

Voinovich  
Warner

Webb  
Whitehouse

Wicker  
Wyden

NOT VOTING—1

Byrd

The conference report was agreed to.  
The PRESIDING OFFICER. The Senator from Texas is recognized.

#### ISRAEL'S UNDENIABLE RIGHT TO SELF-DEFENSE

Mr. CORNYN. Mr. President, the terrorist group Hamas, which is supported by Iran, took control of the Gaza Strip in 2007. When Hamas did so, Israel put in place a legitimate and justified blockade of Gaza out of concern for the safety of its citizens. Hamas and its allies have fired more than 10,000 rockets and mortars from Gaza into Israel since 2001, killing at least 18 Israelis and wounding dozens of others. The Israeli defense minister said this week that Israel considers the Gaza Strip to be essentially an Iranian military base, just 3 kilometers from an Israeli town and 60 kilometers from Tel Aviv, Israel's second largest city.

The Israeli blockade has been effective in reducing the flow of weapons into Gaza and the firing of rockets from Gaza into southern Israel. Were Iran and other supporters of Hamas allowed access to the ports of Gaza, the people of Israel would be put directly in harm's way.

On May 27, the Israeli Navy, maintaining the integrity of the blockade, intercepted the so-called "Free Gaza" flotilla and peacefully boarded five of the six ships. The sixth ship was filled with extremists whose stated intent was martyrdom. Those extremists brutally attacked members of the Israeli Navy, who were forced to act in self-defense and, in some instances, use lethal force. Although Israel was exercising its right to self-defense, which every nation is entitled to do, the incident raised an international outcry, just as it was designed to do.

Some even condemned the actions of the Israeli Navy. The "Free Gaza" flotilla was a disgraceful and premeditated attempt to break the blockade and provoke a violent confrontation with Israel, hidden under the cloak of a humanitarian relief effort. This type of despicable conduct must be condemned, especially by friends and allies of Israel.

Every country has the right to defend itself, and Israel is no different. The calls from United Nations leaders and others for an investigation into the actions of Israel have been troubling. In my view, these calls have served only to question Israel's right to self defense.

To its credit, Israel has unilaterally established a five-person panel to conduct an investigation into the flotilla incident, and its work will be monitored by two foreign observers. Yet U.N. officials are not satisfied and continue to push for a separate, international probe into the incident. As

such, I believe the U.N. is unfairly singling out Israel for criticism and using a double-standard.

According to news reports, there may be new flotillas literally looming on the horizon, preparing to challenge Israel's legitimate sea blockade of Gaza. Iran's "Children of Gaza" flotilla may set sail for Gaza as soon as this weekend, according to the spokesman for the Iranian Red Crescent. Iran has directly bolstered Hamas' ability to strike Israel, and its leaders have repeatedly called for the destruction of Israel. Now, they may be sending ships. No good can come from this.

Furthermore, another group in Lebanon has announced its intention to sail its ships toward the Gaza blockade soon. Hassan Nasrallah, the leader of the terrorist group Hezbollah, has called on Lebanese citizens to help break the blockade of Gaza. So, Israel has legitimate concerns that this flotilla might be used to smuggle weapons into Gaza. I only hope the Lebanese government will do the right thing and put a stop to it.

At a time of great instability in the Middle East, these flotillas serve only as additional destabilizing forces. The Middle East does not need further violence. Israel has the solemn right to defend itself and its citizens against these flotillas and any other security threats, which continue to gather. Israel needs friends more than ever right now.

Mr. President, I have offered a sense-of-the-Senate resolution which does a number of things: First, it reaffirms the United States' strong support of Israel, our friend and steadfast ally. It expresses the sense of the Senate that Israel's right to self-defense is inherent and undeniable. It condemns the violent attack and provocation by the extremists aboard the Mavi Marmara and any future attempts to break Israel's legal blockade of Gaza. It condemns Hamas for its failure to recognize Israel's right to exist, and the Government of Iran for its support of Hamas and its undermining of Israel's security.

This resolution also encourages the Government of Turkey to recognize that continued strong relations with Israel are of the utmost importance. The resolution supports our friend and ally, Israel, and it does so unequivocally. By passing this important resolution, the Senate will help remind the world that the United States stands with our ally—Israel.

