

eight Democrats, seven Republicans—or maybe it was the reverse. I wasn't there because I was in Chattanooga for Volkswagen's announcement of a new plant in Chattanooga, for which we are grateful. But we had a good discussion the week before, and we had a good one yesterday. We should be having that discussion on the Senate floor.

Our plan, the Republican plan, which we hope earns Democratic support, is very simple. It would increase American production by one-third over time—by one-third, one, by giving States the option to explore offshore for oil and gas and keep 37½ percent of the revenues. If I were the Governor, as I once was—we don't have a coast in Tennessee, but I would have been delighted to have that money. I would have put it in the bank and built the best higher education system in America, kept taxes down, and done some other things. That is what the four States in the South do. Virginia might decide to do it, North Carolina, Florida might. The oil market would get the oil and our prices would begin to stabilize. That would be 1 million barrels a day the Department of Interior estimates. Remember, 85 percent of the area on the Outer Continental Shelf in which we could drill is now off limits. We are going to have to deal with that issue. We should be dealing with it on the Senate floor.

Two, we could go to three Western States and lift the moratorium on oil shale development. We should proceed with that in environmentally sound ways. That should produce, according to the Department of the Interior, 2 million barrels a day. What do those numbers mean? It means we could increase our production by one-third—increase American energy by one-third.

Now, we only produce maybe 10 percent of the world's oil, but we are the third largest producer. Many on the other side have said: Well, let's sue OPEC, the Middle Eastern countries, and make them produce more oil. By analogy, we should be suing ourselves for not allowing the U.S. to produce more oil. We produce about as much oil as Saudi Arabia. We are the third largest producer. We should make our contribution to finding more American energy by producing more oil, and there are many Republicans and some Democrats who are ready to do that. So why are we not debating that and acting on that and voting on that on the Senate floor? That is what the Senate is expected to do.

Then, use less. We are willing to do both. We understand both parts of the equation of supply and demand. Our suggestion and our legislation—and I believe, personally, the most promising way for our country to rapidly reduce our reliance on foreign oil—is to use plug-in electric cars and trucks.

Now, when I first began talking about this, some people thought I had been out in the sun too long. But Nissan, Toyota, Ford, General Motors, are all going to be making and selling to us

within a year or two or three electric hybrid cars, or in Nissan's case an electric car that you simply plug in at night. Where do we get the electricity to do that? We have plenty of electricity at night when we are asleep. In the TVA region, for example, where I am from, the Tennessee Valley Authority, we produce about 3 percent of all of the electricity in America. We have the equivalent of 6 or 7 nuclear powerplants worth of electricity available at night which is unused. So TVA can bring me a smart meter and say: Mr. ALEXANDER, you can fill up with electricity at night and drive your car 30 miles a day without using any gas. When I am here in the Senate, that is about all I drive. Three-quarters of Americans drive less than 40 miles a day. Over time, the Brookings experts believe we could electrify half our cars and trucks, and do it without building any more new powerplants because we already have unused electricity at night. So we are willing to do more and use less.

We hear too much coming from the other side of the aisle to avoid the finding more part. They are dancing around the issue. We say: More offshore exploration with some exceptions. We hear: No, we can't.

We say lift the moratorium on oil shale, with some exceptions. They say, no, we can't. We say more nuclear power, which is clean and we can use it for electricity and to plug in our cars and trucks. They say, no, we can't. We need to be finding ways that we can say, yes, we can, to finding more and using less.

My last comment is this: I hope not to hear anybody else ever say on the floor of the Senate that we cannot do something because it will take 10 years. Did President Kennedy say we could not go to the Moon because it would take 10 years? Did President Roosevelt say we could not build a bomb to win World War II because it might take 3 years? Did our Founding Fathers say we cannot have a Republic or a democracy because it might take 20, 30, or 40 years? Our greatest leaders have said this is the way we go in America. This is what we should be like in 5 or 10 years. We should have a new "Manhattan Project" for clean energy independence, to put us on a path toward that independence with 5 or 10 years.

