

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SUPPORTING THE WORK OF FIREFIGHTERS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 345.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 345) supporting the work of firefighters to educate and protect the Nation's communities, and the goals and ideals of Fire Prevention Week, October 7-13, 2007, as designated by the National Fire Protection Association.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 345) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 345

Whereas firefighters have maintained their dedication to the health and safety of the American public since the first American fire departments were organized in the colonial era;

Whereas today's firefighters provide a multitude of services, including emergency medical services, special rescue response, hazardous material and terrorism response, and public safety education;

Whereas more than 1,130,000 firefighters protect the United States through their heroic service;

Whereas the Nation's fire departments respond to emergency calls nearly once per second and dispatch to fire emergencies every 20 seconds;

Whereas approximately 1,600,000 fires are reported annually;

Whereas firefighters respond with courage to all disasters, whether they be acts of terrorism, natural disasters, or other emergencies;

Whereas 343 firefighters sacrificed their lives responding heroically to the events of September 11, 2001;

Whereas firefighters from across the Nation responded with remarkable selflessness throughout the areas affected by Hurricane Katrina;

Whereas 89 firefighters lost their lives in 2006, and over 80,000 were injured in the line of duty;

Whereas we have honored firefighters for educating the American public since President Harding declared the first Fire Prevention Week in 1922;

Whereas the National Fire Protection Association has designated the week of October 7-13, 2007 as Fire Prevention Week; and

Whereas educating Americans on methods of fire prevention and escape planning continues to be a priority for all firefighters: Now, therefore, be it

Resolved, That the Senate—

(1) supports the work of firefighters to educate and protect the Nation's communities; and

(2) supports the goals and ideals of Fire Prevention Week, October 7-13, 2007, as designated by the National Fire Protection Association.

NATIONAL TEEN DRIVER SAFETY WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Con. Res. 36, and the Senate then proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 36) supporting the goals and ideals of National Teen Driver Safety Week.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 36) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

Whereas motor vehicle crashes are the leading cause of death for adolescents and young adults in the United States, and many of these deaths are preventable;

Whereas almost 7,500 drivers between the ages of 15 and 20 years were involved in fatal crashes in 2005 throughout the United States;

Whereas the fatality rate in the United States for drivers between the ages of 16 and 19 years, based on miles driven, is 4 times the fatality rate for drivers between the ages of 25 and 69 years;

Whereas the majority of teen driver crashes in the United States are due to driver error and speeding, and 15 percent of the crashes are due to drunk driving;

Whereas roughly two-thirds of the teenagers killed in motor vehicle accidents in the United States each year do not use seatbelts;

Whereas approximately 63 percent of teen passenger deaths in the United States occur while other teenagers are driving;

Whereas it is necessary to explore effective ways to reduce the crash risk for young drivers by focusing research and outreach efforts on areas of teen driving that show the most promise for improving safety;

Whereas the National Teen Driver Survey, developed with input from teenagers and administered by The Children's Hospital of Philadelphia, demonstrates a national need to increase overall awareness about the safe use of electronic handheld devices, the risk of nighttime and fatigued driving, the importance of consistent seatbelt use, and the practice of gradually increasing driver privileges over time as a young driver gains more experience under supervised conditions;

Whereas in 2005, 1,553 crash fatalities involving a teen driver occurred in the fall, when teenagers are in the first months of the school year and faced with many decisions involving driving, including whether to drive with peer passengers and other distractions; and

Whereas designating the third week of October as National Teen Driver Safety Week is expected to increase awareness of these important issues among teenagers and adults in communities throughout the United States, as additional research is conducted to develop and test effective interventions that will help teenagers become safe drivers: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Teen Driver Safety Week; and

(2) encourages the people of the United States to observe the week with appropriate activities that promote the practice of safe driving among the Nation's licensed teenage drivers.

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

Mr. REID. Mr. President, we have on this bill that is now before the Senate—the Commerce-Justice appropriations bill—about eight amendments that Democrats have pending or wish to offer, and we have 26 Republican amendments. Everyone should understand we are going to finish this bill tomorrow. It does not matter what events are going on around town, we are going to work and finish this bill. If it takes until 8 o'clock tomorrow night, fine; there will be no windows. We are going to work right through this. If people try to hold this up, we will have a bunch of votes. We will have the Sergeant at Arms instructed. We are going to move through this.

I am told we want to finish appropriations bills. This is our second week on this bill. We are going to finish this bill tomorrow or sometime early Wednesday morning. We are going to continue working on this until it is completed or until we find there is such intransigence by the Republicans that they do not want us to finish this bill. I hope that is not the case.

We have had on our appropriations bills some decent cooperation from the Republicans, for which I am appreciative, but we have other bills we have to do. If we finish this legislation, we will still have seven appropriations bills to do.

I am aware we have had to file cloture 49 different times this year to defeat Republican filibusters or to turn them around, and if it is necessary to file the 50th, we will do that. I think that would be a shame to have to do that.

We have a finite number of amendments now, and we need to try to work through them. What we could do, of course, here—there are more Democrats than Republicans—we could move to table all the Republican amendments. It would take a lot of time to do that. I hope we do not have to do that. I hope we can work through these amendments and some of them will be accepted and some will be voted upon.