Mr. President, there are 14 Senators who have cosponsored this resolution, and at this point I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 548.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 548) to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship Mavi Marmara.

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

Mr. CORNYN. Mr. President, several colleagues had some constructive suggestions about amendments to this measure, and there were two amendments that we modified the original resolution with. At this point, I ask unanimous consent that the amendment at the desk be agreed to, and I urge adoption of the resolution, as amended.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4396) was agreed to, as follows:

On page 7, strike lines 22-24

The PRESIDING OFFICER. Is there further debate on the resolution, as amended?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, before the Senate votes on Senate Resolution 548, I wish to speak briefly in opposition to it.

This resolution speaks to this so-called "flotilla incident" that occurred a few weeks ago near Gaza. I am concerned that this resolution does not help either the United States or Israel. I support Israel. I have done so during all my years here in the Senate. But I also believe that the only way to ensure Israel's long-term security is to have a genuine peace agreement between Israel and the Palestinians. This resolution does not bring us closer to that peace.

No one questions Israel's right to defend itself. I know that questions have been raised about the relationship between the Humanitarian Relief Foundation and Hamas, and I am concerned about those questions and they need to be answered. But I am also concerned that Israel's response to the flotilla and the deaths onboard the Mavi Marmara once again shows to Israel's enemies that they can provoke Israel into taking actions that undermine international support for Israel.

Israel was able to board five of the ships with no loss of life, as my colleague from Texas indicated, and that needs to be acknowledged. But this incident has distracted the attention of the international community away from the peace process. It has overshadowed the kidnapping of Israeli soldier Gilad Shalit, which occurred nearly 4 years ago today—in fact, on June 25, 2006. Hamas should immediately release Gilad Shalit. Unfortunately, I do not believe this resolution will help to make that happen.

Nor does this resolution talk about the humanitarian situation in Gaza. Israel has allowed humanitarian supplies into Gaza, but it is evident from the conditions in Gaza that those supplies have not been sufficient. One U.S. charity estimates that 400 trucks of basic food supplies are needed in Gaza

every day, but on average only 171 trucks of basic nutritional aid enter Gaza each week.

Israel has a right to prevent arms from entering Gaza, but I do not see a reason for the Senate to pass a resolution supporting a policy that has the effect of restricting humanitarian supplies. Moreover, Israel itself has decided to change that policy. I am encouraged by Israel's decision last week to ease the restrictions on the flow of goods into Gaza. I agree with the White House that this new policy, once implemented, will significantly improve the conditions for the Palestinians in Gaza. As Prime Minister Netanyahu told the Knesset:

This new policy is the best one for Israel because it eliminates Hamas' main propaganda claim and allows us and our international allies to face our real concerns in the realm of security.

The resolution the Senate is considering at this point would put the Senate on record in support of a policy that Israel itself has determined to change.

One more obvious point is the Senate has not fully debated this resolution. There have been no hearings on the flotilla incident or any version of this resolution in either the Senate or in the House. To my knowledge, the administration has not expressed its views on this resolution either. I believe with regard to foreign policy matters, the administration should always be consulted.

Let me close by saying no one should question the U.S. support for Israel. I do not believe anyone seriously questions that. I say again that I do not believe this resolution furthers the effort to bring peace between Israel and the Palestinians, which is the only way to ensure Israel's long-term security.

For those reasons I would like to be recorded in opposition to enactment of the resolution.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I reiterate my unanimous consent request that the amendment at the desk be agreed to and urge adoption of the resolution as amended.

The PRESIDING OFFICER. The amendment has been agreed to. Is there further debate? If not, the question is on agreeing to the resolution, as amended.

The resolution (S. Res. 548), as amended, was agreed to.

Mr. CORNYN. I ask unanimous consent the amendment to the preamble be agreed to, the preamble as amended be agreed to, and the motions to reconsider be laid upon the table en bloc.

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

The amendment (No. 4397) was agreed to, as follows:

Strike the 14th clause in the preamble.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

Mr. CORNYN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, my friend and colleague from North Dakota has been kind enough to allow me to speak because of some scheduling concerns, and I ask unanimous consent when I complete my remarks he be recognized for 15 minutes.