From the day we take those actions, the price of oil and gasoline stabilizes and begins to go down. That is what was so eloquently said in the Wall Street Journal article by Mr. Feinstein. Let me conclude with the very words he said 2 days ago:

Now here is the good news. Any policy that causes the expected future oil price to fall can cause the current price to fall, or to rise less than it would otherwise do. In other words, it is possible to bring down today's price of oil with policies that will have their physical impact on oil demand or supply only in the future.

The United States and this world are waiting for us to enact a plan that will

find more American energy and use less oil, so it can see that in the future we are on a path to energy independence and, as a result, the prices of oil today will stabilize and begin to go down.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. There is 22 minutes 25 seconds.

Mr. CORNYN. I will take the first 10 minutes and ask unanimous consent that the Senator from New Mexico be accorded the final 12 minutes of our morning business.

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

#### HIGH GASOLINE PRICES

Mr. CORNYN. Mr. President, I want to talk as well about high gasoline prices. I agree with my colleagues that this is the No. 1 issue of the day when it comes to domestic policy.

Frankly, as we talk about the housing crisis, the subprime mortgage crisis, hopefully, our economy will work through this difficulty with the collective efforts of the White House and Congress. But, frankly, I am worried the most that unless Congress acts to lift the moratorium on the Outer Continental Shelf, the oil shale, and other sources of oil here at home, then it will be high gasoline and high energy prices that will plunge our Nation into a recession.

As bad as people feel the economy is going right now, I believe it can only get worse, unless Congress acts responsibly to deal with the causes of high gas prices. It is within our grasp to have a positive impact and bring down the price of gasoline at the pump.

I think it is important for the American people to understand that the consequences of the last election in 2006 meant that the Democrats—our friends on the other side of the aisle—are in charge. As the Senator from Tennessee mentioned, it is Senator REID, the Senator from Nevada, the majority leader, who controls floor time. We cannot bring things up on the floor of the Senate unless he says it is OK. What we are doing here today is imploring him to get to work—to allow us to get to work on the Nation's business when it comes to bringing down the price of gas at the pump.

There is some good news: After 145 days of delay and going dark listening to foreign terrorists, because we hadn't reauthorized the Foreign Intelligence Surveillance Act, we were able to get a bipartisan compromise and pass that legislation.

Here, again, this is where the majority party, the Democrats, control the agenda and, frankly, we are seeing unnecessary delays that were causing harm not only to our intelligence gathering, but also it has been 603 days

since the Colombia Free Trade Agreement has been stalled. This is an example where my State sells \$2.3 billion of produce from our farmers and manufactured goods to Colombia. They bear a tariff that would be removed if that trade agreement were to go through, which would create additional markets and help create jobs and improve the economy not only in Texas but across the country. If we can persuade Speaker PELOSI and Majority Leader REID to allow this thing to go through, we can see a boost in our economy as a result of that free trade agreement.

Then, of course, there is the matter of judicial nominees who have been blocked because of the unwillingness of the majority leader to allow them to have a vote on the Senate floor. It has been 748 days.

I am here to talk about this last figure, and that is the 814 days since Speaker PELOSI said, in anticipation of the 2006 election:

If Democrats get elected and if I become speaker, we are going to have a common-sense plan to bring down the price of gasoline at the pump.

That was when gasoline prices were \$2.33 a gallon. We thought gas prices were high then. What are they today? They are an average of \$4.11 a gallon. We are still waiting for that plan.

So we are here to ask, in the most respectful way we know how, for the Democratic majority leader in the Senate, who controls the floor of the Senate, to bring a bill to the floor that will allow us to deal with this national economic crisis and provide some relief to the hard-working families in Texas and across the Nation who need some help. We know that high energy prices not only impact the quality of life and the economic welfare of hard-working people in my State and across the country, it has a ripple effect on the price of food and other commodities, which is driving up inflation and threatening our economy. So we need some action.