I want to be as reasonable as possible, but I have the Nation's business to be concerned about. We have to

work through this. We have been off work now doing other things in our districts. We all worked hard. Now we are back to legislating. As part of that legislation is this bill that is before the Senate now. We are going to work on it and complete it. I was hopeful that with the 2:30 deadline we would come back with a reasonable number of amendments, but that is not, in fact, the case.

We have on the Republican side a number of Senators who are offering multiple amendments. I know they are important, and I understand that, but I hope that we can, as I have said, work our way through these. We will one way or the other work through these, because I do not want and do not intend to file cloture. I intend to work until we finish this bill.

I don't know how I can be more clear than that. We have to move after this to another appropriations bill, one that is extremely important, the Labor-HHS bill, an extremely important piece of legislation involving so many different and important issues, as the Presiding Officer, for example, is well aware.

It is my understanding the distinguished junior Senator from South Dakota wishes to call up an amendment before I do the closing matters, and I am happy to wait. I ask now to return to legislative business.

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

Mr. REID. What is the matter before the Senate now, Mr. President?

The PRESIDING OFFICER. The Vitter amendment is the pending question.

AMENDMENT NO. 3317

Mr. THUNE. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. THUNE. Mr. President, I thank the majority leader for yielding to give me an opportunity to offer this amendment. I call up amendment No. 3317 and ask unanimous consent that it be made pending.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 3317.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide, in a fiscally responsible manner, additional funding for United States attorneys to prosecute violent crimes in Indian country)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading "UNITED STATES ATTORNEYS SALARIES AND EXPENSES" under the heading "LEGAL ACTIVITIES" under this title is increased by \$20,000,000, which shall be used for the prosecution of crimes de-

scribed in section 1152 or 1153 of title 18, United States Code.

(b) Notwithstanding any other provision of this Act, the amount appropriated under the heading "PAYMENT TO THE LEGAL SERVICES CORPORATION" under the heading "LEGAL SERVICES CORPORATION" under title IV is reduced by \$20,000,000.

Mr. THUNE. Mr. President, this appropriations bill, as all appropriations bills, comes down to a matter of priorities. We have a limited amount of resources and we have to figure out where to put those limited resources to the most effective use for the taxpayers.

My amendment is very simple. It takes \$20 million from an authorized program that has problems with wasteful spending and it spends that \$20 million instead to give Federal prosecutors badly needed additional funding to fight violent crime in Indian country. Violent crime has become a serious problem on reservations in South Dakota and elsewhere, and I am determined to put an end to it. If our tribal communities are to have a chance to be prosperous, they must first have strong public safety.

A few weeks ago I cosponsored an amendment with Senator DORGAN to provide more law enforcement presence in Indian country. I strongly support this effort. The other part of the equation, though, is to ensure that those who have been arrested for violent crimes are prosecuted to the fullest extent of the law. Because the Federal Government has a trust responsibility to the tribes, the task for prosecuting violent crimes in Indian country lies with our U.S. attorneys. However, our U.S. attorneys often cannot prosecute crimes because of a lack of resources. An article published last June in the Wall Street Journal by Gary Fields about crime in Indian country pointed out that Federal prosecutors often do not intervene in cases involving serious crimes due to the long distances involved, lack of resources, and the cost of hauling witnesses and defendants to Federal court. The same article goes on to say that in the past two decades, only 30 percent of tribal land crimes referred to U.S. attorneys were prosecuted, according to Justice Department data compiled by Syracuse University. That compares with 56 percent for all other cases. I ask unanimous consent that the June 12, 2007 Wall Street Journal article headlined "Tattered Justice on U.S. Indian Reservations, Criminals Slip Through Gaps" be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THUNE. I hasten to add that the U.S. attorney in South Dakota is doing a fantastic job prosecuting violent crime and white-collar crime on South Dakota's Indian reservations. However, I am certain he can put more funding to good use in his office, as could every U.S. attorney prosecuting violent crime in Indian country.

The rate of violent crime in Indian country is disproportionately high. The Department of Justice reported that from 1992 to 2001, the average rate of violent crime among American Indians was 2½ times the national rate. According to one report in the Indian Country Today newspaper, Native American women are 7 times more likely to be victims of domestic violence than all other women are, and more than 60 percent of Indian women will be victims of violent assault during their lifetimes. According to the same report, nearly one-third of all Native American women will be raped. This is unacceptable.

The FBI estimates that 40 to 50 percent of Indian country violent crime is now methamphetamine related. In fact, we know that meth traffickers and dealers target Indian country jurisdictions because they believe they will not be prosecuted, even if they are apprehended. According to Chris Chaney, the BIA Deputy Director of the Office of Justice Services, meth distribution on tribal lands often occurs due to the belief that it is easier to get away with such a crime in Indian country. That is why we must dramatically ramp up prosecutions of violent crime, of meth-related violent crime in Indian country.

I offer my amendment today to help provide more resources to U.S. attorneys in Indian country to prosecute more crimes referred to them. Specifically, my amendment would provide an additional \$20 million to U.S. attorneys that can only be spent to prosecute crimes under the Major Crimes Act of 1885 and the Indian Country Crimes Act of 1834. The amount will be paid for by subtracting \$20 million from the amount appropriated under this bill to the Legal Services Corporation.