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

Mr. BOND. I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 3538 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

#### TRIBAL LAW AND ORDER ACT OF 2010

Mr. DORGAN. Mr. President, on occasion there are some things that happen in this Chamber that get precious little attention but represent very good news. Last evening, with virtually no attention, a piece of legislation was passed by the Senate unanimously, a piece of legislation, called the Tribal Law and Order Act, affecting Indian tribes across this country. It was bipartisan. My colleagues and I, as chairman of the Indian Affairs Committee, working with Republicans and Democrats, Senator BARRASSO, and Senator JON KYL especially was helpful in recent days, and on our side, Senator TESTER and Senator UDALL and so many others—have gotten a piece of legislation through the Senate, which we hope will get through the House and be signed by the President, dealing with law and order on Indian reservations.

Lewis and Clark spent the winter in North Dakota on their expedition in 1805. When they came through North Dakota, there were Indian villages and settlements in North Dakota that had been there a long time. They were farming on the banks of the Missouri River. That is true all across the country. When new people exploring our country came upon Indian tribes, they had been there for a long while. They were the first Americans, and we displaced them, and we have sad chapters in American history that are described as "Trail of Tears," the "Massacre at Wounded Knee," and I could go on for a great length of time.

Native Americans were, in many cases, rounded up, placed on reservations, and then the Federal Government, for taking their property away from them, said: We will sign agreements with you. We will make deals with you. We will have treaties. We will accept a trust responsibility. We will educate you. We promised that since we have taken your land away, we will provide for your children's education, we will provide for your health

care, and we will provide for your law enforcement.

It is what the Federal Government signed to do in treaties and the Government has systematically avoided the responsibility of meeting those conditions ever since.

I have talked at length on this floor about Indian health care and Indian education and Indian housing. In many areas on Indian reservations, it mirrors what we consider Third World-country conditions: people living in overcrowded housing, if they have housing at all; sending kids to schools whose desks are 1 inch apart, with 30 kids to a classroom, in a dilapidated building; people going hungry; people having very serious health care problems and not able to get adequate health.

We passed in this Chamber the Indian Health Care Improvement Act as a part of the health care reform bill. I am enormously proud of having done that. It is the first time in 17 years this Congress did something on the Indian Health Care Improvement Act. We worked and worked and worked. I am proud it is done.

This is another significant piece of work. We have had I believe 14 hearings on this subject in the Indian Affairs Committee. Twenty-two Senate colleagues cosponsored my legislation, Republicans and Democrats.

If anyone doubts the need for this legislation, let me demonstrate just in this week with three headlines, one in Indian Country Today. "Rape on the Rez" is the title.

The mother tries to be strong, looking at the photos of her dead daughter's beaten and bruised face. She tries not to cry, but eventually the images prove too much. "That's what they did to her," the mother says.

Marquita Marie Walking Eagle died November 1, 2009, the victim of a violent sexual assault. The 19-year-old Rosebud Sioux woman's alleged killer: a 17-year-old classmate from St. Francis High School in South Dakota.

Just one headline, but, we also have studies. One in 3 American Indian and Alaska Native women will be raped and sexually assaulted in her lifetime—1 in 3; not 1 in 10, 1 in 3. Think of that. Think of the violence on too many of these Indian reservations.

Another headline from this week: "Addicted On The Rez," about drug abuse and crimes that are infiltrating the reservation. Another headline this week: "Indian reservations on both U.S. borders are becoming drug pipelines," conduits for Mexican drug cartels and others to move drugs into this country and particularly addict young Indian children on those drugs and have them become carriers. Those are three articles from this week sitting on top of a mountaintop of other articles.

In my home state of North Dakota right now, on the Standing Rock Indian Reservation that actually is on the border of North and South Dakota—it is an area the size of the State of Connecticut. They had nine law enforcement officers for 24 hours a day, 7 days a week coverage. Well, that means

that very often there would be no more than one law enforcement officer patrolling an area the size of the State of Connecticut. So a woman being raped, sexually assaulted, a burglary or a robbery in progress, a violent crime, a gun crime, and a plea and a call, a frantic call, might mean that 3 or 4 hours later—maybe not until the next day would someone in a police car show up to investigate that crime. That is what they have been facing.