I was somewhat amused to hear the distinguished Senator from New Jersey, Mr. MENENDEZ, come to the floor yesterday and talk about the need to "act more and talk less." Act more and talk less. I agree with the slogan, but I wish the majority leader and our friends on the other side of the aisle, who are in control of the agenda of the Senate, would take their own advice: Act more, talk less.

We know what is necessary in order to deal with the energy crisis in this country. Here is what we have encountered: Nothing but obstruction. The Senator from New Mexico, Mr. DOMENICI, is our leader on energy issues. He is the ranking member, and former chairman, of the Senate Committee on Energy. He has been an unparalleled advocate of the expansion of nuclear power to generate electricity in this country.

What happens when we ask our friends on the other side of the aisle to work with us to try to expand the availability of cheap electricity through nuclear power in a safe way? It

is blocked. What are we told, regarding our 300-year supply of coal in this country, that we want to invest money in clean coal technology and to use that energy in a way that protects the environment but generates electricity to be used by the American people? We are told, "no, you cannot do that either" by the majority party. When it comes to offshore exploration, taking advantage of the God-given natural resources America has been blessed with, we are told, "no, you cannot do that either," even though it is within the power of the Congress to lift the ban that was imposed by the Congress, which would allow us to explore and produce oil from the submerged lands around our shoreline.

The President lifted the executive ban a couple of days ago. So the only barrier to the production of more of America's natural resources here at home in the submerged lands off our coastline is the Congress. Our friends on the other side of the aisle are in charge, and we are imploring them to work with us to produce more American energy. We have heard a lot about the oil shale out in Colorado, Utah, and Wyoming. About 2 million additional barrels of oil a day, we are told, could be produced from that oil shale. But we are told, "no, you cannot do that." That was Congress that imposed that ban last year on developing the oil shale, which could relieve some of that pain at the pump.

Then, of course, we know about ANWR, the Arctic National Wildlife Refuge. When Congress actually passed legislation that would allow exploration and production of oil in ANWR, President Clinton vetoed it about 10 years ago. If he hadn't vetoed that legislation, we would have about a million barrels a day on line that would help with supply and would bring down the price.

So the new energy policy of our friends on the other side of the aisle seems to be a "no energy" policy. It is not "let's do this instead of that"; it is just "no new energy." Now we are told that the majority leader wants to bring a bill to the floor to focus on speculation in the commodities market. We favor an examination of the commodities futures market, more transparency, and more cops on the beat in order to make sure the American people are being well served by the commodities futures market. But it is not the only problem we need to deal with. We need to deal with the law of supply and demand, which, amazingly, Congress is under the misimpression that it can suspend the law of supply and demand.

We know, because we have been told by the world's experts, that we are in competition with growing economies, such as China and India, with more than a billion people each, who are buying cars and using more energy because they want the prosperity that comes along with more energy use. China's GDP is growing at 10 percent a

year. It is building about two new coal-powered plants a week in that country. So we know we are in a global competition.

You would think that common sense would tell us, from a national security standpoint and from the standpoint of bolstering our economy here at home and producing additional supply, which will give us temporary relief as we transit that bridge Senator DOMENICI talks about to a clean energy future—we know in the long run we are going to have to get off of an oil-based energy dependency. Frankly, there is not enough of it for us to permanently continue where we are now. That is why alternative sources of energy are important and why it is important that we conserve and, as Senator ALEXANDER said, "find more, use less."

I was in Tyler, TX, last week, at Brookshire Groceries, which is a chain there. They were talking about how they had retrofitted their tractor-trailer rigs and tried to find ways to conserve and use less diesel. They told me how they had retrofitted their tractor-trailer rigs to try to conserve and use less diesel. They found, also, that if they drove their trucks at about 62 miles an hour, they could maximize the range that they could travel—the distance—and minimize the consumption of diesel. If I am not mistaken, I think they told me they were able to save roughly 20 percent of their diesel consumption by finding ways to conserve. So we support the concept of using less, but we need to find more at the same time.