This bill provides \$390 million to the Legal Services Corporation, a program that has not been reauthorized since 1980. This is a 12-percent increase over the amount appropriated to the LSC in fiscal year 2007, and a 30-percent increase above the administration's recommendation. This substantial increase comes at a time when the Legal Services Corporation has faced serious questions about its management and expenditure of taxpayer dollars.

In August, the GAO published a report entitled "Legal Services Corporation: Governance and Accountability Practices Need to be Modernized and Strengthened." In the report, the GAO noted that a dozen officers and employees of the Legal Services Corporation had received compensation in excess of the statutory compensation limitation. According to the GAO, an outside legal counsel issued an opinion last May concluding that the Legal Services Corporation had not complied with the statutory limitation on the rate of compensation. The GAO agreed with that conclusion and went on to state that without a properly designed and implemented process for overseeing

compensation, the Legal Services Corporation remains at risk of not complying with related laws and regulations and engaging in imprudent management practices.

The GAO also noted in the report that:

In recent years, LSC management has engaged in practices that may have been prevented through effective implementation of strong ethics policies.

These practices are reported by the LSC's inspector general. The inspector general found that food costs at meetings exceeded per diem allotments by 200 percent and that LSC used funds to pay travel expenses for its president for business related to her positions with outside organizations. The inspector general also found that LSC hired acting special counsels from grant recipient organizations, causing potential conflicts of interest, and could not complete an investigation into this practice because of the failure to provide documentation required by Federal law and LSC grant agreements. The GAO concluded that:

Without the presence of a strong ethics committee providing effective oversight in the development, implementation, updating, and training for the code of ethics, the LSC is at increased risk of fraud or other ethical misconduct.

I ask unanimous consent that the executive summary of the LSC Office of Inspector General "Report on Certain Fiscal Practices at the Legal Services Corporation," dated September 25, 2006 be printed in the RECORD at the end of my remarks. Also, I commend to my colleagues a GAO report entitled "Legal Services Corporation Governance and Accountability Practices Need to be Modernized and Strengthened," dated August of 2007.

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

(See exhibit 2).

Mr. THUNE. Mr. President, I do not believe an organization that has received such stinging criticism from the GAO about management practices and its handling of taxpayer dollars should be receiving such a substantial increase in funding that is reflected in the underlying bill. My amendment simply reduces a \$40 million increase to a \$20 million increase for the Legal Services Corporation for fiscal year 2008. That is, the Legal Services Corporation would still receive an increase under my amendment, just not nearly as substantial as originally reflected in the underlying bill.

As I said earlier, we must begin to choose priorities. Should we provide more badly needed funding to fight violent crime in Indian country or should we reward an organization that is engaged in wasteful spending of taxpayer dollars by providing a massive increase over the President's recommendation of \$300 million, and a massive increase even compared to the amount of funding it received in the last fiscal year of \$348 million?

I urge the Senate to join me in voting for more funding to help reduce

violent crime in Indian country and to address what is a very desperate need across Indian reservations in South Dakota, and to do it in a way that is consistent, I believe, with what the priorities in this underlying bill ought to be, by paying for it with a \$20 million increase, actually, that is going to be allocated this year to the Legal Services Corporation. In my judgment, in my view, that makes sense. It is an issue that needs to be addressed, and my amendment would take us down that road, coupled with the agreement that was earlier reached on the Dorgan amendment, to provide more of a law enforcement presence on Indian reservations. So I hope we can accomplish both of those objectives through the appropriations process this year, and it starts right here with adopting this amendment.

I urge my colleagues to do that. I again thank the distinguished majority leader for his patience in yielding me time to speak to this amendment.

Mr. President, I yield back the remainder of my time.

EXHIBIT 1

[From the Wall Street Journal, June 12, 2007]

ON U.S. INDIAN RESERVATIONS, CRIMINALS SLIP THROUGH GAPS

(By Gary Fields)

CHEROKEE, N.C.—Jon Nathaniel Crowe, an American Indian, had a long-documented history of fighting with police officers and assaulting women. But the tribal court for the Eastern Band of the Cherokee, under whose jurisdiction he lives, couldn't sentence him to more than one year for any charge. Not when he left telephone messages threatening to kill an ex-girlfriend, not when he poured kerosene into his wife's mouth, not when he hit her with an ax handle.

"We put him away twice for a year, that's all we could do," says James Kilbourne, prosecutor for the tribe. "Then he got out and committed the same crime again."

Indian tribes are officially sovereign nations within the U.S., responsible for running services such as schools and courts. But a tangle of federal laws and judicial precedents has undermined much of their legal authority. As a result, seeking justice on Indian reservations is an uneven affair.

Tribes operate their own court systems, with their own judges and prosecutors. Sharply limited in their sentencing powers, they are permitted to mete out maximum jail time of only 12 months for any crime, no matter how severe. The law also forbids tribal courts to prosecute non-Indians, even those living on tribal land.