On the Standing Rock Indian Reservation, the year before last, the rate of violent crime wasn't double what most Americans experience; it wasn't triple; it wasn't quadruple; it was eight times the national average—eight times the rate of violent crime on the Standing Rock Reservation. There has been some improvement. In 2009 it was simply five times worse than what most Americans experience.

The question is, What can we do about those things? One Bureau of Indian Affairs officer on the Standing Rock Reservation—again, as I indicated, an area the size of the State of Connecticut, with nine law enforcement officers—what he said was: “I felt like I was standing in the middle of a river trying to hold back a flood.” He said they were forced to “triage” rape cases. He said: We only took a rape case if there was a confession; if not, didn't happen. This is not a Third World country. This is in America on Indian reservations.

Last summer, the Department of Justice issued a report to our committee. I am quoting now:

Native gangs are now involved in more violent offenses like sexual assault, gang rapes, home invasions, drive-by shootings, beatings, and elder abuse on Indian reservations.

This is on the Pine Ridge Reservation, a photograph that was brought to a hearing I held on increased gang activity on reservations. This is another photo from the same hearing. These are very serious problems.

We have a war on terror and a war on drugs, and all too often across this country, Indian reservations are left to their own, told “you do it,” despite the fact that this country promised to provide law enforcement assistance. This entire system isn't working. It is the courts, the jails, law enforcement—it doesn't work.

That is why, with 22 colleagues, we introduced this legislation and now last night, thankfully, have passed it through the Senate. This does a number of very important things. It forces the BIA to consult with tribal leaders on joint law enforcement.

It says to the U.S. attorneys—by the way, U.S. attorneys are the ones who are relied upon to prosecute felonies on Indian reservations, and all too often it is part of the back room of the U.S. Attorney's Office: You know what, we don't have time; we are not going to do it. The declination rate—that means declining to prosecute—the declination rate for murders is 50 percent, according to Department of Justice informa-

tion we received in the committee. The declination rate, that is, declining to prosecute, for rape and sexual assault is 70 percent. So 70 percent of the time, they don't prosecute because they are working on something else. It is on an Indian reservation. Hard to investigate, they say. Well, this legislation will change that.

This legislation will add the necessary tools to enable tribal governments to better fight crime locally. It will give police improved access to national criminal databases. Judges on reservations will have added authority to sentence violent offenders in tribal courts. Can you imagine that judges in tribal courts, under current law, can sentence to no more than 1 year for an Indian offender? No more than 1 year. Rape, murder, armed robbery—1 year. That is absurd.

The fact is, we have put together a bill that finally offers the tools to strengthen this justice system, that also works to cross-deputize Indian police in the Federal criminal system so that Indian reservations and those who patrol on the reservations can work hand-in-hand with those in the adjacent counties, the county sheriffs, police chiefs, and others.

This bill will reauthorize and improve existing programs designed to strengthen the tribal justice systems, prevent alcohol and substance abuse, which is the No. 1 cause of violence on reservations, and improve opportunities for youth on the reservations.

I am very pleased and proud that we have been able to get this done. We have worked long and hard. If this Congress completes its work having done the Indian Health Care Improvement Act and now the Tribal Law and Order Act, if in one Congress we will have made that kind of stride to address the issue of health care and crime and justice on Indian reservations, we will have done something very significant.

I ask people who think, well, this is just something that is out of sight, out of mind: Go to an Indian reservation and take a look at the condition of the housing. Go visit with the kids in school. I have done that. Go sit around, if you can, with 10 or 12 kids and ask them about their lives. Where do they get hope and inspiration and belief that they can be part of something bigger than themselves, that they can get educated, that they have an opportunity to do whatever they want to do? Where do they get that? The fact is, we have created circumstances, abysmal circumstances and broken promises, and it has lasted for a couple of centuries.

You know, we have been trying now for almost 6 months to get the Cobell settlement through the Senate. The Cobell settlement is a group of plaintiffs who are Indians whose property and land and resources from that land have largely been stolen from them for a couple of hundred years. The Interior Department has been managing the trust of these Indians for well over 100, 150 years.