It makes sense that we produce more here in America. It will create jobs at a time when our economy is flying into a headwind right here in America, all across the country. It will bring some relief to consumers at the pump. We know that 70 percent of the price of gasoline is directly tied to the price of oil.

We need to "act more and talk less," I agree. But it is up to the majority leader to allow us to act by bringing an energy bill to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, how much time does the Senator from New Mexico have?

The PRESIDING OFFICER. The Senator has 10 minutes 13 seconds.

Mr. DOMENICI. Mr. President, it is a privilege this morning to follow after two Republicans who have eloquently expressed their views on this subject. I compliment our conference chairman from Tennessee, Senator LAMAR ALEXANDER. He has quickly taken the lead in this area as conference chairman and is doing an excellent job of putting us in a position where we can explain to the American people what this issue really is.

Mr. President, 2½ months ago, I introduced a bill. The bill was intended to call to the Senate's attention that we ought to be producing oil and gas

from U.S. assets, this oil and gas to be used by the American people to lessen our demand on foreign oil so that as we move across the bridge to the next fuel the world uses, we use less crude oil from foreign sources by using our own. That was the gist of the bill. It had conservation in it. It had production in it. It had addressed the continental offshore exploration.

Indeed, after 2½ months, nothing has been done except that the President of the United States intervened and said to the American people: Let's just put the blame right where it belongs. I am lifting the Executive moratorium on all of the coastline of America in the Atlantic and Pacific Oceans that abuts our country. I am lifting the ones I have control over. And, Congress, you do what is next; you lift yours so we can begin the orderly process of having leases and producing oil and gas from our property for our people.

I cannot tell you how thrilled this Senator was with the President's action because it said: What is next? I can almost envision the minds of those who are in the business of holding us hostage to natural gas and crude oil we have to purchase from overseas, in particular crude oil. I can almost envision them peeking over and peeking down into the Congress of the United States, saying: Now it is your turn; we are wondering what you are going to do. Those who are holding us hostage are wondering: Is the United States going into another deep sleep?

There has been a 27-year deep sleep by America on these very valuable resources that should be explored on our coastlines which we own—we, the people, own—and we should get to work on a program to see how much of that we can use and where is it and how many billions of barrels there are. Make no bones about it, it should have been inventoried in depth, but it has not been. For a long time, people were scared to do that because they did not want to hear the results. Lately, the administration did not want to do it because they didn't know if Congress would ever let us use it. So we have just cursory inventories, but they indicate that 20 billion barrels is a pretty good number to consider as the barrels we will probably get from offshore America. I am somewhat informed, and I say that is a lowest possible number. I would think, if these offshore oil lands should really be opened for exploration, we are talking about anywhere from 20 billion to 100 billion barrels of oil that belong to Americans that ought to be produced.

As those foreign countries peek over, they are doing two things: they are peeking at us to see what we will do, and they are also peeking at us to see whether we are going to let this asset go dormant or are we going to put it into the pool so that the psychology of what is available to the world will work its will and bring the price of oil down.

I rise again today to speak on the most important economic and energy

issue of our time. America faces a grave and growing threat from our massive dependence on foreign oil. We are told by lead economists for the International Energy Agency that we face a "dangerous situation" and that at today's pace, our global suppliers of oil will fail to meet demand over the next 25 years. We hear our businesses deeply concerned about fuel costs, and we hear the American people clamoring for new energy supplies in the wake of \$4-plus gasoline.