Federal prosecutors can intervene in serious cases, but often don't, citing the long distances involved, lack of resources and the cost of hauling witnesses and defendants to federal court. In the past two decades, only 30% of tribal-land crimes referred to U.S. attorneys were prosecuted, according to Justice Department data compiled by Syracuse University. That compares with 56% for all other cases. The result: Many criminals go unpunished, or minimally so. And their victims remain largely invisible to the court system.

The justice gap is particularly acute in domestic-violence cases. American Indians annually experience seven sexual assaults per 1,000 residents, compared with three per 1,000 among African-Americans and two per 1,000 among whites, says the Justice Department. The acts are often committed by non-Indians

living on tribal land whom tribal officials cannot touch. Local prosecutors say members of Indian communities have such low expectations about securing a prosecution that they often don't bother filing a report.

"Where else do you ask: How bad is the crime, what color are the victims and what color are the defendants?" asks Mr. Kilbourne, who has prosecuted cases on Cherokee lands since 2001. "We would not allow this anywhere else except Indian country."

The lack of prosecutorial discretion is one of many ways in which Indian justice has been split off from mainstream American due process. For example, some defendants appearing before Indian courts lack legal counsel, because federal law doesn't require tribes to provide them with a public defender. Although some tribes have them, others can't afford to offer their members legal assistance. It's not unusual for defendants to represent themselves.

The Indian Civil Rights Act, passed by Congress in 1968, limited to six months the sentences tribes could hand down on any charge. At the time, tribal courts were seeing only minor infractions. Congress increased the maximum prison sentence to one-year in 1986, wrongly assuming that the Indian courts would continue to handle only misdemeanor-level crimes. Tribal offenses, meanwhile, escalated in both number and severity, with rape, murder and kidnapping among the cases.

The Supreme Court weighed in on another level, with its 1978 Oliphant decision ruling that tribes couldn't try non-Indian defendants in tribal courts—even if they had committed a crime against a tribe member on the tribe's land. In its ruling, the court held that it was assumed from the earliest treaties that the tribes did not have jurisdiction over non-Indians.

"If you go to Canada and rob someone, you will be tried by Canadian authorities. That's sovereignty," says University of Michigan law professor and tribal criminal-justice expert Gavin Clarkson. "My position is that tribes should have criminal jurisdiction over anybody who commits a crime in their territory. The Supreme Court screwed it all up and Congress has never fixed it."

Jeff Davis, an assistant U.S. Attorney in Michigan who handles tribal-land cases, acknowledges that his hands are often tied. Mr. Davis is also a member of North Dakota's Turtle Mountain Band of Chippewa. "I've been in the U.S. Attorney's office for 12 years, and both presidents I have served under have made violent crime in Indian country a priority. But because of the jurisdictional issue and questions over who has authority and who gets to prosecute, it is a difficult situation."

Often cases don't rise to the level of felony Federal crimes unless the victim has suffered a severe injury. Federal prosecutors have limited resources and focus almost exclusively on the most serious cases. Compounding that is the fact that domestic-abuse cases are difficult to prove, especially if the lone witness recants.

"It requires stitches, almost a dead body," says Mr. Davis. "It is a high standard to meet."

For some non-Indians, tribal lands are virtual havens. Chane Coomes, a 43-year-old white man, grew up on the Pine Ridge Reservation in South Dakota—home to the Oglala Lakota, near the site of the infamous 1890 massacre at Wounded Knee. Marked by a small obelisk, the mass grave is a symbol of unpunished violence, literally buried in the soil of the tribe. The 2000 census documented Shannon County, which encompasses the remote and desolate reservation, as the second-poorest county in the U.S., with an annual per-capita income of \$6,286 at the time. Only Buffalo County, SD, was poorer.

According to local authorities, Mr. Coomes used his home on the reservation as a sanctuary, knowing he would be free from the attentions of tribal prosecutors.

Tribal Police Chief James Twiss says Mr. Coomes was suspected of dealing in small amounts of methamphetamine for years. Tribal police also thought he might be trafficking in stolen goods.

In 1998, Mr. Coomes assaulted a tribal elder, Woodrow Respects Nothing, a 74-year-old decorated World War II and Korean War veteran. Because it couldn't prosecute, the tribe ordered Mr. Coomes off its land. But attempts to remove him were unenforceable.

"All I could do was to escort him off the reservation," says tribal police officer Eugenio White Hawk, who did that several times, the last when he spotted the banned man hauling horses in a trailer. "He kept coming back. After a while I just left him alone and let it go. It was just a waste of time."

Mr. Coomes remained in his Shannon County home until 2006 when he was accused of beating his estranged wife in nearby Nebraska and threatening to kill her, according to Dawes County District Attorney Vance Haug. The crime was committed off the reservation, and the subsequent investigation gave state authorities official jurisdiction.

After raiding his home, they found stolen equipment as well as 30 grams of methamphetamine and \$13,000 hidden in the bathroom, along with syringes.

Mr. Coomes is now in the Fall River County Jail charged with possession of stolen property, grand theft and unauthorized possession of a controlled substance. He also faces separate charges, of assault and "terroristic threats" related to his wife, in Dawes County, NE. If convicted on the latter charges, he faces up to six years in prison, Mr. Haug said. Mr. Coomes's attorney declined to comment.