The other day on the floor of the Senate, I showed a picture of a woman who had six oil wells on her land, and she lived in a little bungalow and never had anything all of her life. Well, why didn't someone who had six oil wells on her land have anything? Because the U.S. Department of the Interior was managing it, and she never got the money. That has been going on for 150 years. And now there is a court action that has gone on for 14 years and finally an agreement to settle the court action, and the judge gave us 30 days in Congress to settle this after it had been agreed to by the Interior Secretary, by the plaintiffs. Finally some justice after 100, 150 years, and the judge has had to extend that deadline now three or four times and we have still not gotten it done. It is in this underlying bill, the one that is being objected to by the minority.

The reason I mentioned that is there are so many injustices in this country to the people who were here first. The first Americans deserve better. The first Americans deserve to have this government keep its promise at long, long last. And this is but one: the providing of law enforcement. How many Americans would like to live in an area where the rate of violent crime is 5 times, 8 times, or 10 times the national average? Well, there are a whole lot of young men and women, young boys and girls, and elders living exactly in those circumstances in this country. And that violence exists every day.

We need to do something about it.

One final point. I have talked to the BIA at great length. There are some things happening right now experimentally to try to move some additional resources into tribal lands to promote greater law and order. It is true on the Standing Rock Reservation and others as well. But the Tribal Law and Order Act, which I have reason to believe will now be passed by the House as well, is a big step forward. We not only negotiated that in the Senate, but we worked very hard with Members of the House as we put this legislation together with their ideas as well. If we do this, we will be able to say this country, at long last, on this issue at least, kept its promise and began the long effort to make sure we are meeting our trust responsibilities to those who were the first Americans.

I thank many of my colleagues who helped us achieve this goal, and end as I began, by saying there is plenty of reason to be concerned about the lack of getting things done in this Chamber, but this is a good piece of legislation. Good news doesn't sell quite as well as bad news these days in our system. I hope all of us will be able to take some satisfaction in doing something that represents the public good for people living in this country who certainly deserve it.

I yield the floor.

CRIMINAL JURISDICTION

Mr. DORGAN. Mr. President, I rise to speak on S. 797, the Tribal Law and

Order Act of 2010. I offered the text of this bill to H.R. 725, the Indian Arts and Crafts Act Amendments, and last night, the Senate passed this bill as amended by unanimous consent.

As chairman of the Committee on Indian Affairs, I have presided over 14 hearings relating to public safety on our Nation's tribal lands over the past three years. These hearings revealed a longstanding crisis of violence in many parts of Indian country. Indian reservations on average suffer rates of violence more than 2.5 times the national rate. In my home State of North Dakota, the Standing Rock Sioux Reservation suffered 8.6 times the national rate of violence in 2008. In early 2008, there were 9 police officers patrolling this 2.3 million acre Reservation, which meant at times there was no 24-hour police response service. As a result, victims of violence reported waiting hours and sometimes days before receiving a response to their distress calls. With this level of response, crime scenes can become compromised, and justice is not served to the victims, their families, or the community.

Our hearings found that violence against Indian women has reached epidemic levels. The Justice Department and the Centers for Disease Control and Prevention report that more than 1 in 3 American Indian and Alaska Native women will be raped in their lifetime and more than 2 in 5 will be subject to domestic or partner violence.

The broken and divided system of justice in place on Indian lands that was devised by dozens of Federal laws and Federal court decisions enacted and handed down over the past 150 years is not well-suited to address the violence in Indian country. Because of these laws and decisions, responsibility to investigate and prosecute crime on the reservation is divided among the Federal, tribal, and in some locations, state governments.

Based on this authority, these governments should be diligent in preventing and prosecuting these crimes. Thus, one of the primary purposes of the bill is to ensure that the United States upholds its treaty promises and legal obligation to investigate and prosecute violent crimes on Indian lands. Our Nation made treaty promises, and enacted laws—specifically the General and Major Crimes Acts—that provided for Federal criminal jurisdiction over Indian lands. At the same time, the United States limited tribal government authority to punish offenders in tribal courts to no more than 1 year for any one offense.

The Tribal Law and Order Act of 2010 takes steps to hold the United States to these solemn promises, and will address the restriction on tribal court penal authority over defendants in tribal court where certain protections are met.

