforts to correct this longstanding problem and provide sound fiduciary services to trust beneficiaries. This nomination and vote will affect the prospects for success of this critical reform effort.

I think it is extremely important for the full Senate to reflect on two central facts about the trust debate as they consider Mr. Swimmer's nomination. First, for generations, residents of Indian Country have been victimized by persistent mismanagement of trust assets by the Federal Government. Far too many families for far too long have been denied trust assets to which they are entitled because of this mismanagement. And this situation has adversely affected their quality of life.

Second, frustration with the Federal Government's failure to come to grips with this problem has not only led to litigation (Cobell v. Norton), it has also solidified the tribes' determination to contribute to the development of a workable solution to the problem. Effective trust management reform will

remain an elusive goal if the tribes are not full participants in this exercise.

The tribes understand that the Special Trustee for American Indians must be their ally in the search for a solution, not an independent actor balancing other agendas. In the past months, leaders of South Dakota's nine tribes have expressed to me their concerns about the administration's desire to entrust Ross Swimmer with this influential role.

The bottom line is that trust beneficiaries deserve a Special Trustee in whom they can have confidence to restore sound accounting principles and integrity to the Federal Government's management of trust assets. There is a critical need to elevate the Indian trust issue to higher levels within the administration. The current state of Indian trust management is a debacle and has come to be known as the "Enron of Indian Country." We need an individual who is able to tackle this issue with the interested stakeholders. I agree with South Dakota tribal leaders and the Great Plains Tribal Chairmen's Association that Ross Swimmer is not the right man for this job.

Ross Swimmer has had many responsibilities at the Department of the Interior. But, most significantly for this debate, over the past several years, he has been an integral part of the Department's disappointing effort to impose a trust management solution conceived by Federal bureaucrats without the full engagement and consent of Native American leadership. It is time to make sure that trust beneficiaries receive the assets to which they are entitled. We must not allow the bureaucracy to "run out the clock" in the hope that the courts will "save the day" by absolving the Government of its trust responsibility.

To provide some perspective, the 16 tribes of the Great Plains in South Dakota, North Dakota and Nebraska own 10 million acres of land held in trust by the U.S. Government. These lands represent over one-third of the tribal trust assets. They have huge interests at stake in ensuring that the Special Trustee is committed to a fair resolution of the trust assets management controversy.

I value and respect the judgment of South Dakota tribal people, their tribal leadership and the Great Plains Tribal Chairmen's Association on this important issue. Therefore, I cannot support Mr. Swimmer's nomination as Special Trustee for American Indians.

Mr. NICKLES. Mr. President, today I want to speak on the nomination of my good friend Ross Swimmer to be Special Trustee for American Indians. Back in 1994 Congress passed the American Indian Trust Fund Management Reform Act, which created the position of Special Trustee for American Indians. This position was created to address years of trust fund mismanagement. Special Trustee is a very challenging responsibility not to mention a thankless job. The President could not

have picked a better person for this job. Because of Ross's extensive background in Indian law, banking, and finance, I believe that Ross Swimmer can begin to resolve this issue.

I have had the pleasure of knowing, respecting, and working with Ross for more than 22 years. He has served Indian country in both the public and private sectors where he has served in numerous leadership capacities. For 10 years, Ross was Principal Chief of the Cherokee Nation, the second largest Indian tribe in the United States. He served 3 years as Assistant Secretary at the Department of Interior, where he managed a \$1.5 billion budget; 15,000 employees, and the oversight and management of policy concerning Indian affairs.

Ross was president of the First National Bank in Tahlequah and chairman of the First State Bank in Hulbert, OK. He was president of a multimillion-dollar manufacturing company, owned by the Cherokee Nation, which is involved in the aerospace, defense, and telecommunications industries. Ross's legal experience includes General Counsel to the Cherokee Nation, associate and partner in the Oklahoma City firm of Hanson, Fisher, Tumilty, Peterson and Tompkins. Because of Ross's background with Indian law, he established the Indian law division for the law firm of Hall, Estill, Hardwick, Gable, Golden and Nelson.

Ross had the distinction of serving as cochairman of the Presidential Commission on Reservation Economies; chairman of the Energy Resources Tribes; and chairman of the White House Conference on Indian Education. He was also named Outstanding American Indian Leader in 1985 and was inducted into the Tulsa Historical Society's Hall of Fame.

I am delighted to be here to recommend my friend Ross Swimmer, to be Special Trustee for American Indians. I have confidence in Ross that he will work with the Indian community toward resolving the issues surrounding the Indian trust. As you can see by Ross's career, he has the dedication, experience, and qualifications as well as the understanding of Indian law necessary to address this complex, monumental task.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Ross Owen Swimmer, of Oklahoma, to be Special Trustee, Office of Special Trustee for American Indians?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

Mr. REID. I announce that the Senator from North Dakota (Mr. DORGAN),

the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. DORGAN) would vote "no".

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 24, as follows:

[Rollcall Vote No. 133 Ex.]