The jurisdictional quagmire also has implications for Indian members on the other side of the tribal border. Gene New Holy, an ambulance driver on Pine Ridge, had been arrested by the tribe more than a dozen times for various drunk-driving offenses, for which he received only two convictions totaling about a month in a tribal jail. In state court, four convictions would have led to a maximum sentence of five years.

Lance Russell, the state prosecutor for Shannon County and neighboring Fall River County, had never heard of Mr. New Holy until Feb. 11, 2001, when Mr. New Holy got drunk at a Fall River County bar. According to court documents, he nearly hit one car on a main highway, forced two others into a ditch and sideswiped a third that had pulled off the road as Mr. New Holy approached it in the wrong lane.

The last car he hit contained three tribe members—cousins Bart Mardinian, Anthony Mousseau and Russell Merrival—all of whom died. The accident was less than a mile off the reservation, enough to give Mr. Russell and the state jurisdiction in the case. Mr. New Holy is serving 45 years in state prison for three counts of vehicular homicide—much longer than the 12 months per count he would have served under tribal law. His attorney didn't return a call seeking comment.

"The holes in the system are more practical than legal, and the victims of crime pay the price," says Larry Long III, the South Dakota attorney general. "The crooks and the knotheads win."

The Eastern Band of Cherokee, located in the Smoky Mountains of North Carolina, is one of the most efficiently run tribes in the country. Its ancestors hid in these mountains while Cherokee east of the Mississippi River were forcibly moved to present-day Oklahoma, a migration known as the "Trail

of Tears." Today the tribe is spread across five counties and is economically well off: It takes in more than \$200 million annually from the Harrah's Cherokee Casino & Hotel, which it owns, and has a robust tourist industry. About half of the tribe's gambling spoils go to pay for infrastructure and government services.

Its court, which is housed in a prefabricated building, looks like any other in the U.S., except the judges wear bright, red robes. The offices, while cramped, are modern and computerized, and are a little over one hour's drive from the federal prosecutor's office in Asheville. Tribal authorities meet regularly with federal prosecutors for training. The tribe's top jurist is a former federal prosecutor who has regular contact with his successors.

Yet even here, the justice system works erratically. In 2005, tribal police received a tip that James Hornbuckle, 46, an Oklahoma Cherokee who had moved to the reservation, was dealing marijuana. Officers built a case for weeks. They raided the business and then Mr. Hornbuckle's home, where they found 10 kilograms of marijuana, packaged in small bricks. By tribe standards, it was a big haul, and authorities approached the U.S. Attorney's office.

Gretchen Shappert, U.S. Attorney for the Western District of North Carolina, says federal sentencing guidelines for marijuana are so lenient, that "we'd need 50 kilograms in a typical federal case" to pursue it. The feds rejected the case.

If the state court had jurisdiction to prosecute the crime, Mr. Hornbuckle might have received a three-year term. Instead, he pleaded guilty to the marijuana charge and was sentenced to one year in tribal court. Recently the tribal council voted to permanently ban him from the reservation, with backing from the feds. Messages left for Mr. Hornbuckle's attorney weren't returned.

Mr. Crowe's name is all too familiar on the reservation. Tribal Police Chief Benjamin Reed has known him since he was a juvenile. "What I remember is his domestic-violence incidents. He just wouldn't stop," Mr. Reed says.

Crystal Hicks, who dated Mr. Crowe before his marriage, says the tribal member was verbally abusive. She says she left him after she had a miscarriage, when he berated her for not giving him a ride to a motorcycle gathering. "He said I was using the miscarriage as an excuse," says Ms. Hicks, 27 years old.

After that, in several telephone messages saved by Ms. Hicks and her family, Mr. Crowe threatened to kill them and bury Ms. Hicks in her backyard. He was jailed by the tribe and ordered to stay away from the Hicks family.

"One year," says Ms. Hicks. "He even told me he was fine in jail. He got fed three times a day, had a place to sleep and he wasn't going to be there long."

After he married, the violence escalated, says Police Chief Reed. During one incident he drove to the home Mr. Crowe shared with his wife, Vicki. "He had threatened her, and dug a grave, and said no one would ever find her. We believed him," Mr. Reed said. "Just look at some of the stuff he'd done. That girl was constantly coming down here, her face swollen up." At one point, he choked his wife, poured kerosene into her mouth and threatened to light it, police reports say. Mr. Crowe's attorney didn't return calls seeking comment.

None of these acts led to more than one year in jail, a sentence he has been given twice since 2001. His criminal file at the tribal court building fills a dozen manila folders. There are reports of trespassing and assault convictions, telephone harassment, threats

and weapons assaults—one for an incident when he hit his wife with an ax handle, breaking her wrist. His latest arrest, in September, came about a week after he finished his most recent sentence, when he came home and beat his now-estranged wife—again.

After seven years, his crimes finally triggered federal involvement, although almost by accident. Federal prosecutors from around the country met at Cherokee earlier this year to discuss crime on tribal land. One federal official mentioned to Mr. Kilbourne, the tribal prosecutor, a new statute that allows federal intervention where defendants have at least two domestic-violence convictions, regardless of the crime's seriousness.

Mr. Kilbourne, who was preparing for a new trial against Mr. Crowe the following week, quickly turned the case over. Mr. Crowe pleaded guilty to assault last Friday and is awaiting sentencing.