Mr. KYL. I thank my colleague from North Dakota for his work on this important bill. We held a field hearing in my State of Arizona on an early

version of this bill. There we heard from tribal leaders about violence in their communities. In 2009, the Bureau of Indian Affairs reported that in my home State of Arizona the San Carlos Apache Tribe endured a violent crime rate that is more than six times the national average and the White Mountain Apache Tribe suffered a violent crime rate more than four times the national average. On the southern border, the Tohono O'odham Nation needs assistance in addressing the onslaught of Mexican drug and human traffickers that exploit the sprawling reservation, which is the size of the State of Connecticut.

I would like to address changes made to section 201 of the Tribal Law and Order Act that concern Public Law No. 83-280, commonly known as Public Law 280. This law was enacted on August 15, 1953. Public Law 280 removed the Federal Government's special Indian country law enforcement jurisdiction over almost all Indian lands in the States of Alaska, upon statehood, California, Minnesota, Nebraska, Oregon, and Wisconsin, and permitted these States to exercise criminal jurisdiction over those lands. The act specifically provides that these states "shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country . . . to the same extent that such State . . . has jurisdiction over offenses committed elsewhere within the State . . . and the criminal laws of such State . . . shall have the same force and effect within such Indian country as they have elsewhere within the State."

Public Law 280 has been a mixed bag for both tribes and States. The States that are subject to Public Law 280 possess authority and responsibility to investigate and prosecute crimes committed on reservations, but, because of subsequent court decisions that sharply limited the extent of Public Law 280's grant of civil jurisdiction to affected states, these states have almost no ability to raise revenue on Public Law 280 lands. And to the extent that tribal governments retained concurrent jurisdiction over crimes committed by Indians on these lands, such authority is currently limited, as my colleague from North Dakota states, to no more than 1 year for any one offense. Thus, residents of reservations subject to Public Law 280 have to rely principally on sometimes underfunded local and state law enforcement authorities to prosecute reservation crimes.

Section 201 of the Tribal Law and Order Act of 2010 allows the Federal Government to reassume criminal jurisdiction on Public Law 280 lands when the affected Indian tribe requests the U.S. Attorney General do so. If the Attorney General concurs, the United States will reassume jurisdiction to prosecute violations of the General and Major Crimes Acts, sections 1152 and 1153 of title 18, that occur on the requesting tribe's reservation.

The bill makes clear that, once the United States reassumes jurisdiction pursuant to this provision, criminal authority on the affected reservation will be concurrent among the Federal and State governments and, "where applicable," tribal governments.

Mr. President, I would like to ask the sponsor of the bill to make clear that nothing in the Tribal Law and Order Act retracts jurisdiction from the State governments, and nothing in the act will grant criminal jurisdiction in Indian country to an Indian tribe that does not currently have criminal jurisdiction over such land.

Mr. DORGAN. That is correct. The phrase that jurisdiction "shall be concurrent among the Federal Government, State governments, and, where applicable, tribal governments" is intended to clarify that the various State governments that are currently subject to Public Law 280 will maintain such criminal authority and responsibility. In addition, this provision intends to make clear that tribal governments subject to Public Law 280 maintain concurrent criminal authority over offenses by Indians in Indian country where the tribe currently has such authority. Nothing in this provision will change the current lay of criminal jurisdiction for state or tribal governments. It simply seeks to return criminal authority and responsibility to investigate and prosecute major crimes in Indian country to the United States where certain conditions are met.

Mr. KYL. Mr. President, I concur with the interpretation of this provision expressed by my colleague from North Dakota.

#### AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010—Continued

The PRESIDING OFFICER. The Senator from Washington State is recognized.

Mrs. MURRAY. Mr. President, I rise to express my disappointment that we have gotten to this point on this very important piece of legislation that is before us, the tax extenders bill, the jobs package we have been trying to get passed. We have worked very hard to put together a bill that will provide much needed help to families and communities across the country. It is a bill that will make sure our recovery is not jeopardized. It is a bill that would extend tax credits to individuals and small businesses that both of our parties think are important. It provides incentives for clean energy companies to expand and create jobs at a time when we need them. It allows families in States such as mine to deduct local sales tax from their Federal returns, an important boost to the economy. It provides critical support for States that are struggling today to provide health care for their families in these very tough economic times. And it will extend unemployment benefits to support those in our communities who,