Amidst all of this noise, from the majority in Congress we get a deafening silence. In fact, I think some on the other side of the aisle were hoping that this whole thing could disappear until after the election, that they wouldn't have to vote on what they want to do with the American people's assets—to wit, the offshore oil and gas reserves that are theirs, that have been locked up, as I said, for 27 years. I think sometimes the other side of the aisle—at least some of them—and the leadership would think: Let's just wait until after the election, and then we will solve the problem and we won't have the Republicans in the way here. They can't do that because this is the Senate. An energy bill has to come up. We have to have amendments to it, and we have to vote. We will be looking anxiously and waiting anxiously for that to happen.

I have spoken recently about the need to build a bridge to a clean energy future of affordable, reliable alternative energy fuel. The foundations of that bridge for the next three or four decades will be built on our Nation's use of crude oil. I hate to say that, but I have thought it through, and no matter what we do, no matter how successful we are, we are going to have to use crude oil until we find a total substitute for the automobiles and the trucks of today. They are the big users. We cannot just pile them up and throw them away. They are going to be used. As they are used, we must have crude oil. So we are going to be dependent, and we have to find our way to bridge that with as much of it as we can produce at home. I have spoken about this and the fact that may be three or four decades. It is very important that everybody understand that.

A growing majority of the American people are clamoring for us to explore for more homegrown energy. When you consider that an increasing number of Americans across all political ideological spectrum support more oil production at home, the Senate's silence on this issue is rather shocking. It is past time that the majority in the Senate respond to the clarion call of the overwhelming majority of Americans. It is time for leadership. The American people are calling for solutions, and they are getting excuses. They are growing disillusioned by the inactions of Congress.

I have spoken at great length on this Senate floor about the fallacy of the so-called "use it or lose it" argument. I want to do that one more time.

I hear many Members of this body accusing others of sitting on leases. But perhaps we should point this bright perspective light back on ourselves. With the Executive moratorium now lifted, Congress is solely responsible for locking up billions of barrels of oil and trillions of cubic feet of natural gas. Perhaps it is the American people who will tell us: Use it or lose it.

According to a comprehensive report by the National Petroleum Council called "Facing the Hard Truth About Energy," in the United States an estimated 40 billion barrels of technically recoverable oil resources are completely off limits or are subject to significant lease restrictions. That is more than the equivalent of 8 years of total U.S. imports at current rates. On the Atlantic and Pacific OCS alone, there is estimated to be 15 billion barrels of oil. That is more than the total Persian Gulf imports over the past 15 years and approximately the same amount of the total oil produced in the Gulf of Mexico in the past half century. There are abundant oil reserves there waiting to be drilled, waiting to be explored, waiting for American ingenuity and talent which is now in abundance, and it is best to act on it because it is ours.

These figures are staggering, and in light of the fact that our estimates have historically been very low when we get to actual exploration and production, perhaps we should take the time and resources to pay for a very comprehensive inventory. Then we would know how much there is out there. The American people would be even more excited about the prospects of that vast resource which is theirs.

Staggering as the numbers are, they do not include the 800 billion barrels of oil-equivalent oil shale located in Colorado, Utah, and Wyoming. By the conservative estimates of the RAND Corporation, our oil shale resources at the base is three times greater than the oil reserves in Saudi Arabia.

The facts are clear: We are spending hundreds of billions of American dollars to purchase something from around the world that we have sitting under our feet. As gasoline exceeds \$4 a gallon and oil hovers around \$140 per barrel, the American people should be tired of excuses. I believe they are.

Amidst this backdrop, it is stunning that the majority offers a simple speculation bill. Every serious expert—from Daniel Yergin, to Guy Caruso, to Ben Bernanke, and Warren Buffett—recognizes it is a supply-demand problem and not a speculation problem. We are glad to debate the issue, but we better put some other things before the Senate, not just that, if we intend for the American people to believe we care about their plight and the plight of the American economy today.

With all that is going on that is scaring the American people, I personally believe the biggest culprit in the crowd is the growing dependence on crude oil, the amount of money we send overseas

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 go 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