EXHIBIT 2

[From the Office of Inspector General, Sept. 25, 2006]

REPORT ON CERTAIN FISCAL PRACTICES AT THE LEGAL SERVICES CORPORATION EXECUTIVE SUMMARY

In response to a Congressional request, the Office of Inspector General (OIG) initiated a review of allegations concerning fiscal practices, conflicts of interest, and general mismanagement at the Legal Services Corporation (LSC). This report presents our findings with respect to certain LSC fiscal practices, including allegations of fiscal abuse and wasteful spending. Other matters identified for review will be addressed in subsequent reports.

With respect to many of the allegations, our review found spending practices that may appear excessive and inappropriate to LSC's status as a federally-funded non-profit corporation, particularly in light of its mission in distributing taxpayer dollars to fund legal services for the poor. We also found a number of transactions which did not follow LSC's own policies and a number which would be impermissible under the rules governing federal agency spending. While generally those rules are not directly applicable to LSC, they provide a familiar reference point for Congressional overseers and the public. Our principal findings and recommendations are summarized below:

We found the cost of food at Board of Directors meetings appeared excessive in some instances and should be reduced. In nine of the eleven Board meetings that we were able to examine, we found that the total cost of food was equivalent to more than 200 percent of the applicable per diem food allowance.

We found lunch costs at the January 2006 Board meeting to be more than \$70 per person, afternoon snack breaks costing as much as \$27 per person, and a total hotel food cost (breakfast, lunch, and snacks) of \$8,726 for the entire two-day meeting. We also found the contracting process for Board meetings was not in compliance with LSC's own policies. LSC did not generally follow its competitive contracting practices in selecting a hotel venue for Board meetings or properly document the selection process or the justification for the selection. Finally, we found LSC could save thousands of dollars by holding its local, Washington, D.C., board meetings at its headquarters rather than at a hotel.

We found that the LSC Chairman's authorization to allow the LSC president to travel to or from any of her homes in connection with official travel was contrary to the terms of the General Services Administration (GSA) travel contract and LSC's obligations as a mandatory user thereunder. We

also found that the LSC president's use of a foreign air carrier violated GSA's regulations implementing the Fly America Act, which LSC is contractually bound to follow. Further, we question the use of LSC funds to pay expenses associated with the LSC president's continued service in various capacities with outside organizations with which she was involved prior to her selection as LSC president.

We found that LSC officials traveled first or business class in three instances. In one instance in 2005, the LSC Chairman traveled first class round trip from Atlanta, Georgia, to Washington, D.C. The first class ticket was less than a government ticket on the same flights. In a second instance in 2005, the LSC president traveled one-way first class to an international legal aid conference in Ireland at an additional cost to LSC. Instead of using the government fare initially booked, the president was ticketed full fare coach, allowing her to secure an immediate first class upgrade as a frequent flyer member, which would not be available immediately with a government ticket. Finally, an LSC vice president traveled business class round trip to Melbourne, Australia, to attend the 2001 International Legal Aid Conference. As the trip was well in excess of 14 hours, it appears that business class would have been authorized for this trip under the Federal Travel Regulation.

We estimate that LSC spent over \$100,000 on coffee, holiday parties and picnics, working lunches, and business entertainment, going back as far as August 2000. These expenditures did not violate LSC policy. While LSC is generally not subject to Federal spending practices, these expenditures would be impermissible under those practices and we question whether many of them were reasonable and necessary, and whether they were appropriate for LSC.

We found LSC has spent over \$1 million in the past 10 years in settlement agreements with departing employees.

We concluded that some of the allegations were unfounded, or could not be substantiated. Specifically:

We found no evidence of excessive or undisclosed bonuses or of other confidential or indirect payments by LSC to the LSC president. We found no evidence of any "secret deal" between the LSC president and the LSC Board of Directors.

We did find, however, that the LSC president has been receiving a "Locality Pay" supplement at a rate that is 1 percent of salary greater than that received by any other LSC employee, all of whom work in Washington, D.C. (The Inspector General also received locality pay with a 1 percent differential for the first four months of his employment. This ended December 2004.) We questioned the propriety of such a payment. Locality pay rates by their nature are geographically based; under the Federal system there would be no variation for an individual payee within a given area.

We did not find unreasonable LSC's justification for holding a board meeting in Puerto Rico. LSC stated that it was appropriate to visit the largest LSC grantee and meet with various judicial officials and members of the bar who are involved in promoting the delivery of legal services to low-income individuals in Puerto Rico.

We did not find widespread first-class travel and found only one instance of questionable first-class travel.

We did not find LSC spending practices violated any laws. However, we did find that LSC is not adhering to its contractual obligations under the GSA City Pair Contract, as well as instances where it is not following its own controls and procedures regarding spending, contracting, and travel.

Our overall recommendations to the LSC Board and LSC management include the following:

Undertake a comprehensive review to bring LSC's spending policies and practices, particularly in the areas of travel, meals, meetings, and entertainment, in line with those applicable to Federal agencies, and require that the board review and approve any deviation from Federal practice.

Review the overall cost of LSC board meetings to determine whether there are ways to reduce costs. Also, require that LSC's competitive requirements are followed in contracting for board meeting locations.