YEAS—72

Alexander	Domenici	Lincoln
Allard	Durbin	Lott
Allen	Edwards	Lugar
Bayh	Ensign	McCain
Bennett	Enzi	McConnell
Biden	Feingold	Miller
Bond	Fitzgerald	Murkowski
Breaux	Frist	Nickles
Brownback	Graham (FL)	Reed
Bunning	Graham (SC)	Roberts
Burns	Grassley	Rockefeller
Byrd	Gregg	Santorum
Campbell	Hagel	Schumer
Carper	Hatch	Sessions
Chafee	Hollings	Shelby
Chambliss	Hutchison	Smith
Cochran	Inhofe	Snowe
Coleman	Inouye	Specter
Collins	Jeffords	Stevens
Cornyn	Kennedy	Sununu
Craig	Kohl	Talent
Crapo	Kyl	Voinovich
DeWine	Landrieu	Warner
Dole	Leahy	Wyden

NAYS—24

Akaka	Daschle	Mikulski
Baucus	Dayton	Murray
Bingaman	Dodd	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Cantwell	Harkin	Pryor
Clinton	Johnson	Reid
Conrad	Lautenberg	Sarbanes
Corzine	Levin	Stabenow

NOT VOTING—4

Dorgan	Lieberman
Kerry	Thomas

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators allowed to speak during that period for up to 5 minutes.

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

The Senator from Louisiana.

POST-WAR IRAQ

Ms. LANDRIEU. Mr. President, I would like to take just a few minutes to speak about the unfolding victory in Iraq and to speak about a specific point that I am going to be spending some time working on throughout the course of the next couple of days and as we spend some time, in a recess, traveling

back to our States and visiting other places in the world that have been supportive in terms of our alliance in Iraq.

I want to say, just before we break tonight, that the people of Louisiana have watched, with relief and exuberance and pride, the exploits and the work of our troops in Iraq. We have been proud of each and every soldier and the work they are performing under very difficult circumstances, but they are performing beautifully, exceptionally, as expected. We are very proud of their work, the Active Forces as well as the Reserve Forces.

We know we have done many things right in Iraq. We know there are some weaknesses we will address. The military is always the first to say—which is why I enjoy working so closely with them—this is what we did right and we are proud of it and we are going to do it better. But we don't mind admitting there are some things we could do better next time. And lessons learned is something that our military goes through after each and every exercise, which is why they are so good, and why we get better and better and better. I am very proud of that kind of approach.

So as we watch this victory unfold in Iraq, with every toppling of every statue, with the destruction of every image of Saddam Hussein, we can begin to build a new image, a new vision for the people of Iraq, one they so richly deserve and have waited decades and decades to arrive. And it is our pride and our great joy that America and Britain and our allies are helping to bring about this vision, as we speak tonight on the floor of the Senate.

We have been involved today in many other important issues, but, of course, there is no issue more important to this Senate or to this Congress or to this country right now, or to the world, than what is unfolding in Iraq as we speak.

I want to just make a note about one specific aspect of the postbattle plan for Iraq. I am going to be working closely with many committees in the Senate to help to fashion that plan, which, of course, will be broad and comprehensive. Hopefully, we will have bipartisan support.

The President will submit many of his own ideas. The international community will contribute. I, for one, have felt very strongly that our military should continue to lead that effort. While they are soldiers first, and soldiers always, they have tremendous skills and abilities when it comes to postconflict periods, when the battle is actually over and the bullets stop flying and the construction and reconstruction begins. Not that our military would want to be engaged over a long period of time, but there are, most certainly, skills that our military can bring to establishing the, at least, early stages of that civil affairs network and framework.

So I am pleased to see the House and the Senate moving back to the admin-

istration's original position, which was to allow our military to lead that effort and the Pentagon, as opposed to the State Department; most certainly for the U.S. to continue that leadership position as opposed to the U.N. The U.N. should be a partner, the international community should be a partner, but the U.S. should lead that effort.

I think that is the way we are moving, and I most certainly support that. And I could venture to say, without seeing any polls, I know the people of Louisiana would want that kind of arrangement to be made.

In one part of the post battle plan for Iraq, the reconstruction plan, I am hoping that we would strongly consider—and I will be filing a resolution in just a few days, as soon as we can get some of the details worked out, and, hopefully, file it in a bipartisan way—a resolution that would suggest that we help the people of Iraq establish a permanent trust fund for their long-term economic development, a trust fund based on the revenues received from the production of oil and gas.

The reason I want to spend just a few minutes speaking about this idea is there have been several articles written. We have done, in our office, some research on this subject. And I have had a great deal of experience with the people of Louisiana with this concept. And we are not the only State that has created trust funds from the oil and gas reserves.

Just like Iraq, although we are not a nation, Louisiana produces a tremendous amount of oil and gas and has some of the richest reserves in the United States.

Texas is also a State that has tremendous resources and established, years ago, a permanent trust fund. The proceeds of that fund are directed to the support and maintenance and the strengthening of their two major universities in Texas. And the billions of dollars that have flowed into this trust fund have provided educational opportunities and research opportunities that have led to jobs creation and economic strength in the State of Texas.

The State of Alaska probably has the largest of such a trust fund, called the Permanent Alaska Trust Fund. Not only have those resources been used to help Alaska strengthen its economy, but there are also, literally, rebates that go from that fund to each individual citizen of Alaska. There are only 500,000 people, but the fund has worked in many wonderful ways.

I will suggest through this resolution that we in the Congress lay out an idea to create such a trust fund for the people of Iraq, run by the people of Iraq, to make sure of that diminishing resource, although they supply now 6 percent of the world's oil, and while I am convinced that our technology working with them will find more oil, and potentially gas reserves, that is a diminishing resource, just as in Louisiana