

every hour, every day, every week, every month to countries, many of which are our enemies and could care less about us, that we must pay that to get crude oil to be refined so that we can move our automobiles and our trucks and do our work and our business every day.

It sounds incredible that we would not join together, Democrats and Republicans, on this exciting day and say we finally have pulled back the curtain that has had a blackout imposed on offshore drilling in America and join hands and say: What do we do to begin to develop it as quickly as we can? I don't see why we ought to be arguing. We ought to do it together and quickly. That is what the American people would like. I don't think that is what we are going to get. I hope some Democrats will be listening. That is what this Senator would like to do.

We have a bill. We have a proposal. It would probably be better if Democrats and Republicans had one together that both produced and conserved, that produced more oil and conserved more in terms of our automobiles by producing more electric cars. Just combine those—this one, and match it off against another one—and we will be moving in the right direction.

I close by saying I hope that day comes. I hope the other side is not waiting, doing nothing until the election is over, using any excuse they would like. There is no excuse. We can do it, and we ought to do it now. The curtain has now rolled back. The offshore is there to look at, to see, and it contains billions of barrels of oil that are ours. We ought to get it in an orderly way, and we ought to pass laws in a bipartisan way that permit us to do it. But if not, we ought to put forth ours and have some serious votes in front of the American people to decide our future.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CASEY). Morning business is closed.

#### TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA RE-AUTHORIZATION ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2731, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2731) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, malaria, and for other purposes.

Pending:

DeMint amendment No. 5077, to reduce to \$35,000,000,000 the amount authorized to be appropriated to combat HIV/AIDS, tuberculosis, and malaria in developing countries during the next 5 years.

Kyl amendment No. 5082, to limit the period during which appropriations may be made to carry out this act and to create a point of order in the Senate against appropriations to carry out this act that exceed the amount authorized for fiscal year 2013.

Gregg amendment No. 5081, to strike the provision requiring the development of coordinated oversight plans and to establish an independent inspector general at the Office of the Global AIDS Coordinator.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 5076

Mr. THUNE. Mr. President, I call up amendment No. 5076, and I ask unanimous consent that Senators CLINTON, DORGAN, and MURKOWSKI be added as cosponsors of the amendment.

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

The pending amendment is set aside. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself Mr. KYL, Mr. JOHNSON, Mr. TESTER, Mr. DOMENICI, Mrs. CLINTON, Mr. DORGAN, and Ms. MURKOWSKI, proposes an amendment numbered 5076.

The amendment is as follows:

(Purpose: To provide for an emergency plan for Indian safety and health)

In section 401(a), strike “\$50,000,000,000” and insert “\$48,000,000,000”.

At the end, add the following:

#### TITLE VI—EMERGENCY PLAN FOR INDIAN SAFETY AND HEALTH

##### SEC. 601. EMERGENCY PLAN FOR INDIAN SAFETY AND HEALTH.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the “Emergency Fund for Indian Safety and Health” (referred to in this section as the “Fund”), consisting of such amounts as are appropriated to the Fund under subsection (b).

(b) TRANSFERS TO FUND.—

(1) IN GENERAL.—There is authorized to be appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, \$2,000,000,000 for the 5-year period beginning on October 1, 2008.

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under this section shall—

(A) be made available without further appropriation;

(B) be in addition to amounts made available under any other provision of law; and

(C) remain available until expended.

(c) EXPENDITURES FROM FUND.—On request by the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services, the Secretary of the Treasury shall transfer from the Fund to the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services, as appropriate, such amounts as the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services determines to be necessary to carry out the emergency plan under subsection (f).

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) REMAINING AMOUNTS.—Any amounts remaining in the Fund on September 30 of an applicable fiscal year may be used by the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services to carry out the emergency plan under subsection (f) for any subsequent fiscal year.

(f) EMERGENCY PLAN.—Not later than 1 year after the date of enactment of this Act, the Attorney General, the Secretary of the Interior, and the Secretary of Health and Human Services, in consultation with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), shall jointly establish an emergency plan that addresses law enforcement and water needs of Indian tribes under which, for each of fiscal years 2010 through 2019, of amounts in the Fund—

(1) the Attorney General shall use—

(A) 25 percent for the construction, rehabilitation, and replacement of Federal Indian detention facilities;

(B) 2.5 percent to investigate and prosecute crimes in Indian country (as defined in section 1151 of title 18, United States Code);

(C) 1.5 percent for use by the Office of Justice Programs for Indian and Alaska Native programs; and

(D) 1 percent to provide assistance to—

(i) parties to cross-deputization or other cooperative agreements between State or local governments and Indian tribes (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a)) carrying out law enforcement activities in Indian country; and

(ii) the State of Alaska (including political subdivisions of that State) for carrying out the Village Public Safety Officer Program and law enforcement activities on Alaska Native land (as defined in section 3 of Public Law 103-399 (25 U.S.C. 3902));

(2) the Secretary of the Interior shall—

(A) deposit 20 percent in the public safety and justice account of the Bureau of Indian Affairs for use by the Office of Justice Services of the Bureau in providing law enforcement or detention services, directly or through contracts or compacts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

(B) use 45 percent to implement requirements of Indian water settlement agreements that are approved by Congress (or the legislation to implement such an agreement) under which the United States shall plan, design, rehabilitate, or construct, or provide financial assistance for the planning, design, rehabilitation, or construction of, water supply or delivery infrastructure that will serve an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)); and

(3) the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, shall use 5 percent to provide domestic and community sanitation facilities serving members of Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) pursuant to section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), directly or through contracts or compacts