Provide training and education for LSC staff to ensure that all LSC policies are followed, particularly in the areas of contracting and the Federal Travel Regulation related to the GSA City Pair Contract.

Review LSC employment policies and practices to determine if there are opportunities to reduce its potential liability, and review its settlement policies and practices to determine whether costs can be reduced and whether they are in the best interest of the corporation and appropriate expenditures of public funds.

LSC Response: The LSC Board and management responded positively to a draft copy of this report. They have agreed to implement substantially all of the report's recommendations. In some cases, they have already taken steps to do so, as noted in the specific recommendations within the report.

BACKGROUND

LSC is a private, non-profit corporation established by Congress in 1974 to help provide equal access to the system of justice in our nation to those who otherwise would be unable to afford adequate legal counsel by making financial support available to provide high quality civil legal assistance. In establishing LSC, Congress explicitly recognized "providing legal assistance to those who face an economic barrier to adequate legal counsel will serve best the ends of justice, assist in improving opportunities for low-income persons," and that the availability of legal assistance "has reaffirmed faith in our government of laws." LSC has said, "The goal of providing equal access to justice for those who cannot afford to pay an attorney remains the reason for LSC's existence and the benchmark for its efforts."

LSC's statutory mission is to provide "financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance." Pursuant to its mission, LSC funds 138 non-profit legal aid organizations across the United States and its territories to address the most basic and critical civil legal needs of the poor. Controlling statutes require that LSC choose grantees to provide such legal assistance to the poor through a process of competitive bidding, and also require LSC to ensure grantee compliance with applicable laws and implementing regulations and guidelines, and to ensure the maintenance of high quality service. LSC is required to ensure that grant dollars are provided so as to make the most economical and effective use of its taxpayer-provided resources in the delivery of legal assistance to eligible persons.

LSC is wholly funded through taxpayer dollars; its 2006 annual appropriation was \$326.6 million, including \$12.7 million to support LSC headquarters operations (not including the OIG). Given its mission as the principal provider of federal funds for legal assistance to the poor and its status as a quasi-federal agency, it is reasonable to expect that LSC management should conform to the highest standards with respect to fiscal responsibility and accountability. In-

deed, LSC, "[a]s a matter of principle, [is] committed to being a careful and frugal steward of taxpayer funds [and declares that it has] strict policies in place to ensure LSC funds are spent wisely and appropriately."

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, before my friend leaves the floor, one of the areas we need to get to—and I want to do it before we leave on November 16—is Indian health, which is something that is long overdue. If we talk about people who need health care, everybody would stand in line as second in need to the Indians around this country. We have a bill, and the Finance Committee is in the process of getting money to get it done. It is not everything we need, but it is starting something that is long overdue.

I say to my friend, who has the most needy reservation—Pine Ridge—in the country that we need to have the time to get rid of some of these appropriations bills so we can do something about Indian health. I have made a commitment that we are going to do that some way before we leave this legislative year. We have to do that piece of legislation. I know my friend from South Dakota understands the need in Indian Country for health care. As I said, it is great that we want to take care of the children's health initiative, which is important because we have 50 million people with no health insurance. All those problems are really in the shadows of how badly it is needed in Indian Country.

Mr. KERRY. Mr. President, today I filed an amendment with Senator GRAHAM as a cosponsor which may provide up to \$2 million, within the Department of Justice Office of Justice Programs account, for the Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, SMART, Office. The funding will be used to help hire additional staff and cover expenses for the office. The SMART Office was created by the Adam Walsh Act to help States change their sex offender registry statutes to come into compliance with the law. Currently, the SMART office is only funded through various discretionary accounts, so it is critical that we ensure they have enough staff and resources to help enforce this important law to protect our communities.

Mr. President, today I filed an amendment with Senator KENNEDY as a cosponsor which would authorize the Director of the Federal Prison System to carry out a pilot program to assist the children of female prisoners. The pilot program can be developed at any Federal correctional facility that houses women in the United States. Specifically, the amendment gives the Director of the Federal prison system discretion to make expenditures to institute a pilot program for nonviolent female offenders and their children up to age 36 months to allow the children

to be housed, fed, and cared for in Federal, or federally contracted, correctional facilities housing women, in programs specifically designed to benefit mother and child.

Mr. LIEBERMAN. Mr. President, I rise today to thank my colleagues Senator MIKULSKI and Senator SHELBY for their first-class work on the Fiscal Year 2008 Commerce, Justice, Science, and Related Agencies Appropriations bill. They have written legislation that strengthens communities against crime and terrorism, provides important research dollars for science and technology, and protects jobs here in the United States against unlawful trade practices.

Unfortunately, we know from Federal crime statistics that violent crime is on the rise in the United States. To combat this increase, we must make a commitment to boost Federal support for State and local law enforcement. This bill contains \$2.66 billion for community police departments, \$26 million to hire an additional 100 FBI agents to fight violent crime, and \$5 million for the FBI to create a task force on gang violence. Since the terrorist attacks on September 11, we have asked our local law enforcement officials to assume yet another role in protecting citizens, namely homeland security. I believe that the Federal Government must step in and provide a share of the resources to community policing for their efforts.

I also commend my colleagues for the impressive funding package they have devised for science and technology. This year, along with Senator BOND, I helped lead the charge in the Senate for an increase in the National Science Foundation's budget. This bill includes over \$6.5 billion for the NSF, with a substantial \$850 million for educational programs to develop the next generation of leaders in science, technology, and math. The future of innovation rests upon our ability to recruit more talented students who want to pursue careers in science and engineering. Looking at the challenges the United States faces in maintaining global economic leadership, a comparatively small investment now in the National Science Foundation will provide exponential benefits for years to come.

Finally, I commend the adoption of Senator MIKULSKI and Senator SHELBY's amendment to add \$1 billion to NASA's budget for this upcoming fiscal year. Along with several other Senators, I was a proud co-sponsor of this amendment, and I laud its adoption by unanimous consent. The additional funding will enable NASA to revive its basic science programs, such as its earth science and aeronautics research initiatives. Global warming is a reality, and NASA's capabilities make it uniquely positioned to provide the world's scientific community with vital data about changes in Earth's atmosphere and the subsequent impact on climate. Furthermore, we must remember that there are two "As" in

NASA, and forgetting the "Aeronautics" component of the agency's mission would be a grave mistake. Once again, I congratulate my colleagues on a well formulated piece of legislation, and I urge the President to sign this bill into law.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

DOMESTIC VIOLENCE MONTH

Mr. REID. Mr. President, I rise today in recognition of Domestic Violence Month. During the month of October, I urge my fellow colleagues and Americans to join me in committing to end violence in our homes. It is my hope that we can stand together this month and show abusers that we will not tolerate their actions.

We must never forget that domestic violence is a wide spread ailment with devastating implications. Domestic violence affects not only the victims of abuse, but their families and communities as well. The consequences of domestic abuse do not end with the violence. Victims lucky enough to escape their abusers are sometimes left with no home, no money, and no means to support themselves. And most unfortunately, children are often caught in middle of this tragedy. With as many as three million women experiencing abuse a year, it is clear we must do more to prevent these crimes and help those who are victims.

That is why I would like to recognize several organizations that have done extraordinary work to protect the victims of domestic violence in Nevada. For almost 20 years, the Shade Tree has provided shelter to abused women, and their families. Now, Shade Tree has taken on another aspect of domestic violence. On October 9, 2007, Shade Tree opened Noah's Animal House, a shelter for the animals of battered women. Shade Tree realized that animal abuse occurs in 85 percent of homes from which battered women arrive. Of those, 20 percent refuse to leave their abusers without their pets. Shade Tree's commitment to ending domestic violence knows no boundaries, and I know its impact on countless lives will continue.

The Safe Nest is another important organization that has made tremendous strides in ending domestic violence in Nevada. Safe Nest recognizes the importance of addressing all sides of domestic violence and helps with a range of services from court advocacy to crisis intervention. Safe Nest also serves Nevada by sheltering victims and educating the public. On October 19, Safe Nest will hold its annual Domestic Violence Awareness Month

luncheon. On this day, I hope that Nevada and our Nation will recognize Safe Nest's years of success and hard work.

Finally, I would like to recognize the S.A.F.E.—Stop Abuse in the Family Environment—House for their work. S.A.F.E. House is a community based organization that provides counseling, advocacy, and intervention for victims of domestic abuse. In addition, S.A.F.E. House collaborates with organizations across Nevada to search for ways to end domestic violence. For example, on October 25, S.A.F.E. House and the state chapter of National Organization for Women will team up to bring awareness to domestic violence. I am pleased to commend S.A.F.E. House for motivating hundreds of Nevadans to take action in their community.

It is also important to recognize thousands of other organizations in Nevada and our Nation that have committed time, labor, and financial resources to help victims of domestic abuse. Please join me in commending the dedicated efforts of those individuals who work each day to stop aggression in our homes. With their example in mind, I hope that Congress can reflect and take action during this important month. I urge all Americans to participate in Domestic Violence Month activities and pledge to make this issue their own.

NATIONAL LATINO AIDS AWARENESS DAY

Mr. REID. Mr. President, October 15 is the fifth annual National Latino AIDS Awareness Day, NLAAD. I rise in observance of this important day to increase our understanding of the Latino community's struggle with the HIV/AIDS epidemic. As we draw attention to the devastating impact of the HIV/AIDS crisis on the Nation's Latino population, let us recognize the resulting call to action as well.

When America first observed the annual National Latino AIDS Awareness Day in 2003, we took stock of the dismaying statistics on HIV/AIDS among Latinos. Even though they comprise 14 percent of the U.S. population, they accounted for 19 percent of the new HIV infections estimated to occur in the country each year. Over 71,000 Latinos were thought to be living with AIDS, constituting one-fifth of all AIDS patients in America. Of those, teens and women were among the Latino population subgroups considered especially hard hit by the HIV/AIDS epidemic.

These troubling disparities persist today. Latinos continue to be over-represented among HIV/AIDS patients, the greater barriers they face in accessing care have not gone away, and too many remain in the dark about the importance of prevention. While advances in medical technology have improved the outcome for HIV/AIDS patients in general, these benefits are also not reaching Latinos on par with the rest of the population. Underlying